

**CITY OF PINELLAS PARK, FLORIDA
CITY COUNCIL AGENDA
JANUARY 22, 2009**

**CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE**

I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS

PROCLAMATIONS

SERVICE AWARDS (City Employees)

SPECIAL PRESENTATION — DO THE RIGHT THING

SPECIAL PRESENTATION — MAYOR’S CHOICE AWARDS

II. PUBLIC COMMENT AND CORRESPONDENCE

CITIZENS COMMENTS ARE INVITED ON ITEMS OR CONCERNS NOT ALREADY SCHEDULED ON TONIGHT’S AGENDA. PLEASE LIMIT COMMENTS TO THREE MINUTES.

AT THIS TIME STAFF MEMBERS WILL BE SWORN IN IF THERE ARE ITEMS THAT ARE QUASI-JUDICIAL

III. APPROVAL OF MINUTES

Approval of Regular Council Minutes of January 8, 2009.

IV. PUBLIC HEARINGS

◆ COMMUNITY DEVELOPMENT

P1 ORDINANCE NO. 3656. AN ORDINANCE AMENDING CHAPTER 18, SECTION 18-1503.3, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING TWO PARCELS OF LAND GENERALLY LOCATED EAST OF U.S. HIGHWAY 19, WEST OF 28TH STREET, SOUTH OF LAKE MIELE AND NORTH OF GANDY BOULEVARD, WITH ONE PARCEL, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A,” ATTACHED HERETO AND MADE A PART HEREOF; FROM “M-1” LIGHT INDUSTRIAL DISTRICT TO “M-1” LIGHT INDUSTRIAL DISTRICT WITH AN “MUPUD” MIXED USE PLANNED UNIT DEVELOPMENT OVERLAY; AND WITH THE OTHER PARCEL, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “B”, ATTACHED HERETO AND MADE A PART HEREOF, FROM “B-1” GENERAL COMMERCIAL DISTRICT TO “B-1” GENERAL

- P1 COMMERCIAL DISTRICT AND ADOPTING A CONCEPT PLAN AND SUPPORTING DOCUMENTATION FOR AN "MUPUD" MIXED USE PLANNED UNIT DEVELOPMENT OVERLAY FOR BOTH SUCH PARCELS, FOR APPROXIMATELY 205 ACRES OF THE GATEWAY CENTRE DEVELOPMENT OF REGIONAL IMPACT, IMPOSING CONDITIONS OF DEVELOPMENT; CERTIFYING CONSISTENCY WITH THE CITY'S ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. (PUD 2009-03 GCL, LLC., Oak Street Development of Pinellas, LLC., Tyler Davis, Inc., and Gateway Business Centre, LTD./Grady Pridgen.)**

(CONTINUED SECOND PUBLIC HEARING (QUASI-JUDICIAL))

NOTE: The applicant is requesting reconsideration of a MUPUD overlay and concept plan for several undeveloped parcels totaling 205.37 acres within Gateway Centre Development of Regional Impact (DRI). At its meeting of December 11, 2008, City Council heard Ordinance Number 3656, and the ordinance failed on a 2-3 vote with Council expressing concerns relative to building heights, specifically within Parcel LI-3 abutting Sunset Palms Mobile Home Park. On December 23, 2008, the applicant requested a reconsideration of the ordinance by Council. Respecting Council's concern over the building heights issue, the applicant has revised their request. Building heights within all restricted development areas where the business park abuts or functionally abuts existing residential will remain at twenty (20) feet plus a 5 feet parapet wall to screen mechanical equipment on roof tops. All of Parcel LI-3, which abuts Sunset Palms, will remain restricted. Height within all other undeveloped, unrestricted parcels subject to the MUPUD is reduced to 48 feet. The overlay and concept plans do not specifically permit construction, but distributes development entitlements to parcels of land and can be used to control rights-of-way configurations, buffer types and locations, master drainage, master utilities and master signage. This MUPUD only sets standards for buffers and building heights, which are currently controlled through the Covenants, Conditions and Restrictions applicable to the entire DRI. Of note the requested Master Buffer Plan eliminates the platted 43 feet wide landscaped buffer on all roads adjacent to undeveloped parcels. Where not already provided, the required 35 feet wide "wall landscaping" is reduced to an actual landscaped area of 10 feet wide with canopy trees every 30 feet. The proposal appears to be consistent with the Comprehensive Plan and should not lower adopted levels of service for City infrastructure. Surrounding land uses are: to the north, Lake Miele, vacant MCI Building, Scandesign; to the south, Light Industrial and Sunset Mobile Home Park; to the east, vacant light industrial and City of St. Petersburg jurisdiction; and to the west, Mainlands RPUD. At their meeting of November 6, 2008, the Planning and Zoning Commission recommended approval of the application.

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- P1** (reference material — ordinance, City Attorney approval letter, excerpts from the November 6, 2008 P&Z meeting, staff report, application, map, concept plan, correspondence of December 23, 2008 requesting reconsideration of MUPUD and map of proposed building heights, *P1 on 1/8/2009 - tabled*)

◆ **OMB**

- P2** **ORDINANCE NO. 3666. AMENDING ORDINANCE 3641 ADOPTING THE BUDGET FOR FISCAL YEAR 2008/2009.**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: In general, the ordinance amends this year's budget by reallocating funds for the former Recreation Director's position among several cost centers. In addition, State revenue sharing has been reduced by \$600,000 in the General Fund based on the State's latest revenue estimates. We also have budgeted additional revenue (that will negate this decrease in revenue sharing for this year) for public service taxes and fees as a result of the Progress Energy rate increases effective in January 2009. In the Water and Sewer fund, we have budgeted additional revenue relative to the amended user fee rates approved by Council last September.

In the Capital Improvement Fund we have reduced the appropriations for Park Blvd Phases 2 and 3. More of Phase 2 was done last fiscal year than we had anticipated. Phase 3 of the project will go out for bid in February, 2009. Due to the current recession, it is anticipated that the City will save some capital improvement funds for this project. In addition, we carried forward funds for several intersection renovation projects from the prior fiscal year.

(reference material — ordinance, & budget amendment schedule, *C11 on 1/8/2009 Council agenda*)

◆ **NEIGHBORHOOD SERVICES**

- P3** **RESOLUTION NO. 09-01. LOT MOWING LIENS, PROGRAM #223.**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This Resolution is pursuant to the City of Pinellas Park lot mowing/land clearing program. The properties listed on Exhibit "A" have been cleared by the City after due notice to the owners went unheeded. The owners are being billed for the work done, and this Resolution authorizes the City Clerk to record a lien against the properties whose owners have failed to pay.

(reference material — Resolution, Exhibit "A", Attorney approval letter, *C2 on 1/8/2009 Council agenda*)

◆ COMMUNITY DEVELOPMENT

- P4 ORDINANCE NO. 3663. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6903 PINECREST LANE - (Michael J. Bellomo – AX08-28)**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This is a voluntary annexation of 0.57 acres MOL of contiguous residential property. The Owner's single family residence is located on the site in the Bonnie Bay Subdivision.

(reference material — ordinance, petition, map, Attorney approval letter, *C4 on 1/8/2009 Council agenda*)

- P5 ORDINANCE NO. 3664. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6924 PINECREST LANE - (Charles W. Barnes, Jr. and Sylvia M. Cohee-Barnes – AX08-29)**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This is a voluntary annexation of 0.17 acres MOL of contiguous residential property. The Owners' single family home is located on the site in the Bonnie Bay Subdivision.

(reference material — ordinance, petition, map, Attorney approval letter, *C6 on 1/8/2009 Council agenda*)

- P6 ORDINANCE NO. 3665. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6963 125TH TERRACE NORTH - (SANDRA C. MIDDLEBROOKS – AX08-30)**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This is a voluntary annexation of 0.18 acres MOL of contiguous residential property. The Owner's single family residence is located on the site in the Pinebrook Estates Subdivision.

(reference material — ordinance, petition, map, Attorney approval letter, *C8 on 1/8/2009 Council agenda*)

V. CONSENT AGENDA

◆ NEIGHBORHOOD SERVICES

C1 RESOLUTION NO. 09-05. LOT MOWING LIENS, PROGRAM #224.

FIRST READING PRIOR TO PUBLIC HEARING

NOTE: This Resolution is pursuant to the City of Pinellas Park lot mowing/land clearing program. The properties listed on Exhibit "A" have been cleared by the City after due notice to the owners went unheeded. The owners are being billed for the work done, and this Resolution authorizes the City Clerk to record a lien against the properties whose owners have failed to pay.

(reference material — Resolution, Exhibit "A", Attorney approval letter)

◆ PUBLIC WORKS

C2 CHANGE ORDER NO. 1 AND FINAL PAYMENT FOR PROJECT 08/013, LIFT STATION #9 REPLACEMENT – Kamminga & Roodvoets, Inc.

NOTE: Change Order No. 1 is recommended for approval so that the final payment can be processed and the contract closed out. The decrease in the contract amount represents a decrease of the original contract amount by 14.1%. The account to be charged is 301-381-5-780-70. The final contract amount is \$25,000.00 under the original contract amount.

ACTION: (Approve - Deny) Authorization for approval and acceptance of Change Order No. 1, Project 08/013, Lift Station #9 Replacement, a decrease in the contract amount of \$25,000.00, for a total adjusted contract amount of \$152,350.00 and authorization for final payment of \$38,232.25 to Kamminga & Roodvoets, Inc. to be charged to the appropriate account.

(reference material — change order, final invoice)

C3 RESOLUTION NO. 09-07. AUTHORIZING THE MAYOR TO SIGN A CONTRACT RENEWAL FOR A MAINTENANCE AGREEMENT BETWEEN THE CITY OF PINELLAS PARK AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION.

FIRST AND FINAL READING

NOTE: This is an authorization for the Mayor to sign a contract renewal to the Maintenance Agreement with the Florida Department of Transportation (FDOT) dated April 4, 2008, for the City of Pinellas Park to perform routine maintenance work on the State highway system, all of which is within the City's corporate limits

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- C3** with the exception of the area along Gandy Boulevard between 28th Street and the gore of the ramp onto I-275. FDOT agrees to pay the City an annual sum of \$152,976.30.

(reference material — resolution, FDOT contract renewal, 12/31/08 letter from City Attorney, 11/25/08 letter from Brian A. Bennett of FDOT)

◆ **COMMUNITY DEVELOPMENT**

- C4** **RESOLUTION NO. 09-06. GRANTING CERTAIN PERMIT FEE WAIVERS TO OWNERS OF A SINGLE-FAMILY DWELLING DURING A THREE WEEK PERIOD BEGINNING MONDAY, MARCH 9, 2009 THROUGH FRIDAY, MARCH 27, 2009, IN CONJUNCTION WITH PRIDE IN THE PARK ACTIVITIES; PROVIDING PERMITS ISSUED WITHOUT CHARGE SHALL BE VALID PER SECTION 18-906 OF THE LAND DEVELOPMENT CODE; PROVIDING THAT PERMIT FEE WAIVERS SHALL ONLY BE GRANTED FOR SINGLE-FAMILY DWELLINGS.**

FIRST AND FINAL READING

NOTE: This resolution provides a waiver of certain permit fees for the purpose of encouraging owners of a single-family dwelling to undertake renovation projects in conjunction with the community's Pride in the Park celebration.

(reference material — resolution)

- C5** **AUTHORIZATION FOR THE CITY MANAGER TO SIGN A PERMANENT DRAINAGE EASEMENT ACROSS CITY-OWNED PROPERTY - to Dr. Gary L. Heller**

NOTE: This request for an easement relates to a reconfiguration of the parking lot for the offices of Dr. Gary L. Heller located at 7641 66th Street North. The stormwater outfall pipe for the existing retention pond on Dr. Heller's property is connected to the Pinellas Park Water Management Channel 5 ditch which has been incorporated into the Park Blvd. Phase II retention pond. The reconfigured parking lot design provides for the stormwater outfall connection to be moved northerly along the new retention pond bank and will therefore require an easement from the City. Southwest Florida Water Management District Staff and City Staff have no objection to the relocation of the stormwater outfall pipe and dedication of this easement to Dr. Heller.

ACTION: (Approve - Deny) The authorization for the City Manager to sign a Permanent Drainage Easement across City-owned property to Dr. Gary L. Heller.

(reference material — easement, attorney approval letter dated January 7, 2009)

VI. REGULAR AGENDA

◆ **HUMAN RESOURCES**

R1 REAPPOINTMENT TO THE PINELLAS PARK GENERAL EMPLOYEES' PENSION BOARD OF TRUSTEES – One Council Appointed Member

NOTE: The term of Mr. Alan Swartz as a member of the Pinellas Park General Employees' Pension Board expires January 31, 2009. Mr. Swartz is interested in continuing his service as a trustee. Members serve for a three-year term.

ACTION: (Approve-Deny) The reappointment of Alan Swartz to serve as a resident member of the Pinellas Park General Employees' Pension Board of Trustees with term to expire January 2012.

(reference material — attendance record for past term)

◆ **LIBRARY AND RECREATION**

R2 RECEIPT OF 2008 LIBRARY ANNUAL REPORT

NOTE: Section 2-504 of the City Code states that the Library Board will submit an annual report to the City Council each year.

ACTION: (Approve – Deny) The Library Director will be in attendance to present the 2008 Library Annual Report in accordance with Section 2-504 of the City Code requiring submission on a yearly basis.

(reference material — annual report)

VII. COMMENTS BY COUNCIL MEMBERS AND QUESTIONS – COUNCIL TO COUNCIL

VIII. ADJOURNMENT

PLEASE NOTE that if a person decides to appeal any decision made by City Council with respect to any matter considered at the above-cited meeting, the person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City maintains a tape recording of all public hearings. In the event that you wish to appeal a decision, the tape may or may not adequately insure a verbatim record of

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the proceedings; therefore, you may wish to provide a court reporter at your own expense (Section 286.0105, Florida Statutes).

FOR PERSONS WITH HEARING IMPAIRMENT — An interpreter for persons with hearing impairment will be made available upon requests made at least 72 hours in advance. Also, an Assistive Hearing Device (amplifier) is available from the City Clerk for use in Council Chambers and all meeting rooms throughout the City. This agenda document is available in the following accessible formats: Braille, Large Print, Audio Tape, and Electronic File on Computer Disks.

February 2009

Patriotism is easy to understand in America. It means looking out for yourself by looking out for your country.

Calvin Coolidge (1872-1933)



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Summer Camp Enrollment Begins Groundhog Day	3	4	5	6	7
8	9	10 7:30 PM City Council Workshop	11 Pancake Breakfast Senior Center - 9 AM 7625 59th St.	12 Lincoln's Birthday 7:00 PM Agenda Session *7:30 PM City Council Meeting	13	14 Valentine's Day
15	16 Presidents' Day Washington's Birthday (obsvd)	17	18	19 *6:00 PM "Meet Your Mayor & Council"	20	21
22	23	24 Shrove Tuesday 7:30 PM City Council Workshop	25 Ash Wednesday Lent Begins	26 7:00 PM Agenda Session *7:30 PM City Council Meeting	27	28
					JANUARY 2009 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	MARCH 2009 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

THINGS TO DO

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