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COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, January 27, 2015

6:00 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

REGULAR MEETING

1. **Presentations** - Presentations shall be limited to 5 minutes for non-city government related items.
 - a. **Sheriff Update - Dave Mancusi and Chris Kohmann**
2. **Changes to the Agenda** - Any agenda items to be added, moved, or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order. Consent items may be removed for discussion, changes, and/or anticipation of a non-unanimous vote and considered separately on the request of anyone on the Commission or by a majority vote of the City Commission upon request of an audience member.
3. **Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda, 21 minutes in total.
4. **Consent**
 - a. **Approval of City Commission minutes from the December 2, 2014 Regular Meeting; the December 3, 2014 Workshop Meeting; the December 16, 2014**

Regular Meeting; and the December 17, 2014 Special Meeting.

- b. Authorization to hang banners over 75th Avenue at Boca Ciega Drive for the (2) Suntan 100 Artist Show held the weekends of February 21 & 22 and November 28 & 29, 2015.**
- c. Authorization to approve special event application and street closure for Shark Tales Patty's on the Pass. Closures would be 75th Avenue at Sunset Way. Closure would be in effect on Tuesday, March 17, 2015 from 12p-10pm.**

5. Action Items

- a. Update on funding for capital and wastewater fund projects and authorization to proceed with bond counsel and disclosure counsel request for qualifications; bank request for proposals and underwriter request for proposals**
- b. Authorization to approve a new city special event for Sunset Park on the second Saturday of each month in 2015**
- c. Authorization to approve special event application for the "Salute to Veterans & First Responders" Street Fair and Parade scheduled for March 28, 2015. The event would require street closures on March 28, 2015**
- d. Community Center transient boat slip project update and Commission authorization for the City Manager to proceed with the final stages of the process necessary to receive an award contract in the amount of \$219,750 from the Florida Fish and Wildlife Commission - Boating Infrastructure Grant Program to fund construction of ten transient boat slips at the Community Center.**
- e. Authorization for the Mayor to sign a Sovereignty, Submerged Lands Lease #520350513 from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida authorizing the City to construct and operate ten transient boat slips at the Community Center.**
- f. Temporary Use Permit Extension Requests for: (1) Beth Morean, Sungold, LLC, for commercial parking lot at 3855 Gulf Boulevard in the Bayou Residential (BR) District; and (2) James Kotsopoulos, Grand Plaza Resorts, Inc., for off-premise parking lot at 5030 Gulf**

Boulevard in the Large Resort (LR) District, (permit #2014-0021 and #2014-0022, respectively)

- g. Update on James Anderson, Joseph Kody and John Miller v City of St. Pete Beach, DOAH Case No. 13-003401-GM**

6. Ordinances

- a. Ordinance 2014-13, Final Reading and Public Hearing, Proposed City-Initiated Text Amendments to Chapter 22 of the City Code of Ordinances to establish a Technical Review Committee (TRC)**
- b. Ordinance 2015-01, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach providing a supplemental appropriation for fiscal year 2015 to the General, Wastewater, Reclaimed Water, Stormwater and Capital Project funds and providing for funding.**
- c. Ordinance 2015-02, First Reading and Public Hearing, amending Outdoor Dining Areas; Definitions and Use Permissions for Eating and Drinking Establishments**
- d. Ordinance 2015-03, First Reading and Public Hearing, amending Off-Premise and Commercial Parking**

7. Resolutions

- a. Resolution 2015-01, appointing the Parking Citation Hearing Officer, Administrative Appeals Hearing Officer and Special Magistrate**

8. Items for Discussion – None for this agenda

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

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

- a. Department Quarterly Reports (online version only)**

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.

PINELLAS COUNTY SHERIFF'S OFFICE

BOB GUALTIERI, SHERIFF



STRATEGIC PLANNING DIVISION

ST PETE BEACH TRAFFIC CITATIONS AND WARNINGS ARRESTS October 1, 2014 – December 31, 2014

The table below reflects Traffic Citations and Warnings, that were written in St Pete Beach, FL, during the timeframe listed above.

CITATIONS	TOTAL
Traffic	107
Warning	456
Grand Total	563

The table below reflects Arrests that occurred in St Pete Beach, FL, during the timeframe of October 1, 2014 - December 31, 2014.

ARRESTS	TOTAL
Aggravated Battery	2
Assault/Bat - 65 Or Older	1
Assault/Bat Emergency Med Per	1
Assault/Battery On Leo	1
Attached Decal Not Assigned	1
Battery	5
Battery On Uniformed Security Officer	1
Battery-Domestic Related	4
Burg-Conveyance	1
Criminal Mischief-Felony	4
Dating Violence Domestic	1
Defrauding An Innkeeper	2
Disorderly Conduct In Establishment	6
Disorderly Conduct/Breach Peace	3
Disorderly Intoxication	16
Driver's License Permanently Revoked	1
Driver's License Suspended/Revoked	2
Driving Und The Influence	11
Dui-Damage To Person/Property	1
Fail To Appear	5
Felony Battery	1
Fraud Use Of Credit Card	1
Loitering/Prowling	2
Misuse 911 Or E911 System	1
No Valid Driver's License	1

ARRESTS	TOTAL
Open Container Ordinance	1
Petit Theft - Other Larceny	2
Petit Theft - Shoplifting	5
Possession Controlled Substance	7
Possession Drug Paraphernalia	5
Resist/Obstruction LEO W/O Violence	16
Spouse Battery	8
Trespass After Warning	15
Trespass In Structure/Convey	1
Violation Domestic Pretrial Release	1
Warrant Arrest	9
Grand Total	145

CITY COMMISSION MEETING

MINUTES

DECEMBER 2, 2014

6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Maria Lowe, Mayor
Melinda Pletcher, Vice Mayor
Terri Finnerty, Commissioner
Rick Falkenstein, Commissioner
Gregory Premer, Commissioner

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Stephen Yurcaba, IT Specialist
Ian Wade, Project Manager
Chelsey Welden, Urban Planner

1. Presentations

a. Proclamation - Peter Caramello

Commissioner Finnerty presented the proclamation to Peter Caramello for his work on the installation of new batting cages at Egan Park.

b. Proclamation – Isle of Wight Friendship Week

Mayor Lowe presented the proclamation to Connie DuBois, resident of St. Pete Beach, who participates in celebrations with residents of our former Sister City - Isle of Wight. Representatives from the Isle of Wight will be visiting St. Pete Beach in 2015.

c. Presentation on the general process of undergrounding electric – Luis Ordaz, Duke Energy Representative

Wayne Saunders, City Manager, stated that representatives from Duke Energy were present to explain the process to convert overhead power lines to underground utilities as a way to better understand several upcoming Capital Improvement Projects.

Melissa Statius, Government Community Relations Manager, briefly discussed the allocation of funding through Pinellas County for undergrounding utilities and introduced her colleagues, Luis Ordaz and James Bent.

Luis Ordaz, General Manager of Resource and Project Management, stated he is responsible for planning and coordinating all construction activities in the State of Florida. Mr. Ordaz reviewed the planning process, the construction process, underground construction, and the overhead and underground equipment.

James Bent, Project Manager, discussed specific details of several projects and responded to inquiries posed by Commissioners and staff.

2. Changes to the Agenda

There were no changes to the agenda.

3. Audience Comments

Bill Pyle, Sunset Way, expressed the appreciation of Silver Sands residents for raking the beach in front of the condominium buildings.

Patrick Collins, Gulf Boulevard, discussed the possibility of creating an ad-hoc committee composed of small business owners to offer their input regarding sign regulations and any revisions to the current sign ordinance.

John Miller, Sunset Way, discussed closing all drug and alcohol treatment centers in the City.

Deborah Schechner, Boca Ciega Isle Drive, commented on drug issues on the west end of Corey Avenue, the RICO Act, Bay News 9 news coverage and a final comprehensive plan for the City.

Harry Metz, Pass-A-Grille Way, reported a bright light illuminating from a lamp post on 6th Avenue, the completion of sewer projects, and redacted information provided by the City's former legal firm.

Bill (last name inaudible), 78th Avenue, discussed the financial responsibility of malfunctions in electrical service provided by Duke Energy and the elimination of disreputable businesses.

4. Consent

- a. Approval of minutes for the October 21, 2014 Special City Commission Meeting; the October 24, 2014 Special Meeting; the October 28, 2014 Workshop Meeting.

Commissioner Premier moved to approve Item 4(a), Consent as presented. The motion was seconded by Commissioner Finnerty.

Mayor Lowe called for audience comments.

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

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

5. Action Items

- a. Authorize the City Manager to enter into a purchase agreement with Alan Jay Automotive Network in the amount of \$34,878.50 for the purchase of a new irrigation maintenance truck.

City Manager Saunders explained the budgeted purchase will be obtained through the bidding process of the Pinellas County Sheriff's Office.

Commissioner Premier moved to approve Item 5(a), to authorize the City Manager to enter into a purchase agreement with Alan Jay Automotive Network in the amount of \$34,878.50 for the purchase of a new irrigation maintenance truck. The motion was seconded by Commissioner Falkenstein.

Mayor Lowe called for audience comments.

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

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

- b. Selection of firm to complete a historic resources survey in Pass-a-Grille.

City Manager Saunders reported that the City received seven submittals in response to the Request for Proposals to conduct a historic resources survey of the Pass-A-Grille National Register Historic District. Mr. Saunders presented the top three companies chosen by the Historic Preservation Board. He noted the top bidder exceeded the grant given to the City by the State Division of Historical Resources by approximately \$1,500 which will be covered by in-kind services and donations by residents.

Vice Mayor Pletcher moved to approve Item 5(b), to authorize the City Manager to enter into a purchase agreement with TRC Environmental Corporation in the amount of \$42,550 to perform a historic resources

survey of the Pass-A-Grille National Register Historic District. The motion was seconded by Commissioner Falkenstein.

Mayor Lowe called for audience comments.

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

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

6. Ordinances

There were no ordinances presented for this agenda.

7. Resolutions

There were no resolutions presented for this agenda.

8. Items for Discussion

Doug Izzo, Chamber of Commerce, commented on pedestrian safety and the Annual Dinner and Business Expo scheduled for January 14, 2015.

9. Audience Comments

Deborah Schechner, Boca Ciega Isle Drive, commented on the holiday decorations.

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

City Clerk Haynes reported on the following items:

- Audio Visual equipment upgrade
- The Qualification Period is scheduled for December 8, 2014 through December 13, 2014. The Candidate Guidebooks are ready now.
- The Mayors Council Holiday Luncheon scheduled for Friday, December 5, 2014

City Manager Saunders reported on the following items:

- The City Commission Workshop Meeting on December 3rd at 4:00 p.m.
- The Holiday Boat Parade on Friday, December 5th at Horan Park
- St. Petersburg High School chorus, "The Pitchforks," will perform Christmas carols at the Library on December 13, 2014
- The Pass-A-Grille Workshop meeting to be scheduled

City Attorney Dickman reported on the following items:

- The Comprehensive Plan discussions and upcoming workshop
- The District Court of Appeals approved the withdrawal of sanctions
- Anderson vs. City of St. Pete Beach cases

Commissioner Premier reported on the following items:

- The Belle Vista Christmas Party is scheduled for 6:00 p.m. on December 4, 2014
- Duke Energy 15% overrun
- Shop locally and support St. Pete Beach businesses
- Captain Dan at Dolphin Charters operates a special Sunday cruise called "Sooth Our Souls" at no cost to families facing life threatening health issues

Commissioner Falkenstein reported on the following items:

- Tree removal on Boca Ciega Drive
- Quality control on roads repaired by Pinellas County crews
- Accomplishments over the past several months

Commissioner Finnerty reported on the following items:

- Gulf Beaches Elementary School – participation in classes on November 18th
- Thanked the Public Services Director for replacing a palm tree in the north end
- Tom DeYampert is organizing a monthly event to be held at Upham Park
- Requested the remaining Commission biographies be submitted and placed on the City's website

Vice Mayor Pletcher reported on the following items:

- Vina del Mar Christmas Dinner will be held December 11th at the Yacht Club
- Pass-A-Grille beach bonfire will be held December 11th at the end of 8th Avenue
- Pass-A-Grille Boat Parade will be held December 13th beginning at Merry Pier

Mayor Lowe reported on the following items:

- "Giving Tuesday" reports on charitable and non-profit organizations benefitting from: the Chowder Challenge, the Edwards Family Foundation, the Pass-A-Grille Women's Club, the Pinellas County Mental Health non-invitation holiday celebration, the Don Cesar gingerbread contest, Wells Fargo's Toys for Tots collection, and shopping local along Corey Avenue

11. Adjournment

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

Attest:

Rebecca C. Haynes, City Clerk

Maria Lowe, Mayor

Minutes approved on: _____

CITY COMMISSION MEETING - WORKSHOP

MINUTES

DECEMBER 3, 2014

4:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PRESENT:

Maria Lowe, Mayor
Melinda Pletcher, Vice Mayor
Terri Finnerty, Commissioner
Rick Falkenstein, Commissioner
Gregory Premer, Commissioner

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Dave Healey, Planning Consultant/Calvin, Giordano and Associates
Matt McLachlan, Planning Consultant/Calvin, Giordano and Associates

1. Comprehensive Plan

a. Andrew Dickman, City Attorney – Introduction and Purpose of Meeting

Mr. Dickman briefly reviewed the history of the comprehensive challenges, the lawsuit filed against the City in regard to procedural issues and the lawsuit that remains in the Department of Administrative Hearings while the Second District Court of Appeals decides the outcome. Mr. Dickman noted that he favored public discussions in an attempt to reach a consensus among the parties involved.

b. Mr. Ken Weiss – Discussion

Mr. Weiss expressed his appreciation for being invited to the meeting and apologized for stating a former commissioner was a participant in previous Shade Meetings. Mr. Weiss summarized his key concerns and discussed construction in neighboring communities.

c. Mr. Tim Bogott – Discussion

Mr. Bogott also expressed his appreciation for being invited to the meeting and introduced his associate, Ms. Angela Hurley. Mr. Bogott suggested discussions remain relevant in regard to land use planning issues and responded to the key concerns noted by Mr. Weiss.

Ms. Hurley further discussed in detail impervious surface ratio, drainage area, total building area, and overall increased density in the coastal high hazard area.

d. Audience Comments

Bill Pyle, Sunset Way, voiced concern with constructing a high-rise building near the Silver Sands Condominiums.

Lorraine Huhn, Blind Pass Road, commented that St. Pete Beach needs to be a destination community and, to that end, should have amenities that attract people to this area.

Ralph Lickton, Pass-A-Grille Way, discussed the density study and land development regulations.

Rosemary Manning, 1st Avenue, noted that voters approved a comprehensive plan in 2009 and 2011 that are different than the 2005 plan discussed earlier that did not meet with voter approval.

Penny Davis, Sunset Way, commented on building height and constructing high-class hotels rather than high-rise condominiums.

Harry Metz, Pass-A-Grille Way, commented that tourists visit the area for the beaches, not the buildings.

Deborah Martohue, Blind Pass Road, noted she was astounded by the inaccuracy and misinformation provided by speakers.

Jim Anderson, 41st Avenue, discussed past sewer issues, Environmental Protection Agency calculations, and the improvement of water flowing into the sewer system.

Michael Lehman, 80th Avenue, stated that infrastructure needs to be put into place based on studies and decisions must be made based upon data from the studies.

e. Commission Discussion

Commissioners spoke about having a vibrant and successful community and about teamwork and compromises among stakeholders to move forward.

2. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:10 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Maria Lowe, Mayor

Minutes approved on: _____

CITY COMMISSION MEETING

MINUTES

DECEMBER 16, 2014

6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Maria Lowe, Mayor
Melinda Pletcher, Vice Mayor
Terri Finnerty, Commissioner
Rick Falkenstein, Commissioner
Gregory Premer, Commissioner

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Elaine Edmunds, Administrative Services Director
Steve Hallock, Public Services Director
Jennifer McMahon, Recreation Director
Ian Wade, Project Manager
Stephen Yurcaba, IT Specialist

1. Presentations

- a. Montessori by the Sea

Students and staff members from Montessori by the Sea sang Christmas songs.

- b. Mr. Kenne Herman

Mr. Kenne Herman sang a ballad from his collection of tunes.

- c. Tampa Bay Watch

Michelle Tepper, Membership Coordinator, distributed membership packets for Tampa Bay Watch on behalf of Mayor Lowe, who purchased Seahorse memberships as holiday gifts for fellow commissioners and charter officials.

2. Changes to the Agenda

Wayne Saunders, City Manager, requested to add Action Item 5(e) to approve closing City Hall on December 26th as a holiday. Mayor Lowe requested to add Action Item 5(f) to provide legal guidance to the City Attorney in regard to the recent District Court of Appeals decision. Commissioner Falkenstein requested to act upon Item 6(a) prior to Item 5, Action Items. Commissioner Finnerty requested to interchange Action Items 5(b) and 5(c).

3. Audience Comments

Bill Pyle, Sunset Way, discussed an article in the St. Pete Times newspaper and the increased deposit of sand along the T-groins in front of Silver Sands Condominiums.

Harry Metz, Pass-A-Grille Way, discussed the selection criteria for the Grand Marshall in the Christmas parade and previous legal invoices.

Jim Anderson, 41st Avenue, commented on moving in a positive direction.

4. Consent

a. Authorization to approve city co-sponsorship application for the Pass-A-Grille Woman's Club Annual Home Tour.

**Vice Mayor Pletcher moved to approve the Consent Item 4(a) as presented.
The motion was seconded by Commissioner Finnerty.**

Mayor Lowe called for audience comments.

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

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

6. Ordinances

a. Ordinance 2014-12, Final Reading and Public Hearing, an ordinance of the City of St. Pete Beach providing for an increase in budgeted monies and a reallocation between departments in the General Fund for Fiscal Year ending September 30, 2014 and providing for funding.

Mr. Saunders reported that the routine budget adjustment will close out the prior fiscal year and will not affect Fiscal Year 2015 monies.

Commissioner Premier moved to approve Item 6(a), to approve on final reading Ordinance 2014-12, an ordinance of the City of St. Pete Beach, Florida providing for a supplemental appropriation to the General Fund for Fiscal Year ending September 30, 2014; providing for funding; providing for an effective date. The motion was seconded by Commissioner Falkenstein.

Mayor Lowe called for audience comments.

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

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

5. Action Items

a. Authorize the City Manager to sign a project order with Kimley-Horn and Associates, Inc. in the amount of \$168,264 to perform design engineering and consulting services for the Pump Station Number 3 Replacement.

Mr. Saunders explained that the replacement of Pump Station Number 3 is included in the FY 2015 budget and is a requirement through the Department of Environmental Protection Consent Order.

Commissioner Premier moved to approve Item 5(a), to authorize the City Manager to sign a project order with Kimley-Horn and Associates, Inc., for \$168,264 to perform design engineering and consulting services for the Pump Station Number 3 Replacement. The motion was seconded by Commissioner Falkenstein.

Mayor Lowe called for audience comments.

Harry Metz, Pass-A-Grille Way, questioned the status of the lift station repair on 6th Avenue.

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

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

c. Authorize the City Manager to sign a project order with Kimley-Horn and Associates, Inc. for \$73,600 to perform design engineering and consulting services for the Force Main Number 3 Replacement.

Commissioner Finnerty moved to approve Item 5(c), to authorize the City Manager to sign a project order with Kimley-Horn and Associates, Inc., for \$73,600 to perform design engineering and consulting services for the Force Main Number 3 Replacement. The motion was seconded by Commissioner Premier.

Mayor Lowe called for audience comments.

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

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

b. Authorize the City Manager to sign Amendment Number 1 to the Interlocal Agreement with Pinellas County to secure \$50,000 in grant monies to make repairs at the 7th, 8th and 12th Ave dune walkovers.

City Manager Saunders explained that the amendment to the agreement will provide for additional time to repair the walkovers.

Vice Mayor Pletcher moved to approve Item 5(b), to authorize the City Manager to sign Amendment Number 1 to the Interlocal Agreement with Pinellas County to secure \$50,000 in grant monies to make repairs at the 7th, 8th, and 12th Avenue dune walkovers. The motion was seconded by Commissioner Finnerty.

Mayor Lowe called for audience comments.

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

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

d. Authorize the City Manager to finalize current engineering plans for the Blind Pass Road Reconstruction project or to relook at all design engineering possibilities for the Blind Pass Road Reconstruction project.

Following discussion, it was the consensus to modify the plans as follows: underground utilities, add bike lanes, add green space and a buffer zone and narrow the traffic lanes.

e. Consideration to close City Hall on December 26, 2014 as a holiday for employees

Commissioner Falkenstein moved to approve closing City Hall on December 26, 2014 in observance of the Christmas holiday. The motion was seconded by Commissioner Finnerty.

Mayor Lowe called for audience comments.

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

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

f. Provide direction to the City Attorney regarding the recent District Court of Appeals decision.

Commissioner Premer moved to approve Item 6(f), to authorize the City Attorney to either abate the District of Administrative Hearing (DOAH) Case to negotiate a settlement with petitioners or to resume the DOAH administrative hearing if settlement terms are not reached by January 30, 2015. The motion was seconded by Commissioner Falkenstein.

Mayor Lowe called for audience comments.

Lorraine Huhn, Blind Pass Road, expressed her wishes to resolve differences and advance the future of the City.

Jim Anderson, 41st Avenue, expressed his appreciation working towards a conclusion.

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

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

7. Resolutions

a. Resolution 2014-14, a resolution of the City of St. Pete Beach declaring as surplus certain City owned vehicles, assets and equipment and authorizing the City Manager to dispose of same in the manner required by law.

City Manager Saunders noted that the routine resolution provides for the disposition of outdated equipment.

Commissioner Finnerty moved to approve Item 7(a), a resolution of the City of St. Pete Beach, Pinellas County, Florida declaring as surplus certain City owned vehicles, assets and equipment and authorizing the City Manager to dispose of same in the manner required by law. The motion was seconded by Commissioner Premer.

Mayor Lowe called for audience comments.

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

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

8. Items for Discussion

There were no items for discussion presented.

9. Audience Comments

Bill Pyle, Sunset Way, discussed a petition dated March 2005.

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

City Clerk Haynes reported on the following items:

- The candidates who qualified for the March 10, 2015 election
- The status of minutes from previous meetings
- The updated audio-visual recording system for the Commission Chambers

City Manager Saunders reported on the following item:

- Expressed Happy Holidays to everyone

City Attorney Dickman reported on the following item:

- The Special City Commission meeting scheduled for 10:00 a.m., Wednesday, December 17, 2014

Vice Mayor Pletcher reported on the following items:

- The Christmas Parade
- The Pass-A-Grille/Vina del Mar Christmas Boat Parade held December 13, 2014
- The Historical Survey in Pass-A-Grille
- Expressed appreciation for the opportunity to serve as a Commissioner
- Wished Merry Christmas to everyone

Commissioner Premier reported on the following items:

- Differences in various communities
- Wished Merry Christmas to everyone

Commissioner Falkenstein reported on the following items:

- Trash removal at Upham Beach
- Repair of potholes
- Wished happy and prosperous holidays to all

Commissioner Finnerty reported on the following items:

- The Christmas Parade
- Special bell ringing events at Upham Beach on February 14 and March 14, 2015
- The employee holiday luncheon at the Community Center
- Biographies on the City's website
- Wished Merry Christmas to all at home and overseas

Mayor Lowe reported on the following items:

- Thanked the Academy by the Sea, Kenne Herman, and Michele Tepper for their presentations
- Support of local businesses
- The Pinellas County Sheriff's Academy

- Wished Merry Christmas, happy holidays and well wishes to everyone

11. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 9:23 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Maria Lowe, Mayor

Minutes approved on: _____

CITY COMMISSION MEETING - SPECIAL

MINUTES

DECEMBER 17, 2014

10:00 A.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PRESENT:

Maria Lowe, Mayor
Melinda Pletcher, Vice Mayor
Terri Finnerty, Commissioner
Rick Falkenstein, Commissioner
Gregory Premer, Commissioner

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk

1. Action Item

- a. Attorney Fees: Chmielewski v. City of St. Pete Beach;
Appeal No. 2D13-4923

Andrew Dickman, City Attorney, reviewed the essential requirements of an executive session, or a 'Shade Meeting', and noted he preferred to conduct discussions in a public meeting.

Mr. Dickman specified that he is not the attorney of record in this case and that Bryant, Miller, Olive continues to serve as the attorney of record.

Mr. Dickman proceeded to discuss negotiations with opposing counsel and recommended the Commission approve the recommended attorney fees in the amount of \$121,500.00 to finalize this portion of the case.

Vice Mayor Pletcher moved to authorize the City Manager and the City Attorney to pay attorney fees and costs in the amount of \$121,500.00 to opposing counsel as full and final settlement of Chmielewski v. City of St.

Pete Beach, Case No. 2D13-4923 and LT No. 12-008226-C1. The motion was seconded by Commissioner Finnerty.

Mayor Lowe called for audience comments.

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

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

2. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 10:34 a.m.

Attest:

Rebecca C. Haynes, City Clerk

Maria Lowe, Mayor

Minutes approved on: _____

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

Issue Considered: Authorization to hang banners over 75th Avenue at Boca Ciega Drive for the (2) Suntan 100 Artist Show held the weekends of February 21 & 22 and November 28 & 29, 2015.

Date: January 27, 2015

Prepared By: Jennifer McMahon, Recreation Director

Summary of Issue: The Recreation Department request permission to have banners erected over 75th Ave announcing the 100 Artist Show. The City Commission must approve their request prior to receiving permission from FDOT to erect the banners. If approved, the banners will be installed on Monday, February 9, 2015 and November 16 and removed on Monday, February 23 and November 30, 2015.

Requested Motion: “I move to authorize the approval of the Application for Banner Installation over 75th Avenue for the (2) Suntan 100 Artist Show held the weekends of February 21 & 22 and November 28 & 29, 2015.”

Funding: N/A

Attachments: Banner applications

**Reviewed by
City Manager** WS

APPLICATION TO PLACE BANNERS ON NON LIMITED ACCESS RIGHT OF WAY

FOR FDOT USE ONLY

Permit No.:

APPLICANT INFORMATION

Name of Applicant/Organization: Suntan Art Center
 Address: 3300 Gulf Blvd SPB, FL 33706
 Telephone #: 727-367-3818 Fax #: 727-363-9246 E-Mail: Suntanartcenter@verizon.com
 Contact person (This person will serve as the contact person for all questions concerning the banner application and placement): Pat Chase
 Address (if different from above): _____
 Telephone #: _____ Fax #: _____ E-Mail: _____
 Date of Request: 1-27-15

LOCATION AND DISPLAY PERIODThis is a request to place ☐ pole banners ☐ street banners ☐ on the right of way of:Highway name & number: 75th AVENUE AND BOCA CIEGA DR. (SR 693)From (south or west limits): 0.096

To (north or east limits): _____

Highway name & number: _____

From (south or west limits): _____

To (north or east limits): _____

Highway name & number: _____

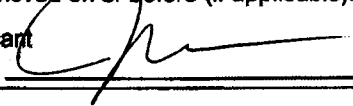
From (south or west limits): _____

To (north or east limits): _____

Highway name & number: _____

From (south or west limits): _____

To (north or east limits): _____

Projected installation date: Monday, Feb. 9, 2015Banners will be removed on or before (if applicable): Monday, Feb. 23, 2015Signature of Applicant
or Contact Person: Date: 1/13/15**LOCAL GOVERNMENTAL ENTITY APPROVAL**

Name of Local Governmental Entity: _____

Name of signing official (please print): _____

Telephone #: _____

Fax #: _____

E-Mail: _____

Signature of local official: _____

Date: _____

CONDITIONS AND STIPULATIONS AGREED TO BY THE APPLICANT

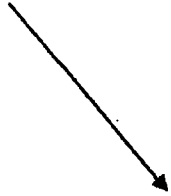
1. Pole banners must be at least 14 ½ feet above the pavement elevation. Street banners must be a minimum of eighteen (18) feet above the pavement elevation.
2. Pole banners will clear the face of the curb (if present) by at least two (2) feet.
3. The applicant (or applicant's designee) will maintain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

Signature of District Permits

Engineer (or designee): _____

Date: _____

In the block space below, please sketch the lettering/what the banner will say.



100 Artist Show February 21 + 22 Horan Park

APPLICATION TO PLACE BANNERS ON NON LIMITED ACCESS RIGHT OF WAY

FOR FDOT USE ONLY

Permit No.:

APPLICANT INFORMATION

Name of Applicant/Organization:

Suntan Art Center

Address:

3300 Gulf Blvd SPB, FL 33706

Telephone #:

727-367-3818

Fax #:

727-363-9246

E-Mail:

Suntanartcenter@verizon.com

Contact person (This person will serve as the contact person for all questions concerning the banner application and placement):

Pat Chase

Address (if different from above):

Telephone #:

Fax #:

E-Mail:

Date of Request:

1-27-15**LOCATION AND DISPLAY PERIOD**This is a request to place ☐ pole banners ☐ street banners ☐ on the right of way of:

Highway name & number:

75th AVENUE AND BOCA CIEGA DR. (SR 693)

From (south or west limits):

0.096

To (north or east limits):

Highway name & number:

From (south or west limits):

To (north or east limits):

Highway name & number:

From (south or west limits):

To (north or east limits):

Highway name & number:

From (south or west limits):

To (north or east limits):

Projected installation date:

November 16, 2015

Banners will be removed on or before (if applicable):

November 30, 2015Signature of Applicant
or Contact Person:

Date:

1/13/14**LOCAL GOVERNMENTAL ENTITY APPROVAL**

Name of Local Governmental Entity:

Name of signing official (please print):

Telephone #:

Fax #:

E-Mail:

Signature of local official:

Date:

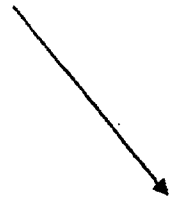
CONDITIONS AND STIPULATIONS AGREED TO BY THE APPLICANT

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

Signature of District Permits
Engineer (or designee):

Date:

In the block space below, please sketch the lettering/what the banner will say.



100 Artist Show NOVEMBER 28+29 HOLMAN PARK

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

Issue Considered: Authorization to approve special event application and street closure for Shark Tales Patty's on the Pass Closures would be 75th at Sunset Way. Closure would be in effect on Tuesday, March 17, 2015 from 12p-10pm.

Date: January 27, 2015

Prepared By: Jennifer McMahon, Recreation Director

Summary of Issue: Patty's on the Pass is an event that the Shark Tales Waterfront Restaurant would like to host in celebration of St Patrick's Day. The block party would include live music, dancing, food and drinks. The request is also to approve alcohol in the barricaded area on the street. Street map shows barricades, stage location and parking. Off-Duty officers will be secured for the event and signage will be placed on 75th and Sunset Way indicated no outlet due to street closure.

Funding: N/A

Requested Motion: "I move to authorize the approval of Patty's on the Pass for March 17, 2015"

Attachments: Event application and street map

**Reviewed by
City Manager** WS



Need off Duty
City of St. Pete Beach Recreation
Department
Event Application

Applicant

Name of Applicant: Bill Rouillo Title (if applicable): owner

Name of Organization (if applicable): Shark Tales waterfront Restaurant

Tax Exempt? ☐ Yes ☒ No Non-Profit? ☐ Yes ☒ NO If yes on either, please provide documentation

Mailing Address: 677 75th Ave St Pete Beach FL 33706

Cell Phone: _____ Email: Sharktaleswaterfront@gmail.com

Event Information

Event Title: Patty's on the Pass Event/Organization Web Address: _____

Event Location(s): _____

Event Date(s) & Time(s)

Date	Day of the Week	Start Time	End Time
<u>3/17/15</u>	<u>Tuesday</u>	<u>12:00pm</u>	<u>10:00pm</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Set Up Date(s): Tuesday 3/17/15 Time(s) _____ to _____
Cleanup Date(s): Tuesday 3/17/15 Time(s) _____ to _____

Description of Event: St Patricks Day Celebration Block Party.
Live Music, Dancing, food, drinks

Will this be an Annual Event? ☒ Yes ☐ No If yes, next year's date(s): 3/17/16

Event Logistics

Estimated Attendance _____
(includes event crew, participants, and spectators) This Year Last Year (if Applicable)

List all event activities: Live Music

List all food and beverage vendors (Event Promoter is responsible for obtaining copies of all licenses and insurance forms from each vendor)

Shark Tales waterfront Restaurant

Will alcohol be served or sold? ☒ Served ☐ Sold ☐ No Alcohol

List all other vendors (may need to provide copy of certificate of insurance) N/A

Event Equipment (include dimensions, seating, staging, tents, platforms, booths, scaffolding, truck, etc. on site map) 8' x 16' 3+AGE

All the above require a temporary structure permit. Cost for each is \$25.

Entertainment (Detail type, bands, DJs, dancers, clowns, etc.) Live Music - TOP 40, Light Rock, pop. Folk performer

List times of music and/or amplified sound (list PA systems, microphone, speakers, amps) NOON - 10 PM

Electricity Needed ☐ Yes ☒ No Source: _____

Will portable restrooms be used? ☐ Yes ☒ No If yes (include on site plan): One ADA compliant toilet for every 10 per location

Will Dumpsters be used? ☒ Yes ☐ No If yes (include on site plan)
How Many? 2 Size: LARGE Installation Date: N/A Removal Date: N/A

Please list any admission charges, donations, parking, registration or other fees and how much? _____

Does Event require any Road or Sidewalk Closures? ☒ Yes ☐ No

If yes, you must include **all the details** in the **site plan** including streets and times

Road	Start Intersection	End Intersection	Date	Times
<u>75th AVE</u>	<u>at SUNSET WAY</u>	_____	<u>3-17-15</u>	<u>NOON - 10 PM</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

As the Applicant, I hereby accept and understand the responsibility to oversee all contractors, vendors, or parties affiliated with the event and to insure compliance with the special event guide, the event rules guidelines, requirements for tents and all policies, rules, regulations, and code provisions of the City of St. Pete Beach. I understand that any violations may result in immediate cancellation and revocation of the Event permits. I further certify that all the facts contained in this request are accurate.

For events on Public property, I agree to obtain and furnish the City of St. Pete Beach with a certificate of general liability insurance in the amount of at least one million dollars (\$1,000,000) or greater as deemed satisfactory by the city. The insurance must name the City of St. Pete Beach as an additional insured.

I understand incomplete application or any outstanding financial obligations with any department with in the City of St. Pete Beach may result in a denial of my request.

Bill Rovillo
Print Name

B. Rovillo
Signature

SHARK TALES OF SPB LLC
Corporation Name (if applicable)

1-13-15
Date



Shark Tales Restaurant

Parking

Parking

75th Ave

Barricades

Barricades

Parking

Sunset Way

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

Issue Considered: Update on funding for capital and wastewater fund projects and authorization to proceed with bond counsel and disclosure counsel request for qualifications; bank request for proposals and underwriter request for proposals

Date: January 27, 2015

Prepared By: Elaine Edmunds – Administrative Services Director

Summary of Issue The Pass-A-Grille Way, Blind Pass Road and wastewater projects require long term borrowing in order to fund the projects. As costs estimates become more firm, it is time to prepare for the financing of these projects.

There will be two separate forms of borrowing. It is currently proposed that Wastewater will borrow via a bank note and the larger projects of Pass-A-Grille Way, Blind Pass Road and the library will be funded through a bond.

Timing is critical and funding needs to be in place when these projects are initiated. A preliminary timeline for the bank note and the bonds is attached.

Requested Motion: “I move to authorize the City Manager to proceed with the preparation of a request for qualifications for bond counsel and disclosure counsel as well as a request for proposals for a bank loan and an underwriter for the bond issue. The bond issue par amount is authorized not to exceed \$13,000,000.”

Attachment: Timeline for wastewater bank note
Timeline for capital improvement revenue bonds

Reviewed by the City Manager WS



City of St. Pete Beach, Florida

Waste Water Capital Improvement Revenue Note, Series 2015

Updated Financing Timetable

January 7, 2015 - Up to \$5,000,000

January 2015							February 2015							March 2015							April 2015						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
4	5	6	7	8	9	10	1	2	3	4	5	6	7	1	2	3	4	5	6	7	5	6	7	8	9	10	11
11	12	13	14	15	16	17	15	16	17	18	19	20	21	15	16	17	18	19	20	21	12	13	14	15	16	17	18
18	19	20	21	22	23	24	22	23	24	25	26	27	28	22	23	24	25	26	27	28	19	20	21	22	23	24	25
25	26	27	28	29	30	31								29	30	31					26	27	28	29	30		

City Commission meets on the 2nd and 4th Tuesday of Each Month

STATUS	Date	Actions	Responsible
☒	12/12/2014	City Staff and FA review approved 5 year CIP and prioritize projects	C, FA
☒	12/19/2014	FA distributes preliminary Financing Timetable & numbers for proposed 2015 Series WW Note	C, FA
☐	1/27/2015	City Commission Meeting - Staff & FA update on WW Financing	C, FA
☐	1/29/2015	FA distribute Bond Counsel RFQ	FA
☐	1/29/2015	LCS to issue RFP to Banks, City to post RFP as needed	C, FA
☐	2/12/2015	Bond Counsel RFQ's due, Staff review/recommendation Bond Counsel (subject to City Commission)	C, GC, FA
☐	2/24/2015	City Commission Meeting - Approve Bond Counsel Selection	C, FA
☐	2/26/2015	Bank RFP's due @ City	C, FA
☐	3/6/2015	Bond Counsel to distribute first draft of Series 2015 documentation	BC
☐	3/11/2015	City/FA Conference Call, select Lender (subject to Commission). Bond Counsel to send Lender/Counsel docs, Reso.	C, FA, BC
☐	4/2/2015	Distribute updated City documents to Finance Director/City Clerk for Commission	BC
☐	4/14/2015	City Commission Meeting - Approval Bank Selection, Rate Lock, Bond Resolution, & Delegation for 2015 Note	C, FA, BC
☐	4/15/2015	Preclosing/Signing at City Hall (Bond Counsel to arrange)	WG
☐	4/16/2014	Final Closing, Investment of Proceeds	C, FA
☐			

WG - Working Group

C - Client, St. Pete Beach, Florida

GC - General Counsel, Andrew Dickman, Esq., City Attorney

FA - Financial Advisor, Larson Consulting Services, Orlando

BC - Bond Counsel, TBD

L - Bank, TBD

LC - Bank Counsel, TBD



City of St. Pete Beach, Florida, Capital Improvement Revenue Bonds, Series 2015

Preliminary Financing Timetable

January 12, 2015

Feb-15							Mar-15							Apr-15							May-15						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
1	2	3	4	5	6	7	1	2	3	4	5	6	7	5	6	7	1	2	3	4	3	4	5	6	7	8	9
8	9	10	11	12	13	14	8	9	10	11	12	13	14	12	13	14	15	16	17	18	10	11	12	13	14	15	16
15	16	17	18	19	20	21	15	16	17	18	19	20	21	19	20	21	22	23	24	25	17	18	19	20	21	22	23
22	23	24	25	26	27	28	22	23	24	25	26	27	28	26	27	28	29	30			24	25	26	27	28	29	30
							29	30	31												31						

City Commission meets 2nd and 4th Tuesday each month.

STATUS	Date	Actions	Responsible
☒	12-Dec	LCS meets with Staff to review 5 year CIP and prioritize	FA, I
☐	27-Jan	City Commission Meeting; Staff and FA update on General Fund Projects and Bond Financing	FA, I
☐	29-Jan	LCS to distribute Bond Counsel RFQ; Reg/Paying Agent RFP	I, FA, CA
☐	29-Jan	LCS to distribute Underwriter RFP, City to post	FA, I
☐	12-Feb	Bond Counsel RFQ's due; Registrar and Paying Agent RFP due	FA, I
☐	16-Feb	Underwriter RFP's due	FA, I
☐	18-Feb	City Staff/FA review Underwriter RFP's	FA, I
☐	19-Feb	FA Memo Re Underwriters, Registrar and Paying Agent	FA, I, CA
☐	19-Feb	City Selection Committee - Bond Counsel, subject to City Commission	FA, I
☐	24-Feb	City Commission Meeting: Select Bond Counsel, Disclosure Counsel, Underwriter(s), and Registrar and Paying Agent	I, FA, CA
☐	25-Feb	FA notification to Underwriter and Registrar and Paying Agent per City Selection Committee	FA, I
☐	25-Feb	City to contact selected Bond Counsel	I, FA, CA
☐	13-Mar	Draft Master Resolution to Working Group for review by Bond Counsel	BC
☐	20-Mar	Draft POS to Working Group by Disclosure Counsel	DC
☐	25-Mar	Update Conference call/Meeting with City Staff and Working Group - LCS to arrange	WG
☐	30-Mar	LCS to send Packages to Rating Agencies and Bond Insurer (LCS to arrange Staff Conf. calls or presentations as needed)	FA, I, BC, DC
☐	15-Apr	Responses from Rating Agencies and Bond Insurer(s); City decisions following FA recommendation	I, FA
☐	17-Apr	Packages to City Clerk for distribution to City Commission	WG
☐	28-Apr	City Commission Meeting: Adopt Series Resolution, (approve POS, Insurance/Surety, BPA, Delegation Parameters)	WG
☐	29-Apr	Print and post POS (Disclosure Counsel/Underwriter to coordinate)	WG
☐	1-May	Pre pricing call, Underwriter to arrange in afternoon with LCS and City Staff	I, FA, U
☐	5-May	Bond pricing, (subject to market conditions), Verbal award	I, FA, U
☐	6-May	Execute Bond Purchase Agreement, Good Faith Check to City (Disclosure Counsel to coordinate)	WG
☐	18-May	Preclosing at City Hall, Bond Counsel to arrange needed signatories	WG
☐	19-May	Closing, Wiring of funds, Investment on Bond Proceeds	I, FA, BC, U
☐	26-May	City Commission Meeting: City award Contractor bid, LCS update on Pricing	I, FA
☐			
☐			
☐			
☐			
☐			

I - Issuer, City of St. Pete Beach, Florida
 BC - Bond Counsel, TBD
 FA - Financial Advisor, Larson Consulting Services, Orlando
 U - Underwriter, TBD
 CA - City Attorney, Andrew Dickman, Esq.

DC - Disclosure Counsel, TBD
 R - Registrar & Paying Agent, TBD
 DA - Dissemination Agent, Digital Assurance Corp (DAC), (To be Confirmed)
 BI - Bond Insurer/Surety Provider, TBD

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

Issue Considered: Authorization to approve a special event application request for Sunset Park on the second Saturday of each month in 2015

Date: January 27, 2015

Prepared By: Jennifer McMahon, Recreation Director

Summary of Issue: North Beach residents and businesses are requesting to hold a sunset festival in the small parking lot adjacent to Sunset Park located at Sunset Way and 73rd. This would be a city event with the help of resident volunteers and cost that would be attached to the event would be funded by donations. As the event starts off small it has the potential to grow. As it grows, permission is needed to block off the parking lot and allow alcohol in the barricaded area. The event would require additional trash bins and barricades, as well as sheriff presence. The event would include music and food tastings from local restaurants. The intent of the event is to highlight the beautiful setting, ring the newly installed bell and for fellowship. Parking for the event would be on the street and surrounding streets. It has little impact on traffic flow. The first event would be in February. And all events would take place on the second Saturday of the month, with the exception of April, which would be held on April 18th. The event would be from 3-8pm.

Funding: This is not a budgeted item

Requested Motion: "I move to authorize the approval of special event application for Sunset Park for the second Saturday of each month in 2015"

Attachments: Map of Event Location

**Reviewed by
City Manager** WS



Woody's

73rd Ave

Sunset Park

Sunset Way

Parking Lot - Event Location

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

Issue Considered: Authorization to approve special event application for the "Salute to Veterans & First Responders" Street Fair and Parade scheduled for March 28, 2015. The event would require street closures on March 28, 2015

Date: January 27, 2015

Prepared By: Jennifer McMahon, Recreation Director

Summary of Issue: The event is being organized by the Veterans of South Pinellas County and it benefits their non-profit organization. The event will include a parade from 11am-11:30am from 22nd Ave to 11th Ave on Gulf Way. The staging area will take place from 25th Ave to 22nd Ave on Sunset Way. The event requests these roads to be closed from 11-11:30am on Sunset Way and 11:30am – 12pm on Gulf Way. The event also request street closure of Gulf Way between 9th and 11th and all of 9th and 10th Ave from 6am – 11pm on March 28. The event is requesting city co-sponsorship providing the following: Payment to PCSO for off-duty officers in the amount of \$1,125, 2 Public Works staff that can drop the cones and pick up at street ends for the parade (approximate \$132), 50 cones, 14 barricades and 5 trash bins. The event requests permission for alcohol in the blocked off event area. The event will include swearing in of Military at 11:30am, food vendors, car show, live music and street fair from 12pm-10pm on Saturday, March 28.

Funding: This is not a budgeted item

Requested Motion: "I move to approve the special event application for the "Salute to Veterans and First Responders" Street Fair and Parade scheduled for Saturday, March 28, 2015"

Attachments: Event application and map

**Reviewed by
City Manager**

WS



City of St. Pete Beach Recreation
Department

Event Application

Applicant

Name of Applicant: HARRY Metz Title(if applicable): _____

Name of Organization (if applicable): Veterans of South Pinellas County Inc

Tax Exempt? ☒ Yes ☐ No Non-Profit? ☒ Yes ☐ NO If yes on either, please provide documentation

Mailing Address: 7217 Gulf Blvd Box 14-185, St Pete Bch FL 33706

Cell Phone: (727)642-5995 Email: h.metz@tampabay.vv.com

Event Information

Event Title: 5th Annual Salute to the Military Event/Organization Web Address: _____

Event Location(s): 9th + 10th Ave + Gulf Way from 9th to 11th Ave
and the cement surface south of the Paradise Grille.

Event Date(s) & Time(s)

Date	Day of the Week	Start Time	End Time
<u>28 Mar 15</u>	<u>Saturday</u>	<u>11:30</u>	<u>10:00</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Set Up Date(s): 27 Mar 15 Time(s) 11:00 PM to 11:30 AM

Cleanup Date(s): 28 Mar 15 Time(s) 10:00 to 12:00 PM

Description of Event: Car Show, Beer + Wine Garden, Antique Fire Engine
+ Ride, 5 Bands, 20 Tents for vendors + 4 or 5 Food Vendors,
military Veh's + Bouncers for kids, 50/50, Seal Bids Auction

Will this be an Annual Event? ☒ Yes ☐ No If yes, next year's date(s): Mar 16

Event Logistics

Estimated Attendance

(includes event crew, participants, and spectators)

2,000
This Year

500 (Rain Out)
Last Year (If Applicable)

List all event activities: VA Van, Food Vendors, Sponsor Tents, Car Show,
Fishing Tournament Manay Pier, Fire Engine Ride, Climbing Wall, Basketball shoot

List all food and beverage vendors (Event Promoter is responsible for obtaining copies of all licenses and insurance forms from each vendor)

Firemen's Union BBQ, Chick-fil-a, Gennaro's, Brown's Dist
Wine + Beer.

Will alcohol be served or sold? ☐ Served ☒ Sold ☐ No Alcohol

List all other vendors (may need to provide copy of certificate of insurance) Brand Dist + Shipyard Dist

Event Equipment (include dimensions, seating, staging, tents, platforms, booths, scaffolding, truck, etc. on site map) see attached

All the above require a temporary structure permit. Cost for each is \$25.

Entertainment (Detail type, bands, DJs, dancers, clowns, etc) 5 Bands

List times of music and/or amplified sound (list PA systems, microphone, speakers, amps) 11:00AM to 9:45PM

Electricity Needed ☒ Yes ☐ No Source: Fire Dept

Will portable restrooms be used? ☒ Yes ☐ No If yes (include on site plan): One ADA compliant toilet for every 10 per location

Will Dumpsters be used? ☐ Yes ☒ No If yes (include on site plan)
How Many? Size: Installation Date: Removal Date:

Please list any admission charges, donations, parking, registration or other fees and how much? N/A

Does Event require any Road or Sidewalk Closures? ☒ Yes ☐ No

If yes, you must include **all the details** in the **site plan** including streets and times

Road	Start Intersection	End Intersection	Date	Times
<u>9th Ave</u>	<u>Gulf Way</u>	<u>PAC Way</u>	<u>27 Mar</u>	<u>9: PM</u>
<u>Gulf Way</u>	<u>9th Ave</u>	<u>11th Ave</u>	<u>27 Mar</u>	<u>11: PM</u>

11:00AM - 11:00PM

As the Applicant, I hereby accept and understand the responsibility to oversee all contractors, vendors, or parties affiliated with the event and to insure compliance with the special event guide, the event rules guidelines, requirements for tents and all policies, rules, regulations, and code provisions of the City of St. Pete Beach. I understand that any violations may result in immediate cancellation and revocation of the Event permits. I further certify that all the facts contained in this request are accurate.

For events on Public property, I agree to obtain and furnish the City of St. Pete Beach with a certificate of general liability insurance in the amount of at least one million dollars (\$1,000,000) or greater as deemed satisfactory by the city. The insurance must name the City of St. Pete Beach as an additional insured.

I understand incomplete application or any outstanding financial obligations with any department with in the City of St. Pete Beach may result in a denial of my request.

Harry Met
Print Name

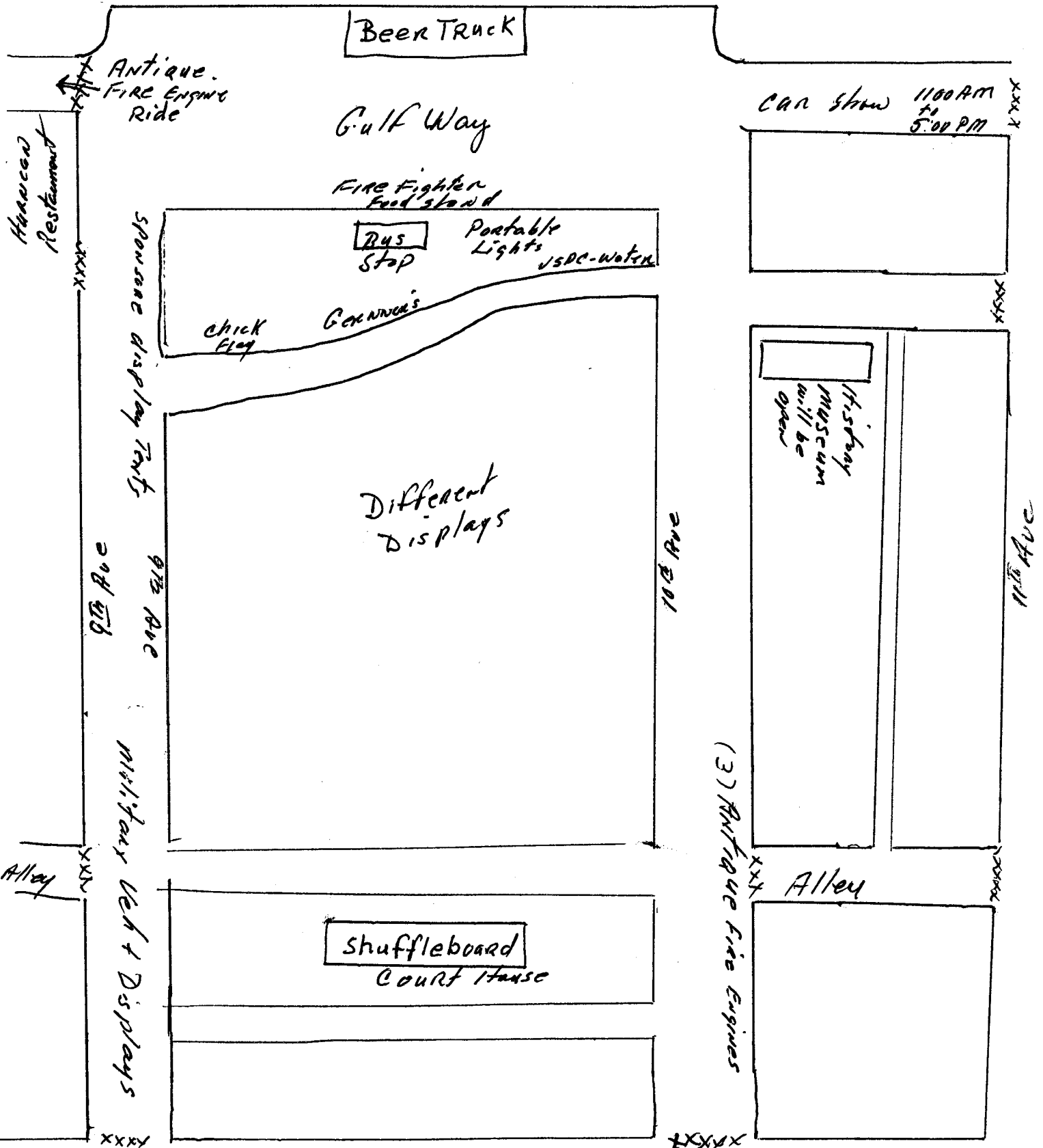
[Signature]
Signature

Corporation Name (if applicable)

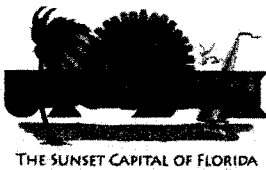
Date

main
stage

Paradise
Grille



43
PASS-A-Grille Way



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

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

Co-Sponsorship: An agreement entered into by the City of St. Pete Beach with an entity to provide money, services, or supplies to help promote and implement a program or event. Your request will be placed on the City Commission agenda for consideration of co-sponsorship. The sponsoring entity shall be notified of the decision of the City Commission by the City Clerk. Once approved for co-sponsorship for moneys, supplies or services, you will be required to submit a financial statement, (a final statement of expenditures and revenues), for the event to the City Manager within thirty (30) days of the conclusion of the program or event.

Name of Applicant: Veterans of South Pinellas County - Harry Metz

Description of Event:

Parade, car show, beer/wine garden, music, food vendors, bounce house & bid auction

Are you requesting:

1. Money? Yes ☒ No ☐ Amount requested \$1,125
2. In-kind services? Yes ☒ No ☐
3. City supplies? Yes ☒ No ☐
4. Describe in detail services/supplies requested: Is this event sponsored by a charitable or non-profit organization?

\$1,125 for off-duty Sheriff officers, 2 public work staff for cone drop/pick up for parade, 50 traffic cones, 14 barricades, 5 garbage bins

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

Veterans of South Pinellas County

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

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

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

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

Do you presently have any outstanding balances due to the City of St. Pete Beach? If yes, describe NO

Will this be an annual event? Yes ☒ No ☐

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

If yes, when?

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

If yes, how will it be advertised?

STAGING AREA

PARADE ROUTE GOING SOUTH

St. Pete Beach City Commission Agenda Report

Issue Considered: Community Center transient boat slip project update and Commission authorization for the City Manager to proceed with the final stages of the process necessary to receive an award contract in the amount of \$219,750 from the Florida Fish and Wildlife Commission - Boating Infrastructure Grant Program to fund construction of ten transient boat slips at the Community Center.

Date: January 27, 2015

Prepared By: Dan O'Connor – Administrative Services Supervisor

Through: Elaine Edmunds – Administrative Services Director

Summary of Issue On August 9, 2011 the St. Pete Beach City Commission unanimously approved Resolution 2011-15 authorizing the City Manager to apply for Boating Infrastructure Grant Program (BigP) funding administered by the Florida Fish and Wildlife Conservation Commission through the US Fish and Wildlife Service for costs associated with the design and construction of transient boat docks and related amenities adjacent to the St. Pete Beach Community Center and Colonel Horan Park.

On August 11, 2011 a grant application was filed with the Florida fish and Wildlife Conservation Commission along with supporting documentation and several letters promoting the proposed project to fund \$219,750 of the \$311,035 needed to design and construct twelve transient boat slips at the Community Center. Illustrations included with the initial BigP grant application envisioned the possibility of someday applying for future funding and permitting that would add an additional twelve transient and forty six permanent boat slips to the site if the initial twelve slips proved to be successful however, the application filed at this time only asked for funding of the design, construction and permitting of twelve transient boat slips.

On January 25, 2012 the Secretary of Interior Ken Salazar announced via a national press release that 7.5 million dollars in competitive grants to ten states had been awarded to fund eleven projects to construct, renovate, and maintain facilities with features for transient boats (those staying 10 days or less). In addition Secretary Salazar advised the Florida Fish and Wildlife Conservation Commission would

be partnering with the City of St. Pete Beach and awarding \$219,750 to construct 12 new transient boat slips. The non-federal match being \$91,285 with a total project cost of \$311,035 subject to required permitting.

Upon receipt of the award announcement the City hired Woods Consulting to complete design and engineering of the transient boat slips and complete the multitude of permit applications and documents mandated to proceed with the project. Permit applications for review and authorization were filed with the National Marine Protected Resources Division, the National Marine Fisheries Essential Fish Habitat Division, the US Fish and Wildlife Service, the US Army Corp of Engineers, the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the Pinellas County Water and Navigation Division and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for a submerged land lease.

On 7/28/2013 the US Corp of Engineers notified the City they would only approve ten transient slips not twelve at the site. Amendments, extensions and re-filings were completed and re submitted reducing the slip count from twelve to ten at that time.

7/2/2014 to present – The City received notices indicating the ten transient slips as proposed met all of the conditions related to small tooth sawfish, sea turtles, manatee, turbidity control, waterbody widths/depths, setbacks etc. Permits for construction that are required for the US Fish and Wildlife and the Florida Fish and Wildlife Conservation Commission Grant Clearinghouse and the drafting of a Grant Contract have been received from the above stated governmental bodies pending the execution of the submerged land lease with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

To date the City has invested \$42,152 in the project design, engineering and permitting phase and has budgeted \$312,000 in FY2015 for completion of the project.

On July 10, 2014 the City Finance and Budget Review Committee recommended cancelling the transient boat slip project and re directing the associated capital funds to road improvement.

This is a request seeking City Commission approval or denial for the city Manager to proceed with the final stages of the BigP grant contract receipt process. The final process includes the City Commission approving the City Manager to execute and sign a submerged land lease with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

If City Commission approval to proceed is granted and upon grant clearinghouse review a grant contract will be drafted and received from Florida Fish and Wildlife Conservation Commission outlining conditions required to receive the award monies of \$219,750 along with mandated restrictions related to the ten grant funded transient slips.

The grant contract when received will be presented to the City Commission for approval/denial.

Requested Motion:

“I move that the City Manager be / not be authorized to proceed with the final stages of the process necessary to receive an award contract in the amount of \$219,750 from the Florida Fish and Wildlife Commission - Boating Infrastructure Grant Program to fund construction of ten transient boat slips at the Community Center.

.”

Attachment:

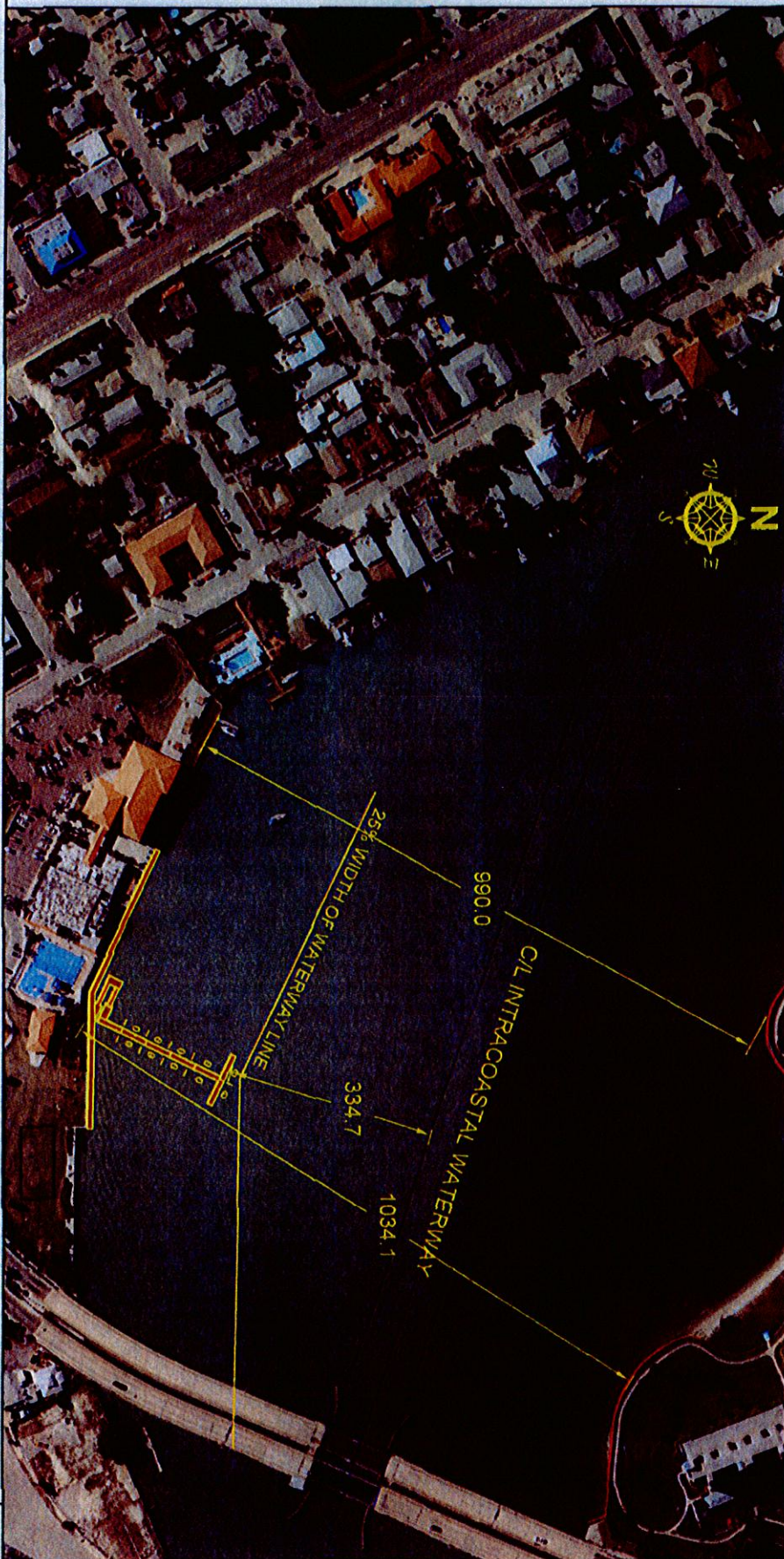
Transient slip illustrations.

**Reviewed by the
City Manager**

WS

CITY OF ST PETE BEACH MUNICIPAL DOCK

(OFFICIAL USE ONLY)



FLORIDA CERTIFICATE OF
AUTHORIZATION #27684

WOODS CONSULTING
1714 COLLIER ROAD, SUITE 300
DALLAS, TEXAS 75206
214/343-1111
FAX 214/343-1112
WWW.WOODSCON.COM

1714 COUNTY ROAD 1, SUITE 22
DUNEDIN, FL 34698
PH (727) 786-5747
FAX (727) 786-7479

REVISED:
01-15-14

**ST. PETE BEACH
COMMUNITY CENTER
WATERBODY WIDTH**

Tue, 11 Feb 2014 - 12:13pm, F:\PROJECTS\St Pete Beach Community Center Docks (505-10)\Design & Permitting Contract 2012\CAD\SPBCC MASTER COUNTY FDEP.dwg

SHEET 15

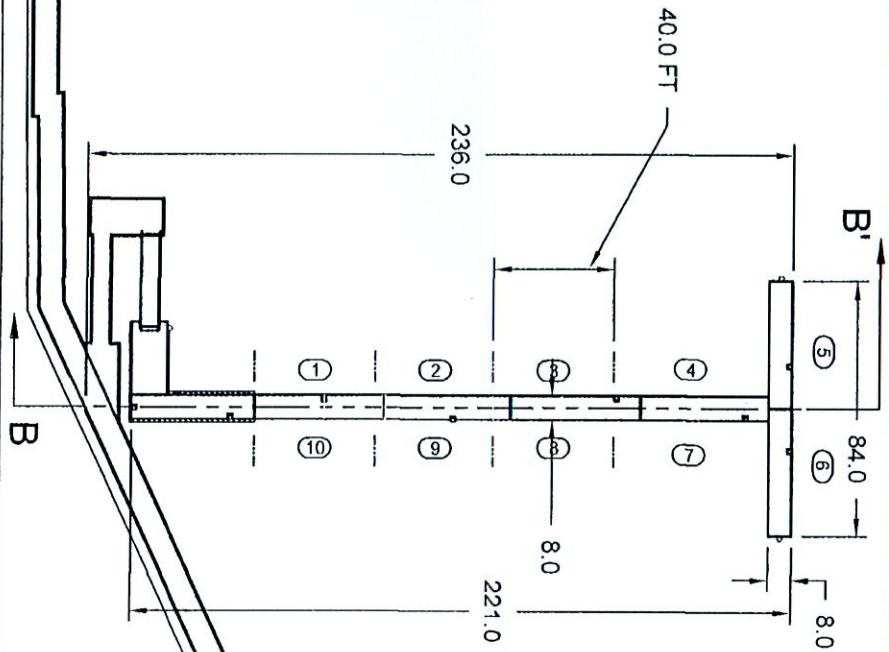


1520 CHATEAUWOOD DRIVE
CLEARWATER, FLORIDA 33762
TEL: (727) 580-4841
FAX: (727) 580-3790

45567

CITY OF ST PETE BEACH MUNICIPAL DOCK

Application # _____
(OFFICIAL USE ONLY)



SEE SHEET 14 FOR CROSS SECTION B - B'

Tue, 11 Feb 2014 - 12:11 PM
 PROJECTS: Pete Beach Community Center Docks (505-10) Design & Permitting Contract 2012
 CAD: SPBCC MASTER COUNTY FDEP.dwg

SHEET 6

FLORIDA DEPUTY ATTORNEY GENERAL
AUTHORIZATION #21864

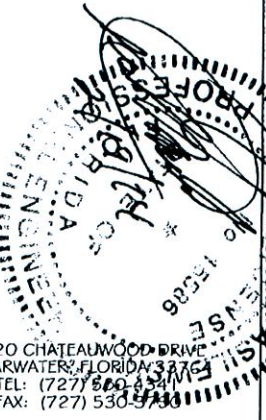
WOODS CONSULTING

COUNTY ROAD 1, SUITE
DUNEDIN, FL 34698
PH. (727) 786-5747
FAX (727) 786-7479

REVISED:
01-15-14

ST. PETE BEACH
COMMUNITY CENTER

PROPOSED FLOATING
DOCK



1520 CHATEAUWOOD DRIVE
CLEARWATER, FLORIDA 33766
TEL: (727) 530-8341
FAX: (727) 530-5730

50

41-89567

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

Issue Considered: Authorization for the Mayor to sign a Sovereignty, Submerged Lands Lease #520350513 from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida authorizing the City to construct and operate ten transient boat slips at the Community Center.

Date: January 27, 2015

Prepared By: Dan O'Connor – Administrative Services Supervisor

Through: Elaine Edmunds – Administrative Services Director

Summary of Issue This is a request to authorize the Mayor to sign a Sovereignty, Submerged Lands Lease #520350513 from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

A signed copy of the attached submerged lands lease must be filed and executed to finalize the Florida Fish and Wildlife Conservation Commission - Boating Infrastructure Grant Program award contract. Upon completion the award contract will be sent back to the City for review and approval prior to the initiation of dock construction.

This is the final permitting process and document needed to complete the grant clearinghouse review. A \$619 filing fee must accompany the signed lease.

Requested Motion: “I move that the Mayor be authorized to sign a Sovereignty, Submerged Lands Lease #520350513 from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida authorizing the City to construct and operate ten transient boat slips at the Community Center”.

Attachment: Sovereignty, Submerged Lands Lease #520350513.

**Reviewed by the
City Manager**

WS

This Instrument Prepared By:
Amy Horton
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LANDS FEE WAIVED LEASE

BOT FILE NO. 520350513
PA NO. 52-0324820-001

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Lessor.

WITNESSETH: That for and in consideration of the faithful and timely performance of and compliance with all terms and conditions stated herein, the Lessor does hereby lease to City of St. Pete Beach, Florida, hereinafter referred to as the Lessee, the sovereignty lands described as follows:

A parcel of sovereignty submerged land in Section 36, Township 31 South, Range 15 East, in Boca Ciega Bay, Pinellas County, containing 26,650 square feet, more or less, as is more particularly described and shown on Attachment A, dated May 27, 2014.

TO HAVE THE USE OF the hereinabove described premises for a period of ten years from July 17, 2014, the effective date of this lease. The terms and conditions on and for which this lease is granted are as follows:

1. USE OF PROPERTY: The Lessee is hereby authorized to construct and operate a 10-slip public-use docking facility and viewing pier to be used exclusively for the mooring of recreational vessels in conjunction with an upland city operated park and facility, without fueling facilities, with a sewage pumpout facility if it meets the regulatory requirements of the State of Florida Department of Environmental Protection or State of Florida Department of Health, whichever agency has jurisdiction, and without liveaboards as defined in paragraph 25 as shown and conditioned in Attachment A, and the State of Florida Department of Environmental Protection Environmental Resource Permit No. 52-0324820-001, dated July 1, 2014, incorporated herein and made a part of this lease by reference. The construction of the structures described in Attachment A shall be completed within the initial term hereof or within the first 5 years of the initial term if the initial term is for a period greater than 5 years. The failure to complete the construction of all authorized structures within this time period shall constitute a material breach of the lease causing the lease to automatically terminate upon the expiration of the initial term or first 5 years, whichever is sooner, without any right of renewal. All of the foregoing subject to the remaining conditions of this lease.

[02/01]

2. AGREEMENT TO EXTENT OF USE: This lease is given to the Lessee to use or occupy the leased premises only for those activities specified herein and as conditioned by the State of Florida Department of Environmental Protection Environmental Resource Permit. The Lessee shall not (i) change or add to the approved use of the leased premises as defined herein (e.g., from commercial to multi-family residential, from temporary mooring to rental of wet slips, from rental of wet slips to contractual agreement with third party for docking of cruise ships, from rental of recreational pleasure craft to rental or temporary mooring of charter/tour boats, from loading/offloading commercial to rental of wet slips, etc.); (ii) change activities in any manner that may have an environmental impact that was not considered in the original authorization or regulatory permit; or (iii) change the type of use of the riparian uplands or as permitted by the Lessee's interest in the riparian upland property that is more particularly described in Attachment B without first obtaining a regulatory permit/modified permit, if applicable, the Lessor's written authorization in the form of a modified lease, the payment of additional fees, if applicable, and, if applicable, the removal of any structures which may no longer qualify for authorization under the modified lease. If at any time during the lease term this lease no longer satisfies the requirements of subparagraph 18-21.011(1)(b)7., Florida Administrative Code, for a fee waived lease, the Lessee shall be required to pay an annual lease fee in accordance with Rule 18-21.011, Florida Administrative Code, and if applicable, remove any structures which may no longer qualify for authorization under this lease.

3. SUBMITTING ANNUAL CERTIFIED FINANCIAL RECORDS: Within 30 days after each anniversary of the effective date of this lease, the Lessee shall submit annual certified financial records of income and expenses to the State of Florida Department of Environmental Protection, Division of State Lands, Bureau of Public Land Administration, 3900 Commonwealth Blvd, MS 130, Tallahassee, FL 32399. "Income" is defined in subsection 18-21.003(31), Florida Administrative Code. The submitted financial records shall be certified by a certified public accountant.

4. EXAMINATION OF LESSEE'S RECORDS: The Lessor is hereby specifically authorized and empowered to examine, for the term of this lease including any renewals, plus three (3) additional years, at all reasonable hours, the books, records, contracts, and other documents confirming and pertaining to the computation of annual lease payments as specified in paragraph two (2) above.

5. MAINTENANCE OF LESSEE'S RECORDS: The Lessee shall maintain separate accounting records for: (i) gross revenue derived directly from the use of the leased premises, (ii) the gross revenue derived indirectly from the use of the leased premises, and (iii) all other gross revenue derived from the Lessee's operations on the riparian upland property. The Lessee shall secure, maintain and keep all records for the term of this lease and any renewals plus three (3) additional years. This period shall be extended for an additional two (2) years upon request for examination of all records and accounts for lease verification purposes by the Lessor.

6. PROPERTY RIGHTS: The Lessee shall make no claim of title or interest to said lands hereinbefore described by reason of the occupancy or use thereof, and all title and interest to said land hereinbefore described is vested in the Lessor. The Lessee is prohibited from including, or making any claim that purports to include, said lands described or the Lessee's leasehold interest in said lands into any form of private ownership, including but not limited to any form of condominium or cooperative ownership. The Lessee is further prohibited from making any claim, including any advertisement, that said land, or the use thereof, may be purchased, sold, or re-sold.

7. INTEREST IN RIPARIAN UPLAND PROPERTY: During the term of this lease, the Lessee shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code, in the riparian upland property that is more particularly described in Attachment B and by reference made a part hereof together with the riparian rights appurtenant thereto. If such interest is terminated or the Lessor determines that such interest did not exist on the effective date of this lease, this lease may be terminated at the option of the Lessor. If the Lessor terminates this lease, the Lessee agrees not to assert a claim or defense against the Lessor arising out of this lease. Prior to sale and/or termination of the Lessee's interest in the riparian upland property, the Lessee shall inform any potential buyer or transferee of the Lessee's interest in the riparian upland property and the existence of this lease and all its terms and conditions and shall complete and execute any documents required by the Lessor to effect an assignment of this lease, if consented to by the Lessor. Failure to do so will not relieve the Lessee from responsibility for full compliance with the terms and conditions of this lease which include, but are not limited to, payment of all fees and/or penalty assessments incurred prior to such act.

8. ASSIGNMENT OF LEASE: This lease shall not be assigned or otherwise transferred without prior written consent of the Lessor or its duly authorized agent. Such assignment or other transfer shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. Any assignment or other transfer without prior written consent of the Lessor shall be null and void and without legal effect.

9. INDEMNIFICATION/INVESTIGATION OF ALL CLAIMS: The Lessee shall investigate all claims of every nature at its expense. Each party is responsible for all personal injury and property damage attributable to the negligent acts or omissions of that party and the officers, employees and agents thereof. Nothing herein shall be construed as an indemnity or a waiver of sovereign immunity enjoyed by any party hereto, as provided in Section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims.

10. NOTICES/COMPLIANCE/TERMINATION: The Lessee binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Lessee, its successors and assigns. In the event the Lessee fails or refuses to comply with the provisions and conditions herein set forth, or in the event the Lessee violates any of the provisions and conditions herein set forth, and the Lessee fails or refuses to comply with any of said provisions or conditions within twenty (20) days of receipt of the Lessor's notice to correct, this lease may be terminated by the Lessor upon thirty (30) days written notice to the Lessee. If canceled, all of the above-described parcel of land shall revert to the Lessor. All notices required to be given to the Lessee by this lease or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

City of St. Pete Beach, Florida
155 Corey Avenue
St. Pete Beach, Florida 33706

The Lessee shall notify the Lessor by certified mail of any change to this address at least ten (10) days before the change is effective.

11. TAXES AND ASSESSMENTS: The Lessee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this lease.

12. NUISANCES OR ILLEGAL OPERATIONS: The Lessee shall not permit the leased premises or any part thereof to be used or occupied for any purpose or business other than herein specified unless such proposed use and occupancy are consented to by the Lessor and the lease is modified accordingly, nor shall Lessee knowingly permit or suffer any nuisances or illegal operations of any kind on the leased premises.

13. MAINTENANCE OF FACILITY/RIGHT TO INSPECT: The Lessee shall maintain the leased premises in good condition, keeping the structures and equipment located thereon in a good state of repair in the interests of public health, safety and welfare. No dock or pier shall be constructed in any manner that would cause harm to wildlife. The leased premises shall be subject to inspection by the Lessor or its designated agent at any reasonable time.

14. NON-DISCRIMINATION: The Lessee shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the area subject to this lease or upon lands adjacent to and used as an adjunct of the leased area. During the lease term, the Lessee shall post and maintain the placard furnished to the Lessee by the Lessor in a prominent and visible location on the leased premises or adjacent business office of the Lessee. It shall be the responsibility of the Lessee to post the placard in a manner which will provide protection from the elements, and, in the event that said placard becomes illegible at any time during the term of this lease (including any extensions thereof), to notify the Lessor in writing, so that a replacement may be provided.

15. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Lessor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Lessor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

16. PERMISSION GRANTED: Upon expiration or cancellation of this lease all permission granted hereunder shall cease and terminate.

17. RENEWAL PROVISIONS: Renewal of this lease shall be at the sole option of the Lessor. Such renewal shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. In the event that the Lessee is in full compliance with the terms of this lease, the Lessor will begin the renewal process. The term of any renewal granted by the Lessor shall commence on the last day of the previous lease term. In the event the Lessor does not grant a renewal, the Lessee shall vacate the leased premises and remove all structures and equipment occupying and erected thereon at its expense. The obligation to remove all structures authorized herein upon termination of this lease shall constitute an affirmative covenant upon the Lessee's interest in the riparian upland property more particularly described in Attachment B, which shall run with the title to the Lessee's interest in said riparian upland property and shall be binding upon the Lessee and the Lessee's successors in title or successors in interest.

18. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Lessee does not remove said structures and equipment occupying and erected upon the leased premises after expiration or cancellation of this lease, such structures and equipment will be deemed forfeited to the Lessor, and the Lessor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Lessee at the address specified in Paragraph 10 or at such address on record as provided to the Lessor by the Lessee. However, such remedy shall be in addition to all other remedies available to the Lessor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

19. REMOVAL COSTS/LIEN ON RIPARIAN UPLAND PROPERTY: Subject to the noticing provisions of Paragraph 18 of this lease, any costs incurred by the Lessor in removal of any structures and equipment constructed or maintained on state lands shall be paid by Lessee and any unpaid costs and expenses shall constitute a lien upon the Lessee's interest in the riparian upland property that is more particularly described in Attachment B. This lien on the Lessee's interest in the riparian upland property shall be enforceable in summary proceedings as provided by law.

20. RIPARIAN RIGHTS/FINAL ADJUDICATION: In the event that any part of any structure authorized hereunder is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Lessee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply with this paragraph shall constitute a material breach of this lease agreement and shall be grounds for immediate termination of this lease agreement at the option of the Lessor.

21. AMENDMENTS/MODIFICATIONS: This lease is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this lease must be in writing, must be accepted, acknowledged and executed by the Lessee and Lessor, and must comply with the rules and statutes in existence at the time of the execution of the modification or amendment. Notwithstanding the provisions of this paragraph, if mooring is authorized by this lease, the Lessee may install boatlifts within the leased premises without formal modification of the lease provided that (a) the Lessee obtains any state or local regulatory permit that may be required; and (b) the location or size of the lift does not increase the mooring capacity of the facility.

22. ADVERTISEMENT/SIGNS/NON-WATER DEPENDENT ACTIVITIES/ADDITIONAL ACTIVITIES/MINOR STRUCTURAL REPAIRS: No permanent or temporary signs directed to the boating public advertising the sale of alcoholic beverages shall be erected or placed within the leased premises. No restaurant or dining activities are to occur within the leased premises. The Lessee shall ensure that no permanent, temporary or floating structures, fences, docks, pilings or any structures whose use is not water-dependent shall be erected or conducted over sovereignty submerged lands without prior written consent from the Lessor. No additional structures and/or activities including dredging, relocation/realignment or major repairs or renovations to authorized structures, shall be erected or conducted on or over sovereignty, submerged lands without prior written consent from the Lessor. Unless specifically authorized in writing by the Lessor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Lessee to administrative fines under Chapter 18-14, Florida Administrative Code. This condition does not apply to minor structural repairs required to maintain the authorized structures in a good state of repair in the interests of public health, safety or welfare; provided, however, that such activities shall not exceed the activities authorized by this agreement.

23. USACE AUTHORIZATION: Prior to commencement of construction and/or activities authorized herein, the Lessee shall obtain the U.S. Army Corps of Engineers (USACE) permit if it is required by the USACE. Any modifications to the construction and/or activities authorized herein that may be required by the USACE shall require consideration by and the prior written approval of the Lessor prior to the commencement of construction and/or any activities on sovereign, submerged lands.

24. COMPLIANCE WITH FLORIDA LAWS: On or in conjunction with the use of the leased premises, the Lessee shall at all times comply with all Florida Statutes and all administrative rules promulgated thereunder. Any unlawful activity which occurs on the leased premises or in conjunction with the use of the leased premises shall be grounds for the termination of this lease by the Lessor.

25. LIVEABOARDS: The term "liveaboard" is defined as a vessel docked at the facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within a thirty (30) day period. If liveaboards are authorized by paragraph one (1) of this lease, in no event shall such "liveaboard" status exceed six (6) months within any twelve (12) month period, nor shall any such vessel constitute a legal or primary residence.

26. GAMBLING VESSELS: During the term of this lease and any renewals, extensions, modifications or assignments thereof, Lessee shall prohibit the operation of or entry onto the leased premises of gambling cruise ships, or vessels that are used principally for the purpose of gambling, when these vessels are engaged in "cruises to nowhere," where the ships leave and return to the state of Florida without an intervening stop within another state or foreign country or waters within the jurisdiction of another state or foreign country, and any watercraft used to carry passengers to and from such gambling cruise ships.

28. SPECIAL LEASE CONDITON(S):

A. The Lessee shall prohibit mooring, on either a temporary or permanent basis as shown on project drawings included in Attachment A, pages 14-15. To ensure compliance, the Lessee shall place and maintain: (1) a 3.5-foot high railing along the south face of the structure, and (2) signs advising boaters that mooring at the above described locations, on either a temporary or permanent basis, is prohibited.

B. The Lessee shall provide and make available to all vessels utilizing the docking facility operational and well maintained sewage pumpout facilities acceptable to the State of Florida Department of Environmental Protection or State of Florida Department of Health, whichever agency has jurisdiction.

C. Vessels moored at the docking facility, on either a temporary or permanent basis, shall not exceed 40 feet in length. Vessel length shall be measured as overall length including all parts and accessories such as outboard motors, bow pulpits, and swim platforms.

D. The Lessee shall install and maintain, during the term of this lease and all subsequent renewal terms, reflective markers and lighted aids to navigation at all distant corners of the facility. The lighted aides are required to be on at night and during limited visibility conditions.

E. Within 30 days after completion of construction the Lessee shall install an educational display informing the general public on the importance of aquatic resources and the potential threat that the public imposes on these resources. The educational display shall be located on the docking structure for easy public viewing purposes. The educational display will consist of a four panel display on the following: Nearshore Habitats, Florida Friendly Boating, Pinellas County and Boca Ciega Bay Aquatic Preserves, and Beach Bird Entanglement. The educational display shall be approved by the State of Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, (850-245-8474). The Lessee shall maintain the display during the term of this lease and all subsequent renewal terms and shall be required to replace the display in the event it becomes faded, damaged or outdated. The Lessee shall ensure that the view of the display is not obstructed by vegetation or structures.

F. A minimum of ninety percent (90%) of the wet slips at the docking facility shall be made available for rent to the general public on a “first come, first served” basis, as defined in subsection 18-21.003(27), Florida Administrative Code, with no longer than one-year rental terms and with no automatic renewal rights or conditions. To help ensure compliance with and to assist in providing public awareness of this requirement, the Lessee shall erect permanent signs at the waterward entrance to the docking facility and at the upland entrance to the docking facility which are clearly visible to passing boaters and the general public. The signs shall contain language clearly indicating that a minimum of ninety percent (90%) of the wet slips at the docking facility are available for rent to the general public. Any dockage rate sheet publications and dockage advertising for the docking facility shall clearly state that a minimum of ninety percent (90%) of the wet slips at the docking facility are open to the general public on a “first come, first served” basis.

WITNESSES:

Original Signature

Print/Type Name of Witness

Original Signature

Print/Type Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE STATE
OF FLORIDA

(SEAL)

BY: _____

Cheryl C. McCall, Chief, Bureau of Public Land Administration,
Division of State Lands, State of Florida Department of
Environmental Protection, as agent for and on behalf of the
Board of Trustees of the Internal Improvement Trust Fund of the
State of Florida

"LESSOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by
Cheryl C. McCall, Chief, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of
Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State
of Florida. She is personally known to me.

APPROVED SUBJECT TO PROPER EXECUTION:

[Signature] *[Signature]* 8/15/14
DEP Attorney Date

Notary Public, State of Florida

Printed, Typed or Stamped Name

My Commission Expires:

Commission/Serial No.

WITNESSES:

City of St. Pete Beach, Florida (SEAL)

Original Signature

Typed/Printed Name of Witness

Original Signature

Typed/Printed Name of Witness

BY: _____

Original Signature of Executing Authority

Maria Lowe

Typed/Printed Name of Executing Authority

Mayor

Title of Executing Authority

“LESSEE”

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Maria Lowe as Mayor, for and on behalf of City of St. Pete Beach, Florida. She is personally known to me or who has produced _____, as identification.

My Commission Expires:

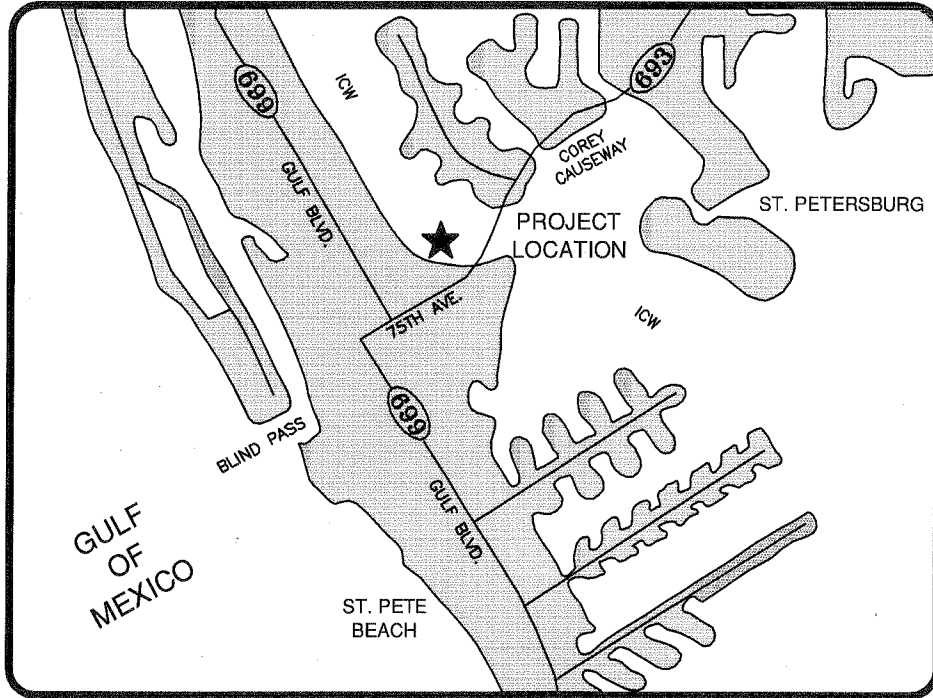
Signature of Notary Public

Notary Public, State of _____

Commission/Serial No. _____

Printed, Typed or Stamped Name

**SECTION 36, TOWNSHIP 31 SOUTH, RANGE 15 EAST
PINELLAS COUNTY, FLORIDA**



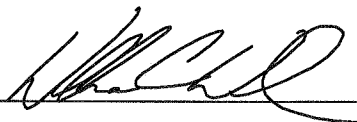
LOCATION MAP
(NOT TO SCALE)

CERTIFIED TO:

- BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA
- CITY OF ST. PETE BEACH

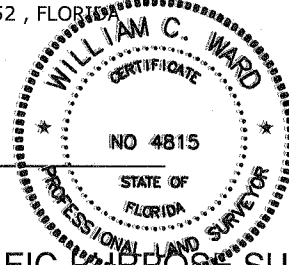
SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS A TRUE REPRESENTATION OF A SPECIFIC PURPOSE SURVEY, PERFORMED UNDER MY DIRECT SUPERVISION AND MEETS THE INTENT OF THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.



WILLIAM C. WARD
PROFESSIONAL LAND SURVEYOR NO. 4815
STATE OF FLORIDA

DATE 5-22-14



**SPECIFIC PURPOSE SURVEY
THIS IS NOT A BOUNDARY SURVEY.**

ST. PETE BEACH MUNICIPAL COMPLEX SUBMERGED LAND LEASE PARCEL



WILLIAM C. WARD, PLS
Professional Land Surveyor

SURVEYOR - MAPPER - PLANNER
610 PINELLAS BAYWAY, SUITE 5201, TIERRA VERDE, FLORIDA 33715
PHONE: 813-817-1115 CRAIG@WCWARD.COM

DRAWN BY:	WCW	APPROVED BY:	WCW
DATE:	5-22-14		
JOB NUMBER:	14032		
FILE LOCATION:	14032.DWG		
SHEET NO.:	1	OF	5

SECTION 36, TOWNSHIP 31 SOUTH, RANGE 15 EAST
PINELLAS COUNTY, FLORIDA

LEGAL DESCRIPTION:

CITY OF ST. PETE BEACH MUNICIPAL COMPLEX
SUBMERGED LAND LEASE PARCEL

ALL THOSE SOVEREIGNTY SUBMERGED LANDS OF BOCA CIEGA BAY LYING WITHIN THE
FOLLOWING DESCRIBED PARCEL:

A PARCEL OF SUBMERGED LAND LYING IN SECTION 36, TOWNSHIP 31 SOUTH, RANGE
15 EAST, PINELLAS COUNTY, FLORIDA, AND BEING ADJACENT TO "CITY OF ST. PETE
BEACH MUNICIPAL COMPLEX", AS RECORDED IN PLAT BOOK 111, PAGE 75, OF THE
PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF SAID "CITY OF ST. PETE
BEACH MUNICIPAL COMPLEX", RUN SOUTH 64°08'03" EAST ALONG THE WATERWARD
PROPERTY LINE, 243.95 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH
25°52'59" EAST, 9.00 FEET; THENCE SOUTH 64°08'03" EAST, 174.30 FEET; THENCE
NORTH 25°52'59" EAST, 1.79 FEET; THENCE SOUTH 64°42'45" EAST, 35.06 FEET;
THENCE NORTH 25°52'59" EAST, 32.97 FEET; THENCE SOUTH 64°07'01" EAST, 25.64
FEET; THENCE NORTH 25°52'59" EAST, 230.00 FEET ; THENCE SOUTH 64°07'01" EAST,
88.00 FEET; THENCE SOUTH 25°52'59" WEST, 226.02 FEET; THENCE SOUTH 89°12'50"
EAST, 125.62 FEET; THENCE SOUTH 00°49'44" WEST, 9.00 FEET TO THE FACE OF
SEAWALL AND THE MEAN HIGH WATER LINE; THENCE ALONG SAID LINE FOR THE
FOLLOWING FOUR (4) COURSES, 1) NORTH 89°10'16" WEST, 214.14 FEET, 2) NORTH
64°43'48" WEST, 63.63 FEET, 3) SOUTH 25°52'59" WEST, 1.86 FEET, 4) NORTH
64°08'03" WEST, 182.95 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 26,650 SQUARE FEET, MORE OR LESS

BSM APPROVED

BY SK

DATE 5.28.2014

SPECIFIC PURPOSE SURVEY
THIS IS NOT A BOUNDARY SURVEY.

ST. PETE BEACH MUNICIPAL COMPLEX SUBMERGED LAND LEASE PARCEL



WILLIAM C. WARD, PLS

Professional Land Surveyor

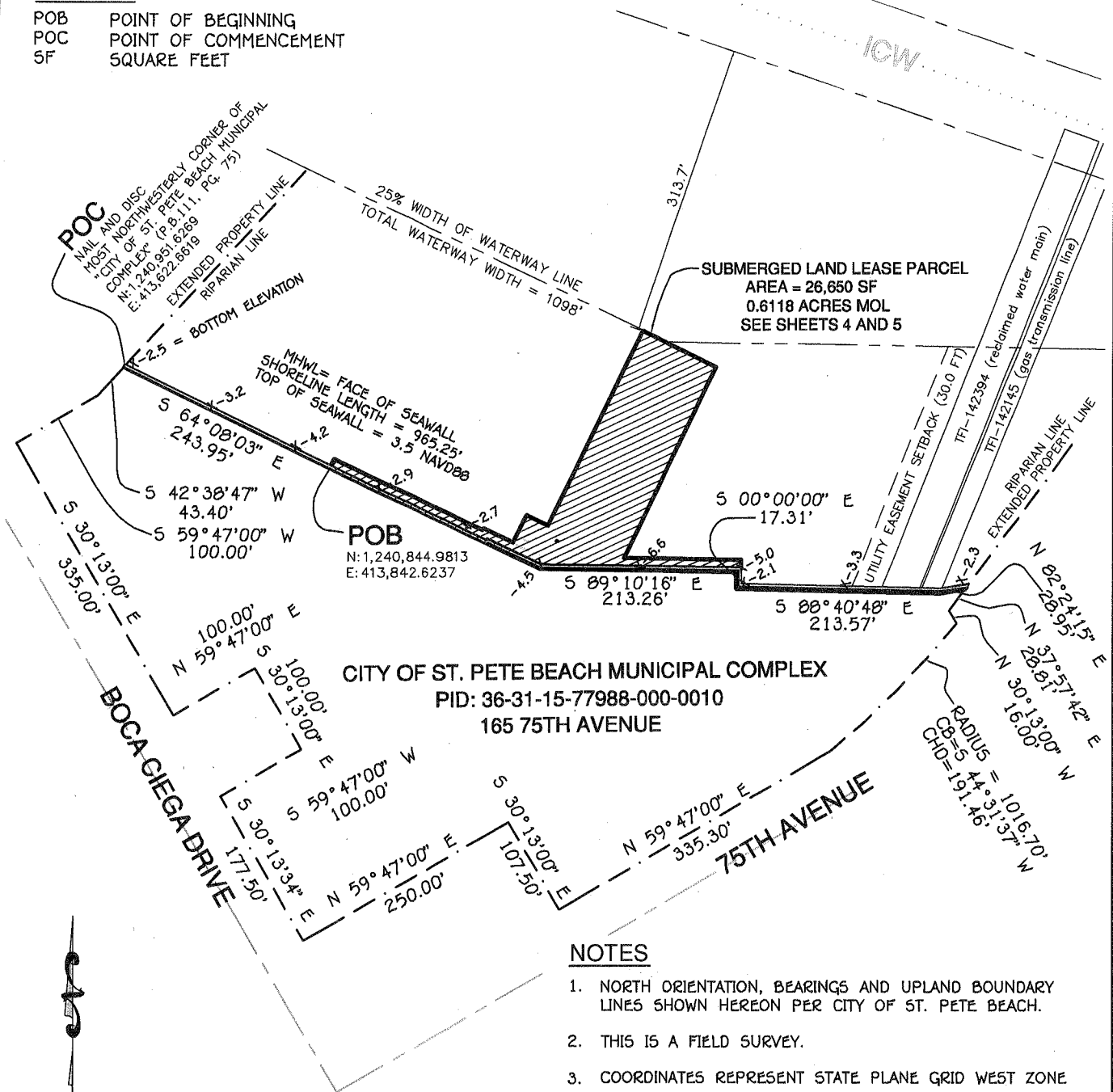
SURVEYOR - MAPPER - PLANNER
610 PINELLAS BAYWAY, SUITE 5201, TIERRA VERDE, FLORIDA 33715
PHONE: 813-817-1115 CRAIG@WCWARD.COM

DRAWN BY:	WCW	APPROVED BY:	WCW
DATE:	5-27-14		
JOB NUMBER:	14032		
FILE LOCATION:	14032.DWG		
SHEET NO.:	2	OF	5

SECTION 36, TOWNSHIP 31 SOUTH, RANGE 15 EAST PINELLAS COUNTY, FLORIDA

LEGEND

POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
SF SQUARE FEET



NOTES

1. NORTH ORIENTATION, BEARINGS AND UPLAND BOUNDARY LINES SHOWN HEREON PER CITY OF ST. PETE BEACH.
2. THIS IS A FIELD SURVEY.
3. COORDINATES REPRESENT STATE PLANE GRID WEST ZONE
4. SHORELINE 1000 FEET EACH SIDE OF PROJECT IS SEAWALL
5. PROPOSED DOCK DESIGN BY WOODS CONSULTING
6. BOTTOM ELEVATIONS REPRESENT NAVD88 DATUM

ST. PETE BEACH MUNICIPAL COMPLEX SUBMERGED LAND LEASE PARCEL



WILLIAM C. WARD, PLS

Professional Land Surveyor

SURVEYOR - MAPPER - PLANNER
610 PINELLAS BAYWAY, SUITE 5201, TIERRA VERDE, FLORIDA 33715
PHONE: 813-817-1115

DRAWN BY:	WCW	APPROVED BY:	WCW
DATE:	5-22-14		
JOB NUMBER:	14032		
FILE LOCATION:	14032.DWG		
SHEET NO.:	3	OF	5

Attachment A

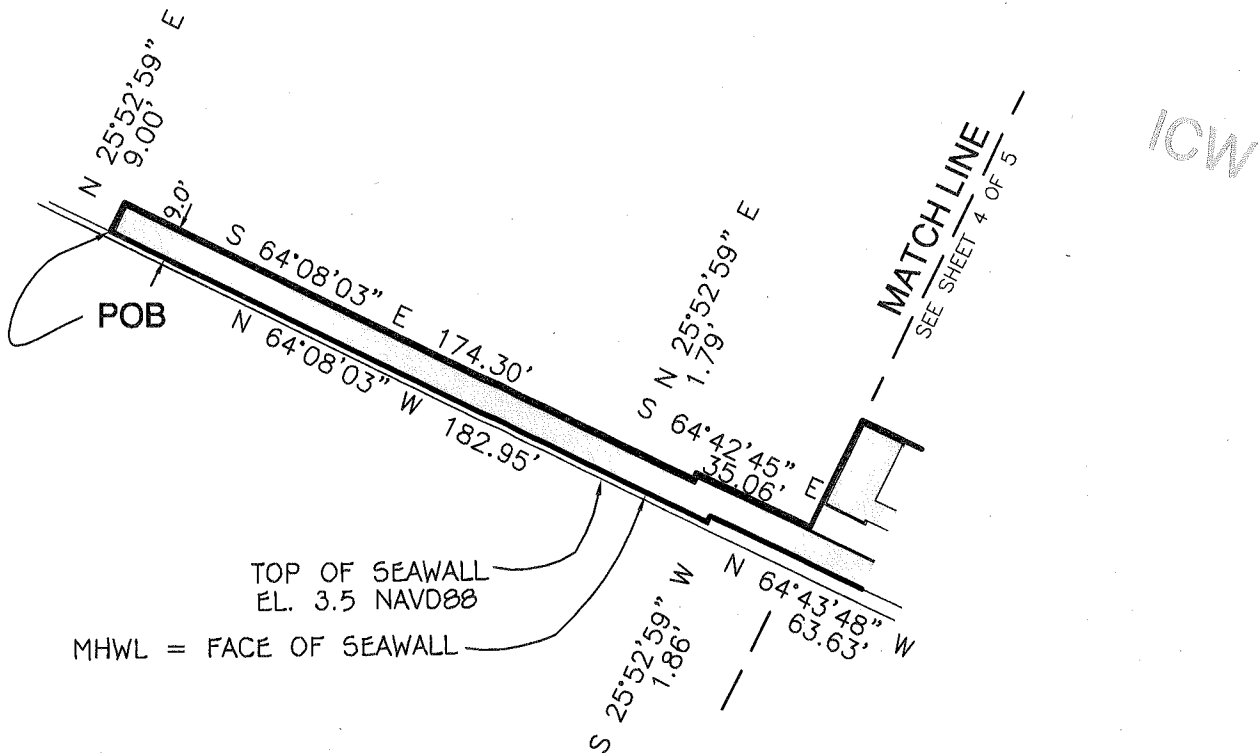
Page 11 of 17 Pages

Sovereignty Submerged Lands Lease No. 520350513

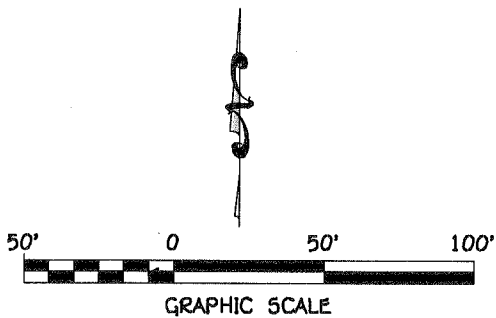
PINELLA

25% WIDTH OF WATERWAY LINE

SECTION 36, TOWNSHIP 31 SOUTH, RANGE 15 EAST
PINELLAS COUNTY, FLORIDA



CITY OF ST. PETE BEACH MUNICIPAL COMPLEX
PID: 36-31-15-77988-000-0010
165 75TH AVENUE



LEGEND

POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
SF SQUARE FEET

SPECIFIC PURPOSE SURVEY
THIS IS NOT A BOUNDARY SURVEY.

ST. PETE BEACH MUNICIPAL COMPLEX SUBMERGED LAND LEASE PARCEL

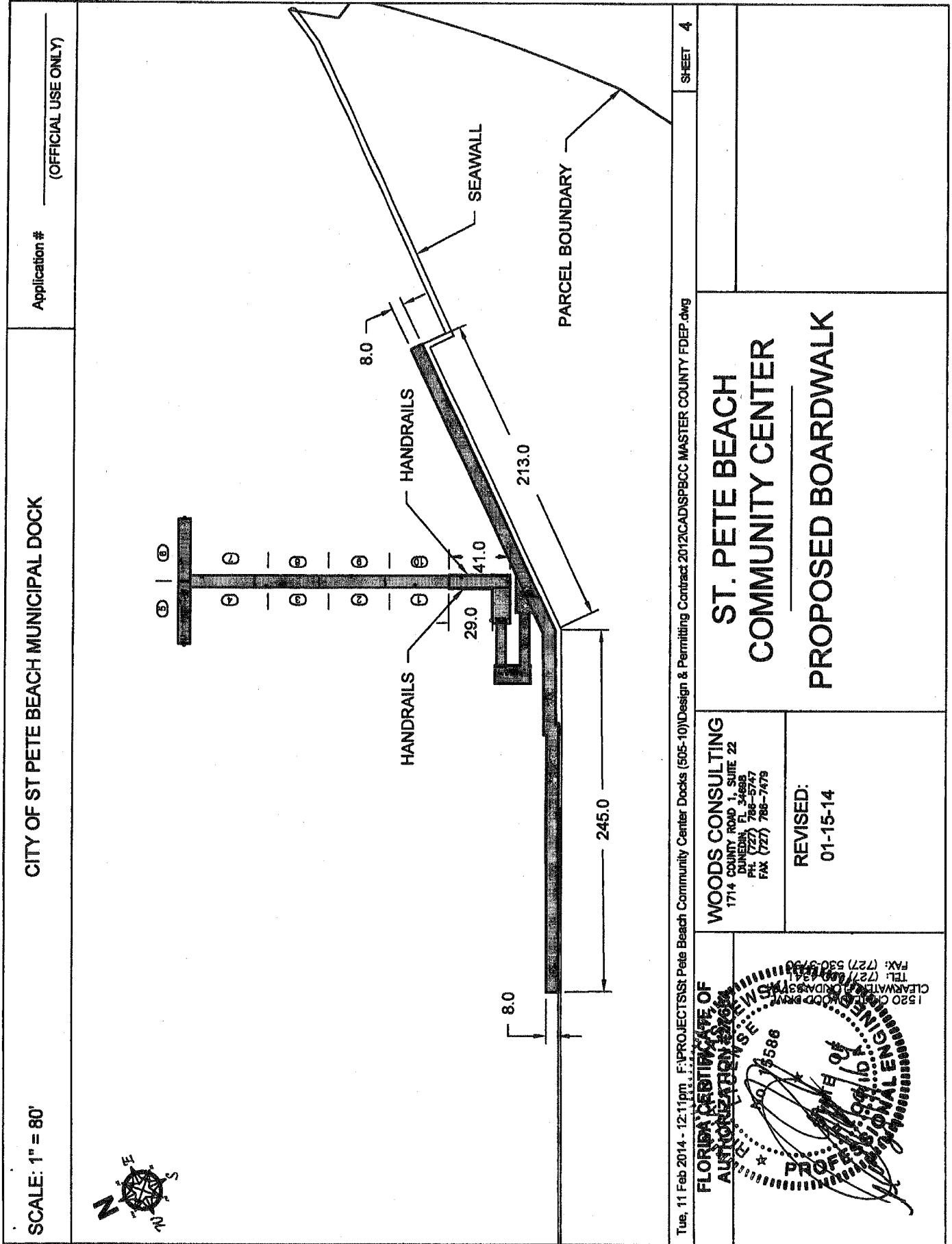


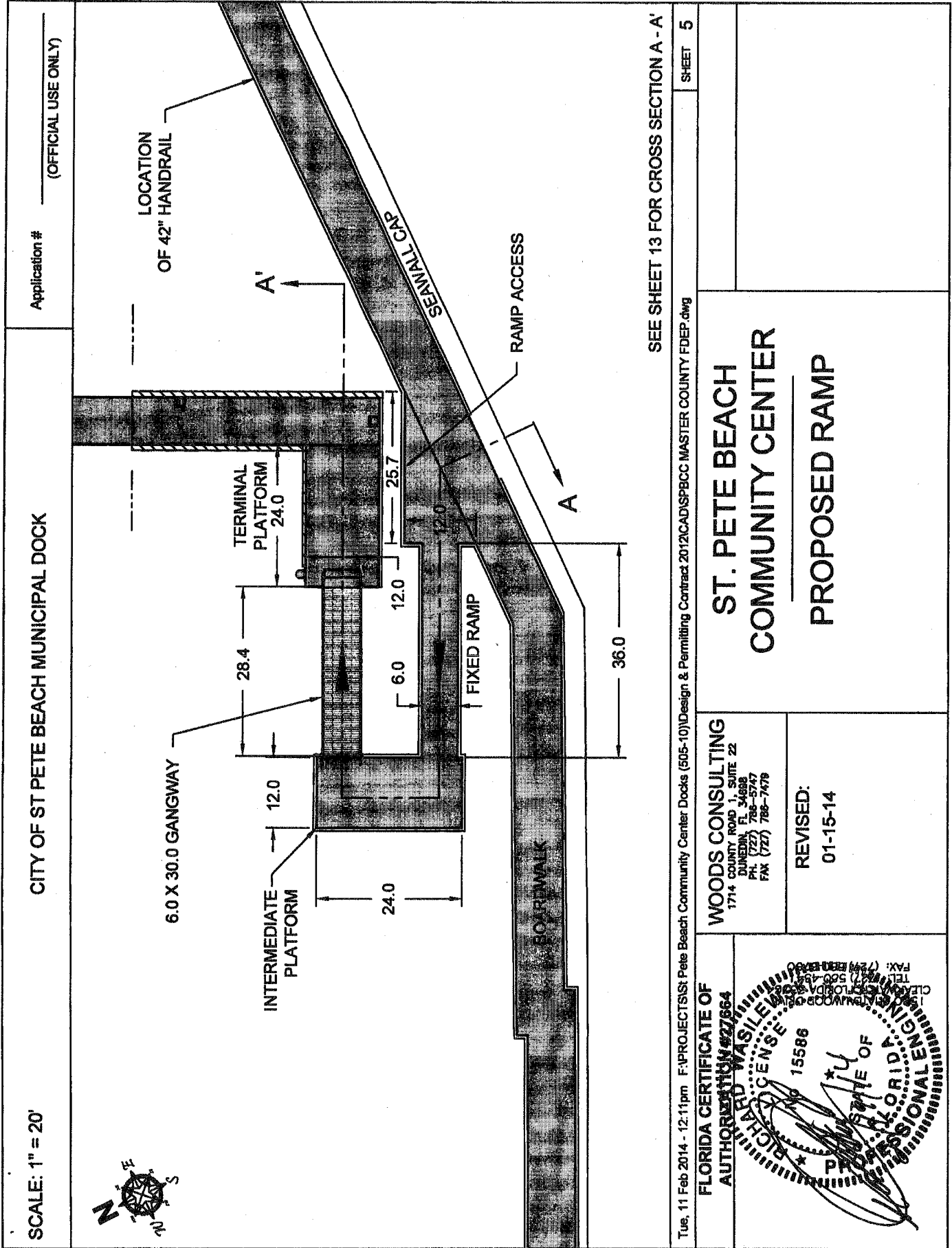
WILLIAM C. WARD, PLS

Professional Land Surveyor

SURVEYOR - MAPPER - PLANNER
610 PINELLAS BAYWAY, SUITE 5201, TIERRA VERDE, FLORIDA 33715
PHONE: 813-817-1115

DRAWN BY:	WCW	APPROVED BY:	WCW
DATE:	5-22-14		
JOB NUMBER:	14032		
FILE LOCATION:	14032.DWG		
SHEET NO.:	5	OF	5





SCALE: 1" = 20'



Application # _____
(OFFICIAL USE ONLY)

SEE SHEET 13 FOR CROSS SECTION A - A'

Tue, 11 Feb 2014 - 12:11pm F:\PROJECTS\St Pete Beach Community Center Docks (505-10)\Design & Permitting Contract 2012\CAD\SPBCC MASTER COUNTY FDEP.dwg

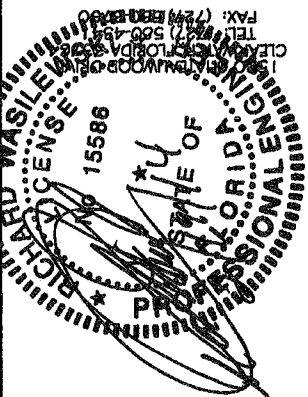
SHEET 5

FLORIDA CERTIFICATE OF
AUTHORIZATION #27864

WOODS CONSULTING
1714 COUNTY ROAD 1, SUITE 22
DUNEDIN, FL 34688
PH. (727) 788-5747
FAX (727) 788-7478

REVISED:
01-15-14

ST. PETE BEACH
COMMUNITY CENTER
PROPOSED RAMP



89020968

OR6924662065

This Indenture,

"Whereas said parties, the term 'party' shall include the heirs, personal representatives, successors and assigns of the respective parties herein, the use of the singular number shall include the plural, and the plural the singular, the use of any gender shall include or genders, and, if used, the words 'male' shall include all the other names described of there then and

Made this 10th day of June A. D. 1983
Between MARY JANE MISENER, individually and as Trustee under a
certain trust agreement dated August 1, 1963, for the benefit of
Sue Ann Tomion
of the County of Pinellas in the State of Florida
party of the first part, and

the City of St. Petersburg Beach 7701 Boca Ciega Drive, St. Petersburg Beach,
of the County of Pinellas in the State of Florida Fla. 33706
party of the second part,

Witnesseth that the said party of the first part, for and in consideration of
the sum of good and valuable consideration and Ten ----- Dollars,
to him in hand paid by the said party of the second part, the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said party of the second part
his heirs and assigns forever, the following described land, situate lying and being in
the County of Pinellas State of
Florida, to wit:

See Exhibit "B" attached

24063219	SPB	01-26-87	14.50.20
01			
RECORDING		1	\$10.50
DOC STAMPS		2	\$8.250.00

TOTAL:	\$8,260.50
CHECK AMT. TENDERED:	\$8,260.50
CHANGE:	\$0.00

01 RECORDING
REC 10.50
DS 8,250.00
INT
FEES
MTP
PAC
REV
TOTAL 8,260.50

Documentary Tax Pd. 8,250.00
Intangible Tax Pd.
Kerleen F. D. Clerk, Pinellas County
By APD Deputy Clerk

KARLENE E. DE BLANCH
CLERK OF CIRCUIT COURT
PINELLAS COUNTY, FL
09 JAN 26 PM 2:50

And the said party of the first part does hereby fully warrant the title to said land,
and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has hereunto set his
hand and seal the day and year first above written.

Signed, Sealed and Delivered to Our Presence:

Stephen A. BennettJoan A. Fortune

Mary Jane Misener
MARY JANE MISENER,
individually and as Trustee
under a certain trust agreement
dated August 1, 1963, for the
benefit of Sue Ann Tomion

THIS INSTRUMENT PREPARED BY US RETURN FOR

OF JACOBS, ROBERTS, GAYNOR, HAMPS,
BURNS, COLE & SHASTEN, P.A.
ONE PLAZA PLACE NORTHEAST, SUITE 700
ST. PETERSBURG, FLORIDA 33701 P. O. BOX 1000, 33728

PARCEL #1

Lots 1, 7, 8, Block "A", THIRD BAYSIDE ADDITION, according to the map or plat thereof recorded in Plat Book 25, page 73, Public Records of Pinellas County, Florida.

PARCEL #2

Lots 2, 3, 4, 5, 6, Block "A", THIRD BAYSIDE ADDITION, according to the map or plat thereof recorded in Plat Book 25, page 73, Public Records of Pinellas County, Florida.

Less and Except

That part of:

Lot 2, Block A, Third Bayside Addition in Section 36, Township 31 South, Range 15 East, as per plat thereof recorded in Plat Book 25, page 73, Public Records of Pinellas County, Florida

Lying within 25 feet of the survey line of State Road 690, Section 15110; said survey line being described as follows:

Commence on the Southeasterly extension of the Northeasterly boundary of Lot 15, Block 75, Replat St. Petersburg Beach Sub. in Section 36, Township 31 South, Range 15 East, as per plat thereof recorded in Plat Book 5, pages 28 and 29, Public Records of Pinellas County, Florida, of a point 335.17 feet South 30°07'29" East of the Easternmost corner of said Lot 15; run thence North 59°58'56" East 470.80 feet to begin Right of Way Job designated as Station 37+59.41 and the beginning of a curve concave to the Northwesternly having a radius of 1041.74 feet; thence Northerly along said curve 303.40 feet through an angle of 16°41'13" to the Northwesternly extension of the Northeasterly boundary of Block 52, Georgia Avenue Replat in said Section 36, as per plat thereof recorded in Plat Book 21, page 18, Public Records of Pinellas County, Florida, at a point 494.53 feet North 30°09'10" West of the Easternmost corner of said Block 52.

Less existing rights of way.

Containing 46 square feet, more or less.

PARCEL #3

Lot 1, Block 66, RE-PLAT ST. PETERSBURG BEACH SUB-DIVISION, according to plat thereof recorded in Plat Book 5, pages 28 and 29, public records of Pinellas County, Florida.

PARCEL #4

Lot 12, Block 66, RE-PLAT ST. PETERSBURG BEACH SUB-DIVISION according to plat thereof recorded in Plat Book 5, pages 28 and 29, public records of Pinellas County, Florida, LESS that part of said Lot 12, lying within 25 feet of the survey line of State Road 690, Section 15110, as described in Order of Taking, being Clerk's Instrument 2270138.

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

Issue Considered: Temporary Use Permit Extension Requests for: (1) Beth Morean, Sungold, LLC, for commercial parking lot at 3855 Gulf Boulevard in the Bayou Residential (BR) District; and (2) James Kotsopoulos, Grand Plaza Resorts, Inc., for off-premise parking lot at 5030 Gulf Boulevard in the Large Resort (LR) District, (permit #2014-0021 and #2014-0022, respectively)

Date: January 27, 2015

Prepared By: Matt McLachlan, AICP, Calvin Giordano & Assoc.

Through: Wayne Saunders, City Manager *WS*

Summary of Issue: On July 8, 2014, the City Commission approved the subject temporary use permit applications with an expiration date of January 30, 2015. On November 5, 2014, the City adopted Ordinance No. 2014-10 amending Division 2 (Definitions) and Division 6 (Supplemental Regulations) of the Land Development Code relating to Temporary Uses. On January 27, 2015, and February 10, 2015, the City Commission will consider Ordinance No. 2015-03 relating to off-premise and commercial parking within the Gulf Boulevard Redevelopment District. This proposed ordinance provides for a commercial parking lot in the Bayou Residential District and an off-premise parking lot within the Large Resort District to be authorized by the City Commission with conditional use approval.

Staff recommends that the subject temporary use permits be extended until such time the City Commission takes final action on Ordinance No. 2015-03 and any conditional use permit application that may be filed pursuant to the Ordinance is acted upon which in no case shall extend beyond April 28, 2015. Further, Staff recommends stipulating that any conditional use application be filed by no later than February 27, 2015 or the temporary use permit will be revoked.

Requested Motion: “I move to extend temporary use permits #2015-0021 and #2014-0022 to whichever date comes first:

1. Ordinance No. 2015-03 is disapproved or passed by the City Commission without the ability of the property owner to apply for a conditional use permit;

2. A conditional use permit application is not filed by the property owner by February 27, 2015;
3. Any conditional use application that is filed is acted upon by the City Commission; or
4. April 28, 2015.

Attachment:

Temporary Use Permit #2014-0021

Temporary Use Permit #2014-0022

Memo Prepared for May 27, 2014 & July 8, 2014 City
Commission Meetings



MEMORANDUM

TO: Mayor and City Commissioner
City of St. Pete Beach

THROUGH: Elaine Edmunds
Interim City Manager

FROM: David P. Healey, FAICP 
Calvin, Giordano & Associates, Inc.

SUBJECT: Temporary Use Permit Applications

DATE: May 27, 2014

INTRODUCTION

The City has received three applications for Temporary Use Permit identified as follows:

- Item No. 1. Property - 3855 Gulf Boulevard
Applicant - Beth Morean, Sungold, LLC
Purpose - Parking Lot
Zoning District - BR, Bayou Residential
- Item No. 2. Property - 5030 Gulf Boulevard
Applicant - James Kotsopoulos, Grand Plaza Resorts, Inc.
Purpose - Parking Lot
Zoning District - LR, Large Resort
- Item No. 3. Property - 5195 Gulf Boulevard
Applicant - Nicklaus of Florida, Inc., Sirata Beach Resort
Purpose - Parking Lot
Zoning - AC, Activity Center

BACKGROUND

A brief description of the background for each of the applications is set forth below:

- Item No. 1. 3855 Gulf Blvd., Sungold LLC - The record indicates that a Temporary Use Permit was issued by the City Commission on April 21, 2011 - which permit expired on September 30, 2012

Building Code Services
Coastal Engineering
Code Enforcement
Construction Engineering & Inspection
Construction Services
Contract Government
Data Technologies & Development
Emergency Management Services
Engineering
Governmental Services
Indoor Air Quality
Landscape Architecture & Environmental Services
Municipal Engineering
Planning
Public Administration
Redevelopment & Urban Design
Renewable Energy
Resort Development
Surveying & Mapping
Transportation Planning & Traffic Engineering
Utility & Community Maintenance Services
Water Resources Management

Feather Sound Corporate Center
13535 Feather Sound Dr.
Suite 135
Clearwater, FL 33762
Phone: 727.394.3825



The applicant applied for a new permit on May 6, 2014 for a twelve month period.

Field inspection on Friday, May 16th revealed the lot was fully utilized and monitored for special event parking.

Additional information and photos compiled by staff is included in Attachment 1.B.

- Item No. 2. 5030 Gulf Blvd., Grand Plaza Resort - The Community Development Department approved a Temporary Use Permit for parking on this property on April 5, 2012 as more particularly identified in the accompanying staff report, which permit expired on April 4, 2013.

Site inspection on Friday, May 16 revealed that the lot was substantially occupied with parked vehicles.

The applicant applied on April 30, 2014, apparently to renew or replace the now-expired permit.

Additional information and photos compiled by staff is included in Attachment 2.B.

- Item No. 3. 5195 Gulf Blvd., Sirata Beach Resort - This application is for a Temporary Use Permit to allow a parking lot to serve the employees of the Sirata Beach Resort. The application was filed on April 29, 2014 and indicates that the property was acquired in December, 2013, subsequent to which *"we received permission from the City to use the parcel for parking pending a formal application and determination on a more permanent parking arrangement."*

The owner then applied for a Conditional Use Permit on January 24, 2014 to use the parcel for parking - which application was subsequently withdrawn.

The parcel has been fenced and site inspection on Friday, May 16 revealed that the lot was substantially occupied with parked vehicles.

The details of the proposed parking plan are identified in the attached application, including options for access/egress, site improvement and landscaping.

Additional information and photos compiled by staff is included in Attachment 3.B.

SUMMARY OBSERVATIONS

Each of the three applications present a different set of circumstances as noted below:

- Item No. 1. The property at 3855 Gulf Blvd. had a permit for special events and specified weekend use only, issued by the City Commission in 2011, that



has expired. The conditions of that permit, at least with respect to the fence, appear to have been met.

Item No. 2. The property at 5030 Gulf Blvd. was issued a Temporary Use Permit in 2012, which permit has expired. The conditions of that permit were apparently met and the improvements with respect to fencing, gate, landscaping and surface treatment remain in place.

Item No. 3. The property at 5195 Gulf Blvd. has not previously applied for or received a temporary permit, but indicates the former City Manager gave some form of permission to utilize the parcel for the parking that is now taking place. The property is fenced and access is from Punta Vista Drive.

Whatever the current status, policy and procedural issues with these three parking lots, they are clearly being extensively used and exhibit a need that may not otherwise be met.

These three applications point out a number of issues that should be addressed prior to taking action to approve or extend a Temporary Use Permit for any of the three properties:

- First, there appears to be some inconsistency in terms of who approves a Temporary Use Permit - one was approved by the Commission and one by staff.

Sec. 6.11 of the Land Development Code indicates only that "all applications shall be submitted to the City Manager in a form specified by the city" and "after an application is determined sufficient and after the appropriate staff (emphasis added) review and approval process, a permit will be issued."

- Second, it is not clear what uses may or may not qualify as a "Temporary Use". The definition in Sec. 2.1 reads as follows:

"Temporary use means a use which is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time, and which does not involve the construction or alteration of any permanent structure."

The fundamental question is whether a use that is not a permitted or conditional use in a particular zoning district can or should be permitted as a temporary use. For example, "parking lots, commercial and/or off premise" are allowed as a Conditional Use in the AC district, but not in the BR or LR districts.

- Further, the definition precludes the construction or alteration of any permanent structure - yet all three applications propose fencing and/or gates that are or could be considered "permanent structures."



COMMISSION ALTERNATIVES

The options available to the Commission are essentially three:

- 1) Approve any one or all three of the applications and stipulate the desired conditions that might include the following:
 - a) Duration of Permit - time limit and any provision for extension
 - b) Site Improvements - ground cover/surface treatment, fencing, landscaping, etc.
 - c) Access/Egress - location, controls
 - d) Limitations on Frequency - daily, special events, hours of operation
 - e) Insurance Requirements - if any, amount, etc.
 - f) Provisions for Termination - removal of improvements, enforcement provisions
- 2) Deny any one or all three of the applications and stipulate the provisions for terminating the existing use(s).
- 3) Defer action on any one or all three of the applications and suspend any enforcement action pending a complete review of the temporary use provisions and any code amendments resulting therefrom for a stipulated period of time.

RECOMMENDED ACTION

Given the lack of specificity in the Code and the somewhat inconsistent treatment of temporary uses in the past, combined with the fact that none of the three properties are operating under a current permit, it is recommended that the Commission:

- 1) Defer action at this time on all three applications for temporary use;
- 2) Suspend or stay any enforcement action for any potential violation of the Code that may have occurred as a result of the expiration of a previously issued permit or the initiation of the use without a proper permit on any of these three properties for a period of ninety (90) days;
- 3) Direct staff to review the temporary use permit process in its entirety with respect to the following particulars:
 - Who should approve temporary use permits and by what process
 - What uses are eligible to be considered as a temporary use
 - Which zoning districts may accommodate what kind of temporary uses
 - What is the duration or period of time for which a permit may be issued
 - What other conditions, such as site improvements, insurance and provisions for removal should be stipulated; and
- 4) Direct staff to review these considerations with the Planning Board and bring back to the Commission a recommended course of action within ninety (90) days.



COPIES: Daniel H. Graves, Fire Chief
Bruce Cooper, CBO, CFM, Building Code Administrator
Chelsey Welden, CNU-A, Urban Planner
Anne Marr, Permitting & Zoning Administrator

Attachments:

Attachments for Item No. 1 - 3855 Gulf Boulevard:

- A. - Application
- B. - Additional Staff Information/Pictures
- C. - Previous Permit Information

Attachments for Item No. 2 - 5030 Gulf Boulevard:

- A. - Application
- B. - Additional Staff Information/Pictures
- C. - Previous Permit Information

Attachments for Item No. 3 - 5195 Gulf Boulevard:

- A. - Application
- B. - Additional Staff Information/Pictures
- C. - Citizen Comments



TEMPORARY USE PERMIT # 2014-0021

Applicant/Agent: Sungold LLC/Chad Nelson

Applicant Address: 309 39th Ave., St. Pete Beach, 33706

Applicant Phone Number: 727-599-3539

Temporary Use Address: 3855 Gulf Blvd (3 lots: 3815, 3855, and 3859)

Temporary Use Requested: Commercial Parking Lot

Pursuant to Sections 2 and 6.11 of the City of St. Pete Beach Land Development Code, the application for temporary use permit is hereby **APPROVED** with an expiration date of **January 30th, 2015**. The permit shall be subject to conditions placed on the previous temporary use permit approved on April 12th, 2011, which are as follows:

1. The lot will be open from 5:00 p.m. to 10:00 p.m.
2. Access will be on the north curb cut.
3. No parking on the north or south side within 25 feet of the property line.
4. Maintain 4 foot vertical fence.
5. Trash receptacles.
6. Erection of "No Mooring" signs.

If any of the above conditions above are violated, the City reserves the right to revoke and terminate this permit immediately.

This permit does not relieve the applicant of his responsibility to obtain any other permits or licenses required by the City, Pinellas County, State of Florida, or the United States Federal Government.

Daniel Graves
Interim Community Development Director
City of St. Pete Beach

9-25-14

Date



TEMPORARY USE PERMIT # 2014-0022

Applicant/Agent: James Kotsopoulos

Applicant Address: 5250 Gulf Blvd, St. Pete Beach, 33706

Applicant Telephone Number: 727-946-8330

Temporary Use Address: 5030 Gulf Boulevard

Temporary Use Requested: Overflow Parking Lot

Pursuant to Sections 2 and 6.11 of the City of St. Pete Beach Land Development Code, the application for temporary use permit is hereby **APPROVED** with an expiration date of **January 30, 2015**. The lot shall only be used for overflow parking for the Grand Plaza Resort and shall be subject to conditions placed on the previous temporary use permit approved on April 5th, 2012, which are as follows:

- 1) The applicant and operator maintain liability insurance in the amount of no less than \$1,000,000 per incident and name the City of St. Pete Beach as an additional insured. Said insurance shall be maintained until the permit expires. A copy of the proof of insurance certificate is due to the City within 30 days from the date of this letter.
- 2) Vehicular access shall not be from Gulf Boulevard. Vehicular access shall be maintained from 50th Avenue.
- 3) No structures shall be placed or constructed on the property with the exception of a fence.
- 4) The property shall be fenced. The applicant shall apply for a fence permit within 30 days of issuance of this temporary use permit and shall construct the fence within 60 days. The fence shall be no taller than 4 feet in the front and no taller than 8 feet on the sides and rear of the property. The fence fronting Gulf Blvd. shall be white picket in style and may be made of either wood or PVC. No chain link shall be permitted anywhere on the property.
- 5) The temporary parking lot does not have to be paved, but shall be sodded and kept in good condition in order to protect the aesthetics of the City as well as reduce dust, silt, and stormwater run-off.
- 6) The perimeter of the property shall be landscaped in accordance with Section 22.7 b. of the Land Development Code, as follows:

Vehicular use areas.

"Except along the boundary of a vehicular use area that is landscaped in accordance with paragraph (a) preceding, other vehicular use areas, where such areas will not be entirely screened visually by an intervening building or structure from any abutting property line there shall be provided landscaping between such areas and such property lines as follows:

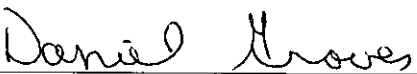
- (1) Planting area. A strip of land at least six feet in depth, located between the property line and the vehicular use area shall be landscaped.*
- (2) Minimum number of trees. The minimum number of trees is one tree for each 30 linear feet or fraction thereof.*
- (3) Minimum size of landscaped areas. Except for driveways crossing property lines, the entire boundary of the vehicle use area shall be landscaped.*
- (4) Hedge required. Unless otherwise approved during the site plan review process, a hedge in accordance with section 22.4 of at least two feet in height shall be placed along the entire length of such landscaped area.*
- (5) Other materials. The remainder of the required landscaped area shall be landscaped with grass, ground cover or other approved landscaping treatment."*

- 7) The applicant and operator acknowledge that the properties to the north, south, and west of the subject property are private property and should not be trespassed upon by the applicant/operator, his employees, or customers.

The applicant and owner should be aware that in the event he/she redevelops the property further, a 10 foot easement for undergrounding utilities and pedestrian facilities shall be dedicated to the City.

If any of the above conditions above are violated, the City reserves the right to revoke and terminate this permit immediately.

This permit does not relieve the applicant of his responsibility to obtain any other permits or licenses required by the City, Pinellas County, State of Florida, or the United States Federal Government.


Daniel Graves
Interim Community Development Director
City of St. Pete Beach

7-15-14
Date

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

JAMES ANDERSON, JOSEPH KODY, AND
JOHN MILLER,

Petitioners,

vs.

Case No. 13-3401GM

CITY OF ST. PETE BEACH,

Respondent.

_____ /

ORDER CONTINUING CASE IN ABEYANCE

This cause having come before the Administrative Law Judge on the Stipulation for Abatement Pending Settlement Negotiations, filed December 18, 2014, and the undersigned being fully advised, it is, therefore,

ORDERED that:

1. The case shall remain in abeyance.
2. The parties shall confer and advise the undersigned in writing no later than January 30, 2015, as to the status of this matter and as to the length of time required for the final hearing and several mutually-agreeable dates for scheduling the final hearing should one be necessary.

DONE AND ORDERED this 19th day of December, 2014, in
Tallahassee, Leon County, Florida.



BRAM D. E. CANTER
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 19th day of December, 2014.

COPIES FURNISHED:

Timothy W. Weber, Esquire
Weber, Crabb and Wein, P.A.
Suite 203
5999 Central Avenue
St. Petersburg, Florida 33710
(eServed)

Kenneth L. Weiss, Esquire
11085 9th Street East
Treasure Island, Florida 33706-1111
(eServed)

Andrew W. J. Dickman, Esquire
Andrew Dickman, P.A.
Post Office Box 771390
Naples, Florida 34107-1390
(eServed)

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

JAMES ANDERSON, JOSEPH KODY,
and JOHN MILLER,

Petitioners,

DOAH Case No.: 13-003401-GM

v.

ALJ Bram Canter

CITY OF ST. PETE BEACH,

Respondent.

_____ /

AMENDED PETITION FOR FORMAL ADMINISTRATIVE HEARING

Petitioners, JAMES ANDERSON, JOSEPH KODY, and JOHN MILLER (collectively "Petitioners"), by and through their undersigned counsel and pursuant to Florida Statutes §§ 120.569, 120.57, 163.3184(5) and 163.3184(7), and Florida Administrative Code 28-106.201, hereby petition the Division of Administrative Hearings, State of Florida, and the Administration Commission, to determine that the City of St. Pete Beach's ("City") Ordinance 2013-13 ("Ordinance"), adopting amendments to the City's Comprehensive Plan, is "not in compliance" within the meaning of Florida Statutes § 163.3184(1)(b), and as grounds would show:

STANDING

Petitioners, JAMES ANDERSON, JOSEPH KODY, and JOHN MILLER, are property owners within the City of St. Pete Beach and have been at all times relevant to this proceeding. Petitioners presented comments and objections to the City Commission during the period of time beginning with the transmittal and ending with the adoption of the Ordinance by the City. Petitioners are "affected persons" as defined in Florida

Statutes § 163.3184(1)(a). A copy of the Ordinance is attached as Exhibit “A” to this Amended Petition.

KODY and MILLER reside at the Silver Sands Condominium which is directly adjacent to the Large Resort District created by the Ordinance and in close proximity to other redevelopment areas designated in the Ordinance. Development under the comprehensive plan, as amended by the Ordinance, would negatively and adversely impact Petitioners’ use and enjoyment of their property, as well as its value; would negatively and adversely impact Petitioners’ ability to evacuate in the event of a hurricane; and would negatively and adversely impact Petitioners by creating additional tax burdens, increased crime in the area near Petitioners’ properties, and impacts on the natural and historic resources of the City currently enjoyed by Petitioners. Petitioners’ substantial interests will be adversely affected by this proceeding. Petitioners would be “adversely affected,” as defined in Florida Statutes § 120.68, by final agency action allowing these amendments to go into effect.

REPRESENTATION AND NOTICE

Petitioners are represented in this matter by Timothy W. Weber, Esq., Weber, Crabb & Wein, P.A., 5999 Central Ave., Suite 203, St. Petersburg, Florida 33710, (727) 828-9919, timothy.weber@webercrabb.com; Kenneth L. Weiss, Esq., 11085 9th Street East, Treasure Island, FL 33706-1111, (727) 367-8829, kweiss1@tampabay.rr.com. For purposes of this proceeding, Petitioners’ addresses shall be that of undersigned counsel.

Petitioners received notice of the Ordinance either when they attended the adoption hearing conducted by the City of St. Beach City Commission on August 13,

2013 or shortly thereafter. The original petition was filed within thirty days of the date of adoption of the Ordinance.

AGENCY AFFECTED

The Department of Economic Opportunity, while not a party to this proceeding, conducted a review of the Ordinance under Florida Statutes § 163.3184. The Department's address is 107 East Madison Street, Caldwell Building, Tallahassee, Florida 32399.

The Administration Commission will have jurisdiction to enter a final order finding the plan amendments adopted by the Ordinance "not in compliance." The Commission's address is c/o Office of the Governor, The Capitol, Tallahassee, Florida 32399.

DISPUTED ISSUES OF MATERIAL FACT

Whether the Ordinance is "in compliance" as defined in Florida Statutes § 163.3184(1)(b).

Whether the Ordinance is based upon relevant and appropriate data and analysis as required by Florida Statutes § 163.3177(1)-(6).

Whether the Ordinance contains all components required by Florida Statutes § 163.3177(6).

Whether the Ordinance is internally inconsistent or inconsistent with other elements of the City's comprehensive plan in violation of Florida Statutes § 163.3177(2).

Whether the Ordinance is consistent with the Coastal Management provisions of Florida Statutes § 163.3178.

Whether the Ordinance protects human life against the effects of natural disaster and protects human life in areas subject to destruction by natural disaster as required by Florida Statutes §§ 163.3177(6)(g)7. and 163.3178(1).

Whether the Ordinance limits public expenditures that subsidize development in the Coastal High Hazard Area or areas subject to destruction by natural disaster as required by Florida Statutes §§ 163.3177(6)(g)6. and 163.3178(1).

THE FACTS

1. The City of St. Pete Beach is a municipality located on a barrier island in Pinellas County, Florida.

2. It is comprised of 1,286.10 acres, nearly all of which is located in a Coastal High Hazard Area.

3. The City is essentially a “built out” community. Existing construction was completed under land development regulations limiting maximum allowable building heights throughout the City at 50 feet.

4. The City has one primary traffic artery, Gulf Blvd., which runs along the coastline for the length of the City and provides access to the 2 existing bridges which provide evacuation routes off the island.

5. The entire City is extremely vulnerable to sea-level rise, flooding, and natural disasters, including hurricanes.

6. The City and Pinellas County have historically had poor evacuation clearance times and inadequate hurricane shelter availability. Given its status as a barrier island, the City faces significant challenges in the protection of human life and property in the event of a natural disaster.

Background and Procedural History

7. In 1998, the City substantially rewrote its comprehensive plan.

8. In 1999, the Department of Community Affairs, State of Florida (DCA), issued a Notice of Intent to find the plan “not in compliance” based on several deficiencies in the City’s plan.

9. The DCA and the City ultimately entered into a Settlement Agreement to remediate the non-compliance in which the City agreed to address (1) identified deficiencies in plans and policies to protect public and private property, and human lives, from the effects of natural disasters; (2) the protection of coastal and marine resources from the adverse effects of development since increased densities were authorized in areas designated as mixed-use areas; and (3) the City’s failure to adequately describe how the City will avoid improvements that encourage or subsidize increased development in coastal high hazard areas while also providing for timely and efficient access to its services and attractions.

10. In 2004, despite the state-imposed limitations in the 1998 plan, the City attempted to adopt plan amendments which would encourage hotel redevelopment by providing increased building heights and densities to resort properties along the Gulf of Mexico.

11. In 2006, while the 2004 plan amendment was being subjected to a compliance challenge, the citizens of St. Pete Beach repealed the 2004 plan amendment, largely in opposition to the increased building heights. The 2004 amendments never went into effect.

12. At the same time, the citizens adopted by initiative certain amendments to the City's charter which would require, among other things, voter approval of comprehensive plan amendments and voter approval of land use regulations increasing allowable building heights. See *Citizens for Responsible Growth v. City of St. Pete Beach*, 940 So.2d 1144 (Fla. 2d DCA 2006), for an explanation of the charter amendments.

13. In 2007, Save Our Little Village, Inc. (SOLV), a political action committee funded by the City's resort owners, proposed by initiative a comprehensive plan amendment which would create a Large Resort District in the City, transfer vast amounts of transient lodging density to the resort properties along .9 of a mile of Gulf Boulevard and the beach in the Large Resort District, increase allowable building heights from 50 feet to as much as 146 feet in the Large Resort District, and provide density bonuses and impact fee waivers and credits to encourage redevelopment of the resort properties at vastly increased heights and densities.

14. The City initially refused to place the SOLV initiative on the ballot, citing inconsistency between the initiative process and the procedural requirements of the Growth Management Act, Part II of Chapter 163, Florida Statutes (hereinafter "GMA").

15. SOLV filed a mandamus action against the City to force the City to submit the SOLV plan to voters. See *SOLV v. Commissioner Linda Chaney, et al.*, Case No. 08-002408-CI-8, in the Sixth Judicial Circuit in and for Pinellas County, Florida.

16. One citizen, William Pyle, a resident of the Silver Sands Condominium, intervened in the mandamus action and sought to have the petition dismissed.

17. During the pendency of the mandamus action, SOLV gained control of the City commission as a result of an intervening election.

18. Accordingly, after the Circuit Court announced that the SOLV plan could be submitted to voters but must also comply with the GMA as argued by Pyle (and previously the City), SOLV and the newly elected commission entered into a Settlement Agreement and voluntarily dismissed the suit in order to avoid the Circuit Court's entry of a final judgment requiring compliance with the procedural aspects of the GMA as a condition precedent to adoption of the SOLV plan.

19. On June 3, 2008, the City submitted Ordinance 2008-10 to the voters for approval. Ordinance 2008-10 provided that, upon voter approval, the City would transmit Ordinance 2008-15, along with the SOLV plan, to the DCA and reviewing agencies in accordance with s. 163.32465.

20. After the election, the City declared that Ordinance 2008-10 was approved by the voters. It thereafter transmitted Ordinance 2008-15, along with the SOLV plan, to the DCA.

21. Pyle filed a compliance challenge to Ordinance 2008-15 with the Division of Administrative Hearings, State of Florida (DOAH). See *Pyle v. City of St. Pete Beach*, DOAH Case No. 08-4772-GM.

22. Ordinance 2008-15 was found in compliance by DOAH. *Id.*

23. Pyle also filed an action in the Circuit Court seeking to declare Ordinance 2008-10 void on the grounds that the voter approval was invalid because SOLV and the City misled voters in the ballot titles and summaries in the June 3, 2008 election. See

Pyle v. Finnerty, Case No. 08-008129-CI-8 and 08-00864-CI-08, in the Sixth Judicial Circuit in and for Pinellas County, Florida.

24. Another resident of Silver Sands, Bruce Kadoura, filed an action in the Circuit Court seeking to have Ordinance 2008-15 declared void for, among other things, failure of the City to comply with the voter approval requirements of the City's Charter in transmitting and adopting the SOLV plan amendment. See *Kadoura v. Huhn, et al.*, 08-12498-CI-19.

25. In the *Pyle* case, the Circuit Court declared the June 3, 2008 election invalid on the grounds that the ballot titles and summaries employed by SOLV and the City "hid the ball" and misled voters concerning the true purpose and effect of the plan amendments, i.e. by failing to disclose the tripling height and density. The Circuit Court described the SOLV plan amendment as a "massive overhaul of land use requirements from top to bottom and side to side." The Circuit Court declared Ordinance 2008-10 invalid.

26. In the *Kadoura* case, the Circuit Court declared Ordinance 2008-15 void *ab initio* for failure of SOLV and the City to comply with the voter approval requirements of the City's Charter.¹

27. After losing the *Pyle* and *Kadoura* cases, the City filed appeals to the Second District Court of Appeal, State of Florida.

28. During the pendency of SOLV's and the City's appeals, the City lobbied for a special law to allow the City to readopt the SOLV plan without having to submit it to the state land planning agency or reviewing agencies. Its efforts were rewarded with the

¹ Despite the City's numerous public claims that the voters have approved the SOLV Plan, two final judgments against the City have concluded otherwise.

Legislature's passage of § 163.32466, Florida Statutes, which purported to allow the City to readopt the SOLV Plan without following GMA procedures.

29. In reliance on § 163.32466, the City adopted Ordinance 2011-19, which largely incorporates the SOLV Plan, and then dismissed the *Pyle* and *Kadoura* appeals.

30. Thereafter, James Anderson, Petitioner herein, filed an action in the Circuit Court challenging the validity of § 163.32466, Florida Statutes, on the grounds that it was an invalid special law adopted in violation of the Florida Constitution. Anderson also challenged Ordinance 2011-19 on various grounds, including that it depended for its validity on § 163.32466 and was never submitted to the state land planning agency or reviewing agencies as required by law.

31. The Circuit Court, despite finding that s. 163.32466 only applied to the City of St. Pete Beach and only applied to a single ordinance (2008-15), denied Anderson's special law claim. The Circuit Court denied all other relief sought by Anderson. Anderson appealed to the Second District Court of Appeal, State of Florida, which appeal is pending and scheduled for oral argument in November of 2013.

32. During the pendency of the Anderson appeal, the City transmitted the Ordinance to the state land planning agency and reviewing agencies.

33. It then adopted the Ordinance.

34. Petitioners filed their petition with DOAH challenging the Ordinance and also filed their Motion for Stay or Abatement Pending Outcome of Pending Appeal.

35. At a hearing on Petitioners' Motion for Stay or Abatement Pending Outcome of Pending Appeal, the City successfully maintained that the validity of the Ordinance was not dependent on the validity of Ordinance 2011-19, now being

challenged on appeal to the Second District Court of Appeal, because the Ordinance was intended by the City to be reviewed for compliance as if Ordinance 2011-19 had never been adopted.

36. According to the City, the Ordinance was a corrective measure designed to eliminate the uncertainty surrounding Ordinance 2011-19 by adopting a plan amendment which was in no way dependent on Ordinance 2011-19.

37. The City, having successfully maintained this position, is directly estopped from now taking a contrary position.

38. Notably, however, contrary to its representations to DOAH, the City submitted the Ordinance to the state land planning agency and other reviewing agencies as if Ordinance 2011-19 was in effect. The City coupled this submission with an underline and strikethrough suggesting that little or no change was being made to the City's comprehensive plan. The City did not transmit any supporting data and analysis with the plan and failed to include a FLUM depicting the current future land use designation when it made changes to the future land use designations of each parcel affected by the amendment. By these actions, the City again deliberately bypassed scrutiny of its plan amendment by the state land planning agency and reviewing agencies.

39. Pursuant to § 163.3184(3)(c)2., Florida Statutes, the City was required to transmit any supporting data and analysis to the state land planning agency, and other agencies commenting on the plan, within ten (10) working days after the second public hearing on the plan.

40. Pursuant to s. 163.3184(3)(c)3., Florida Statutes, the City was required to provide the Department with an underline and strikethrough of text revisions in the plan.

41. Furthermore, the City was required to include a future land use map (FLUM) depicting the current future land use designation when it made changes to each parcel's designation.

42. The City did not comply with any of these mandatory provisions.

Lack of Supporting Data and Analysis

43. As a more particular explication of the Ordinance's lack of supporting data and analysis, the Ordinance is not supported by adequate and relevant data and analysis:

- a. Projecting the permanent and seasonal population of the area as required by § 163.3177(6)(a);
- b. Addressing the availability of water supplies, public facilities and services as required by Florida Statutes § 163.3177(6)(a);
- c. Identifying any capital expenditure which would be required as a result of the Ordinance;
- d. Demonstrating that hurricane evacuation clearance times will be maintained or reduced;
- e. Addressing existing deficits in public shelter facilities in Pinellas County;
- f. Addressing existing Levels of Service on transportation facilities in each District considering that the City has very limited evacuation routes;
- g. Demonstrating that the City has coordinated with the County Emergency Management Department and the regional authorities to address hurricane evacuation issues, ensure that hurricane evacuation clearance times are maintained or reduced and lives are protected, given that hurricane evacuation routes are very limited and will likely be flooded during a storm;
- h. Addressing flooding and drainage issues in the Large Resort District;

- i. Describing and supporting the ratio of hotel units to residential units utilized as the basis for significantly increasing temporary lodging units in the Large Resort District;
 - j. Identifying non-conforming uses in each District as a result of the plan amendment;
 - k. Describing and supporting the Density Bonuses and Density Pools, including from where the density will come and how, and in what quantities, it will be reallocated;
 - l. Addressing flooding and drainage issues in the Large Resort District in light of substantially increased densities and intensities of development proposed for the District;
 - m. Providing a compatibility analysis of changes to each parcel and each District with neighboring land uses, including changes in permitted height standards;
 - n. Ensuring the protection of natural and historic resources;
 - o. Providing guidelines for the implementation of mixed-use development including the types of uses allowed, the percentage distribution among the mix of uses, or other standards, and the density and intensity of each use;
 - p. Demonstrate that the land uses allowed in each District under the Ordinance will be supported by sufficient water, sewer, stormwater and solid waste facilities. The lack of such facilities is also inconsistent with Florida Statutes § 163.3178(2);
 - q. Supporting the necessity of providing density bonuses for the construction of affordable housing in the City;
 - r. Analyzing the environmental, socioeconomic, and fiscal impact of development and redevelopment proposed in the future land use plan, with required infrastructure to support this development or redevelopment, on the natural and historical resources of the coast.
44. The plan also fails to include an analysis of FLUM amendments.

Failure to Include All Required Components

45. The Ordinance is not in compliance as it fails to include all required components, including:
- a. The Ordinance does not include a proposed FLUM;

- b. A description of the development potential under the current FLUM and the maximum amount of development allowed under the proposed amendment;
- c. Maps clearly identifying the current FLUM designation, Existing Land Use and Proposed FLUM designation for each parcel included in the amendment;
- d. Procedures for monitoring, evaluating, or appraising its implementation;
- e. Meaningful guidelines for the content of land development regulations;
- f. Meaningful guidelines for the implementation of mixed-use development including the types of uses allowed, the percentage distribution among the mix of uses, or other standards.
- g. Availability of water supplies, public facilities and services;

Consistency

46. Florida Statutes s. 163.3177(2) provides:

Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent. Where data is relevant to several elements, consistent data shall be used, including population estimates and projections unless alternative data can be justified for a plan amendment through new supporting data and analysis. Each map depicting future conditions must reflect the principles, guidelines, and standards within all elements, and each such map must be contained within the comprehensive plan.

47. The Ordinance is internally inconsistent in several respects, including:

- a. The revised FLUE policy 4.1.1 defines the CHHA in a manner inconsistent with Map 4; it also references Rule 9-J5, which has been repealed;
- b. The Ordinance states in several places that the City will do something at a time that has already passed;

48. The Ordinance is inconsistent with other provisions of the City's Comprehensive Plan, including:

- a. The proposed revision to the goals, objectives and policies of the FLUE is inconsistent with the current FLUM as no proposed FLUM is included in the amendment;
- b. Revised FLUE policy 4.1.1 is inconsistent with Objective 2.1 of the Coastal and Conservation Element to the extent it permits exceptions for public expenditures which encourage or subsidize development or redevelopment that are not permitted in the Coastal and Conservation Element.
- c. Revised FLUE Policies 4.1.2 and 4.1.4 requiring the City to adopt Levels of Service for both evacuation times to shelter and out-of-county is inconsistent with Coastal and Conservation Element Objective 2.3 and Policy 2.3.3.
- d. Map 4 is inconsistent with the Coastal and Conservation Element's definition of the CHHA;
- e. The Ordinance is inconsistent with the Capital Improvements Element ("CIE") because the CIE provides for no infrastructure costs required by the Ordinance.
- f. The Ordinance permits impervious surface ratios up to 90% which is inconsistent with Infrastructure Element Policy 2.2.3 which limits impervious surface area ratios to no more than 70%;
- g. The Ordinance is inconsistent with CIE Objective 1.1 because it fails to estimate the capital improvements required to correct existing deficiencies to accommodate the desired future growth encouraged by the Ordinance;
- h. The Ordinance is inconsistent with CIE Policy 1.4.1 which requires that the City shall expend funds in the CHHA only for existing development or new development that is consistent with the FLUM;
- i. The Ordinance is inconsistent with the Coastal and Conservation Policy 2.2.2 which requires the City to maintain allowable densities in the CHHA;
- j. The Ordinance is inconsistent with the Coastal and Conservation Policy 2.1.1 because it supports the financing of sewer and water line extensions or expansions within the CHHA;
- k. The Ordinance is inconsistent with CIE Objective 1.4 which limits expenditures that subsidize development in the CHHA;
- l. The Ordinance is inconsistent with the CIE because it lacks a component that outlines principles for construction, extension, or

increase in capacity of public facilities, as well as a component that outlines principles for correcting existing public facility deficiencies, which are necessary to implement the Ordinance.

49. The Ordinance is also inconsistent with state law, including:
- a. The Definition of “Development” in the Community Redevelopment District is inconsistent with the definition of “Development” under state law.
 - b. The Ordinance does not describe changes in densities and intensities of development allowed for each parcel and each District under the current FLUM and the changes allowed by the Ordinance;
 - c. The Ordinance does not identify the maximum development potential of each parcel and each District under the existing FLUM and the Ordinance.
 - d. The Ordinance does not limit public expenditures which subsidize development or redevelopment in the CHHA.

Allowance of Incompatible Development

50. The Ordinance proposes redevelopment which is incompatible with surrounding uses, principally due to vastly increased densities, intensities, and building heights.

Clustering of Density Within CHHA

51. The Ordinance dangerously clusters a three-fold increase in density on a few select coastal properties, i.e. the SOLV hotels, in contrast to the existing plan which spreads the density over the entire city, a far greater area. This fails to protect human life.

52. The Ordinance is inconsistent with the Coastal Management provisions of Florida Statutes § 163.3178, Florida Statutes. By placing intense uses in particularly vulnerable portions of the coastal high hazard area, the Ordinance will allow activities that will not protect human life as required by Florida Statutes §§ 163.3178(1) and

163.3178(2). The land uses allowed under the Ordinance will not ensure that the adopted level of service for out-of-county hurricane evacuation is maintained or reduced consistent with the goals, objectives and policies in the Coastal and Conservation Elements and the provisions of Florida Statutes § 163.3178(8).

STATUTES AND RULES WARRANTING RELIEF

Florida Statutes §§ 120.569, 120.57, 163.3177 and 163.3178.

RELIEF SOUGHT

Petitioner requests that the Division of Administrative Hearings conduct a formal administrative proceeding; that the Division enter a Recommended Order to the Administration Commission that the Ordinance is not “in compliance;” and that the Administration Commission enter a Final Order deeming the Ordinance not “in compliance” and specifying appropriate sanctions and remedial actions.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and complete copy of the foregoing has been provided to counsel for the City of St. Pete Beach by e-mail this 24th day of October, 2013:

Cari Roth, Esq.
croth@bmolaw.com
Ellie Neiberger, Esq.
eneiberger@bmolaw.com
Ryan Hobbs, Esq.
rhobbs@bmolaw.com
kbotino@bmolaw.com
jbrown@bmolaw.com
Bryant Miller Olive, P.A.
101 North Monroe Street, Suite 900
Tallahassee, Florida 32301
Phone: (850) 222-8611
Fax: (850) 222-8969

s/ Timothy W. Weber

Timothy W. Weber, Esq.
Florida Bar No.: 086789
Weber, Crabb & Wein, P.A.
5999 Central Avenue, Suite 203
St. Petersburg, Florida 33710
Tel: (727) 828-9919; Fax: (727) 828-9924
Email: timothy.weber@webercrabb.com and
lisa.willis@webercrabb.com

and

Kenneth L. Weiss, Esq.
Florida Bar No.: 0159021
11085 9th Street East
Treasure Island, FL 33706-1111
Tel: (727) 367-8829
Email: kweiss1@tampabay.rr.com

Attorneys for Petitioners

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

Issue Considered: Proposed City-Initiated Text Amendments to Chapter 22 of the City Code of Ordinances to establish a Technical Review Committee (TRC) (Ordinance #2014-13)

Date: January 27, 2015

Prepared By: Matt McLachlan, AICP, Calvin Giordano & Assoc.

Through: Wayne Saunders, City Manager WS

Summary of Issue: A preliminary copy of the proposed ordinance was previously considered by the Planning Board on October 21, 2014, and the City Commission on November 18, 2014 at which time the Commission directed staff to proceed to advertise required public hearings. The proposed ordinance is to formalize the ongoing internal review, recommendation and/or approval process on certain capital improvement projects and private permit applications.

In accordance with Sec. 3.9(c) of the Land Development Code, the Commission shall consider whether the proposed amendment is consistent with and furthers the goals, policies, and objectives of the comprehensive plan and whether the proposed change will further the purposes of this Code and other city ordinances, regulations, and actions designed to implement the comprehensive plan.

A public hearing before the Planning Board was held on December 15, 2014. There was no public comment. The Planning Board voted unanimously in favor of approving Ordinance 2014-13 with the clarification that the TRC is an administrative committee charged with reviewing the permit applications listed under Sec. 22.147 of the Ordinance. The requested change has been incorporated into the final ordinance for your consideration.

Requested Motion: "I move to adopt Ordinance No. 2014-13 on first reading"

Attachment: Ordinance No. 2014-13

ORDINANCE 2014-13

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, AMENDING THE CITY OF ST PETE BEACH CODE OF ORDINANCES BY AMENDING ARTICLE VI OF CHAPTER 22, BOARDS, COMMITTEES, COMMISSIONS, TO ESTABLISH A TECHNICAL REVIEW COMMITTEE; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. Article VI of Chapter 22, Boards, Committees, Commissions, of the City of St. Pete Beach Code of Ordinances is hereby amended to establish a Technical Review Committee as follows:

ARTICLE VI. – TECHNICAL REVIEW COMMITTEE (TRC)

Sec. 22-145. – Created.

There is hereby created an administrative committee to be known as the Technical Review Committee (TRC) for the purpose of providing for the professional and technical review of capital projects and permit applications as specified under Section 22.147 of this Code.

Sec. 22.146. – Membership

(a) The membership shall include the Director or his or her designee from the following City agencies:

- (1) Planning and Zoning;
- (2) Building;
- (3) Public Safety/Code Enforcement;
- (4) Fire;
- (5) Public Services; and
- (6) Recreation.

Provided, however, the City Manager may appoint additional City Staff representatives to serve on the TRC as he or she may deem appropriate.

Sec. 22.147 – Powers and duties generally.

- (a) On an annual basis to coincide with the routine preparation of the City's Budget, the TRC shall prepare and recommend to the City Manager a prioritized list of capital improvement projects to be incorporated into a financially feasible five year schedule for meeting the City's adopted level of service standards for public facilities and services as stated in the City's Comprehensive Plan. The TRC is to serve as, and meet the obligations of, the Capital Improvements Advisory Committee as called for in the Capital Improvements Element of the City of St. Pete Beach Comprehensive Plan.
- (b) The TRC shall identify projects in the five year schedule that are significant in terms of their potential impact on the City's physical, environmental, or historic character. The project manager assigned by the responsible Department of a significant capital project shall provide the TRC with a status update at each regular meeting throughout the planning, design, and permitting process at which time the TRC shall provide any comments or recommendations on the project relative to their field of expertise.
- (c) The TRC shall review the following applications for compliance with the provisions of the St. Pete Beach Land Development Code, and all applicable building codes:
 - (1) Site Plans.
 - (2) Subdivisions.
 - (3) Conditional Uses.
 - (4) Amendments to the Zoning Map.
 - (5) Amendments to the Future Land Use Map.
 - (6) Variances on property being used for other than single-family detached residential purpose.
 - (7) Vacations of Streets, Plats or other property.
 - (8) Temporary Uses.
 - (9) All other applications assigned by the City Manager.

Sec. 22.148 – Conduct of meetings; public notice.

- (a) The TRC staff shall hold regular monthly meetings at an established time and place unless cancelled due to lack of items to be discussed or acted upon.
- (b) The TRC agenda shall be distributed to the members at least seven (7) working days prior to the regularly scheduled meeting.
- (c) The meetings shall be open to the public and reasonable notice of the time, place and agenda shall be given. Attendance of the applicant is not required.
- (d) On development applications, the Community Development Director, or other person designated by the City Manager, shall be responsible for the following:
 - (1) Agenda preparation and distribution.
 - (2) Chairing the meeting.
 - (3) Recording minutes.
 - (4) Notification to applicants of the regularly scheduled date, time and place for consideration of the applications.

(5) Written notification to applicants of the outcome of the TRC review.

SECTION 2. This Ordinance shall be published in accordance with the requirements of law.

SECTION 3. This Ordinance shall become effective immediately upon final passage and adoption.

PASSED ON FIRST READING _____, a.d. 2015

PASSED ON SECOND AND FINAL READING _____, a.d. 2015

Maria Lowe, MAYOR

FIRST READING: _____

PUBLISHED: _____

SECOND READING: _____

PUBLISHED: _____

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2015.

Rebecca C. Haynes, City Clerk

St. Pete Beach City Commission
Agenda Report

ISSUE CONSIDERED: First Reading: Ordinance 2015-01 providing a supplemental appropriation for fiscal year 2015 to the General, Wastewater, Reclaimed Water, Stormwater and Capital Project funds and providing for funding.

DATE: January 27, 2015

PREPARED BY: Elaine Edmunds, Administrative Services Director

SUMMARY OF ISSUE: Ordinance 2015-01 provides a supplemental appropriation to the General, Wastewater, Reclaimed Water, Stormwater and Capital Projects Funds for a total amount of \$2,393,855. The adjustments are as follows:

- Outstanding encumbrances from fiscal year 2014 being brought forward which total \$1,935,634. The breakdown by fund is as follows:
 - General Fund - \$69,425
 - Wastewater Fund - \$1,587,047
 - Reclaimed Water Fund - \$1,591
 - Stormwater Fund - \$13,673
 - Capital Projects Fund - \$263,898
- An additional adjustment to the General Fund in the amount of \$126,000 to cover settlement costs paid in the Chmeliewski case (\$121,500) and costs associated with interviewing the candidates for the City Manager position (\$4,500).
- An additional adjustment to the Stormwater Fund of \$58,639 to cover costs associated with improvements at 1240 Boca Ciega Isle Drive approved by the City Commission on October 28, 2014 but not budgeted.
- An additional adjustment to the Capital Projects Fund of \$273,582 for the following projects that were budgeted to be done in fiscal year 2014 but were not completed:
 - \$50,000 for Pass-A-Grille alley work.
 - \$156,250 for seawall repairs.
 - \$50,000 for beach dune walkovers.
 - \$17,332 for FDOT Landscaping project.

Funding for the above listed projects will come from reserves and reimbursements from Pinellas County and the Florida Department of Transportation.

REQUESTED MOTION: “I move to approve Ordinance 2015-01, (read title)...

ATTACHMENTS: Ordinance 2015-01

Appendix A

**REVIEWED BY
CITY MANAGER:**

WS

ORDINANCE 2015-01

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR A SUPPLEMENTAL APPROPRIATION TO THE GENERAL, WASTEWATER, RECLAIMED, STORMWATER AND CAPITAL PROJECT FUNDS FOR FISCAL YEAR ENDING SEPTEMBER 30, 2015; PROVIDING FOR FUNDING; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, notice of this ordinance has been provided in accordance with applicable law; and

WHEREAS, estimated revenues and expenditures are provided in Ordinance 2014-09, Budget Ordinance; and

WHEREAS, the authority for appropriation amendments is provided in Article III, Section 3.13 (a) of the City Charter; and

WHEREAS, the City Commission wishes to recognize revenues available for encumbrances from fiscal year 2014 as well as additional projects in fiscal year 2015.

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

Section One. Increases in the General, Wastewater, Reclaimed, Stormwater and Capital Project Funds as attached hereto in Exhibit A. For the General, Wastewater, Reclaimed and Stormwater Funds, the increase is to be funded by each fund's reserves of \$195,425, \$1,587,047, \$1,591 and \$72,312 respectively. The Capital Project Fund increase of \$537,480 is to be funded by a grant from Pinellas County (\$50,000) extra penny sales tax revenue from Pinellas County (\$42,150), Florida Department of Transportation Grant (\$17,577) and Capital Project Fund reserves (\$427,753.)

Section Two. This ordinance shall become effective upon final passage.

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 _____, 2015.

Rebecca Haynes, City Clerk

Ordinance 2015-01

Appendix A

	Account	Department	Amount
General Fund:			
Encumbrances:			
Colin Baenziger & Associates	Professional/Contractual	City Manager	\$23,000
Granicus	Other Equipment	Admin. Svces.	\$6,200
Municipal Emergency Equipment	Uniforms	Fire	\$90
Kimley Horn	Professional/Contractual	Public Services	\$4,860
MTM Contractors	R & M Other	Public Services	\$20,462
Mend it Asphalt	R & M Other	Public Services	\$5,500
MTM Contractors	Professional/Contractual	Public Services	\$1,500
C.P.W.G.	Operating Supplies	Public Services	\$4,344
Southern Lock	Operating Supplies	Public Services	\$2,894
Phenomenal Exercise Equipment	R & M Equipment	Recreation	\$575
Total Encumbrances			\$69,425
Additional Expenses:			
Settlement Costs	Settlement Costs	Attorney	\$121,500
Travel Reimbursement Costs	Travel & Training	City Manager	\$4,500
			\$126,000
Total increase in General Fund			\$195,425
Funding Source:			
Fund Balance Reserves			\$195,425

Wastewater Fund:

Encumbrances:

Seminole Septic	Prof./Contractual	\$23,000
Public Resources Management	Prof./Contractual	\$3,500
MWI Corporation	Equipment Rental	\$2,224
Kimley Horn	Lift Station R & R	\$14,573
XYLEM Water Solutions	Lift Station R & R	\$1,197
TLC Diversified	Lift Station R & R	\$1,310,039
Hinterland Group	Lift Station R & R	\$224,167
John Mader Enterprises	Lift Station R & R	\$1,350
Kimley Horn	Force Main	\$3,570
R.C. Beach & Assoc.	Equipment	\$3,427

Total Increase in Wastewater Fund **\$1,587,047**

Funding Source:

Reserves **\$1,587,047**

Reclaimed Water Fund:

Encumbrances:

Pinellas County Prof./Contractual **\$1,591**

Funding Source:

Reserves **\$1,591**

Stormwater Fund:

Encumbrances:

JTV Incorporated	Prof./Contractual	\$6,333
C.P.W.G	Prof./Contractual	\$7,340

Total Encumbrances **\$13,673**

Additional Expenses:

1240 Boca Ciega Isle Drive Capital Project **\$58,639**

Total Increase in Stormwater Fund **\$72,312**

Funding Source:

Reserves **\$72,312**

Capital Projects Fund:

Encumbrances:

Tindale Oliver	PAG Plan	\$127
Michael Baker Jr.	Corey Avenue Plan	\$41,945
McCarthy & Associates	City Hall Bldg. Assessment	\$10,735
Fleischman & Garcia	Police Bldg. Assessment	\$24,960
Woods Consulting	Docks	\$8,688
GGI, LLC	FDOT Landscaping	\$245
Land & Water Engineering	Egan Park	\$47,807
Riley Electric	Palm Tree Uplighting	\$42,150
Land & Water Engineering	Seawalls	\$11,600
C.P.W.G.	Pass-A-Grille Way	\$75,642

Total Encumbrances	\$263,898
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Additional Expenses:

Projects not completed in FY14:

Pass-A-Grille Way Alleys	\$50,000
Seawall Repairs	\$156,250
Beach Dune Walkovers	\$50,000
FDOT Landscaping	\$17,332

\$273,582

Total Increase in C.I.P. Fund	\$537,480
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Funding Sources:

Pinellas County Dune Grant	\$50,000
Extra Penny for Pinellas	\$42,150
FDOT Grant	\$17,577
Reserves	\$427,753

Total Funding Sources	\$537,480
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**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance No 2015-02 – Outdoor Dining Areas; Definitions and Use Permissions for Eating and Drinking Establishments

Date: January 27, 2015

Prepared By: Matt McLachlan, AICP, Calvin Giordano & Assoc.

Through: Wayne Saunders, City Manager *WS*

Summary of Issue: Proposed for your consideration are City-initiated amendments to the Land Development Code relating to the reclassification, standardization and definition of eating and drinking establishments and regulations concerning outdoor dining areas.

Currently, the City's Code provides for the City Manager to authorize outdoor seating at restaurants established as of July 1, 2003, that meet the following requirements: (1) are 500 sq. ft. or less in area and do not encroach into a required setback; (2) do not increase restaurant seating; (3) do not diminish existing on-site parking; (4) provide protective barriers between the outdoor seating area and any adjacent vehicular use area; (5) restricts lighting to the subject property; and (6) does not locate outdoor seating adjacent to residentially zoned property. All other restaurants that wish to provide outdoor seating must be located in a zone that authorizes outdoor seating by right or with conditional use approval as specified on the attached chart. The Code does not provide performance standards on how outdoor seating is to be located and operated in these zones thereby leaving it up to the City to negotiate specific requirements on a case by case basis as part of the conditional use or right-of-way use permitting process when outdoor (café) seating encroaches onto a public sidewalk.

The Planning Board reviewed sample regulations from other cities and has reviewed and commented on the proposed ordinance at workshops held on September 16, 2014 and December 16, 2014. The Planning Board held a public hearing on January 20, 2015, for which a special meeting notice was sent to existing restaurants currently registered with the City. Ordinance No. 2015-02 has been revised to incorporate the

Planning Board's final recommendations and was approved by unanimous vote in favor of the amendments.

Requested Motion: I move to approve Ordinance No. 2015-02 on first reading.

Attachment: Ordinance No. 2015-02
Existing and Proposed Use Classifications for Eating and
Drinking Establishments by Zoning District

PERMITTED AND CONDITIONAL USES FOR EATING AND DRINKING ESTABLISHMENTS BY ZONING DISTRICT											
USE CLASSIFICATIONS	ZONING DISTRICTS										
	ROR	RFM	CG-1	CG-2	TC-1	CC1	CC2	LR*	TC-2	AC	CRD-EA
EXISTING											
BAR (COCTAIL LOUNGE, SALOON)	C	P	P	C							
NIGHTCLUB			C	C							
BEACH BAR		C									
SIT DOWN RESTAURANT	P	P	P	P							
FAST FOOD RESTAURANT		C	C	C							
OUTDOOR RESTAURANT	C	C	C	C							
EATING AND DRINKING ESTABLISHMENTS WITH OUTDOOR SEATING										C	
EATING AND DRINKING ESTABLISHMENTS WITHOUT OUTDOOR SEATING										P	
EATING OR DRINKING ESTABLISHMENT WITH OR WITHOUT OUTDOOR SEATING					P	P	P		P		
EATING OR DRINKING ESTABLISHMENTS INCLUDING BARS AND COCKTAIL LOUNGES WITH OR WITHOUT OUTDOOR SEATING								P			
SPECIALTY FOOD SUCH AS GOURMET TAKE-OUT, CATERING, COFFEE SHOPS, ETC.											P
SIDEWALK CAFÉ				C							
PROPOSED											
BAR/LOUNGE	C	P	P	C	P	P	P	P	P	P	C
RESTAURANT, FULL-SERVICE	P	P	P	P	P	P	P	P	P	P	P
RESTAURANT, LIMITED-SERVICE	P	P	P	P	P	P	P	P	P	P	P
RESTAURANT, TAKE-OUT ONLY	P	C	C	C	P	P	P	C	C	C	C
RESTAURANT, WITH DRIVE-THROUGH SERVICE		C	C	C						C	
COMMERCIAL KITCHEN	P	P	C	P	P	C	C	C	C	C	P

P = PERMITTED USE; C = CONDITIONAL USE

**Allowable secondary uses*

ORDINANCE NO. 2015-02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, AMENDING THE CITY OF ST PETE BEACH LAND DEVELOPMENT CODE BY AMENDING SECTION 2.1 OF DIVISION 2, DEFINITIONS, RELATING TO COMMERCIAL KITCHEN, EATING AND DRINKING ESTABLISHMENTS, AND OUTDOOR DINING; AMENDING SECTION 6.24 OF DIVISION 6, SUPPLEMENTAL REGULATIONS, RELATING TO GENERAL, OPERATIONAL, AND PERMITTING REQUIREMENTS AND CITY AUTHORITY FOR OUTDOOR DINING AREAS; AMENDING SECTION 13.2 OF DIVISION 13, ROR, RESIDENTIAL/OFFICE/RETAIL DISTRICT, ADDING COMMERCIAL KITCHEN, FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, AND TAKE-OUT ONLY RESTAURANT AS PERMITTED USES AND DELETING SIT-DOWN RESTAURANT ONLY AS A PERMITTED USE; AMENDING SECTION 13.4 OF DIVISION 13, ROR, RESIDENTIAL/OFFICE/RETAIL DISTRICT, ADDING BAR/LOUNGE AS A CONDITIONAL USE AND DELETING BAR (COCKTAIL LOUNGE, SALOON), RESTAURANT, OUTDOOR AS CONDITIONAL USES; AMENDING SECTION 14.2 OF DIVISION 14, RFM, RESORT FACILITIES MEDIUM DISTRICT, ADDING COMMERCIAL KITCHEN, FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, BAR/LOUNGE AS PERMITTED USES AND DELETING BAR (COCKTAIL LOUNGE, SALOON) OR SIT DOWN RESTAURANT AS PERMITTED USES; AMENDING SECTION 14.4 OF DIVISION 14, RFM, RESORT FACILITIES MEDIUM DISTRICT, ADDING TAKE-OUT ONLY RESTAURANT AND RESTAURANT WITH DRIVE-THROUGH SERVICE AS CONDITIONAL USES AND DELETING FAST FOOD, BEACH BAR AND OUTDOOR RESTAURANT AS CONDITIONAL USES; AMENDING SECTION 15.2 OF DIVISION 15, CG-1, COMMERCIAL DISTRICT, ADDING FULL-SERVICE RESTAURANT, LIMITED SERVICE RESTAURANT, BAR/LOUNGE AS PERMITTED USES AND DELETING BAR (COCKTAIL LOUNGE, SALOON) AND SIT DOWN RESTAURANT AS PERMITTED USES; AMENDING SECTION 15.4 OF DIVISION 15, CG-1, COMMERCIAL DISTRICT, ADDING COMMERCIAL KITCHEN, TAKE-OUT ONLY RESTAURANT AND RESTAURANT WITH DRIVE-THROUGH SERVICE AS CONDITIONAL USES AND DELETING FAST FOOD RESTAURANT, NIGHTCLUB OR OUTDOOR RESTAURANT AS CONDITIONAL USES; AMENDING SECTION 16.2 OF DIVISION 16, CG-2, COMMERCIAL DISTRICT, ADDING COMMERCIAL KITCHEN, FULL-SERVICE RESTAURANT, LIMITED SERVICE RESTAURANT AS PERMITTED USES AND DELETING SIT DOWN RESTAURANTS AS A PERMITTED USE; AMENDING SECTION 16.4 OF

DIVISION 16, CG-2, COMMERCIAL DISTRICT, ADDING RESTAURANT WITH DRIVE-THROUGH SERVICE, TAKE-OUT ONLY RESTAURANT, BAR/LOUNGE AS CONDITIONAL USES AND DELETING BAR (COCKTAIL LOUNGES, SALOONS), NIGHT-CLUBS, FAST-FOOD RESTAURANTS, OUTDOOR RESTAURANTS, AND SIDEWALK CAFÉ AS CONDITIONAL USES; AMENDING SECTION 23.5 OF DIVISION 23, OFF-STREET PARKING AND LOADING RELATING TO REQUIRED PARKING FOR OUTDOOR DINING AREAS; AMENDING SECTION 30.2 OF DIVISION 30, TC-1, TOWN CENTER CORE DISTRICT, ADDING FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, TAKE-OUT ONLY RESTAURANT, BAR/LOUNGE, AND COMMERCIAL KITCHEN AS PERMITTED USES AND DELETING EATING AND DRINKING ESTABLISHMENTS WITH OR WITHOUT OUTDOOR SEATING AS A PERMITTED USE; AMENDING SECTION 32.2 OF DIVISION 32, CC1, COMMERCIAL CORRIDOR BLIND PASS ROAD, ADDING COMMERCIAL KITCHEN, FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, TAKE-OUT ONLY RESTAURANT, BAR/LOUNGE AS PERMITTED USES AND DELETING EATING AND DRINKING ESTABLISHMENTS WITH OR WITHOUT OUTDOOR SEATING AS A PERMITTED USE; AMENDING SECTION 32.4 OF DIVISION 32, CC1, COMMERCIAL CORRIDOR BLIND PASS ROAD, ADDING COMMERCIAL KITCHEN AS A CONDITIONAL USE; AMENDING SECTION 33.2 OF DIVISION 33, CC2, COMMERCIAL CORRIDOR GULF BOULEVARD REDEVELOPMENT DISTRICT, ADDING COMMERCIAL KITCHEN, FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, TAKE-OUT ONLY RESTAURANT, BAR/LOUNGE AS PERMITTED USES AND DELETING EATING AND DRINKING ESTABLISHMENTS WITH OR WITHOUT OUTDOOR SEATING AS A PERMITTED USE; AMENDING SECTION 33.4 OF DIVISION 33, COMMERCIAL CORRIDOR GULF BOULEVARD REDEVELOPMENT DISTRICT ADDING COMMERCIAL KITCHEN AS A CONDITIONAL USE; AMENDING SECTION 35.3 OF DIVISION 35, (LR) LARGE RESORT DISTRICT, ADDING FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, BAR/LOUNGE AS PERMITTED SECONDARY USES AND COMMERCIAL KITCHEN AND TAKE-OUT RESTAURANT ONLY AS PERMITTED SECONDARY USES SUBJECT TO CONDITIONAL USE APPROVAL PURSUANT TO DIVISION 4 OF THIS CODE AND DELETING EATING AND DRINKING ESTABLISHMENTS INCLUDING BARS AND COCKTAIL LOUNGES WITH OR WITHOUT OUTDOOR SEATING AS A PERMITTED SECONDARY USE; AMENDING SECTION 37.2 OF DIVISION 37, TC-2 TOWN CENTER COREY CIRCLE AND COQUINA WEST DISTRICTS, ADDING FULL-SERVICE RESTAURANT, LIMITED SERVICE RESTAURANT,

BAR/LOUNGE AS PERMITTED USES AND DELETING EATING AND DRINKING ESTABLISHMENTS WITH OR WITHOUT OUTDOOR SEATING AS PERMITTED USES; AMENDING SECTION 37.5 OF DIVISION 37, TC-2 TOWN CENTER COREY CIRCLE AND COQUINA WEST DISTRICTS ADDING TAKE-OUT ONLY RESTAURANT AS A CONDITIONAL USE, AMENDING SECTION 38.2 OF DIVISION 38, AC, ACTIVITY CENTER DISTRICT, ADDING FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, BAR/LOUNGE AS PERMITTED USES AND DELETING EATING ESTABLISHMENTS WITHOUT OUTDOOR SEATING AS A PERMITTED USE; AMENDING SECTION 38.4 OF DIVISION 38, AC, ACTIVITY CENTER, ADDING COMMERCIAL KITCHEN, TAKE-OUT ONLY RESTAURANT AND RESTAURANT WITH DRIVE THROUGH SERVICE AS ALLOWABLE CONDITIONAL USES AND DELETING EATING AND DRINKING ESTABLISHMENTS WITH OUTDOOR SEATING AS A CONDITIONAL USE; AMENDING SECTION 40.2 OF DIVISION 40, COMMUNITY REDEVELOPMENT DISTRICT – EIGHTH AVENUE (CRD-EA), ADDING COMMERCIAL KITCHEN, FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, BAR/LOUNGE AS PERMITTED USES AND DELETING SPECIALTY FOOD SUCH AS GOURMET TAKE-OUT, CATERING, COFFEE SHOPS, ETC. AND SIT DOWN RESTAURANTS AS PERMITTED USES; AMENDING SECTION 40.4 OF DIVISION 40, COMMUNITY REDEVELOPMENT DISTRICT – EIGHTH AVENUE (CRD-EA), ADDING COMMERCIAL KITCHEN, TAKE-OUT ONLY RESTAURANT AND BAR/LOUNGE AS ALLOWABLE CONDITIONAL USES; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, requires each local government in the State of Florida to adopt or amend and enforce land development code regulations that are consistent with and implement the adopted Comprehensive Plan; and

WHEREAS, the City of St. Pete Beach has previously adopted a land development code; and

WHEREAS, periodic updates and clarifications are necessary for successful implementation of a land development code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. Section 2.1 of Division 2, Definitions, of the City of St. Pete Beach Land Development Code is hereby amended to provide as follows:

Sec. 2.1. - Words, terms and phrases defined.

Commercial Kitchen means an establishment where food and beverages are prepared for off-site consumption. Typical uses include catering facilities. This classification does not include businesses involved in the processing or manufacturing of food products.

~~Eating and drinking establishment means a business that is licensed to prepare and/or serves food or beverages for consumption by the public primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.~~ Such uses are regulated by type as follows:

~~Bar (cocktail lounge, saloon) means any establishment which is devoted primarily to the retailing and on premises drinking of malt, vinous, or other alcoholic beverages and which is licensed by the State of Florida to dispense or sell alcoholic beverages.~~

~~Beach bar means any building, structure or facility whether temporary or permanent, which is built, erected or provided as a location for the purpose of making retail sales of alcoholic or intoxicating beverages, or malt or vinous beverages, as an accessory use to a hotel or motel.~~

~~Fast food restaurant means a retail food service establishment without table service (order placement and delivery) provided to patrons; walk up counter and carryout trade is a primary portion of the facility; includes fast food, drive through service, food delivery, carryout, public snack bar/automats, and delicatessens.~~

~~Nightclub means any restaurant, dining room, bar or similar establishment providing food or refreshments, which holds a 4 COP liquor license from the State of Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco. Provided, however, any restaurant, dining room or similar establishment which holds a 4-COP liquor license with the "S," "SR" or "SRX" designation, shall be deemed an accessory use to the principal use and not a nightclub.~~

~~Outdoor restaurant means a portion of a restaurant, of any type, located outside which functions as an extension of the principal use of the private property of the restaurant. An outdoor restaurant is not located in a completely enclosed building and is open to the sky except that it may have awnings, umbrellas, or building overhang and shall be used exclusively for dining, drinking and circulation therein. An outdoor restaurant may provide either wait staff service or self service. (See also "Sidewalk cafe.")~~

~~Sidewalk cafe means a street level portion of a restaurant, of any type, located within the sidewalk area of the public right of way, which is normally adjacent to a street, which~~

~~functions as an extension of the principal use of the private property of the restaurant. A sidewalk cafe is open to the sky except that it may have awnings or umbrellas, and shall be used for dining, drinking and circulation therein pursuant to the approved conditional use permit. A sidewalk cafe may provide either wait staff service or self service. (See also "Outdoor restaurant.")~~

~~Sit down restaurant means a retail food service establishment with indoor seating only in which the principal use is the preparation, cooking, consumption, and sale of food and beverages.~~

Bar/Lounge means a business serving beverages for consumption on the premises as a primary use or as an accessory use to a hotel or motel and including on-sale service of alcohol, including beer, wine, and mixed drinks.

Restaurant, Full-Service means a restaurant providing food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may also be provided.

Restaurant, Limited-Service means an establishment where food and beverages may be consumed on the premises, taken out, or delivered, but where limited table service is provided. This classification includes cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited- service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers. This classification includes bakeries that have tables for on-site consumption of products. It excludes catering services that do not sell food or beverages for on-site consumption (See Commercial Kitchen).

Restaurant, Take-Out Only means a restaurant where food and beverages are prepared on a customer-demand basis and may be taken out or delivered, but are not consumed on the premises. No seating or other facilities for on-premises dining are provided.

Restaurant with Drive-Through Service means any eating or drinking establishment which has direct window service allowing customers in motor vehicles to pick up food or drink for off-premise consumption.

Outdoor Dining means a delineated area within a parcel, including patios and similar areas, located outside of and adjacent to a restaurant unenclosed by walls where tables, seating and other furnishings are provided for patrons of the restaurant for eating and drinking.

SECTION 2. Section 6.24 of Division 6, Supplemental Regulations, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 6.24. - ~~Outdoor seating for existing restaurants.~~ Outdoor dining areas. Full and limited service restaurants may establish an outdoor dining area pursuant to the requirements of this Section.

~~Existing sit down restaurants as of July 1, 2003, without outdoor seating areas may be permitted by the city manager to have one outdoor seating area as follows:~~

- ~~(a) Five hundred square feet or less in area, with no encroachment into the required setback;~~
- ~~(b) No increase in restaurant seating;~~
- ~~(c) There shall be no diminishment of existing parking on the site;~~
- ~~(d) When the seating area will be adjacent to a vehicle use area, protective barriers shall be installed between the seating area and the vehicle use area;~~
- ~~(e) All lighting shall be directed inward and shall not spill on to adjacent property;~~
- ~~(f) Said outdoor seating shall not be located adjacent to a residentially zoned property in any manner.~~

(a). General Requirements

(1) All outdoor dining areas located on private property shall comply with the following requirements:

- a. A six foot tall privacy fence or masonry wall shall be required along the lot line of any yard containing an outdoor dining area when the lot line of said yard adjoins a property that is occupied by a single-family dwelling.
- b. No outdoor food preparation is permitted.
- c. Suitable protective barriers shall be installed when an outdoor dining area is located adjacent to a vehicular use area as determined by the Building Official.
- d. Upon the issuance of a tropical storm or hurricane warning, all tables, chairs and other equipment used for outdoor dining shall be securely stored inside.

(2) In addition to the above requirements, the following requirements shall be met for outdoor dining areas located within public right(s)-of-way:

- a. Outdoor dining areas shall only be authorized when the adjoining sidewalk has a continuous minimum width of eight feet unless the Technical Review Committee determines that the outdoor dining area can be reasonably accommodated by a narrower sidewalk width.
- b. A minimum four feet of contiguous and unobstructed corridor space must be maintained at all times to ensure a clear pedestrian passageway. The pedestrian passageway shall be a straight line, parallel to the building face and curb line, for the entire length of the outdoor dining area.

- c. The outdoor dining area shall not extend beyond the sidewalk frontage of the associated business establishment unless otherwise approved by the City Commission;
 - d. All furnishings shall be of good design and made of quality materials and be maintained in a clean and attractive appearance and shall be in good repair at all times.
 - e. No furnishing shall be chained or attached to any tree, post, sign or other fixture.
 - f. The perimeter around the outdoor dining area may be delineated using nonpermanent fixtures such as planters, decorative chains or other fixtures no less than thirty (30) inches and no greater than forty-two (42) inches in height as may be approved by the Building Official.
 - g. Smoking is prohibited.
- (b). Required Permit. Permit application shall be made to the City and reviewed by the Technical Review Committee. The appropriate fee as established by Appendix "A" of the City of St. Pete Beach Code of Ordinances shall be paid. The permit application shall include the following information:
- (1) Survey.
 - (2) Site plan depicting the proposed outdoor dining area drawn to scale. The plan shall include the following information:
 - a. Total square footage of the proposed outdoor dining area.
 - b. Number and placement of all seating/table arrangements and other elements of the outdoor dining area.
 - c. Distances between each seating/table arrangement, providing pedestrian clearance as required by the Florida Building Code and Florida Life Safety Code.
 - d. All points of egress.
 - e. For tenants as applicants, a letter of authorization from the property owner.
 - (3) Occupant load of principal business.
 - (4) Number of existing men's and women's bathrooms and fixtures.
- (c). Insurance and Indemnification. For outdoor dining areas using public right(s)-of-way, the following is required:
- (1) By the use of any permit granted under this Section, the outdoor dining operator agrees to indemnify, defend, save and hold harmless the City, its officers, agents and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of the use of the public right(s)-of-way. The outdoor dining operator shall enter into a written agreement with the City to evidence this indemnification. Such agreement must have the written approval of the City Attorney prior to issuance of a permit.

- (2) The outdoor dining operator shall show evidence of:
 - a. Comprehensive general liability insurance on an “occurrence” basis in an amount not less than \$1,000,000 combined single limit bodily injury liability and property damage liability. The City is to be specifically included as additional insured on the policy.
 - b. Workers Compensation insurance applicable to its employees, if any, for statutory coverage limits in compliance with Florida laws, including employers’ liability which meets all state and federal laws.
 - (3) The outdoor dining operator shall provide the City with the certificate(s) of insurance evidencing required coverages. Current certified copies of such required coverages shall be provided to the City when specifically requested in writing.
 - (4) All policies of insurance must be endorsed to provide the City with 30 days of notice of cancellation or restriction.
- (d). Revocation of permit. The City may revoke a permit for any outdoor dining area if it is found that:
- (1) Any necessary business or health permit has been suspended or revoked; or
 - (2) Changing conditions of pedestrian or vehicular traffic cause congestion necessitating removal of the outdoor dining area when located within public right(s)-of-way. Such decision shall be based on the findings of the Technical Review Committee that the existing conditions represent a danger to the health, safety or general welfare of the public and cannot be resolved through modification to the outdoor dining layout; or
 - (3) The outdoor dining operator fails to comply with one or more requirements of the permit.
- (e). Removal or relocation of outdoor dining area and all related furnishings for right(s)-of-way repairs, emergency situations, or matters of public safety.
- (1) As necessitated by right(s)-of-way repairs, the City may require the temporary removal of outdoor dining area and all related furnishings. The outdoor dining operator shall be responsible for removing all furnishings at least 24 hours prior to the date identified in writing by the City. The City shall not be responsible for any costs associated with the removal or the return and installation of such furnishings.
 - (2) The City may cause the immediate removal or relocation of all or any part of the outdoor dining area occupying public right(s)-of-way in emergency situations. The City, its officers, agents and employees shall not be responsible for any damages or loss of furnishings used in association with an outdoor dining area relocated during emergency situations and shall not be responsible for any costs associated with the removal or the return and installation of any such furnishings.

- (3) The City shall have the authority to secure or remove any furnishing(s) associated with the outdoor dining area occupying public right(s)-of-way if necessary in the interest of public safety.

SECTION 3. Section 13.2 of Division 13, ROR, Residential/Office/Retail District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 13.2. - Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the ROR Residential/Office/Retail District are as follows:

- (a) Clubs, community service.
- (b) Commercial kitchen
- (~~b~~c) Eating and drinking establishments—~~Sit down restaurant only~~ full-service restaurant, limited-service restaurant, take-out only restaurant.
- (~~e~~d) Financial institutions without drive-through service.
- (~~e~~) Laundries, self-service.
- (~~f~~) Offices.
- (~~f~~g) Printing and copying services.
- (~~g~~h) Residential dwellings—Attached single-family, detached single-family, multifamily and two-family.
- (~~h~~i) Retail sales.
- (~~i~~j) Social service agencies.

SECTION 4. Section 13.4 of Division 13, ROR, Residential/Office/Retail District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 13.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the ROR Residential/Office/Retail District are as follows:

- (a) Assisted living facilities.
- (b) Places of worship.
- (c) Communications facilities.
- (d) Daycare centers/kindergartens.
- (e) Docks, commercial—Class C only.
- (f) Eating and drinking establishment—~~Bar (cocktail lounge, saloon); restaurant, outdoor bar/lounge.~~
- (g) Laundries, dry cleaning.
- (h) Parking lots, off-premise.
- (i) Recreational—Public parks and/or recreational facilities.
- (k) Schools, public or private.

- (l) Schools, commercial.
- (m) Services, personal/business.
- (n) Transient accommodations—Bed and breakfast inns and motels only.
- (o) Utility substations and/or rights-of-way.
- (p) Veterinarians.

SECTION 5. Section 14.2 of Division 14, RFM, Resort Facilities Medium District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 14.2. - Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the RFM Resort Facilities Medium District are as follows:

- (a) Clinics.
- (b) Clubs, community service.
- (c) Clubs, private.
- (d) Commercial kitchen
- ~~(de)~~ Eating and drinking establishments—~~Bar (cocktail lounge, saloon) or sit-down restaurant~~ full-service restaurant, limited-service restaurant, bar/lounge.
- (ef) Financial institutions without drive-through service.
- ~~(fg)~~ Kennels without outdoor runs.
- (gh) Laundries, self-service.
- ~~(hi)~~ Offices.
- (ij) Printing and copying services.
- (jk) Residential dwellings—Multifamily only.
- (kl) Retail sales.
- ~~(lm)~~ Services, personal/business.
- ~~(mn)~~ Social service agencies.
- ~~(no)~~ Transient accommodations—Bed and breakfast inn, hotel or motel, or resort condominium.
- ~~(op)~~ Veterinarians.

SECTION 6. Section 14.4 of Division 14, RFM, Resort Facilities Medium District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 14.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the RFM Resort Facilities Medium District are as follows:

- (a) Assisted living facilities.
- (b) Places of worship.

- (c) Commercial water sports, non-motorized vessels of 16 feet or less in length only.
- (d) Communications facilities.
- (e) Daycare centers/kindergartens.
- (f) Docks, commercial—Classes A, B and C.
- (g) Eating and drinking establishments—~~Fast food—take-out only restaurant, restaurant with drive-through service, beach bar and outdoor restaurant.~~
- (h) Financial institutions with drive-through service.
- (i) Laundry, dry cleaning.
- (j) Parking lots, commercial and/or off-premise.
- (k) Recreational—Commercial recreation; public parks and/or recreational facilities.
- (l) Recycling centers.
- (m) Schools—Public, private and/or commercial.
- (n) Utility substations and/or rights-of-way.
- (o) Vessel for hire businesses.

SECTION 7. Section 15.2 of Division 15, CG-1, Commercial District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 15.2. - Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the CG-1 Commercial District are as follows:

- (a) Automotive retail services.
- (b) Clinics.
- (c) Clubs, community service.
- (d) Clubs, private.
- (e) Commercial kitchen.
- (ef) Eating and drinking establishments—~~Bar (cocktail lounge, saloon) and sit down restaurant—full-service restaurant, limited-service restaurant, bar/lounge.~~
- (~~fg~~) Financial institutions without drive-through service.
- (~~gh~~) Kennels without outdoor runs.
- (~~hi~~) Laundries, self-service.
- (~~ij~~) Mortuaries.
- (~~jk~~) Offices.
- (~~kl~~) Printing and copying services.
- (~~lm~~) Retail sales.
- (~~mn~~) Services, personal/business.
- (~~no~~) Social service agencies.
- (~~op~~) Transient accommodations—Hotels, motels and resort condominiums only.
- (~~pq~~) Veterinarians.

SECTION 8. Section 15.4 of Division 15, CG-1, Commercial District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 15.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CG-1 Commercial District are as follows:

- (a) Assisted living facilities.
- (b) Adult entertainment establishments—See also Chapter 10, St. Pete Beach Code of Ordinances.
- (c) Automotive rental agencies.
- (d) Automotive sales lots.
- (e) Automotive services and repairs.
- (f) Automotive service stations.
- (g) Boat sales and repair facilities.
- (h) Car wash facilities.
- (i) Commercial boat docking facilities.
- (j) Commercial kitchen.
- ~~(jk)~~ Commercial water sports, non-motorized vessels of 16 feet or less in length only.
- ~~(kl)~~ Communication facilities.
- ~~(lm)~~ Docks, commercial—Classes A, B, C, and D.
- ~~(mn)~~ Eating and drinking establishment—~~Fast food restaurant, nightclub or outdoor restaurant~~ take-out only restaurant, restaurant with drive-through service.
- ~~(no)~~ Financial institutions with drive-through services.
- ~~(op)~~ Kennels with outdoor runs.
- ~~(pq)~~ Laundries, dry cleaning.
- ~~(qr)~~ Marinas.
- ~~(rs)~~ Parking lots, commercial and/or off-premise.
- ~~(st)~~ Printing, general.
- ~~(tu)~~ Recreational—Commercial recreation; public parks and/or recreational facilities.
- ~~(uv)~~ Recycling centers.
- ~~(vw)~~ Schools, public or private and/or commercial.
- ~~(wx)~~ Services, commercial/business.
- ~~(xy)~~ Storage facilities with outdoor storage.
- ~~(yz)~~ Storage, self-service.
- ~~(zaa)~~ Theatres.
- ~~(aabb)~~ Utility substations and/or rights-of-way.
- ~~(bbcc)~~ Vehicle for hire businesses.
- ~~(eedd)~~ Vessel for hire businesses.

SECTION 9. Section 16.2 of Division 16, CG-2, Commercial District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 16.2. - Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the CG-2 Commercial District are as follows:

- (a) Commercial kitchen.
- (~~ab~~) Eating and drinking establishments—~~Sit-down—restaurants~~ full-service restaurant, limited-service restaurant.
- (~~bc~~) Financial institutions without drive-through service.
- (~~cd~~) Offices.
- (~~de~~) Printing and copying services.
- (~~ef~~) Retail sales.
- (~~fg~~) Services, personal/business.

SECTION 10. Section 16.4 of Division 16, CG-2, Commercial District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 16.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CG-2 Commercial District are as follows:

- (a) Adult entertainment establishments—See also Chapter 10, St. Pete Beach Code of Ordinances.
- (b) Automotive service stations.
- (~~c~~) ~~Bar (cocktail lounges, saloons).~~
- (~~dc~~) Commercial boat docking facilities.
- (~~ed~~) Commercial water sports, non-motorized vessels of 16 feet or less in length only.
- (~~fe~~) Communications facilities.
- (~~gf~~) Commercial docks—Classes A, B and C only.
- (~~hg~~) Eating and drinking establishments—~~Nightclubs, fast food restaurants, outdoor restaurants and sidewalk café~~ restaurant with drive-through service, take-out only restaurant, bar/lounge.
- (~~ih~~) Mortuaries.
- (~~ji~~) Parking lots—Commercial and/or off-premise.
- (~~kj~~) Recreational—Commercial recreation; public parks and/or recreational facilities.
- (~~lk~~) School, commercial.
- (~~ml~~) Theaters.
- (~~nm~~) Utility substations and/or rights-of-way.
- (~~on~~) Vessel for hire businesses.

SECTION 11. Section 23.5 of Division 23, Off-Street Parking and Loading of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 23.5. - Number of parking spaces required.

Regardless of any other requirement of these regulations, each and every separate or individual store, office, or other business shall be provided with at least one off-street parking space, excluding required handicap parking, unless specific provision to the contrary is made herein.

The following minimum off-street parking requirements are applicable to all districts except as otherwise provided herein:

Use	Parking Requirement (spaces)
Automobile Service Station	1 space per bay plus 3 spaces
Any form of residential	2 per unit
Bar, Nightclub	1 per 50 SF floor area
Bed and Breakfast	1 space per guest room plus 1 space for owner or operator
Convenience Store	1 per 200 SF floor area
Grocery Store	1 per 100 SF floor area
Legitimate Theatre	1 per 3 seats
Marina or Commercial Docks Boat slips/live aboard High and dry slips Boat slips/non-live aboard	1.0 per boat slip 1.0 per 4 boat slips or fraction thereof 1.0 per 4 boat slips or fraction thereof
Office	1 per 300 SF floor area
Place of Worship	1 per 3 seats in auditorium or chapel area
Restaurant	1 per 100 SF floor area
Retail Sales and Service	1 per 200 SF floor area
Schools	3 spaces per 1,000 square feet of floor area, plus one for each

	teacher
Theater, Movie	1 per 3 seats
Transient Accommodations	1 per transient accommodation unit, plus 1 additional per 10 transient accommodation units, plus additional parking for accessory facilities in accordance with the following:
Office space	1 per 300 SF floor area
Retail and restaurant space	1 per 200 SF floor area
Ballrooms, lobby area, conference and meeting rooms, and fitness facilities	1 per 1,000 SF floor area
Vehicle Rental	1 per 200 SF floor area, must be marked as customer spaces plus one for each rental vehicle

- (a) In instances of new construction or facility expansion involving the establishment of ~~outdoor seating areas or other~~ accessory or supplemental uses, the number of required parking spaces shall be increased in accordance with the above table such that parking is adequate to accommodate the entire area of ~~seating or use~~, both internal and external to the structure; provided, however, outdoor dining areas shall not be required to provide additional parking when the outdoor dining area is less than 500 square feet. Any portion of the outdoor dining area greater than 500 square feet shall be included as gross floor area for the purposes of calculating off-street parking requirements at the rate set forth in the above table or as otherwise provided by this Code.
- (b) Parking spaces that are in excess of the number of spaces required by this division shall be constructed as grass parking, turf block or in a parking structure.
- (c) Where a project is intended to be developed in phases, the city manager may approve the development of a parking area intended to serve each phase as it is developed.
- (d) All projects shall be required to provide a minimum of five bicycle rack spaces, or a number of bicycle rack spaces equal to ten percent of the required number of vehicle parking spaces, whichever is greater.

- (e) For properties zoned CRD-EA ~~Eighth Avenue~~, permitted non-residential and transient accommodation uses are exempt from the minimum parking standards above. Residential uses shall provide the required off-street parking in the table above.
- (f) For commercially zoned properties abutting Corey Avenue east of Gulf Boulevard, additional parking shall be required for a change of use only if there is an increase in the floor area of an existing building or construction of additional buildings.

SECTION 12. Section 30.2 of Division 30, TC-1, Town Center Core District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 30.2. - Permitted uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses in the TC-1 Town Center Core District are as follows:

- (a) Financial institutions without drive-through service.
- (b) Government buildings and other public or civic facilities, including parks and recreation facilities and transit stations and stops.
- (c) Office uses.
- (d) Personal service businesses such as barbershops, beauty shops, day spas, tailoring, garment alteration and repair, shoe repair, pet grooming, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact. Body art, bail-bond, check-cashing, and other similar services are prohibited.
- (e) Printing and copying.
- (f) Residential uses as a component of mixed-use development only. Residential uses shall not be allowed on the ground floor level of any structure.
- (g) ~~Eating and drinking establishments with or without outdoor seating. Drive-through service is not permitted~~ Eating and drinking establishments - full-service restaurant, limited-service restaurant, take-out only restaurant, bar/lounge.
- (h) Retail uses except automotive sales lots, pawn shops, liquor stores, and tobacco shops.
- (i) Theaters, cinemas and other indoor commercial entertainment facilities.
- (j) Artist studios and art galleries.
- (k) Grocery stores and pharmacies without drive-through service.
- (l) Commercial kitchen

SECTION 13. Section 32.2 of Division 32, CC1, Commercial Corridor Blind Pass Road, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 32.2. - Permitted uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the CC1 Commercial Corridor Blind Pass Road are as follows.

- (a) Clinics;
- (b) Clubs, community service establishments;
- (c) Clubs, private;
- (d) Commercial kitchen;
- (de) Eating and drinking establishments—~~with or without outdoor seating~~ full-service restaurant, limited-service restaurant, take-out only restaurant, bar/lounge;
- (ef) Financial institutions with and without drive-through service;
- (fg) Laundries, self-service;
- (gh) Office uses;
- (hi) Printing and copying services;
- (ij) Retail uses;
- (jk) Personal service businesses such as barbershops, beauty shops and salons, day spas, gyms and fitness centers, tailoring, garment alteration and repair, shoe repair, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact;
- (kl) Social service agencies;
- (lm) Veterinarians; dog grooming facilities;
- (mn) Multi-family residential uses as a component of mixed-use development only. Multi-family residential uses shall not be allowed on the ground level of any structure;
- (no) Single-family, detached residential uses (Only on parcels which do not directly abut Blind Pass Road);
- (op) Government buildings and other public facilities, including parks and recreation facilities;
- (pq) Artist studios with retail and/or wholesale distribution space for artist's original handmade works, excluding mass produced or manufactured products;
- (qr) Public facilities such as schools, public parks and/or recreational facilities;
- (rs) Other commercial uses similar in character, nature and impact to permitted uses listed above.

SECTION 14. Section 32.4 of Division 32, CC1, Commercial Corridor Blind Pass Road, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 32.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the CC1 Commercial Corridor Blind Pass Road Districts are as follows.

- (a) Automotive rental agencies;
- (b) Automobile services—repair;
- (c) Automotive service stations, with or without a carwash and/or a convenience store;
- (d) Commercial kitchen;
- ~~(de)~~ Communication facilities;
- ~~(ef)~~ Parking lots, commercial and/or off-premise.

SECTION 15. Section 33.2 of Division 33, CC2, Commercial Corridor Gulf Boulevard District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 33.2. - Permitted uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the CC2 Commercial Corridor Gulf Blvd are as follows.

- (a) Clinics;
- (b) Commercial kitchen;
- ~~(bc)~~ Eating and drinking establishments—~~with or without outdoor seating—full-~~
service restaurant, limited-service restaurant, take-out only restaurant,
bar/lounge;
- ~~(ed)~~ Financial institutions with or without drive-through service;
- ~~(de)~~ Laundries, self-service;
- ~~(ef)~~ Office uses;
- ~~(fg)~~ Printing and copying services;
- ~~(gh)~~ Retail uses;
- ~~(hi)~~ Personal service businesses such as barbershops, beauty shops, tailoring, garment alteration and repair, shoe repair, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact;
- ~~(ij)~~ Veterinarians, dog grooming establishments;
- ~~(jk)~~ Multi-family residential uses as a component of mixed-use development only. Multi-family residential uses shall not be allowed on the ground level of any structure;
- ~~(kl)~~ Single-family, detached residential uses (Only on parcels which do not directly abut Gulf Boulevard);
- ~~(lm)~~ Artist studios and galleries with retail and/or wholesale distribution space for artist's original handmade works, excluding mass produced or manufactured products;

- (~~mn~~) Grocery stores, pharmacies, markets;
- (~~no~~) Commercial recreation, public parks and/or recreational facilities;
- (~~op~~) Sales, rentals, and/or service of bicycles, mopeds, motorcycles, segways, and scooters;
- (~~pq~~) Other commercial uses similar in character, nature and impact to permitted uses listed above.

SECTION 16. Section 33.4 of Division 33, CC2, Commercial Corridor Gulf Boulevard District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 33.4. - Conditional uses.

- (a) Automotive rental agencies;
- (b) Automobile services—repair;
- (c) Automotive service stations, with or without a carwash and/or a convenience store;
- (d) Commercial kitchen;
- (~~de~~) Communication facilities;
- (~~ef~~) Parking lots, commercial and/or off-premise.

SECTION 17. Section 35.3 of Division 35, (LR) Large Resort District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 35.3. - Permitted principal and secondary uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the LR District are as follows:

- (a) *Primary uses.*
 - (1) Temporary lodging uses, including hotels, motels, resort condominium hotels;
 - (2) Multi-family residential.
- (b) *Secondary uses.* Secondary commercial uses may be developed as an additional nonresidential use bonus floor area that is not located within the principal building, provided that the secondary commercial development is constructed with a minimum of 200 temporary lodging units. Secondary commercial uses include:
 - (1) Retail;
 - (2) Eating and drinking establishments, ~~- including bars and cocktail lounges, with or without outdoor seating~~ full-service restaurant, limited-service restaurant, bar/lounge.
 - (3) Indoor commercial entertainment facilities;
 - (4) Vehicles for hire.

(c) Conditional uses.

(1) Commercial kitchen;

(2) Eating and drinking establishment – take-out restaurant only.

SECTION 18. Section 37.2 of Division 37, TC-2 Town Center Corey Circle and Coquina West Districts of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 37.2. - Permitted uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses in the TC-2 Town Center Corey Circle and Coquina West Districts are as follows.

- (a) Retail uses except automotive sales lots, pawn shops, liquor stores, and tobacco shops;
- (b) Grocery stores, markets, pharmacies without drive-through service;
- (c) Personal service businesses such as barbershops, beauty shops, salons, day spas, gyms and fitness centers, tailoring, garment alteration and repair, shoe repair, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact. Body art, bail-bond, check-cashing and other similar services are prohibited;
- (d) Eating and drinking establishments - ~~with or without outdoor seating~~ full-service restaurant, limited-service restaurant, bar/lounge;
- (e) Office uses;
- (f) Commercial recreation, public parks and/or recreational facilities;
- (g) Government buildings and other public facilities, including parks and recreation facilities;
- (h) Artist studios and art galleries;
- (i) Multifamily residential only as a component of mixed use. Residential uses are not permitted on the ground floor;
- (j) Vehicle for hire - Limited to rental of non-motorized (bicycles) and individual motorized vehicles such as segways, mopeds/scooters;
- (k) Other uses similar in character, nature and impact to permitted uses listed above.

SECTION 19. Section 37.5 of Division 37, TC-2 Town Center Corey Circle and Coquina West Districts of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 37.5. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the TC-2 Town Center Corey Circle and Coquina West Districts are as follows.

- (a) Temporary lodging facilities hotel, motel and resort condominium, awarded on a first come, first serve basis, to come from the density pool established in the Comprehensive Plan.
- (b) Commercial kitchen.
- (~~b~~c) Commercial docks-Class A, B, C and D.
- (d) Eating and drinking establishment – take-out only restaurant.
- (~~e~~) Vessel for hire (water taxis).
- (~~e~~f) Cigar shops and cigar bars.

SECTION 20. Section 38.2 of Division 38, AC Activity Center District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 38.2. - Permitted uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the AC Activity Center District are as follows.

- (a) Grocery stores, markets, pharmacies with or without drive through service;
- (b) Automotive rental agencies;
- (c) Automotive service stations;
- (d) Car wash facilities;
- (e) Clinics;
- (f) Clubs, community service;
- (g) Clubs, private;
- (h) Doctor's offices and medical clinics;
- (i) Eating and drinking establishments ~~without outdoor seating~~ – full-service restaurant, limited-service restaurant, bar/lounge;
- (j) Financial institutions with or without drive-through service;
- (k) Kennels without outdoor runs;
- (l) Laundries, self-service;
- (m) Office uses;
- (n) Printing and copying services;
- (o) Retail uses;
- (p) Government buildings and other public facilities, including parks and recreation facilities;
- (q) Personal service businesses such as barbershops, beauty shops and salons, day spas, gyms and fitness centers, tailoring, garment alteration and repair, shoe

- repair, dry cleaning drop-off and pick-up and other personal service uses similar in character and impact;
- (r) Private, specialized instruction, such as computer training, real estate courses, self-improvement classes, career training or fitness instruction;
- (s) Social service agencies;
- (t) Veterinarians and pet grooming facilities;
- (u) Multi-family residential only as a component of retail mixed-use development;
- (v) Artist studios and art galleries;
- (w) Vehicle for hire;
- (x) Marine electronics, sales, and service; and
- (y) Other commercial uses similar in character, nature and impact to permitted uses listed above.

SECTION 21. Section 38.4 of Division 38, AC Activity Center District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 38.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the AC Activity Center District are as follows.

- (a) Assisted living facilities;
- (b) Charter and tour boat operations;
- (c) Commercial kitchen;
- (~~e~~) Communication facilities;
- (e) Docks, commercial—Classes A, B, C, and D;
- (f) Eating and drinking establishments ~~with outdoor seating~~ — take-out only restaurant, restaurant with drive-through service;
- (~~g~~) Kennels with outdoor runs;
- (~~h~~) Parking lots, commercial and/or off-premise;
- (~~i~~) Theatres;
- (j) Vessel for hire businesses; and
- (~~k~~) Subject to the provisions or restrictions contained in this section and elsewhere in this code, temporary lodging units may be allocated from a density pool via a conditional use as follows:

40 temporary lodging uses per acre, not to exceed a total of either 50 units per project or the density pool allocated in the Comprehensive Plan (325 available units for potential use in the Town Center Core Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts)., with a maximum 1.0 floor area ratio on a minimum one (1) acre buildable site. To qualify for mixed use densities and intensities, a minimum of 10 temporary lodging units, mixed with a minimum of 0.35 floor area ratio for commercial or office uses, is required.

SECTION 22. Section 40.2 of Division 40, Community Redevelopment District – Eighth Avenue (CRD-EA) of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 40.2. - Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses in the CRD-EA district are as follows:

- (a) Residential uses as a component of a vertically mixed-use development;
- (b) Temporary Lodging;
- (c) Commercial kitchen;
- (ed) Eating and drinking establishments - ~~specialty food such as gourmet take out, catering, coffee shops, etc. and sit down restaurants~~ full-service restaurant, limited-service restaurant;
- (de) Offices;
- (ef) Retail sales;
- (fg) Private, specialized instruction, such as computer training, real estate courses, self- improvement classes, career training or fitness instruction;
- (gh) Artist studios, art galleries, and museums;
- (hi) Personal service businesses such as barbershops, beauty shops, tailoring, garment alteration and repair, shoe repair, dry cleaning drop-off and pick-up and other personal service uses similar in character and impact;
- (ij) Vehicle for hire—limited to rental of bicycles and individual motorized vehicles such as segways, mopeds/scooters;
- (jk) On-site parking facilities;
- (kl) Other uses similar in character, nature and impact to permitted uses listed above.

SECTION 23. Section 40.4 of Division 40, Community Redevelopment District – Eighth Avenue (CRD-EA) of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 40.4. - Permitted conditional uses and structures:

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CRD-EA district are as follows:

- (a). Commercial kitchen;
- (b). Eating and drinking establishments – take-out only restaurant, bar/lounge;

~~The purpose of this section is to allow for single family and two family residential uses and structures for only saving and/or moving locally designated historic structures. In no case shall a new construction single family home be allowed in the 8th Avenue CRD.~~

(a) Single-family residential, subject to the following conditions*:

- (1) The structure is eligible for local historic designation pursuant to Section 28.22 of the Land Development Code;
- (2) The applicant applies for designation of the structure as historic and the Historic Preservation Board approves the request;
- (3) The applicant applies for and is granted a certificate of appropriateness for any alterations to the exterior of the structure and moving the structure if a structure is proposed to be moved to the 8th Ave District, consistent with the Secretary of the Interior's Standards and Guidelines for Rehabilitation or Preservation of Historic Structures and Division 28 of the Land Development Code;
- (4) The applicant applies for and is granted the conditional use pursuant to Section 4.4 of the Land Development Code;

*The purpose of Section 40.4(b) of this Code is to allow for single family and two-family residential uses and structures for only saving and/or moving locally designated historic structures. In no case shall a new construction single family home be allowed in the 8th Avenue CRD.

SECTION 24. This Ordinance shall be published in accordance with the requirements of law.

SECTION 25. This Ordinance shall become effective immediately upon final passage and adoption.

PASSED ON FIRST READING _____, a.d. 2015

PASSED ON SECOND AND FINAL READING _____, a.d. 2015

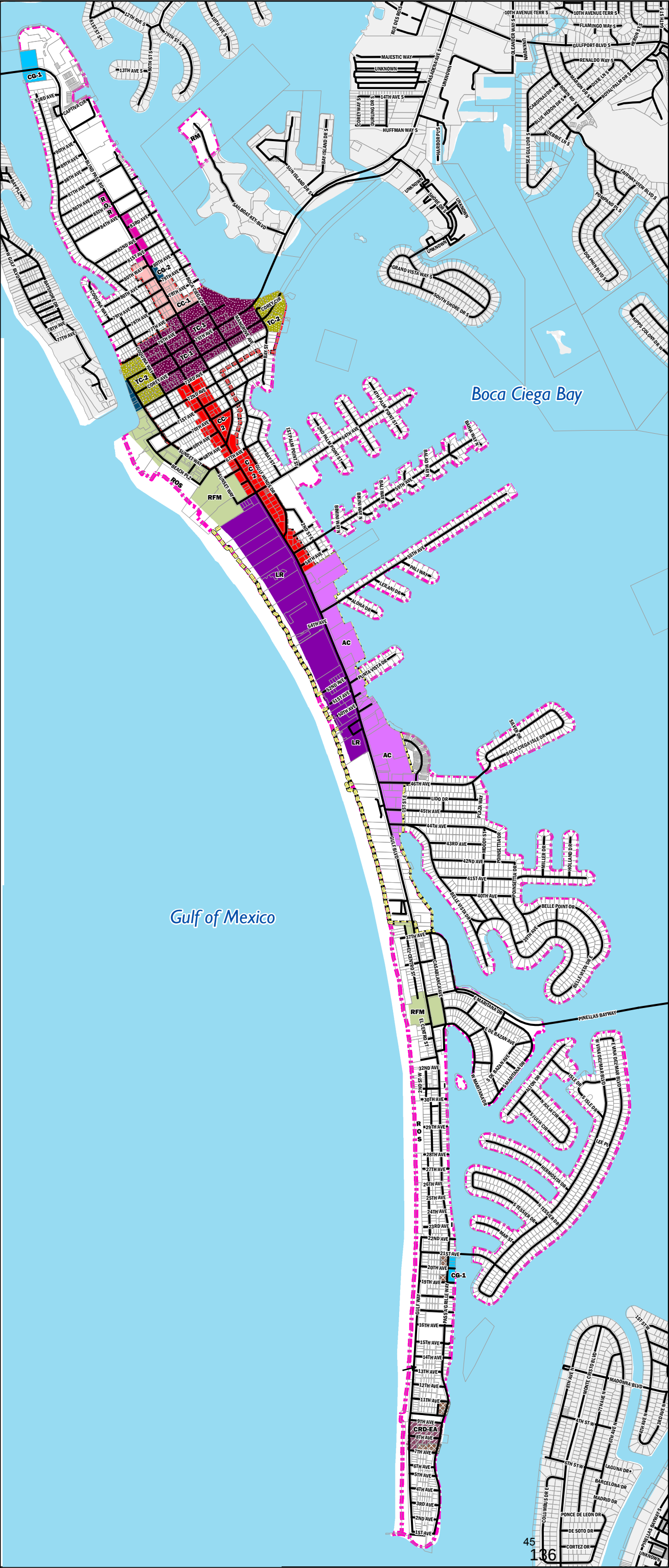
Maria Lowe, MAYOR

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

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2015.

Rebecca C. Haynes, City Clerk

CITY OF ST PETE BEACH, FLORIDA



ZONING DISTRICTS

- RESIDENTIAL/OFFICE/RETAIL (ROR)
- RESIDENTIAL/OFFICE/RETAIL (ROR)/PASS-A-GRILLE OVERLAY
- RESORT FACILITIES MEDIUM (RFM)
- COMMERCIAL DISTRICT (CG-1)
- COMMERCIAL DISTRICT (CG-2)
- TOWN CENTER -1 (TC-1)
- COMMERCIAL CORRIDOR -1
BLIND PASS ROAD DISTRICT (CC-1)
- COMMERCIAL CORRIDOR-2
GULF BLVD DISTRICT (CC-2)
- LARGE RESORT (LR)
- TOWN CENTER - 2 (TC-2)
- ACTIVITY CENTER (AC)
- COMMUNITY REDEVELOPMENT DISTRICT -
EIGHTH AVENUE (CRD-EA)

REDEVELOPMENT DISTRICT

- DOWNTOWN
- GULF BLVD
- CITY LIMITS

ONE MILE



PREPARED BY CALVIN, GIORDANO & ASSOCIATES
USING PCPAO PARCEL DATA AND CITY OF ST. PETE
BEACH ZONING SHAPEFILE LAYER

St. Pete Beach City Commission Agenda Report

Issue Considered: Ordinance No 2015-03 – Off-Premise and Commercial Parking

Date: January 27, 2015

Prepared By: Matt McLachlan, AICP, Calvin Giordano & Assoc.

Through: Wayne Saunders, City Manager *WS*

Summary of Issue: Proposed for your consideration are City-initiated amendments to the Land Development Code providing for the definition, categorization, and use permissions of off-premise and commercial parking lots and parking structures within the four character districts that comprise the Gulf Boulevard Redevelopment District (GBRD) as follows:

DISTRICT	OFF-PREMISE		COMEMRCIAL	
	PARKING LOT	PARKING STRUCTURE	PARKING LOT	PARKING STRUCTURE
LARGE RESORT	C	C	NP	C
ACTIVITY CENTER	C	C	NP	C
BAYOU RESIDENTIAL	C	NP	C	NP
BOUTIQUE HOTEL/CONDO	C	NP	NP	NP
C = CONDITIONAL USE NP = NOT PERMITTED				

The ordinance proposes to amend the City's general parking requirements to allow turf block to be used as a parking space surface for both required and non-required parking spaces; establish that off-street parking spaces are to be reserved for the exclusive use of residents, customers, patrons, or employees of the principal use of the property they are designed and intended to serve except as may be allowed in connection with a special event; establish revised locational criteria for required off-street parking; limit non-required, supplemental surface parking within the GBRD to a time period not to exceed five years from the date the conditional use permit is originally approved by the City Commission and

any commercial parking lot within the Bayou Residential character district to a maximum time limit of two years. Further, the ordinance expands the range and use of pervious and semi-pervious parking materials and associated criteria.

The ordinance would allow commercial properties located in the Downtown Redevelopment District to change in use without providing additional required parking unless there is an increase in the floor area of an existing building or construction of additional buildings (this exemption currently applies only to commercially zoned properties abutting Corey Avenue, east of Gulf Boulevard). Moreover, the ordinance provides the option for the payment of a fee in-lieu of required on-site parking that would allow a property owner to “buy down” required on-site parking space(s) associated with any expansion project by paying the fair market value of the land plus construction cost of the parking space(s) to the City for the future provision and maintenance of municipal parking facilities within the Downtown Redevelopment District.

The Planning Board considered the draft ordinance during workshops held on November 17, 2014 and December 16, 2014. The Planning Board will hold a public hearing on January 20, 2015. The Planning Board held a public hearing on January 20, 2015. Ordinance No. 2015-03 has been revised to incorporate the Planning Board’s final recommendations and was approved by unanimous vote in favor of the amendments.

Overlapping code sections that are separately proposed for amendment by Ordinance No. 2015-02 are footnoted within this Ordinance for reference.

Requested Motion: I move to approve Ordinance No. 2015-03 on first reading

Attachment: Ordinance No. 2015-03
Map of Gulf Boulevard and Downtown Redevelopment Area
Character Districts

ORDINANCE 2015-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, AMENDING THE CITY OF ST PETE BEACH LAND DEVELOPMENT CODE BY AMENDING SECTION 2.1 OF DIVISION 2, DEFINITIONS, TO DEFINE PARKING LOT (OFF-PREMISE), PARKING STRUCTURE (OFF-PREMISE), PARKING LOT (COMMERCIAL) AND PARKING STRUCTURE (COMMERCIAL); AMENDING SECTIONS 23.4, 23.5, 23.7 AND 23.8 OF DIVISION 23, GENERAL PARKING LOTS, RELATED TO THE LOCATION, DESIGN, IMPROVEMENT, USE, AND NUMBER OF REQUIRED AND NON-REQUIRED PARKING SPACES; ADDING SECTION 23.14 TO PROVIDE FOR A FEE IN-LIEU OF REQUIRED ON-SITE PARKING ON PROPERTIES LOCATED WITHIN THE DOWNTOWN REDEVELOPMENT DISTRICT; AMENDING SECTION 35.3 OF DIVISION 35, (LR) LARGE RESORT DISTRICT TO ESTABLISH OFF-PREMISE PARKING LOT AND/OR STRUCTURE AND COMMERCIAL PARKING STRUCTURE AS AUTHORIZED CONDITIONAL USES; AMENDING SECTION 38.4 OF DIVISION 38, (AC) ACTIVITY CENTER TO DELETE COMMERCIAL PARKING LOT AND REPLACE WITH COMMERCIAL PARKING STRUCTURE AND ADD OFF-PREMISE PARKING STRUCTURE AS AUTHORIZED CONDITIONAL USES; AMENDING SECTION 42.4 OF DIVISION 42 (BR) BAYOU RESIDENTIAL DISTRICT TO ESTABLISH OFF PREMISE PARKING LOT AND COMMERCIAL PARKING LOT AS ALLOWABLE CONDITIONAL USES; AMENDING SECTION 46.4 OF DIVISION 46 (B/HC) BOUTIQUE HOTEL/CONDO DISTRICT TO ESTABLISH OFF PREMISE PARKING LOT AS AN ALLOWABLE CONDITIONAL USE; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, requires each local government in the State of Florida to adopt or amend and enforce land development code regulations that are consistent with and implement the adopted Comprehensive Plan; and

WHEREAS, the City of St. Pete Beach has previously adopted a land development code; and

WHEREAS, periodic updates and clarifications are necessary for successful implementation of a land development code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

SECTION 1. Section 2.1 of Division 2, Definitions, of the City of St. Pete Beach Land Development Code is hereby amended to provide as follows:

Parking lot (off-premise) means ~~a parking facility designed to serve a specific other use but which cannot be located on the same lot with the use it serves~~ an off-street parking lot that is not on the same property as the principal use it is designed and intended to serve.

Parking structure (off-premise) means a structured parking facility with two or more levels that is not on the same property as the principal use it is designed and intended to serve.

Parking lot (commercial) means ~~premises designed and used exclusively for the parking of vehicles for a fee~~ an off-street parking lot that is not affiliated with a specific other use that provides parking, in whole or majority part, as a commercial enterprise, for a fee on a first come-first-served basis by hourly or monthly contract.

Parking structure (commercial) means a structured parking facility with two or more levels that is not affiliated with a specific other use that provides parking, in whole or majority part, as a commercial enterprise, for a fee on a first come-first-served basis by hourly or monthly contract.

SECTION 2. Section 23.4 of Division 23, General Parking Requirements, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 23.4. General parking requirements.

All off-street parking shall be provided in accordance with the following general requirements:

- (a) No building or use shall be permitted or constructed unless off-street parking spaces are provided in accordance with the provisions of this Code.
- (b) Computation of required spaces.
 - (1) Fractional space requirements shall be rounded up to the next whole space.
 - (2) In houses of worship and other places of public assembly in which occupants utilize benches, pews or similar seating arrangements, each 18 linear inches of such seating facilities shall be counted as one seat for the purpose of determining the required number of parking spaces.
 - (3) In multistory buildings having vertical penetrations including, but not limited to, elevator, mechanical closets, air shafts, stairways and other similar penetrations,

and large retail establishments in excess of 5,000 square feet in area having "backroom" storage or working space, may deduct these spaces from the gross square footage in calculating parking space needs.

- (4) In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately and the off-street parking space for one use shall not be considered as providing the required off-street parking for any other use, except as provided for in the shared parking criteria in this division.
- (c) Off-street parking areas shall not be used for sales, dead storage, repair, dismantling or servicing of any type or kind, nor shall areas devoted to such activities count toward meeting off-street parking requirements.
- (d) Off-street parking areas for five or more automobiles shall have individual spaces that are designed, maintained and regulated so that no parking or maneuvering incidental to parking shall be on any public street or sidewalk and so that any automobile may be parked and unparked without moving another automobile.
- (e) Except as provided in [section 23.7](#), all off street parking areas shall be surfaced with asphalt, bituminous or concrete material, clay brick or concrete paving units, and maintained in a smooth, well-graded condition; provided, however, turf block may be used for the parking space surface.
- (f) If artificially lighted, such lighting shall be so designed and arranged that light is directed away from any adjoining property used or zoned for residential purposes and so designed and arranged as to shield public roadways and all other adjacent properties from direct glare or hazardous interference of any kind.
- (g) Be arranged for the convenient access and safety of pedestrians and vehicles.
- (h) Be so arranged that no vehicle shall be required to back from such facilities directly onto public streets.
- (i) Have curbs, motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into public rights-of-way or adjacent property.
- (k) Off-street parking spaces shall be reserved for the exclusive use of residents, customers, patrons, or employees of the principal use of the property they are designed and intended to serve; provided, however, the City may authorize such parking on non-residentially zoned properties to be used on a temporary basis by the general public in connection with a special event approved by the City under Article II of Chapter 26 of the City of St. Pete Beach Code of Ordinances during those times the principal use of the property is not operating.
- (l) Required off-street parking shall be located as follows:
 - (1) On the same or contiguous property of the use the parking is intended to serve;

(2) On non-contiguous property which has the same zoning classification or a zoning classification which allows the use as permitted or conditional, as the use the parking is intended to serve, provided:

- a. the off premise parking is within eight hundred (800) feet of the principal use to be served, to be measured along the most direct pedestrian route; except for a restaurant, hotel, or theater use that operates and maintains a valet parking service for customers, for which the off premise parking may be located within one thousand (1,000) feet from the principal use it is intended to serve, to be measured along the most direct pedestrian route.
- b. An identifiable pedestrian connection is provided between the off-premise parking area and the principal use it is intended to serve. The pedestrian connection shall require no crossing of a collector or arterial street, except at a signalized intersection.
- c. A parking agreement in a form approved by the City Attorney is recorded with the Clerk of the Circuit Court of Pinellas County, Florida, at the owner's expense providing that the off-premise parking area will not be disposed of except in conjunction with the sale or use of the building the parking area serves so long as the parking is required.

(m) Non-required, supplemental surface parking associated with an off-premise parking lot within the Gulf Boulevard Redevelopment District shall be limited to a time period not to exceed five years from the date the conditional use permit is originally approved by the City Commission.

(n) Conditional use approval for a commercial parking lot in the Bayou Residential Character District shall be limited to two years from the date the conditional use permit is originally approved by the City Commission.

SECTION 3. Section 23.5 of Division 23, Number of parking spaces required, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 23.5. - Number of parking spaces required.

Regardless of any other requirement of these regulations, each and every separate or individual store, office, or other business shall be provided with at least one off-street parking space, excluding required handicap parking, unless specific provision to the contrary is made herein.

The following minimum off-street parking requirements are applicable to all districts except as otherwise provided herein:

Use	Parking Requirement (spaces)
Automobile Service Station	1 space per bay plus 3 spaces
Any form of residential	2 per unit
Bar, Nightclub	1 per 50 SF floor area
Bed and Breakfast	1 space per guest room plus 1 space for owner or operator
Convenience Store	1 per 200 SF floor area
Grocery Store	1 per 100 SF floor area
Legitimate Theatre	1 per 3 seats
Marina or Commercial Docks Boat slips/live aboard High and dry slips Boat slips/non-live aboard	1.0 per boat slip 1.0 per 4 boat slips or fraction thereof 1.0 per 4 boat slips or fraction thereof
Office	1 per 300 SF floor area
Place of Worship	1 per 3 seats in auditorium or chapel area
Restaurant	1 per 100 SF floor area
Retail Sales and Service	1 per 200 SF floor area
Schools	3 spaces per 1,000 square feet of floor area, plus one for each teacher
Theater, Movie	1 per 3 seats
Transient Accommodations	1 per transient accommodation unit, plus 1 additional per 10 transient accommodation units, plus additional parking for accessory facilities in accordance with the following:

Office space	1 per 300 SF floor area
Retail and restaurant space	1 per 200 SF floor area
Ballrooms, lobby area, conference and meeting rooms, and fitness facilities	1 per 1,000 SF floor area
Vehicle Rental	1 per 200 SF floor area, must be marked as customer spaces plus one for each rental vehicle

- (a) In instances of new construction or facility expansion involving the establishment of outdoor seating areas or other accessory or supplemental uses, the number of required parking spaces shall be increased in accordance with the above table such that parking is adequate to accommodate the entire area of seating or use, both internal and external to the structure.¹
- (b) Parking spaces that are in excess of the number of spaces required by this division shall be constructed as grass parking, turf block or in a parking structure.
- (c) Where a project is intended to be developed in phases, the city manager may approve the development of a parking area intended to serve each phase as it is developed.
- (d) All retail projects shall be required to provide a minimum of five bicycle rack spaces, or a number of bicycle rack spaces equal to ten percent of the required number of vehicle parking spaces, whichever is greater.
- (e) For properties zoned CRD-EA, permitted non-residential and transient accommodation uses are exempt from the minimum parking standards above. Residential uses shall provide the required off-street parking in the table above.
- (f) For ~~commercially zoned~~ properties ~~abutting Corey Avenue east of Gulf Boulevard~~ located in the Downtown Redevelopment District, additional parking shall be required for a change of use only if there is an increase in the floor area of an existing building or construction of additional buildings upon a determination by the City that there is inadequate space to increase on-site parking in accordance with City requirements.

SECTION 4. Section 23.7 of Division 23, Grass and Turf Block Parking, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

¹ Note amendments to this Code section are proposed by separate Ordinance No. 2015-02 as may be adopted by the City Commission

Sec. 23.7. ~~Grass and turf block~~ Pervious and Semi-pervious parking.

~~(a) *Grass parking.* Grass parking is allowed in the following instances:~~

- ~~(1) For any land use where excess parking is provided, that portion of parking which exceeds required parking may be grass in any zoning district.~~
- ~~(2) For houses of worship, up to 50 percent of required off street parking facilities and any parking provided in excess of required number of spaces.~~
- ~~(3) For parks and recreation facilities in a R/OS District.~~
- ~~(4) For public and private schools offering academic courses.~~
- ~~(5) For child care and family day care facilities, private clubs, and assisted living facilities, up to 30 percent of their required parking facilities.~~

~~(a) *Pervious/semi-pervious parking.* Drought tolerant sod, shell, gravel or other similar pervious or semi-pervious surfaces that do not cause erosion, barriers to pedestrian access, or adverse effects to abutting parcels may be approved under the site plan provisions of Division 5 of this Code for parking facilities that meet one of the following criteria:~~

- ~~(1) An off-premise or commercial parking lot in the Gulf Boulevard Redevelopment District for which a conditional use permit has been issued.~~
- ~~(2) Non-required (excess) parking on the same premise as the use it is intended to serve.~~
- ~~(3) Required parking in accordance with the following provisions:~~
 - ~~a. For houses of worship, up to 50 percent of required off-street parking facilities.~~
 - ~~b. For parks and recreation facilities in a Recreation/Open Space (R/OS) District all required parking except for parking required under Section 23.6 of this Code.~~
 - ~~c. For public and private schools, child care and family day care facilities, private clubs, and assisted living facilities, up to 30 percent of their required parking facilities.~~

~~(b) *Turf block.* When off street parking facilities surfaced with turf grid systems [turf block] are permitted for either required parking or excess parking or both, the parking facilities shall be constructed in accordance with the following:~~

- ~~(1) Access aisles shall be surfaced with asphalt, concrete material, clay brick or concrete paving units.~~
- ~~(2) Parking areas shall be maintained such that the grass does not constitute a nuisance by virtue of its appearance or condition and is graded in a level condition. Access aisles shall be maintained in accordance with [section 23.10](#)~~
- ~~(3) Comply with the drainage requirements for storm water runoff set forth in Chapter 106, St. Pete Beach Code of Ordinances.~~
- ~~(4) Comply in all other respects with the requirements of this Code.~~

SECTION 5. Section 23.8 of Division 23, Off-Street Parking and Loading, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 23.8. Off-site parking, when allowable. (Reserved)

- ~~(a) Required off street parking facilities shall be located on the same lot as the use they are intended to serve. However, required off street parking facilities may be located on an off-site lot if approved under the provisions of division 5 of this Code at a public hearing. Such off-site parking facilities, if approved, shall be within 300 feet of the premises they are intended to serve and an off-site parking agreement meeting the requirements of the city attorney shall be required. The applicant for an off-site parking agreement shall demonstrate to the satisfaction of the appropriate board of authority:~~
- ~~(1) Practical difficulties prevent the location of the parking facilities on the same lot; and~~
 - ~~(2) A safe pedestrian route exists, or will be provided, for the safety of pedestrians traveling between the premises and the off-site parking facilities.~~
- ~~(b) Parking agreements in a form acceptable to the city attorney shall provide:~~
- ~~(1) The land comprising the parking facilities shall not be disposed of except in conjunction with the sale of the premises which the parking area serves, so long as the facilities are required;~~
 - ~~(2) The owner(s) agrees to bear the expense of recording the agreement and agrees that the agreement shall bind their heirs, successors and assigns; and~~
 - ~~(3) The owner(s) shall agree to be responsible for the cost of any required pedestrian safety devices or improvements. The written agreement shall be voided by the city if other off-street facilities are provided in accord with these regulations.~~

SECTION 6. Division 23, Off-Street Parking and Loading, of the City of St. Pete Beach Land Development Code is hereby amended to add the following section:

Sec. 23.14. Fee in-lieu of required on-site parking.

- (a) The amount of any on-site parking required under Sec. 23.5 of this Code for development in the Downtown Redevelopment District may be reduced by the payment of the fee provided below to the City.
- (b) The fee to be paid by the applicant for a development order shall equal the market value of the land (300 square feet per parking space) which would have been required for parking under Sec. 23.5 of this Code plus the construction value of the parking which would have been required. The market value of the property shall be determined by an appraisal prepared by a certified Member of the Appraisal Institute (MAI), reflecting the market value of the property at the time of the development order approval. The

construction value shall be determined by a certified cost estimate submitted by the Engineer of Record. The appraisal and construction cost estimate, obtained at the cost of the applicant, shall be submitted to the City for review and to determine if the appraisal and cost estimate comply with the requirements of this Section.

- (c) Any money collected by the City under this Section may be used only for the purchase of land for, or the construction, maintenance, or operation of on-or off-street municipal parking facilities created by this fund, and any other costs associated with the provision of municipal parking in the Downtown Redevelopment District.

SECTION 7. Section 35.3 of Division 35, (LR) Large Resort District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 35.3. Permitted principal and secondary uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the LR District are as follows:

(a) *Primary uses.*

- (1) Temporary lodging uses, including hotels, motels, resort condominium hotels;
- (2) Multi-family residential.

- (b) *Secondary uses.* Secondary commercial uses may be developed as an additional nonresidential use bonus floor area that is not located within the principal building, provided that the secondary commercial development is constructed with a minimum of 200 temporary lodging units. Secondary commercial uses include:

- (1) Retail;
- (2) Eating and drinking establishments, including bars and cocktail lounges, with or without outdoor seating;
- (3) Indoor commercial entertainment facilities;
- (4) Vehicles for hire.

(c) *Conditional uses.*²

- (3) Off-premise parking lot and/or structure
- (4) Commercial parking structure

² Note amendments to this Code section are proposed by separate Ordinance No. 2015-02 as may be adopted by the City Commission

SECTION 8. Section 38.4 of Division 38, (AC) Activity Center District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 38.4. Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the AC Activity Center District are as follows.

- (a) Assisted living facilities;
- (b) Charter and tour boat operations;
- (c) Communication facilities;
- (e) Docks, commercial—Classes A, B, C, and D;
- (f) Eating and drinking establishments with outdoor seating;³
- (g) Kennels with outdoor runs;
- (h) ~~Parking lots, commercial and/or off premise~~ Off-premise parking lot and/or structure;
- (i) Commercial parking structure
- (j) Theatres;
- (k) Vessel for hire businesses; and
- (l) Subject to the provisions or restrictions contained in this section and elsewhere in this code, temporary lodging units may be allocated from a density pool via a conditional use as follows:

40 temporary lodging uses per acre, not to exceed a total of either 50 units per project or the density pool allocated in the Comprehensive Plan (325 available units for potential use in the Town Center Core Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts), with a maximum 1.0 floor area ratio on a minimum one (1) acre buildable site. To qualify for mixed use densities and intensities, a minimum of 10 temporary lodging units, mixed with a minimum of 0.35 floor area ratio for commercial or office uses, is required.

SECTION 9. Section 42.4 of Division 42, (BR) Bayou Residential District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 42.4. Allowable conditional uses

Subject to the provisions or restrictions contained in this section and elsewhere in this code, allowable conditional uses in the Bayou Residential District are as follows.

³ Note amendments to this Code section are proposed by separate Ordinance No. 2015-02 as may be adopted by the City Commission

- (a). Residential docks
- (b). Docks, commercial—Class A
- (c). Docks, commercial: Class B
- (d). Temporary Lodging with or without a commercial component, awarded on a first come, first serve basis, to come from the density pool established in the Comprehensive Plan (325 available units for potential use in the Town Center Core Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts).
- (e). Off-premise parking lot.
- (f). Commercial parking lot.

SECTION 10. Section 46.4 of Division 46, (B/HC) Boutique Hotel/Condo District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 46.4. Allowable conditional uses.

- (1) Additional transient accommodation units allocated from the density pool*
- (2) Off-premise parking lot

*Subject to the provisions or restrictions contained in this section and elsewhere in this Code, additional temporary lodging units may be allocated from a density pool via a conditional use as follows:

In addition to any transient accommodation units which may be allowed on a per acre basis, there are hereby 125 total transient accommodation units for the entire Boutique Hotel/Condo district, which shall be allocated to individual projects by ordinance of the City Commission upon request of an individual property owner. Such allocation shall not exceed an additional twenty (20) units per acre, nor a total of 60 units per redevelopment project, irrespective of total project acreage.

SECTION 11. This Ordinance shall be published in accordance with the requirements of law.

SECTION 12. This Ordinance shall become effective immediately upon final passage and adoption.

PASSED ON FIRST READING _____, a.d. 2015

PASSED ON SECOND AND FINAL READING _____, a.d. 2015

Maria Lowe, MAYOR

FIRST READING: _____

PUBLISHED: _____

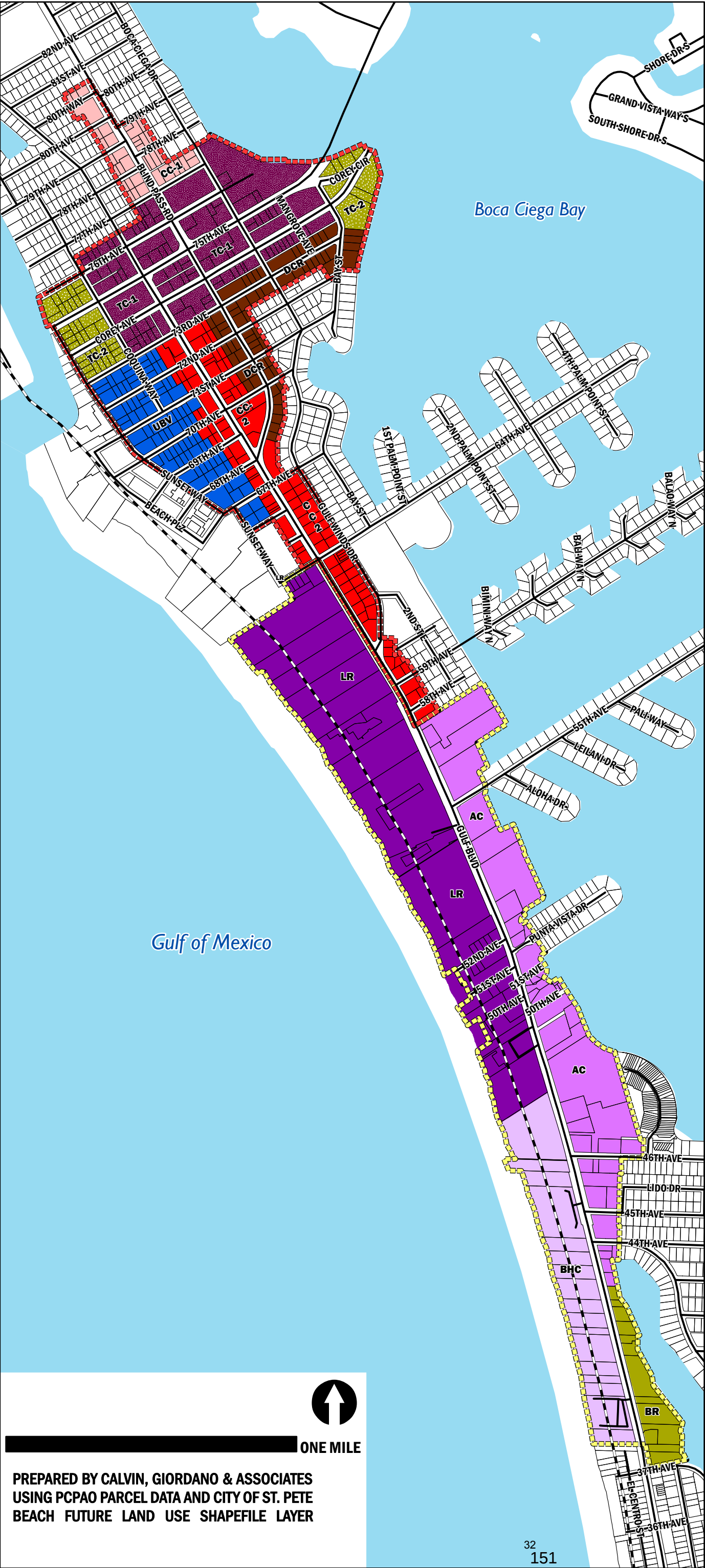
SECOND READING: _____

PUBLISHED: _____

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2015.

Rebecca C. Haynes, City Clerk

CITY OF ST PETE BEACH, FLORIDA



CRD CHARACTER DISTRICTS

- | | |
|---|--|
|  | LARGE RESORT (LR) |
|  | BOUTIQUE HOTEL/CONDO (BHC) |
|  | ACTIVITY CENTER (AC) |
|  | BAYOU RESIDENTIAL (BR) |
|  | TOWN CENTER - 1 (TC-1) |
|  | TOWN CENTER - 2 (TC-2) |
|  | DOWNTOWN CORE RESIDENTIAL (DCR) |
|  | UPHAM BEACH VILLAGE (UBV) |
|  | COMMERCIAL CORRIDOR - 1
BLIND PASS ROAD DISTRICT (CC-1) |
|  | COMMERCIAL CORRIDOR-2
GULF BLVD DISTRICT (CC-2) |

REDEVELOPMENT DISTRICT

-  **DOWNTOWN**
-  **GULF BLVD**
-  **FDEP COASTAL CONSTRUCTION CONTROL LINE**



ONE MILE

**PREPARED BY CALVIN, GIORDANO & ASSOCIATES
USING PCPAO PARCEL DATA AND CITY OF ST. PETER
BEACH FUTURE LAND USE SHAPEFILE LAYER**

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

Issue Considered: Resolution 2015-01, appointing the Parking Citation Hearing Officer, Administrative Appeals Hearing Officer and Special Magistrate

Date: January 27, 2015

Prepared By: Wayne Saunders, City Manager

Summary of Issue: This Resolution appoints Herbert Langford as the Parking Citation Hearing Officer, Administrative Appeals Hearing Officer and Special Magistrate

Funding: N/A

Requested Motion: "I move to approve Resolution 2015-01 (read title)."

Attachments: Resolution 2015-01

**Reviewed by
City Manager:** WS

RESOLUTION NO. 2015-01

A RESOLUTION OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, APPOINTING HERBERT LANGFORD AS THE PARKING CITATION HEARING OFFICER, ADMINISTRATIVE APPEALS HEARING OFFICER AND SPECIAL MAGISTRATE

The Board of Commission of the City of St. Pete Beach, Pinellas County, Florida at a Regular Meeting held on Tuesday, January 27, 2015, resolves as follows:

WHEREAS, The Code of Ordinance, Chamber 82, Traffic and Vehicles provides for a parking citation hearing officer; and,

WHEREAS, Division 3, Section 3.14(e) of the Land Development Code, provides that the City Commission may appoint one or more hearing officers to hear appeals; and

WHEREAS, Section 22-274, the Special Magistrate appointment shall be made by the City Manager on the basis of experience or interest in code enforcement. Such appointments shall be submitted to the City Commission for ratification.

NOW, THEREFORE, the City Commission of the City of St. Pete Beach, Pinellas County, Florida DOES RESOLVE:

Section One: The Parking Citation Hearing Officer shall be Herbert Langford.

Section Two: The Administrative Appeals Hearing Officer shall be Herbert Langford.

Section Three: The appointment of Herbert Langford as the city's Special Magistrate for the city's code enforcement division is ratified.

INTRODUCES AND PASSED by the City Commission of St. Pete Beach, Pinellas County, Florida on this 27th day of January, 2015.

ATTEST:

Rebecca Haynes, City Clerk

Maria Lowe, Mayor



THE SUNSET CAPITAL OF FLORIDA

MEMORANDUM

To: Wayne Saunders
City Manager

From: Elaine Edmunds
Administrative Services Director

Date: January 27, 2015

RE: Quarterly Report

Finance Division:

The last quarter of the calendar year (first quarter of our fiscal year) is always a busy time in the finance division. The final certification step of the requirements set forth by Truth in Millage (TRIM) was completed. The 2015 budget was loaded into the financial system and the final budget document was collated, sent to the printer and posted on the website. Various quarterly reports were prepared and submitted including payroll reports, radon reports, gas tax reimbursement reports, the annual Florida Department of Transportation mileage data form, and the annual letter to the state regarding status or our outstanding wastewater loans.

The audit process is in full swing the first quarter of the new fiscal year. The audit requires revenue confirmations to be sent to all major revenue sources for the City which includes state agencies, county agencies, utility companies etc. All transactions related to fiscal year 2014 are entered and the books are closed. Various schedules are prepared for the auditor and assistance is given answering their questions and retrieving documents for their review.

The finance division is also responsible for workers compensation and risk management. Dan O'Connor has been working diligently to reduce the city loss ratio on workers compensation claims by getting employees back to maximum medical improvement (MMI) in a timelier manner. Current flood insurance policies have been reviewed and submitted for payment.

Grant management is essential if the City is to receive reimbursement for grants that it has been awarded. A grant application was submitted to the Department of Justice for portable breath testers to be used by the deputies working in our city. Quarterly reports are required to be filed for the Egan Park grant as well as the Community Center Marina.

Miscellaneous items include authoring an agenda item for promoting a Manatee protection zone, preparation for the purchase of seven new pay stations to replace aging stations, and a surplus resolution.

Information Technology Division:

The two large projects for the quarter were the upgrade of the Granicus system for the City Clerk's office and the upgrading of the audio and visual equipment in the commission chambers. The upgrade of the Granicus system to the latest version now allows viewers to use more devices for playback. In addition, the outdated server hardware that supports Granicus was also replaced.

The upgrade of the audio/visual equipment was a significant undertaking. It greatly reduced the number of devices that could fail and added an additional recording of the meeting should Granicus fail. As with any large conversion, there have been issues. The IT division continues to work with the vendor to resolve them. The four cameras in the commission chamber were also replaced with high definition cameras.

Another project was the replacement of four aging network switches at City Hall. The new switches allow for faster network connectivity and better administration.

Parking Enforcement Division:

Parking revenue is comparable to the same quarter the previous year. The number of transactions on the pay station is 69,002 in the first quarter of FY 14. Of this amount, 712 transactions have been thru Park Mobile which is a 12.5% increase over the previous year. Revenue from parking received in the first quarter totals \$227,087.37. This is typically one of the slower times of the year. Parking ticket revenue is \$15,100 compared to \$11,250 in FY14. The City Commission recently initiated an amnesty program. To date, \$300 (10 citations) have been waived.

Library Division:

Staffing news -- A successful upgrade of the Library Page positions to Library Clerks was implemented with the start of the new fiscal year. This new classification more accurately describes the escalating duties assigned to these staff members. The resignation of a part-time Library Page was an opportunity to advocate for converting one of the part-time Library Clerk positions to a full-time position beginning in FY2015. This will facilitate a much-needed transition period and realignment of assigned responsibilities as our Technical Services Coordinator completes her 44 years of service to the City. Also, in anticipation of a staff member's forthcoming medical leave, a temporary Library Clerk was hired and trained so that we are able to sustain our quality service during these months when SPB "seasonal" patrons are here.

Programming-- A volunteer counselor from the state sponsored program SHINE (Serving Health Insurance Needs of Elders) gave several presentations to inform senior citizens about various state services available to them. Our iPad classes continue to be very popular. Users learn the basics as well as how to download e-books from the three

platforms made available via PPLC as well as how to take advantage of free full-text resources on the Internet and useful apps. Also, weekly e-reader forums attract 6-8 novices eager to learn how to use their devices. Our children's programming for the Fall included a Halloween Parade, Ashly, the Bee Lady to teach all about bees, Scrapbooking for the holidays, and the Pitchforks a capella choir from St. Petersburg HS singing favorite holiday tunes for a huge audience turn-out.

Exhibits/displays—The Library had a very popular display on Baseball for the month of October and one in November on the Military in honor of Veteran's Day. All displays included relevant titles, both for children and adults.

The Friends of the St. Pete Beach Library held their Annual membership meeting in October. They also sponsored the Holiday Silent Auction of 15 themed baskets of books which raised over \$ 1,800 for the Library's Reimagine Renovation Campaign. I also wrote my usual Administrator's Column, which appeared in the Fall issue of the Friends Newsletter *the Tidings*.

I closed out the Library's FY2014 statistical data and completed the required report due to the State in November. Additional analysis will be done in order to publish the Library's Annual Report later this month.

Last month was a PPLC-coordinated upgrade of the POLARIS system. Fortunately, this annual process was performed overnight by the vendor with virtually no impact/interruption to patron services in the PPLC libraries.

Statistics of Interest:

On average, E-book downloads continue to increase steadily with the increase in title availability due to 100% increase in expenditure on e-book purchasing by the PPLC member libraries from three platform vendors. This includes audio book downloads and most recently, a limited selection of streaming videos. Monthly stats for the first quarter of FY 2015 are: (previous FY2014)

<u>October</u>	<u>November</u>	<u>December</u>	
1094 (877)	1032 (823)	1058	(932)



THE SUNSET CAPITAL OF FLORIDA

MEMORANDUM

To: Wayne Saunders
City Manager

From: Steven J. Hallock
Public Services Director

Date: January 20, 2015

Re: First Quarter Report FY 2015

Public Services Department 1st Quarter Report (October, November and December 2014)

"The Public Services Department oversees the efficient and effective operations of the Public Properties, Utilities and Construction Divisions in order to consistently deliver the highest quality of life and infrastructure to our island community."

City Commission

- Authorize the Interim City Manager to sign an agreement with Duke Energy for undergrounding electrical for Pump Station #2 for \$44,239.01.
- Authorize the Interim City Manager to generate a purchase order for Cribb Philbeck Weaver Group (CPWG) for the remaining \$208,994 to provide engineering design services for the first phase (19th Avenue to Maritana Drive) of the proposed Pass-A-Grille Way Improvement Project.
- Presentation of the 2014 Citywide Pavement Management Program Report.
- Presentation on the status of the Phase I Pass-A-Grille Way reconstruction project.
- Authorize the Interim City Manager to enter into a Consent Order with the Department of Environmental Protection.
- Authorize the Interim City Manager to enter into a purchase agreement Kamminga and Roodvoets, Inc. in the amount of \$58,639 for stormwater improvements at 1240 Boca Ciega Isle Drive.
- Authorize the Interim City Manager to enter into a purchase agreement with TLC Diversified, LLC for \$21,901 for emergency renovations at wastewater Lift Station #17.
- Holiday Decoration Options.

- Public Services 4th Quarter Report.
- Authorize the City Manager to enter into a purchase agreement with TLC Diversified, LLC (“TLC”) for \$19,824 for additional services related to electrical service adjacent to the wastewater Pump Station #2 project.
- Authorize the City Manager to enter into a purchase agreement with Alan Jay Automotive Network in the amount of \$34,878.50 for the purchase of a new irrigation maintenance truck.
- Authorize the City Manager to sign a project order with Kimley-Horn and Associates, Inc. in the amount of \$168,264 to perform design engineering and consulting services for the Pump Station Number 3 Replacement.
- Authorize the City Manager to sign Amendment Number 1 to the Interlocal Agreement with Pinellas County to secure \$50,000 in grant monies to make repairs at the 7th, 8th and 12th Ave dune walkovers.
- Authorize the City Manager to sign a project order with Kimley-Horn and Associates, Inc. for \$73,600 to perform design engineering and consulting services for the Force Main Number 3 Replacement.
- Authorize the City Manager to finalize current engineering plans for the Blind Pass Road Reconstruction project, or to relook at all design engineering possibilities for the Blind Pass Road Reconstruction project.
- Authorize the City Manager to incorporate design elements into the Pass-A-Grille Way design engineering plans.

Administration

- Continued discussions with Duke Energy on undergrounding electric projects
- Continued work on PS #2; LS #5,6,9 and 12; PAGW; BPR; ADA and Bayway Landscaping projects
- Bi-weekly Leadership Team Meetings
- Finalized FDEP Consent Order
- Performance evaluations
- Bereavement Leave in Michigan for Step Father and Uncle funerals
- Bayway Bridge Opening Ceremony
- Wastewater coordination meeting with City of Treasure Island
- City Commission pre, post, and meeting preparation and attendance
- Pinellas County Technical Coordinating Committee (TCC) meetings
- Interviews for vacant Secretary positions.
- Weekly PAGW Construction project meetings
- Planning Board meeting
- CRA meeting
- Hosted Employee Luncheon
- Silver Sands concerns
- Meetings with new City Manager on current/pending CIP projects
- Wastewater True-Up follow up

- Financial consultant meetings on FY 2015 borrowing measures

Public Properties

- Continued Beach Cleaning
- Baseball/Softball field maintenance
- Installed new plants and irrigation at Hurley Basketball court.
- Installed new plants in the medians on Blind Pass Road.
- Installed post reflectors on the stop signs in Pass-a-Grille.
- Installed Christmas decorations in Horan Park.
- Set up for special events: Christmas tree lighting, Boca Ciega Isle lumenaries, Christmas Land Parade.
- Installed beach access signs at all access points.
- Replaced sidewalk at Horan Park.
- Installed new crosswalk at Gulf Beaches Elementary.
- Performed foot shower maintenance on all showers.

Utilities

- Tested several new vacuum trucks.
- Lift Station # 12 rehabilitation is complete.
- Lift Station #6 rehabilitation is complete.
- Lift Station #5 rehabilitation is ongoing.
- Lift Station #9 rehabilitation is complete.
- Lift Station # 17 emergency repair new piping and one pump were installed, there is currently another pump on order.
- Pump Station #2 construction is underway we had a delay because of Duke Energy.
- 383 wastewater taps located this quarter (Sunshine One-Call).
- Replaced some floats at LS #10 due to rats eating the cables.
- SCADA system has been installed in all the Lift Stations except Pump Station #2. We are still learning on the system.
- Several wastewater lines were cleaned and televised throughout the City.
- Cleaned the crossover lines on Gulf Blvd and also other known areas of the City where heavy grease builds up in the lines.
- All Lift Stations and floats were cleaned.
- Every even month the jet truck water meter is brought to the County yard in Largo to be read for billing purposes.
- Sheriff's dispatch called several times after hours to report street leaks and to report wastewater issues.
- Responded numerous times during and after work hours to various Lift station alarms and other problems.
- Responded to 22 reports of wastewater blockages.
- Put up and removed banners on 75th Ave several times this quarter; staff also assisted with the setup of several other events.
- Several potholes throughout the city have been addressed.

- Staff has been working well together; we have completed several projects that have required pulling staff from their scheduled duties to assist where they are needed.

Reclaimed Water

- Made several inspections and repairs to reclaim water (RCW) boxes throughout the City for residents.
- Located and exposed several RCW boxes.
- Installed several RCW hose bib adapters for residents.
- Responded to numerous reports of reclaimed or potable water leaks and took the appropriate action.
- RCW patching has been contracted out for now; we receive an updated list weekly from Pinellas County and then it is emailed to the contractor weekly.

Stormwater

- Storm water grates were cleaned after rain events.
- Dug out 1st & 2nd Ave storm water pipe as needed to ease street flooding.
- Sprayed for weed control around the storm water drain grates.
- Several storm water lines and catch basins were cleaned throughout the City to ease flooding.
- Cleaned all the French Drains throughout the City.
- Staff has made repairs to several catch basins and lids.
- We are currently interviewing for the new storm water position.
- We received our chain cutter and are now capable of removing barnacles from storm water outfall lines. This will all depend on the tide levels.

Master Pump Station

- The wet wells are pumped done weekly to eliminate some of the grease build up.
- The Odor control until has been serviced, new media was added also new irrigation was installed in the tank.
- The generator had its annual service.
- The flow meter had a fault showing the meter was powered off then restarted and is working. Universal Controls also came out to look the meter over.
- The submersible transducer keeps failing. I currently have two on order; they are supposed to be more reliable than what we have been using.

Project Management

- Construction by TLC Diversified continues at Pump Station #2. Numerous unintended obstacles were addressed, including continued prompting of Duke Energy to complete undergrounding of electric service. Duke completed UG on December 23, 2014.

- Construction by Hinterland Group completed at Lift Stations #5 and #9, ending bypass pumping at both stations and completing entire project (which included previously completed Lift Stations #6 and #12).
- Addressed landscaping and aesthetic concerns of adjacent residents at Lift Stations #5, #6, and #9
- New pump and piping installed at Lift Station #17, second new pump ordered.
- Based on decisions by the planning board and city commission, the Blind Pass Road reconstruction project scope is being revised by Michael Baker, Inc. Revised plans to go out for bid within the next 3-5 months.
- Design underway for Pump Station #3 by Kimley-Horn.
- Design underway for Force Main #3 by Kimley-Horn.
- Design of Egan Park Improvements at 90%.
- Landscaping replacement completed by Riley Electric for Median Uplighting project.
- Continued trouble shooting for Median Lighting project by Riley Construction. Numerous locations not staying illuminated throughout the evening, so trees were removed and panels rotated. Several locations continue to not work correctly.
- Attended workshops and meetings to continue design of Pass-A-Grille Way reconstruction.
- 90% design plans completed by Cribb, Philbeck, Weaver Group, Inc. (CPWG) for Pass A Grille Way reconstruction.
- Retained Urban Forestry Solutions, LLC to perform a tree survey/inventory of Washingtonian palms proposed for relocation on PAGW.
- Met with Duke Energy to discuss street light LED conversion.
- Submitted payment and reimbursement request to FDOT/Duke for pedestrian lighting upgrade at Gulf Winds and Gulf Blvd.
- Requested and received location specific details of ADA ramp assessment with Kimley Horn on Gulf Way in Pass-A-Grille.
- Executed contract extension with the County for Dune Walkover improvements.
- Morelli performed preliminary site clearing/grubbing for Bayway Landscaping project.
- Met with FDOT and Genesis Group to discuss updated requirements for HLRMOA reimbursement for upcoming Bayway Landscaping project. Final submittal sent to FDOT. Construction anticipated by end of January.
- Met with residents to adjust Bayway Landscaping scope to include larger plantings and removal of Australian Pines.
- Evaluated pedestrian access on south side of Bayway Bridge.
- Established maintenance expectations for landscaping performed by FDOT at Bridge.
- Monitored and directed restoration efforts in Lazarillo Park following completion of subaqueous line installation by Duke Energy.
- Awarded contract to Land and Water Engineering Science (LWES) for seawall redesign. Final plans received, but following review by City staff, revisions to be requested prior to bidding.
- RFP prepared for seawalls, release pending revisions stated above.
- Stormwater Improvements at 1240 Boca Ciega Isle Drive completed by Kamminga and Roodvoets, Inc.

- Updated alley inventory, including assessments of alley subgrade, existing asphalt paving, and concrete approach aprons to determine final expanded scope for CPWG's Alley Improvement Project (FY2014).
- Received updated city street inventory Pavement Condition Assessment report and map from CPWG for use in prioritizing repaving projects.
- Reached settlement with Mend-It Asphalt to pay material cost for unrequested alley work between 1st Ave and 2nd Ave in Pass-A-Grille.
- Requested binding estimate for undergrounding electric service on Pass-A-Grille Way and Gulf Boulevard from Duke Energy.
- Completed site plan review and attended meetings for proposed Sirata Parking Lot.
- Met with Mir with Silver Sands to discuss knocking down escarpments created by lack of renourishment in front of Silver Sands Condos.
- Completed SWFWMD grant applications with supporting documentation (GIS maps, estimates, etc.) for PAGW and Blind Pass Road projects.
- Successfully identified and communicated suspected SSO near Lazarillo Park to FDEP as mandated by Consent Order.
- Worked with Community Development and City Consultants on NPDES compliance, including successful completion of audits by FDEP.
- Requested and received analysis of force main to gravity main transitional manhole in front of Subway by Kimley Horn.
- Completed agenda reports and contracts for upcoming City Commission items.
- Completed ROW Permits and initiated a meeting informing Verizon of this requirement.
- Attended FDEP SRF conference in Jacksonville.



THE SUNSET CAPITAL OF FLORIDA

MEMORANDUM

To: Wayne Saunders, City Manager

From: Daniel H. Graves, Fire Chief

Date: January 27, 2015

The following is a summary of Fire Department activities for the 1st Quarter of FY2015:

- Crews attended countywide ISO required fire based training.
- Crews attended required Continuing Medical Education (CME) class to maintain proficiency and maintain certifications.
- Chief Graves attended the countywide Operations Chief's monthly meetings and the Pinellas County Fire Chief's Association meetings.
- D/C Nifong and Lt. Milner attended the countywide Training Chief's meetings representing the department.
- D/C Gorham attended the countywide EMS Chief's meetings representing the department.
- The Team is out in the community working on Tactical Survey Reviews (TSR) of all commercial buildings. This process will be an ongoing project where all properties are visited twice annually as an Insurance Services Office ISO requirement.
- Officers completed command and revised SOP training classes.
- Several promotions to the position of Lieutenant were made.
- Personnel conducted 112 Business Inspections during the quarter.
- During the period the Fire Department responded to 612 requests for service in the following categories:

EMS	477
Fire Alarms	68
Structure Responses	9
Other	58



THE SUNSET CAPITAL OF FLORIDA

MEMORANDUM

To: Wayne Saunders
City Manager

From: Jennifer McMahon
Recreation Director

Date: January 15, 2015

Recreation Quarterly Report – 1st Quarter October – December 2014

Programs

- The after school program is licensed by the Pinellas County Licensing Board and Health Department for the 2014-15 school year. The program enrolled 85 participants that come from Gulf Beaches, Pasadena Fundamental and Azalea Elementary Schools. This year we added before care for students at Gulf Beaches with 5 enrolled.
- The Community Center has enrolled 370 SilverSneaker members and average 366 visits a month with a revenue average for first quarter at \$1,450.
- Monday Night Softball this fall had 6 teams
- 45 and older basketball programs had 6 teams each this fall
- New fall programs: Tai Chi Easy, Move to Your Groove, Tap Dance, Kids Yoga, and Zumba Gold
- Lego Robotics team placed first place first and second in the Lego Robotics RoboParade held at the Community Center on November 8.
- Held a Teen Council Meeting, design a local for their project and kicked off their facebook page
- Held a concert in Horan Park every Friday in October. The line up was: The Black Honkeys, Southside Bulldogs, Bus Stop Band and FNR2- A Foreigner Tribute band
- Hosted the Boat Parade on December 5 with 19 boats and a tree lighting event in Horan Park.
- Hosted SPB Land Parade and event on Corey Ave on December 14 with over 25 entries in the parade.

- Hosted a Trunk or Treat Event in Horan Park on October 28 with 12 cars and over 300 people attending
- Staff led programs revenue for 1st quarter was \$32,622. That is a 16% increase from 1st quarter FY2014 at \$28,025.
- Fitness Room 1st quarter revenue has increased 25% from fy14 \$2,459 to fy15 \$3,060.
- Pool admission remains consistent from last year's first quarter at \$2,250 in revenue.
- Community Center Rentals is up 20% from fy14 of \$67,982 to fy15 at \$80,992.

Pool

- Private Rentals: Nine Rentals with 250 participants
- Umbrella Rentals: Four Rentals with 120 participants
- The pool has registered 80 Silver Sneakers Members
- The pool has 72 Pool Memberships
- Boca Ciega High School Team swam August 11-November 7 at the pool. The team practiced Monday-Friday from 2:30pm-4:30pm with 40 Swim Team Members
- The Complete Water Work-Out classes are held on Tuesday/Wednesday/Thursday from 1:30pm-2:15pm with an average of 25 participants
- Water Zumba classes are held on Friday/Saturday with an average of 10 participants
- Aqua Fit classes are held on Monday/Wednesdays with an average of 10 participants.
- West Florida Swim Team practices at the pool Monday-Friday 3:00pm-6:00pm . The team has an average about 75 swimmers
- Delphi After School program brings 50 children every Wednesday from 3:30-4:30pm for Swim Lessons. Program started August 27-November 12. This program will return in April.
- The Aquatics Coordinator attended one day Free Seminar in November in Temple Terrace. (Creating Revenue in Aquatics)

Marketing

Marketing material is created in house and then is sent by many different avenues. Below is how we get the word out to the community:

- Print – The Gabber, Pinellas Beaches Patch, Tamp Bay Times, Island Reporter, Paradise News, Beach Beacon
- Flyers/Brochures – to all area schools, lobbies, city hall, library, local hotels and condos

- Online – website, facebook, twitter, TBO.com, blogs, WhatsdoingTampaBay.com, weddingwire, VisitFlorida and print website pages
- Face to Face – with local hotels, condos, and businesses with the Tampa Bay Beaches Chamber and through events/meeting with the Chamber, networking
- Press Releases

Rentals

- Community Center Rentals: 21
- Other rentals:
 - Hosted City Manager Candidate Reception
 - Hosted North Beach Association meeting
 - Hosted Oak Doors Condo Association meeting
 - Hosted Fire Department Interviews
 - Hosted City Employee Luncheon
 - Weekly rental every Thursday from Beaches Pitch Group
 - Monthly meeting with South Beach Referral Group
 - Hosted meeting space for Relay For Life
 - Hosted meeting space for St Pete Beach Classic meetings
 - Hosted meeting space for South West Little League
- Park Rentals: 28
- Warren Webster: 6 (above the regular scheduled meetings and civic group meetings)

Staff

- Jennifer attended the USTA (United States Tennis Association) annual meeting in Orlando in November
- Aquatics Coordinator attended an aquatic seminar in November in Temple Terrace.
- Stephanie DelMonte attended the LERN conference in Orlando in November that focused on marketing and programs
- Greg Davidson and Melanie Gray began their 40 clock hour child care training required by the Pinellas County Licensing Board