

City of St. Petersburg
Public Services & Infrastructure Committee
February 25, 2021 – 9:25 AM
City Council Chambers

Members: Committee Chair Darden Rice, Committee Vice-Chair Amy Foster, Council Chair Ed Montanari, and Council Member Robert Blackmon

Alternate: Council Member Deborah Figgs-Sanders

Support Staff: Jayne Ohlman - City Council Legislative Aide

1) Call to Order

2) Approval of Agenda

3) Approval of January 14, 2021 Minutes

4) New Business – February 25, 2021

- a) Selection of Committee Chair and Vice-Chair
- b) A presentation and discussion on the proposed Community Benefits Agreement (CBA) – *Alan DeLisle*

Upcoming Meeting Dates & Tentative Agenda Item(s)

March 11, 2021

- a) A presentation and discussion on how we can improve current practices related to fines and fees – *Tammy Jerome*

March 25, 2021

- a) TBD

General Attachments:

Minutes of the January 14, 2021 PS&I Committee Meeting
Pending and Continuing Referral List
Agenda Item Support Material

City of St. Petersburg
Public Services & Infrastructure Committee
January 14, 2021 Meeting Minutes
City Council Chambers

Present: Committee Members – Committee Chair Darden Rice, Committee Vice-Chair Amy Foster, Council Chair Ed Montanari, Council Member Deborah Figgs-Sanders & Council Member Robert Blackmon (Alternate)

Absent: None

Also Present: Council Vice-Chair Gina Driscoll, Deputy Mayor-City Administrator Dr. Kanika Tomalin, City Attorney Jackie Kovilaritch, Transportation & Parking Management Director Evan Mory, Planner I Kyle Simpson, Brad Miller (PSTA), and Abhishek Dayal (PSTA)

Support Staff: Jayne Ohlman - City Council Legislative Aide

1. **Call to Order** – 9:32 AM
2. **Approval of Agenda** – CM Foster moved approval. All members voted in favor.
3. **Approval of October 22, 2020 Minutes** – CM Montanari moved approval. All members voted in favor.
4. **New Business – January 14, 2021**

Update on Transit Shelter Installation and Maintenance Issues – *Evan Mory*

Transportation and Parking Management Director Evan Mory began with a brief overview of the previous discussion at the September 10, 2020, committee meeting. Mr. Mory explained that there had been significant improvements to both concerns raised by the committee at the September meeting. The first relates to shelter maintenance, and the second, the permitting process for new and replacement shelters.

In referencing the improvements to shelter maintenance, Mr. Mory explained that City and PSTA staff have met to discuss collaboration opportunities and improved maintenance practices in and around transit stops. Mr. Mory informed the committee of the new partnership wherein staff from the City's Codes Compliance, Neighborhood Services, and Sanitation division have access to PSTA's Facilities Management interface, which allows them to report issues directly to PSTA.

Regarding the improvements to the permit process for new PSTA bus shelters, Mr. Mory explained that PSTA was previously required to obtain two City permits. The first, a building permit for the shelter, and the second, a right-of-way permit for constructing a concrete pad connected to the sidewalk. Mr. Mory noted the following efficiencies achieved since the last committee discussion on the topic:

- Replacing an existing shelter with a new shelter is considered maintenance; therefore, no building permit is required. A right-of-way permit from the Engineering and Capital Improvements Department is required if changes are made to the concrete pad and sidewalk connection.
- New concrete pads and shelters require signed and sealed plans from a licensed engineer and a right-of-way permit from the Engineering Department to ensure ADA compliance.
- The Construction Services and Permitting Division now only require building permits to be submitted if they contain a connection to an external electric power source. New

PSTA shelters are solar-powered and do not need an external power source; therefore, no building permit is required.

Mr. Mory noted that shelters have been installed or are programmed for installation at the following locations:

- 37th Street South at Lino Way (installed)
- 50th Avenue South at 34th Street South (installed)
- 37th Street South at 38th Avenue South (installed)
- 37th Street South at Maximo Marina (anticipated January 2021)
- 37th Street South at 34th Avenue South (anticipated March 2021)

Mr. Mory also noted that a shelter is planned for downtown St. Pete at the existing Downtown Looper stop closest to the Dali Museum; completion is expected in either Spring or Summer 2021. Mr. Mory noted that the City and PSTA would likely finish the current round of shelter enhancements in FY 21 and then add more capital investments for shelters in FY 22. Mr. Mory stated that he anticipates presenting a proposed amended agreement to City Council within the year, reflecting changes and preparing for the next round of shelters.

Chair Montanari inquired how many stops in the City meet the shelter requirements but do not have one. PSTA's Director of Project Management, Abhishek Dayal, responded that approximately 50 stops do not have a shelter. CM Montanari asked Mr. Dayal to elaborate on adding additional shelters in locations that would benefit the most. Mr. Dayal explained that PSTA strategically reviews stops throughout the County and prioritizes shelters' deployment by evaluating potential opportunities to coordinate shelter deployment with planned construction by either a local government or private entity.

Council Member Figgs-Sanders asked PSTA staff to explain the ridership thresholds used to plan for new or replacement shelters. Mr. Dayal responded that there are three categories of ridership. Transit stops with 25 or more boarding passengers on average per day are considered high ridership and are funded by PSTA. Stops with less than 25, but more than 10, are funded through partnerships with local governments (i.e., shelter match program.) Stops with fewer than 10 average daily riders are usually funded by local governments, with technical assistance from PSTA when necessary.

Committee Chair Rice asked Mr. Mory and PSTA staff to elaborate on the efforts made to achieve a streamlined permit process. Mr. Mory and Mr. Dayal responded that not relying on one City department has helped significantly with the streamlining process. For example, the Real Estate and Property Management Department has aided in streamlining the shelter deployment process by agreeing to assist in license agreements and easements with adjacent property owners. Additionally, PSTA staff and City staff from Engineering and Capital Improvements and Transportation and Parking Management have agreed to establish a technical working group to assist with site design and engineering reviews to expedite permit approvals.

After a review of the committee's referral list, there was no further business. ***CM Rice adjourned the meeting at 10:00 AM.***

	Topic	Return Date	Referral Date	Prior Meeting	Referred By	Staff	Notes
1	Presentation and discussion on the proposed Community Benefits Agreement (CBA)	2/25/21	2/18/21		Figgs-Sanders	A. DeLisle	
2	Presentation and discussion on how we can improve current practices related to fines and fees	3/11/21	2/18/21		Rice	T. Jerome	
3	A discussion regarding the process & benefits of live streaming the City Council meetings on Facebook Live, or other relevant for more citizen engagement		5/21/20		Blackmon		
4	Presentation and discussion on current and future bridge projects in the City		2/18/21		Montanari	B Prayman C. Tankersley	
5	Quarterly Report on Grow Smarter Sites a) Port Site b) Innovation District Site c) 800 Block Site d) Police Station Site e) Tropicana Field Site f) Commerce Park Site g) 22 nd Street Sites h) Tangerine Plaza Site		2/15/18 3/8/18	3/8/18 5/31/18 9/13/18 6/13/19 11/7/19	Foster Driscoll	A. DeLisle	5/31/18 – Update on Innovation District, Police Station Site, Tropicana Field Site, and Tangerine Plaza Site 9/13/18 – A memo from A. DeLisle was distributed to the committee in lieu of a verbal update on Tangerine Plaza. See minutes of 9/13 for full memo 6/13/19 – Update on Innovation District, Former Police Station Site, & Tangerine Plaza 11/7/19 – Updates: Commerce Park, 22 nd St., Tangerine Plaza, Innovation District, Former PD, & Port Site
6	Update on Albert Whitted Airport Master Plan, potential runway expansion, & general operational improvements		5/17/18	8/9/18 2/13/20	Staff Request	R. Lesniak C. Ballestra	8/9/18 – R. Lesniak and C. Ballestra presented the committee with an update on the airport’s runway feasibility study, an economic impact study, and an update on the airport master plan 2/13/20 – R. Lesniak, C. Ballestra, & D. DiCarlo (ESA) updated the committee on results from master plan working paper #1 and continued operational improvements at AWA. Staff indicated they would like to return in the Fall to provide further updates. Fall 2020 – No update to provide this Fall due to the effect that COVID-19 had on the process
7	Update on the City’s Facility Maintenance Plan		6/7/18	5/9/19	Foster, Admin	A. Wendler L. Glover-Henderson	9/12/19 – T. Greene indicated staff would like return to PS&I for a check-in once the plan became fully staffed

8	Water Resources Department: Annual Update - 2017 Management Evaluation & Recommendations		12/7/17	1/10/19 2/27/20	Council	J. Palenchar	12/7/17 – PS&I to manage the 57 recommendations made by LA Consulting. 1/10/19 – C. Tankersley & J. Palenchar updated committee on progress of implementation of the 57 recommendations 2/27/20 – Committee received updates on consent order & 2017 management evaluation recommendations
9	A discussion regarding the repurposing of the Pier Bait House		1/07/21		Blackmon		
10	Discussion of an ordinance that will set standards for mechanical noise, such as HVAC systems		4/18/19	9/26/19	Driscoll	L. Abernethy D. Goodwin	9/26/19 – Committee requested staff to explore potential mechanical noise mitigation incentives & return to PS&I to present options.
11	Capital Improvement Assessment (Maintenance & Hurricane/Tropical Storm Preparedness) a. Bridges b. Reclaimed Water c. Sidewalks d. Seawalls e. Stormwater f. Potable Water g. Wastewater (if needed) h. Citywide Capital Asset Management Program (“CAMP”)		2/2/17	a. 9/24/20 b. 8/24/17 c. 9/24/20 d. 9/24/20 e. 7/12/18 f. 7/26/18 (COW) h. 9/24/20	Kennedy, Gerdes	a. Tankersley b. Palenchar c. Tankersley d. Tankersley e. J. Norris f. Palenchar g. Tankersley h. Tankersley	9/24/20 – C. Tankersley provided update on sidewalks, seawalls, bridges & their respective investment gaps. As well as introduced “ CAMP ” Committee asked staff to return with more info on funding for sidewalks & seawalls, as well as further guidance on the conflict between Sec. 25-191 & Resolution 96-55 related to property owner responsibilities
12	Presentation by Sanitation Department staff on the progress of the Management Evaluation Study (2019)	Fall 2021	3/12/20	10/22/20	Rice (Staff Request)	W. Joseph R. Gerdes	10/22/20 – Please see October 22 PS&I Minutes for detailed report on progress of Sanitation Dept. Management Evaluation

PS&I 2021 Dates - ~~1/14~~, ~~1/28~~, **2/25**, 3/11, 3/25, 4/8, 4/22, 5/13, 5/27, 6/10, 7/15, 7/29, 8/12, 8/26, 9/16, 9/23, 10/14, 10/28, 11/4, 12/9



TO: City Council Chair and Members of City Council

FROM: Alan DeLisle, Administrator, City Development Administration

Date: February 19, 2021

RE: Community Benefit Agreement Program

The Administration has been working on a Community Benefits Agreement (CBA) program for a long time. It is a complicated matter. It started with a research phase that examined how other cities approached this issue. We looked at other ordinances and read many examples of CBAs. The key to the strategy is to build a system that continues to promote development, but at the same time, assures community involvement and benefits that, otherwise, might be overlooked. A primary goal is to reinforce the trust required for optimal implementation of a development project among all the affected stakeholders: the city, community, and developer. Administration worked with members from St. Pete's community and developers to craft a balanced approach that moves the city forward in alignment with its vision and values.

The first exhibit in the package represents the starting point in this complex process – a Term Sheet agreed upon between the City and community interests. This Term Sheet is the result of months of discussions from many diverse points of view. It establishes the purpose, project criteria, Neighborhood Advisory Council, the CBA Fund and how it operates staffing, reporting, Community Impact Reports, and project Tier requirements. This document was used to formulate the Ordinance that, if passed, will officially establish the program. There will also be an ordinance that establishes the CBA Fund for projects that make a financial donation instead of a direct project contribution to the community. The rest of the documents represent Administrative policy and procedure that guides the CBA initiative.

HOW IT WILL WORK

Every project with a construction value of \$2M or more, that receives any City participation consisting of at least 20% of the overall project cost (\$400,000 or more in City participation value), is subject to the CBA ordinance. A Community Impact Report provides the general overview of scope, scale and community impact associated with the project. Prescribed requirements that track with the size of the project and amount of investment requested of the City range from mandatory community meetings to investment in community improvement. The commitments and conditions of each CBA will follow the prescribed criteria, but will be specifically crafted per agreement. A Neighborhood Advisory Council, comprised of seven at-large members will offer feedback and insight in the development of each CBA. More details follow.

The following is an example of the proposed CBA process, to aid in understanding of its anticipated flow:

1. A developer approaches the City with a project that may require the City's financial support.
2. The City assesses the project to determine interest and applicability of CBA requirement.
3. If both assessments move the project forward, the City asks the developer to proceed with a Community Impact Report. Once received, the City initiates discussion regarding a draft Term Sheet.
4. The developer holds a required community meeting in the neighborhood that will be most impacted by the project. In this meeting the developer defines the project and receives feedback and thoughts from the neighborhood on the community benefits they find most important.
5. The City and developer finalize a draft term sheet following the public meeting and presents it to the Neighborhood Advisory Council for review and input.
6. Following input from the Neighborhood Advisory Council, the City and developer finalize negotiations for a development agreement that includes CBA provisions. Such provisions may include, by example, direct investment in the neighborhood or a contribution to the CBA Fund. All contributions will be used in Qualified Census Tracts as defined under section 42(d)(5)(C) of the Internal Revenue Code of 1986. Please refer to the Tier structure to see where Fund contributions may be utilized.
7. Once the development agreement is complete, the developer is required to hold another public meeting with the neighborhood to outline the final plan.
8. The development agreement then goes back to the Neighborhood Advisory Council for final community-based review and input.
9. The development agreement is then presented by Administration to Council for consideration.
10. If approved by Council, all compliance and reporting procedures begin.

It is important to note that Administration, based on the elements and impact of the project and after input from the community, will negotiate the balance of mandatory CBA provisions. Criteria such as economic, environmental, traffic, utility and police, fire and emergency services, sustainability and resiliency, and health in all policies will be analyzed when determining value anticipated from the project (Community Impact Report). The mandatory requirements assigned to each tier must be adhered to without exception. A dedicated CBA staff position will work to make sure that all provisions of the CBA ordinance and policies are followed. They will also staff the Neighborhood Advisory Council and manage the CBA Fund. City Administration will negotiate the public-private partnerships with the developer.

The Neighborhood Advisory Council will be a seven-member entity that will have three Council appointments and four Mayoral appointments. There will be an application process for these appointments. This Council will operate much like the CAC for the South St. Petersburg CRA. It will function as an advisory body to the City.

Attached you will find eight exhibits related to the Community Benefit Agreement Program:

- Exhibit 1 – CBA Program Overview (Term Sheet)
 - This document defines what would constitute a CBA project and establishes a menu of community benefits that a developer can elect to incorporate in their project. These benefits increase as the project's overall permit construction value increases. Several items contained within this document are elaborated upon in later exhibits.
- Exhibit 2 – CBA Process
- Exhibit 3 – CBA Compliance & Reporting
- Exhibit 4 – CBA Impact Report
- Exhibit 5 – CBA Fund

- Exhibit 6 – Establishing Ordinance for the CBA Program
- Exhibit 7 – Establishing Ordinance for the CBA Fund
- Exhibit 8 – Resolution Establishing the Community Benefit Advisory Council
- Exhibit 9 – Disclosure Resolution
- Exhibit 10 – CBA Information Sheet

If you have any questions, please feel free to contact me. Thank you.

cc: Mayor Kriseman
Deputy Mayor/City Administrator Kanika Tomalin
Kevin King, Chief of Policy and Public Engagement
Tom Greene, Assistant City Administrator

Exhibit 1 - Community Benefits Agreement Program Overview

PURPOSE

- The objective of the Community Benefit Agreement (“CBA”) program is to include the agreed-upon CBA items as part of a Development Agreement to be approved by City Council. Penalties and cure for non-compliance will be included in the Development Agreement.
- The CBA program applies to any public-private partnership where the developer assumes full risk on the project and the City provides incentives to make the project feasible. It does not apply to City-led projects, which have a separate set of ordinances regarding procurement and construction policies.

AGREEMENT REQUEST:

- Effective for all new projects from effective date of governing ordinance.
- Applies to all projects with a construction value of \$2M or more in permit construction value, that receive any City participation consisting of at least 20% of the overall project cost (\$400,000 or more in City participation value). Examples of City participation may include, but are not limited to:
 - o monetary incentives;
 - o a reduction in parking requirements;
 - o ad valorem tax exemptions;
 - o transfer of City-owned property at less than appraised values.
- Projects at higher tiers are inclusive of lower tiers (i.e. a Tier 3 project must also do Tier 2 and Tier 1).
- All multifamily projects that include a set-aside of at least 30% affordable and/or workforce housing are exempt.
- All annexation projects are exempt.
- Nonprofit projects are exempt from Tier 3.
- Establish a Neighborhood Advisory Council to advise City staff regarding program requirements and improvements.
 - o Council will consist of 7 at-large members (4 members appointed by the Mayor and 3 members appointed by Council). All appointments will use a standardized application process.
- CBA Fund will be established to receive and expend CBA related payments in Qualified Census Tracts, as defined under the section 42(d)(5)(C) of the of the Internal Revenue Code of 1986.
 - o Qualified Census Tracts are defined as “areas where either 50 percent or more of the households have an income less than 60 percent of the AMGI for such year or have a poverty rate of at least 25 percent” and are used for a variety of federal programs, including Low-Income Housing Credits, HUBZones, and Opportunity Zones.
 - o The Mayor will require criteria be established for the CBA Fund that will guide payment standards for each public policy item.
- A City staff person will be funded to manage the program, with fiduciary responsibility to maintain the fund and approve expenditures. The staff person would be a management position within the City Development Administration who would be expected to work with City Compliance on the implementation of any CBA.
- Once a Development Agreement has been approved, quarterly reports are required on all activities related to any CBA items contained in the development agreement and will be made accessible to the public after they have been received.

- Based on the Community Impact Report, which shall define: the level of City investment, total job creation and hiring of local residents, and the inclusion of affordable and/or workforce housing, the City will establish benefit minimums for each project.

Tier 1 – Mandatory for all projects more than \$2M in permit construction value:

- o File a Construction Planning Worksheet (construction mitigation & communication.)
- o Hold two public meetings in neighborhood in which project is occurring:
 - The first meeting will occur at the start of project, prior to the drafting of the Term Sheet
 - The second meeting will occur prior to approval of Development Agreement
- o Construct streetscape improvements to match existing area master plan (if applicable)
- o A minimum of 10% SBE/MBE participation requirement for new construction. There will be an analysis of whether applicable SBE and/or MBE businesses exist for the project. Specific thresholds will be negotiated with the City for each project based on SBE/MBE availability.¹
- o The project will utilize St. Pete Works! to employ local residents for job opportunities created by the project. Specific thresholds will be negotiated with the City for each project.¹
- o The developer will create a Community Impact Report including, but not limited to, the project’s fiscal, housing, employment, utility, traffic, small business, environmental, social/community, health, and sustainability/resiliency impacts (subject to City review and approval).
- o All existing city land development regulations must be followed.
- o Complete one sustainability initiative (refer to specific actions in ISAP sections 3.2 and 3.3 and 3.4)

Tier 2 – Projects more than \$4M in permit construction value must do the following additional items:

- o The project will establish or utilize an existing apprenticeship program registered with the State of Florida Department of Education (if available), or industry certification training program, or company sponsored training program, or an on-the-job training program (such as the Florida Department of Transportation On-the-Job Training Program) for local residents. These programs should emphasize local disadvantaged individuals. Specific thresholds will be negotiated with the City for each project.¹ (First Source Employment Agreement)
- o A minimum of 10% SBE/MBE participation requirement, with a goal of 20% SBE/MBE participation requirement, for new construction. There will be an analysis of whether applicable SBE and/or MBE businesses exist for the project. Specific thresholds will be negotiated with the City for each project based on SBE/MBE availability.¹

Additionally, project must select at least two of the following:

- o Construct, or contribute via CBA fund for the development of, new affordable and/or workforce housing.
- o Develop on- or off-site public space, beyond code requirements or contribute to new public space via CBA Fund.
- o Contribute to historic building renovation via CBA Fund.

¹ The City will assess the financial pro forma for each project and determine the value of City incentives – i.e. cash, land, parking, zoning benefits – that positively impact the project and establish a public purpose return to the city related to employment and SBE/MBE participation

- o Construct public parking or contribute to new public parking via CBA Fund.
- o Make complete streets & multi-modal transit improvements (bus stops amenities, trails, bike share, bike parking/storage) or contribute to improvements via CBA Fund.
- o Contribute to City's recycling program and waterway nourishment via CBA Fund.
- o Contribute to the development or improvement of Pinellas County Schools via CBA Fund.
- o Provide for the demolition of vacant housing or other structures via CBA Fund.
- o Contribute to sustainability/resiliency efforts (seawall repair, building hardening, shelter creation, etc.) via CBA Fund.
- o Contribute to the development of early childhood programs via CBA Fund.
- o Provide technological improvements, such as free wi-fi.
- o Contribute to streetscape improvements in the project area via CBA Fund.
- o Complete at least two additional sustainability initiatives (refer to specific actions in ISAP sections 3.2 and 3.3 and 3.4).
- o Other (to be provided by developer and agreed to by City).

Tier 3 – Projects more than \$8M must do the following:

- o A minimum of 10% SBE/MBE participation requirement, with a goal of 30% SBE/MBE participation requirement. There will be an analysis of whether applicable SBE and/or MBE businesses exist for the project. Specific thresholds will be negotiated with the City for each project based on SBE/MBE availability.¹

Additionally, project must select at least one of the following:

- o Meet or exceed LEED Silver Certification
 - Project must earn a minimum of 50 points to receive Silver certification.
- o Net Zero Energy Building (NZEB)/development
 - An energy-efficient building where, on a source energy basis, the actual annual delivered energy is less than or equal to the on-site renewable exported energy.
- o Provide a base living wage (\$15/hr.) with benefits for all permanent employees after the project is completed while ensuring responsible wages for employees during construction.
- o Provide housing subsidies for company's employees under 100% average state wage.

¹ The City will assess the financial pro forma for each project and determine the value of City incentives – i.e. cash, land, parking, zoning benefits – that positively impact the project and establish a public purpose return to the city related to employment and SBE/MBE participation

Exhibit 2 - Community Benefit Agreement (CBA) Process

The below represents the same steps that were included in the memo. It is meant to demonstrate the current timeline for agreements that are subject to CBA Program Overview.

Steps of process, in proposed order

1. A developer approaches the City with a project that may require the City's financial support.
2. The City assesses the project to determine interest and applicability of CBA requirement.
3. If both assessments move the project forward, the City asks the developer to proceed with a Community Impact Report. Once received, the City initiates discussion regarding a draft Term Sheet.
4. The developer holds a required community meeting in the neighborhood that will be most impacted by the project. In this meeting the developer defines the project and receives feedback and thoughts from the neighborhood on the community benefits they find most important.
5. The City and developer finalize a draft term sheet following the public meeting and presents it to the Neighborhood Advisory Council for review and input.
6. Following input from the Neighborhood Advisory Council, the City and developer finalize negotiations for a development agreement that includes CBA provisions. Such provisions may include, by example, direct investment in the neighborhood or a contribution to the CBA Fund. All contributions will be used in Qualified Census Tracts as defined under section 42(d)(5)(C) of the Internal Revenue Code of 1986. Please refer to the Tier structure to see where Fund contributions may be utilized.
7. Once the development agreement is complete, the developer is required to hold another public meeting with the neighborhood to outline the final plan.
8. The development agreement then goes back to the Neighborhood Advisory Council for final community-based review and input.
9. The development agreement is then presented by Administration to Council for consideration.
10. If approved by Council, all compliance and reporting procedures begin.

Exhibit 3 - CBA Compliance & Reporting

The purpose of these procedures is to assure that the CBA process is transparent, inclusive, and accessible. It is also designed to ensure developer accountability and assure enforcement measures.

The CBA program's strength lies in its function to bring together the City, developer, and community in a transparent system before a term sheet moves forward. The goal of the CBA program is to deliver positive projects that align with and reflect the vision and values of the City and the people it serves, reinforcing trust and opportunity for all stakeholder groups. This is accomplished by executing the following:

1. The CBA Advisory Council will work with the city and continuously give advice on the program, including how to best measure community impact and assure compliance.
2. The CBA Manager will be a professional position that will work under the Economic and Workforce Department (EWD), overseeing the implementation of the CBA program. While other City staff will directly negotiate term sheets and development agreements (DA), the CBA Manager will ensure the CBA program is being properly executed and all procedures are being followed. This staff person will report directly to the Director of Economic & Workforce Development.
3. The CBA manager will make sure that maximum coordination is occurring with the community where the project is located, communities of need (areas eligible for CBA Fund disbursements), and neighborhood leaders.
4. The formulation of any term sheet will be an iterative process among the City, community leaders where the project is located, and the developer. The Term Sheet will indicate city financial support for the project, project deliverables and community benefits.
5. After the first public meeting, the draft Term Sheet will be finalized and presented to the Advisory Council.
6. Following the Advisory Council meeting, staff will begin working on the DA. The CBA provisions will be included in the final DA, including any contributions to the CBA fund, as well as any CBA enforcement and reporting requirements.
7. If the CBA fund is being utilized, all developer contributions must be in place prior to any City funds being invested in the project.
8. If there are other benefits to the community in addition to CBA fund items, the City will negotiate the timing of those investments in the DA and make sure that enforcement and reporting provisions are applicable.
9. The CBA manager will file an annual compliance report to Council on all CBA agreements and implementation results.

Exhibit 4 - CBA Impact Report

The City will analyze the project's economic, fiscal, and community impacts to determine the appropriate investment in the project.

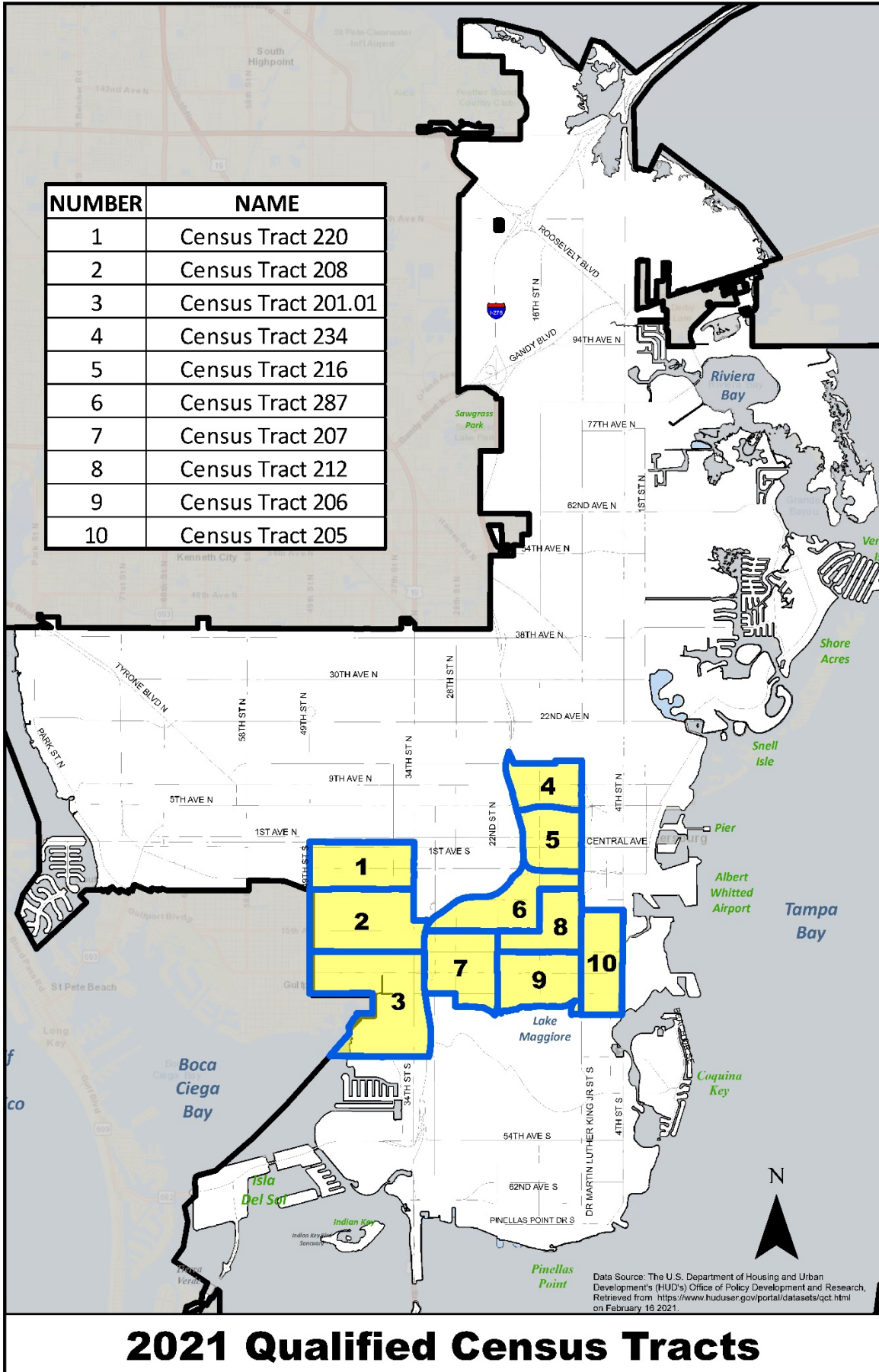
Items to be submitted by developer:

- Economic Impact
 - Number of full and part-time jobs, with average salary, estimated benefits, and NAICS classification(s)
 - Land purchase costs
 - Building construction costs
 - New equipment purchases
 - Estimated tax generation for City & County
- Project Construction Impact
 - Anticipated road & sidewalk closures
 - Fencing
 - Parking impacts
 - Construction parking
 - Equipment storage
 - Crane use
- Environmental Impact
 - Environmental site assessments
 - Clean-up activities
 - New public green space added
- Traffic Impact
 - Estimated trips generated due to project
- Utility Impacts
 - Estimated power/water/gas/sewage use
- Police, Fire, & EMS Impacts
 - Estimated impact on police, fire, and emergency medical services
- Community Impacts
 - Estimated impact the project will have on neighborhood priorities
 - Estimated benefits the project will have on the surrounding neighborhoods
- Sustainability & Resilience Impacts
- Health in All Policy Impacts

Exhibit 5 - CBA Fund

- A Fund will be established to receive and disburse payments related to the City's Community Benefit Agreement program.
- The Fund will be overseen by the CBA Manager, with additional oversight from the Economic & Workforce Development Director and the Budget and Finance Departments.
- The City will perform an analysis based on the Project Impact Report to determine the appropriate City contribution into the project.
 - If the City's contribution exceeds 20% of the overall project cost (minimum contribution of \$400,000), the CBA policy will be applied.
 - The developer's required contribution to the CBA Fund will be determined by the Project Impact Report and additional project benefits as outlined in the CBA policy.
- Funds collected from the CBA Program must be expended in Qualified Census Tracts, as defined under section 42 (d)(5)(C) of the Internal Revenue Code of 1986 for a specific use identified in the CBA Program criteria.
 - Qualified Census Tracts are defined as "areas where either 50 percent or more of the households have an income less than 60 percent of the AMGI for such year or have a poverty rate of at least 25 percent" and are used for a variety of federal programs, including Low-Income Housing Credits, HUBZones, and Opportunity Zones.
 - See Exhibit 5.1 and 5.2 for maps of the Qualified Census Tracts in St. Petersburg.
- The Administration will establish a process to consider funding from the CBA Fund. The Administration is looking at the Social Action Funding, Youth Development Grants and CDBG as models to consider. We recommend a process that allows for the submission of applicable private projects in eligible QCTs that meet the requirements of the CBA Funds.
- The CBA Manager will provide quarterly reports on the status of the CBA Fund to the CBA Advisory Committee.
- All projects related to the CBA Fund will be approved by City Council.

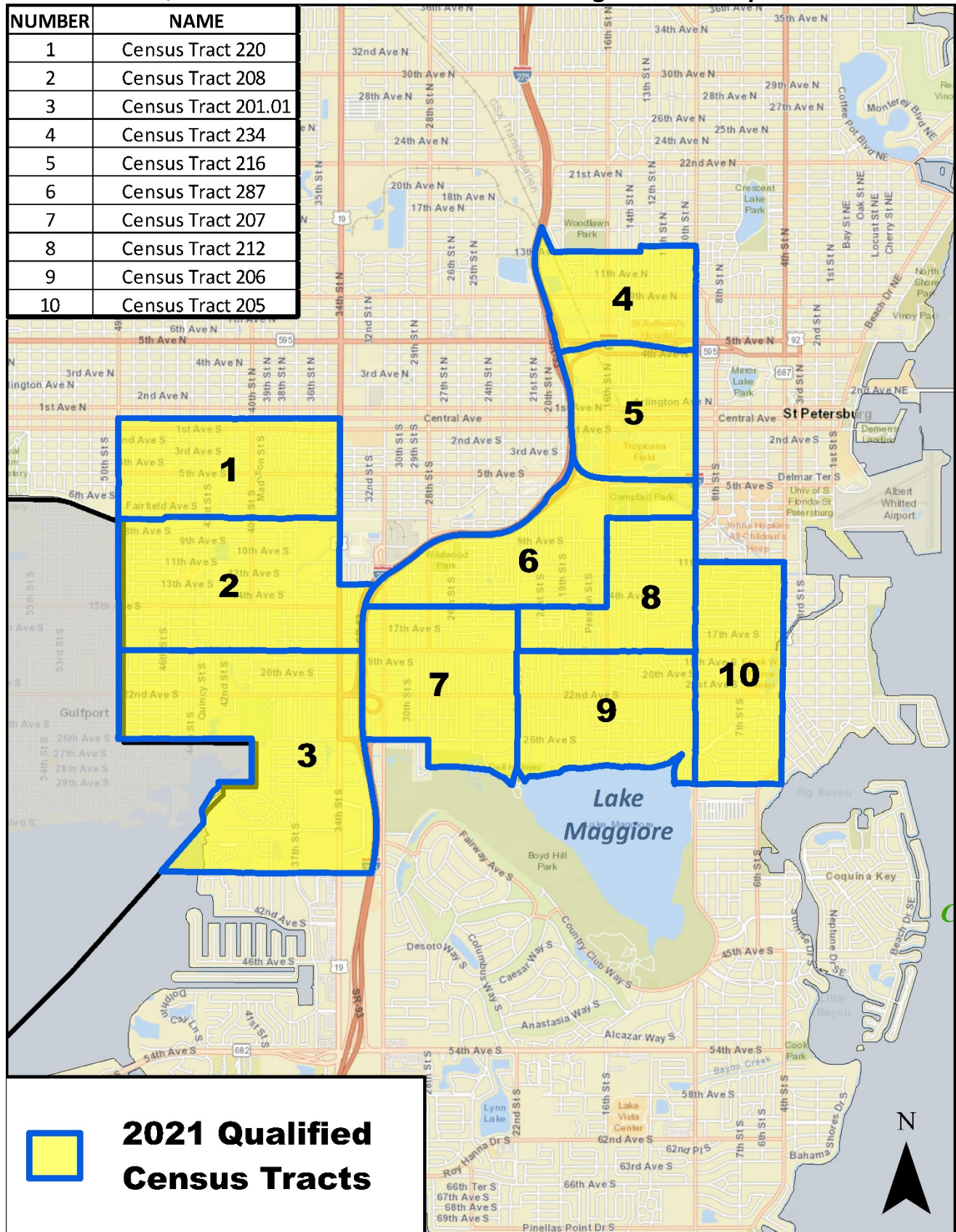
Exhibit 5.1 – Qualified Census Tracts in St. Petersburg Map



2021 Qualified Census Tracts

Exhibit 5.2 – Qualified Census Tracts in St. Petersburg Zoomed Map

NUMBER	NAME
1	Census Tract 220
2	Census Tract 208
3	Census Tract 201.01
4	Census Tract 234
5	Census Tract 216
6	Census Tract 287
7	Census Tract 207
8	Census Tract 212
9	Census Tract 206
10	Census Tract 205




 **2021 Qualified Census Tracts**



Exhibit 6 – Establishing Ordinance

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA ESTABLISHING A COMMUNITY BENEFIT PROGRAM FOR NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS IN THE CITY MEETING CERTAIN REQUIREMENTS; PROVIDING FINDINGS, INTENT, AND DEFINITIONS; IDENTIFYING THE MINIMUM COMMUNITY BENEFITS FOR CERTAIN PROJECTS; ESTABLISHING THE PROCEDURES FOR ENSURING THAT COMMUNITY BENEFITS ARE INCORPORATED INTO A COMMUNITY BENEFIT AGREEMENT; ESTABLISHING EXEMPTIONS; REQUIRING REVENUES FROM COVERED PROJECTS TO BE DEPOSITED INTO A DESIGNATED FUND; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The City of St. Petersburg, Florida does ordain:

Section One. The St. Petersburg City Code is hereby amended by adding a new Article XI to Chapter 2, to read as follows:

ARTICLE XI. – COMMUNITY BENEFIT PROGRAM.

Sec. 2-520. – Findings and Intent.

The City finds that certain new development and redevelopment projects present unique opportunities for collaboration among the City, a developer, and the community. These collaborations will acknowledge that new development and redevelopment projects often have impacts to the community, and that specific amenities and best practices provided by these projects can mitigate and even create positive benefits for a surrounding neighborhood and the City at large. The City intends to administer this community benefit program to ensure that covered projects under this Article provide tangible benefits to the citizens of St. Petersburg in exchange for the City's participation in the project, and to maximize the returns on the public investment.

Sec. 2-521. – Definitions.

City participation value means the total monetary value of contributions made by the City to a covered project, including but not limited to: monetary incentives, ad valorem tax exemptions as may be permitted by law, and the provision of land below fair market value.

Community benefit agreement means a written agreement between a developer and the City which incorporates community benefits identified by this Article that will be provided by the developer. The community benefits to be provided by the developer may be in a standalone agreement with the City, or may be included in a development agreement, a lease, a contract for purchase, or other document executed by the developer and the City.

Covered project means any Tier 1 project, Tier 2 project, or Tier 3 project.

Developer means the person responsible for the development of a covered project.

Development has the meaning set forth in F.S. ch. 163, part II.

Tier 1 project means any new development or redevelopment project that has a total construction cost equal to or greater than \$2 million, and that has a City participation value equal to or greater than 20% of the total construction cost.

Tier 2 project means any new development or redevelopment project that has a total construction cost equal to or greater than \$4 million, and that has a City participation value equal to or greater than 20% of the total construction cost.

Tier 3 project means any new development or redevelopment project that has a total construction cost equal to or greater than \$8 million, and that has a City participation value equal to or greater than 20% of the total construction cost.

Total construction cost means the estimated total cost of building construction as stated in a complete site plan or building permit application accepted by the City, not including design costs. The total construction cost must be approved by the City in its sole and absolute discretion prior to commencing action pursuant to this Article.

Sec. 2-522. – Required community benefits for covered projects.

- (a) For Tier 1 projects, the developer shall satisfy the following requirements:
 - (1) File a construction planning worksheet;
 - (2) Hold two public meetings (see Section 2-523(c) and (f));
 - (3) Submit a complete community benefit impact report;
 - (4) Adhere to the City’s Land Development Regulations; and
 - (5) Complete one sustainability initiative as set forth in the City’s Integrated Sustainability Action Plan.

- (b) For Tier 2 projects, the developer shall satisfy the following requirements:
 - (1) Complete all requirements for Tier 1 projects;
 - (2) Establish or utilize an existing apprenticeship program registered with the State of Florida, industry certification training program, or an on-the-job training program for local residents; and
 - (3) Select at least two additional City-approved items from the guidance document for Tier 2 projects.

- (c) For Tier 3 projects, the developer shall satisfy the following requirements:
 - (1) Complete all requirements for Tier 1 and Tier 2 projects collectively; and
 - (2) Select at least one additional City-approved item from the guidance document for Tier 3 projects.

- (d) Guidance for these requirements is currently available in City Council Resolution 2021-000, which may be superseded by future resolutions of City Council.

Sec. 2-523. – Procedures for evaluating the community benefits of a covered project to be included in the community benefit agreement.

- (a) The developer shall submit a complete community benefit impact report, the form and content of which shall be established by the City in its sole and absolute discretion.

- (b) The developer shall conduct a public meeting to seek input from the surrounding neighborhoods and community.
- (c) The City and developer shall negotiate and generate a non-binding term sheet that, at a minimum, must include the following information:
 - (1) A detailed description of the project including the City's contribution;
 - (2) A calculation of the City participation value, as a total monetary value and as a percentage of the total construction cost, including the specific contributions being made by the City;
 - (3) The total construction cost of the covered project;
 - (4) The specific community benefits proposed by the developer to address the requirements set forth in Section 5-522; and
 - (5) Any exemptions to this Article being sought by the developer.
- (d) Once the requirements of (a)-(c) have been completed, the City and developer shall seek input from the City's Community Benefit Advisory Council (CBAC), which is established by resolution of City Council.
- (e) Following input from CBAC, the developer and City may commence the negotiation and preparation of the community benefit agreement.
- (f) If a community benefit agreement is negotiated and prepared, a second public meeting shall be conducted to obtain input from the surrounding neighborhoods and community.
- (g) The developer and City shall seek CBAC input regarding the community benefit agreement.
- (h) A final community benefit agreement shall be presented to City Council for its consideration and is subject to approval only by resolution of City Council. Concurrently with presenting such agreement to City Council, administration shall provide City Council with an information sheet regarding compliance with this Article, in a format to be set forth by resolution.

Sec. 2-524. – Exemptions to the requirements of this Article.

The City may grant an exemption to the requirements of this Article in the following circumstances:

- (a) When a covered project is a multi-family project and at least 30% of the dwelling units are designated as affordable or workforce housing, as those terms are defined in Chapter 17.5 of the City Code, the entirety of the otherwise covered project may be granted an exemption. For mixed-use projects, that portion of the total construction cost attributable to the residential portion of the project may be subtracted from the total construction cost for the purposes of determining whether the project is a covered project, when at least 30% of the dwelling units are designated as affordable or workforce housing.
- (b) Otherwise covered projects that involve the annexation of real property into the City's jurisdictional boundaries may be granted an exemption, in whole or in part.
- (c) Otherwise covered projects developed by nonprofit organizations are exempt from Tier 3 requirements as set forth in Section 2-522. For purposes of this Article, a nonprofit organization shall be registered with the Florida Secretary of State and be a 501(c)3 (pursuant to IRS regulations) or equivalent organization.

- (d) Other exemptions to the requirements set forth in this Article may be requested by the developer. Exemptions may be granted only when the developer is able to demonstrate to the satisfaction of the City that an alternative benefit exists that is of substantially similar value to those benefits set forth in Section 2-522.

All exemptions under this section are subject to review by City Administration and final approval by the City Council.

Sec. 2-525. – Revenues generated by covered projects subject to a community benefits agreement.

All revenues generated by covered projects subject to a community benefit agreement under this Article must be received by the City and shall be deposited into the Community Benefit Agreement Fund established by Ordinance No. X-nnn.

Exhibit 7 – CBA Fund Ordinance

ORDINANCE NO. _____

AN ORDINANCE CREATING A COMMUNITY BENEFIT AGREEMENT FUND (“CBA FUND”); SETTING FORTH PURPOSES; ESTABLISHING FUNDING FOR CBF; PROVIDING FOR THE USE OF CBF FUNDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR SUPPLEMENTAL EFFECT OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

WHEREAS, Chapter 166.021 (1) and (2), Florida Statutes provide:

(1) As provided in s. 2(b), Art. VIII of the State Constitution, municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law.

(2) “Municipal purpose” means any activity or power which may be exercised by the state or its political subdivisions.

; and

WHEREAS, the City of St. Petersburg has experienced significant growth in recent years, including development in which the City has contributed significant value, either directly or indirectly, to many projects; and

WHEREAS, the City seeks to balance that growth with the health, safety, and welfare of the general public by requiring developers, in certain circumstances, to address the impacts of their developments with both the residents of the City and the surrounding neighborhoods most impacted by such growth; and

WHEREAS, the City has established a program in which developers, in certain circumstances, are required to enter into community benefit agreements and/or pay to the City a fee in lieu of such agreements (“CBA Program”); and

WHEREAS, any payments to be generated by the CBA Program will be set forth, in detail, in an agreement with the developer and approved by City Council; and

WHEREAS, the City deems it necessary to establish a specific fund to manage any such payments, as well as criteria guiding the use of such funds; and

WHEREAS, it is appropriate for the City to codify such guiding principles.

The City of St. Petersburg does ordain:

Section 1. The recitals to this ordinance are expressly made a part of this ordinance.

Section 2. Findings of fact. The City finds that the foregoing recitals are true and correct and that it is necessary and in fulfillment of a paramount public purpose for the City to undertake the activities authorized by this ordinance in order to improve the economic condition of the City, to improve neighborhoods, to increase the property values in neighborhoods, and provide for development consistent with the will of the electorate of the City.

Section 3. The purpose of this ordinance is to authorize the use of City funds and services to create and maintain the CBA Fund, identify a funding source for the CBA Fund, and identify the uses for which money in the CBA Fund can be spent.

Section 4. Revenues generated from the CBA Program shall be deposited in the CBA Fund and their use shall be limited as set forth herein.

Section 5. Money in the CBA Fund must be expended in Qualified Census Tracts, as defined under section 42 (d)(5)(C) of the Internal Revenue Code of 1986, and shall only be expended in a manner to facilitate the economic development of individuals or groups within the Qualified Census Tracts.

Section 6. The provisions of this ordinance are supplemental and in addition to other economic development programs or efforts of the City of St. Petersburg.

Section 7. The provisions of this ordinance shall not supersede any City Codes or ordinances in effect on its effective date but authorizes the adoption of ordinances which specifically implement and further the purposes of this ordinance.

Section 8. The provisions of this ordinance shall be deemed to be severable and the and the invalidity of any provision shall not affect the remaining provisions.

Section 9. This ordinance shall become effective immediately upon its adoption.

LEGAL:

ADMINISTRATION:

Exhibit 8 – Community Benefit Advisory Council Resolution

Resolution No. 2021 - _____

A RESOLUTION ESTABLISHING A COMMUNITY BENEFIT ADVISORY COUNCIL (“CBAC”) AS AN OFFICIAL CITY ADVISORY COMMITTEE; ESTABLISHING MEMBERSHIP; PROVIDING FOR FILLING VACANCIES; ESTABLISHING DUTIES AND RESPONSIBILITIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on _____, 2021, City Council adopted Ordinance _____, which created a new program requiring developers to enter into community benefit agreements (“CBA(s)”) or make payments into an associated fund, in certain circumstances; and

WHEREAS, the Mayor and City Council agree that creating a dialogue among the neighborhoods, the private sector (both for-profit and not-for-profit organizations), and the public sector on pertinent issues related to economic growth and the impact to different areas of the City will assist the City in determining where the City’s policies and resources should be focused in order to best serve the public interest; and

WHEREAS, the CBAC will provide this advice on both a case-by-case basis and on a general programmatic level; and

WHEREAS, the membership will be set at seven members, with four members appointed by the Mayor and three appointed by City Council; and

WHEREAS, the CBAC is established as set forth in this resolution.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that a Community Benefit Advisory Committee is hereby established to provide advice to the City regarding growth and development throughout the City; that the Committee size shall be seven members, with four to be appointed by the Mayor and three appointed by City Council, for a three-year terms; and

BE IT FURTHER RESOLVED that vacancies shall be filled by the appointer of the vacated position; and

BE IT FURTHER RESOLVED that the charges and responsibilities of the CBAC shall be as follows:

- To advise the City on the CBA Program, including how best to measure community impact and how to assure enforcement,
- To advise the City on individual development projects presented to the CBAC,
- To advise the City on community and neighborhood engagement,

; and

BE IT FURTHER RESOLVED that the following initial appointments to the Committee are confirmed:

- XXXX XXXXX, [brief description of their experience/reason for selection]
- XXXX XXXXX, [brief description of their experience/reason for selection]
- XXXX XXXXX, [brief description of their experience/reason for selection]

- XXXX XXXXX, [brief description of their experience/reason for selection]
- XXXX XXXXX, [brief description of their experience/reason for selection]
- XXXX XXXXX, [brief description of their experience/reason for selection]

This Resolution shall become effective immediately upon adoption.

Approvals:

Legal: _____ Administration: _____

Exhibit 9 – Disclosure Resolution

Resolution No. 2020-_____

A RESOLUTION APPROVING THE FORM OF THE PROPOSED INFORMATION SHEET, ATTACHED HERETO AS EXHIBIT “A”, FOR USE BY CITY ADMINISTRATION AS SET FORTH IN ORDINANCE 2020-_____; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of St. Petersburg, Florida approved Ordinance 2021-_____ on _____, 2021 (“CBA Ordinance”), which required that the City utilize community benefit agreements as set forth therein and to provide certain disclosures to City Council when such agreements are brought before City Council for approval (“Information Sheet”); and

WHEREAS, per the CBA Ordinance, the City Council will approve the form of the Information Sheet by resolution, as it may be amended from time to time; and

WHEREAS, per the CBA Ordinance, the Information Sheet “shall generally include information _____”; and

WHEREAS, City Administration, in conjunction with members of the City Council and the City Attorney’s office, have drafted the proposed Information Sheet, attached as Exhibit “A”; and

WHEREAS, Administration recommends approval of the proposed Information Sheet.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the form of the proposed Information Sheet, attached hereto as Exhibit “A”, is hereby approved for use by City Administration as set forth in Ordinance 2020-_____.

This Resolution shall become effective immediately upon its adoption.

LEGAL:

City Attorney (Designee)

Community Benefit Agreement Information Sheet

To be filled out by City administration for projects that are required by ___[city code]___ to include a community benefit component. This form shall be submitted to City Council when approval is sought for the final agreement.

Developer: _____
Location of Development: _____
Impacted Neighborhoods: _____
Approximate Construction Value of Project: ___[more than \$2,000,000]_____
Method(s) of City Participation: _____
Approximate Value of City Participation: ___[more than 20% of above]_____
Date of Community Impact Report: _____ Report Attached
Date of meeting with Neighborhood Advisory Council: _____
Summary of advice: _____
Date and location of first public meeting: _____
Summary of response: _____
Date and location of second public meeting: _____
Summary of response: _____

Applicable Tier(s): Tier 1 (>\$2M) Tier 3 (>\$4M) Tier 3 (>\$8M)
CBA Fund Contribution: _____

Select items completed by Developer/included in final agreement:

Tier 1

- File a Construction Planning Worksheet (construction mitigation & communication)
- Construct streetscape improvements to match existing area master plan
- 10% SBE/MBE participation requirement for new construction
- Utilization St. Pete Works! to employ local residents for job opportunities created by the project
- All existing city land development regulations complied with
- One sustainability initiative (refer to specific actions in ISAP sections 3.2 and 3.3 and 3.4)
- Other _____

Tier 2

- Established or utilized an existing apprenticeship program registered with the State of Florida Department of Education (if available), or industry certification training program, or company sponsored training program, or an on-the-job training program (such as the Florida Department of Transportation On-the-Job Training Program) for local residents
- 20% SBE/MBE participation requirement for new construction
- Construct, or contribute via CBA fund for the development of, new affordable and/or workforce housing at an amount less than the exemption level set forth in City Code
- Develop on- or off-site public space, beyond code requirements or contribute to new public space via CBA Fund.
- Contribute to historic building renovation
- Construct public parking or contribute to new public parking
- Make complete streets & multi-modal transit improvements (bus stops amenities, trails, bike share, bike parking/storage) or contribute to improvements
- Contribute to City's recycling program and waterway nourishment

- Contribute to public safety enhancements
- Provide public art, beyond code requirements or contribute to new public art
- Contribute to the development or improvement of Pinellas County Schools
- Provide for the demolition of vacant housing or other structures
- Contribute to sustainability/resiliency efforts (seawall repair, building hardening, shelter creation, etc.)
- Contribute to the development of early childhood programs
- Provide technological improvements, such as free wi-fi.
- Contribute to streetscape improvements in the project area
- Complete at least two additional sustainability initiatives (refer to specific actions in ISAP sections 3.2 and 3.3 and 3.4)
- Other _____

Tier 3

- 30% SBE/MBE participation requirement for new construction
- Meet or exceed LEED Silver Certification (Project must earn a minimum of 50 points to receive Silver certification)
- Net Zero Energy Building (NZEB)/development (An energy-efficient building where, on a source energy basis, the actual annual delivered energy is less than or equal to the on-site renewable exported energy)
- Provide a base living wage (\$15/hr.) with benefits for all permanent employees after the project is completed while ensuring responsible wages for employees during construction
- Provide housing subsidies for employees under 100% average state wage
- Other _____