

ORDINANCE NO. 470-H

AN ORDINANCE CONCERNING THE ST. PETERSBURG MUNICIPAL MARINA; MAKING FINDINGS CONCERNING A POTENTIAL LEASE OF THAT MARINA; CALLING A REFERENDUM TO APPROVE A LEASE SUBJECT TO CERTAIN CONDITIONS, PURSUANT TO CITY CHARTER SECTION 1.02, TO BE HELD IN CONJUNCTION WITH THE MUNICIPAL GENERAL ELECTION SCHEDULED FOR NOVEMBER 2, 2021; AUTHORIZING THE MAYOR TO EXECUTE THE LEASE PURSUANT TO THAT CONDITIONAL APPROVAL FOLLOWING APPROVAL OF THE REFERENDUM BY A MAJORITY OF THE VOTE; PROVIDING A BALLOT TITLE AND SUMMARY FOR THE REFERENDUM; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG ORDAINS THE FOLLOWING:

SECTION 1—FINDINGS: The City Council of the City of St. Petersburg, Florida, hereby makes the following findings:

- (a) The St. Petersburg Municipal Marina is a City-owned facility that currently consists of approximately 650 boat slips located on a combination of City-owned waterfront park property known as Demens Landing and adjacent submerged lands under the Central and South Yacht Basins (collectively, the “**Marina**”).
- (b) The Marina was designed and constructed in the 1960s and 1970s and has been operated by the City since being constructed.
- (c) In 2017, the City completed a master plan for the Marina. That plan concluded that the Marina’s structural elements are reaching the end of their useful life and need to be renovated or replaced.

- (d) In 2018, the City received an unsolicited proposal from a private marina development entity for the lease, operation, and renovation of the Marina. In response, the City issued a Public Notice of the unsolicited offer and invited alternative proposals to be submitted. After review, the Mayor selected the proposal from Safe Harbor Development, LLC (“**SHD**”), and the City entered into a pre-development agreement for SHD to provide the City with a concept plan for the renovation of the Marina. In anticipation of obtaining a lease to manage and operate the Marina, SHD created a new entity: St. Pete Marina, LLC (“**St. Pete Marina**”).
- (e) St. Pete Marina has proposed that the City enter into the 25-year lease attached to this ordinance as an exhibit. Pursuant to that proposed lease, St. Pete Marina would be required to operate the Marina, pay rent to the City, and fund and complete a series of capital improvements (estimated at thirty million dollars) to renovate the Marina. The City would own all the capital improvements by the end of the lease. St. Pete Marina would also be required to coordinate and contract for repairs or replacement of seawalls, which work would be funded by the City.
- (f) It would serve a valid municipal purpose to enter into this arrangement because it would provide necessary repairs to a City-owned facility without the need to issue a bond or obtain other public financing and because lessee would bear responsibility for cost overruns and operational liability.
- (g) Because the Marina is considered commercially zoned waterfront property pursuant to Charter section 1.02, a City-wide referendum must be held to approve the proposed lease, as an agreement for the disposition of the Marina that would have a term of more than five years.
- (h) Therefore, in accordance with the referendum procedure established under Charter section 1.02, City Council desires to request approval for a lease of the Marina subject to the conditions set forth in this ordinance (as may be amended from time-to-time, the “**Lease**”) and authorization for the Mayor to execute the Lease pursuant to that conditional approval.
- (i) The City has followed the required procedures for notice of first reading of this proposed waterfront property referendum ordinance in accordance with Charter subsection 1.02(d) and City Code subsection 30-1(b), and the Clerk has received proof of compliance with those notice requirements.

SECTION 2—DATE OF REFERENDUM: The City Council hereby calls the referendum approving the disposition of waterfront property described in this ordinance (the “**Referendum**”) to be placed on the ballot of the municipal general election scheduled for November 2, 2021.

SECTION 3—APPROVAL OF LEASE: If the Referendum is approved by a majority of the vote, the Lease is approved subject to the following conditions, and the Mayor is authorized to execute the Lease pursuant to that conditional approval:

- (a) The initial Lease that is executed by the Mayor must be the one that is attached to this ordinance as an exhibit, except that the one attached to this ordinance as an exhibit may be modified to fill in blanks, correct typographical and grammatical errors, and make other non-substantive changes for the purpose of clarity, organization, and consistency with applicable law.
- (b) The initial Lease must be fully executed on or before December 31, 2021, or the approval and authorization provided by the Referendum will expire at the end of that date.
- (c) The Lease may be amended at any time by resolution of City Council adopted with at least six affirmative votes, as long as such amendment is consistent with the conditions set forth in this section.
- (d) The Lease must be consistent with the following requirements:
 - (i) The term of the Lease must end on or before December 31, 2046.
 - (ii) The lessee must fund and complete the required capital improvements set forth in the Lease at lessee’s expense within the timeframes identified in the Lease.
 - (iii) The City must own the required capital improvements and any other improvements to the Marina by the end of the Lease.

SECTION 4—BALLOT TEXT: The City shall use the following caption and explanatory statement as the ballot title and ballot summary for the Referendum:

Approving a 25-year lease of the St. Petersburg Municipal Marina

May the Mayor execute a 25-year lease of the St. Petersburg Municipal Marina subject to the conditions in ordinance 470-H? These conditions include: (i) the lessee must fund and complete the required capital improvements set forth in the lease at lessee’s expense within the timeframes identified in the lease and (ii) the

City will own all required capital improvements and any other improvements to the marina by the end of the lease.

YES

NO

SECTION 5—SEVERABILITY: The provisions of this ordinance are intended to be severable, and a determination that any portion of this ordinance is invalid should not affect the validity of the remaining portions of this ordinance.

SECTION 6—EFFECTIVE DATE: In the event that this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

/s/ Sharon Michnowicz

City Attorney (Designee)

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Joseph F. Zeoli
Administration

EXHIBIT TO ORDINANCE

**LEASE AGREEMENT BETWEEN
THE CITY OF ST. PETERSBURG, FLORIDA
AND ST PETE MARINA, LLC**