

**CITY OF PINELLAS PARK, FLORIDA
CITY COUNCIL AGENDA
APRIL 9, 2009**

**CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE**

I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS

PROCLAMATIONS

SPECIAL PRESENTATION — EMPLOYEE OF THE QUARTER

Jeffrey Lucas, Utility Reader Foreman – Finance/Utility Billing Division

SPECIAL PRESENTATION — APPLE Graduation

Presentation of graduates to City Council

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 Special Council Minutes of March 24, 2009, and Regular Council Minutes of March 26, 2009.

IV. PUBLIC HEARINGS

◆ COMMUNITY DEVELOPMENT

P1 ORDINANCE NO. 3677. AN ORDINANCE AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE) OF THE CITY OF PINELLAS PARK, FLORIDA, AMENDING ARTICLE 16 “CONCURRENCY MANAGEMENT SYSTEM”, BY AMENDING SEC. 18-1602 “LEGISLATIVE FINDINGS AND INTENT”, BY AMENDING SEC. 18-1603 “DEFINITIONS”; BY CREATING A NEW SEC. 18-1610 “PUBLIC SCHOOL FACILITIES CONCURRENCY PROCEDURES” AND RENUMBERING SUBSEQUENT SECTIONS BEGINNING WITH SEC. 18-1611; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE LAND DEVELOPMENT CODE; PROVIDING FOR CERTIFICATION BY THE CITY COUNCIL THAT THIS ORDINANCE IS IN CONFORMANCE WITH THE CITY’S COMPREHENSIVE PLAN; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE

CITY COUNCIL AGENDA

APRIL 9, 2009

PAGE 2

- P1 FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH OTHER RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: Pursuant to Growth Management legislation, each local government must include a Public School Facilities Element (PSFE) as part of their Comprehensive Plan. The PSFE, along with an Interlocal Agreement adopted in 2007, provide for level of service standards for school facilities. Just as with other infrastructure that have such standards, the use of the level of service concept means that such services or facilities must be available when development occurs. The Ordinance implements school concurrency, ensuring that satisfactory student stations will be available when residential development takes place. While all residential development must go through concurrency, only those projects 25 units and over must be submitted to the School District for formal concurrency review. If there is adequate capacity in the attendant school concurrency areas, then the proposed development can go forward. If there is not, then the development will be subject to mitigation requirements. Currently, there appears to be more than adequate student station capacity in those concurrency areas in which the City resides.

reference material — ordinance, Attorney approval letter, *C5 on 3/26/2009 Council agenda*)

- P2 CONSIDERATION OF A REQUEST TO ALLOW AN “INDOOR RECREATIONAL ESTABLISHMENT”, A CONDITIONAL USE IN THE “M-1” LIGHT INDUSTRIAL ZONING DISTRICT, WITH A WAIVER TO THE CONDITIONAL USE REQUIREMENT THAT THE PROPERTY MUST HAVE FRONTAGE ON AN ARTERIAL STREET FOR A PROPERTY GENERALLY LOCATED AT 12350 AUTOMOBILE BOULEVARD. (CU 2009-6 Linda Pollard /Bertrand Ollier)**

PUBLIC HEARING (QUASI-JUDICIAL)

NOTE: The applicant is requesting consideration of an “Indoor Recreational Establishment” in the “M-1” Light Industrial Zoning District on a 1.911 acre parcel of land generally located at 12350 Automobile Boulevard to permit the development of an indoor electric go-kart racetrack. The parcel is currently developed with a 32,280 square foot industrial building and this new use will only require interior remodeling. The applicant is requesting a waiver to the Conditional Use requirement that the property shall have frontage on an arterial roadway. The parcel fronts Automobile Boulevard, a local street. While the business will be open to the general public, the applicant has stated that the focus for this site will be corporate events and team building exercises for corporate clients. The applicant claims that most trips to the facility will be by bus thereby making the need for location on an arterial street fairly debatable. The facility is located approximately 550 feet from a collector street, 126th Avenue and 1,800

CITY COUNCIL AGENDA

APRIL 9, 2009

PAGE 3

- P2** feet from an arterial street, 49th Street which limits the impacts to a small segment of the local street network. Subject to any matters that may be discussed at the hearing, staff has not identified any inconsistencies with the Comprehensive Plan. The proposal should have no adverse effect on adopted levels of service for City infrastructure. The surrounding uses consist of: to the north, Direct Mail Systems; to the south, Gladstone Construction and TJ's Auto Service; to the east, unoccupied industrial; to the west, T & A Truck Specialists, Inc. and Hellers Transmission.

ACTION: (Approve – Deny) A Conditional Use request to allow an “Indoor Recreational Establishment” in the “M-1” Light Industrial Zoning District on a parcel of land generally located at 12350 Automobile Boulevard, with a waiver to the Conditional Use requirement that the property shall have frontage on an arterial street, based on the staff report and the criteria found in Section 18-1509.4(B) & (C).

(reference material — staff report, application, aerial map, and site plan)

- P3** **RESOLUTION NO. 09-14. A RESOLUTION VACATING A PORTION OF 40TH STREET NORTH RIGHT-OF-WAY GENERALLY LOCATED BETWEEN 82ND AVENUE NORTH AND U.S. HIGHWAY 19 NORTH, SECTION 27, TOWNSHIP 30 SOUTH, RANGE 16 EAST. (V 2009-4 8181 U.S. 19 North LLC/Ted Starr)**

PUBLIC HEARING, FIRST AND FINAL READING

NOTE: The applicant is requesting the vacation of a portion of 40th Street North right-of-way, south of 82nd Avenue and north of US Highway 19. A portion of said right-of-way, south of the area proposed for vacation, was vacated via Resolution No. 01-19 (Case No V 2001-5), thus creating a dead-end street. The remaining right-of-way and the abutting parcel to the west are proposed for unification via a Unity of Title. The vacated area is proposed for additional parking for the proposed expansion of the law offices of Ted Starr. No City Divisions or private utilities have raised objections to the proposal provided utility and drainage easements are retained and/or utilities are relocated at the expense of the applicant. The Planning and Zoning Commission, at their meeting of March 5, 2009, recommended APPROVAL of the vacation, based on the following Findings of Fact:

1. The vacation is consistent with the policies of the Comprehensive Plan.
2. The various utility agencies and City divisions have no objection to the vacation provided drainage and utility easements are retained and/or utilities are relocated at the expense of the applicant.

(reference material — resolution, Attorney approval letter, staff report, excerpts of the P&Z meeting of March 5, 2009, application, aerial)

PUBLIC COMMENTS – QUASI-JUDICIAL

- P4 CONSIDERATION OF A REQUEST FOR A WAIVER TO ALLOW A SIX-FEET-HIGH, CHAIN LINK FENCE IN LIEU OF A SOLID WALL AS REQUIRED BY SECTION 18-1507.12, “REGULATIONS FOR THE SALE, DISPENSING AND CONSUMPTION OF ALCOHOLIC BEVERAGES” WHICH REQUIRES THAT “THE PROPERTY LINE ABUTTING A RESIDENTIAL ZONING DISTRICT SHALL BE SCREENED BY A PERMANENT, PAINTED MASONRY WALL NOT LESS THAN SIX (6) FEET IN HEIGHT NOR MORE THAN EIGHT (8) FEET IN HEIGHT, IN ACCORDANCE WITH SECTION 18-1507 ENTITLED "FENCES, WALLS, AND HEDGES", AND MUST BE SUFFICIENT TO SCREEN OUT EXCESSIVE SOUND AND VIEW TO THE ABUTTING RESIDENTIAL AREA" FOR A PARCEL OF LAND GENERALLY LOCATED AT 12061 66TH STREET NORTH. (MS 2009-19 McGrath Family Holdings LLC/David Cortes)**

(QUASI-JUDICIAL)

NOTE: The applicant is requesting a waiver to allow an existing, six-foot-high, chain link fence in lieu of a solid wall, the buffer requirement for a restaurant with an alcoholic beverage license when abutting residentially zoned properties, for a parcel of land in the “CH” Heavy Commercial Zoning District. The building was formerly occupied by Hong Kong Buffet. The proposed business will be located in the building adjacent to the south property line and abutting the mobile home park. The subject property functionally abuts residential property to the west, and abuts commercial property to the north and commercial and industrial property to the east. There is a six-foot-high, chain link fence on the site located along the southern property line. Additionally, the abutting property to the south, Rainbow Village Mobile Home Park, has a six-foot-high, wooden fence, hedges and trees installed along their north property line, an additional buffer between the two uses. The former occupants did not serve alcoholic beverages and therefore did not obtain an alcoholic beverage license. Prior to Hong Kong Buffet, the building was occupied by Sonny’s Real Pit Bar B Q. Between the deletion of the Sonny’s Real Pit Bar B Q’s Business Tax Receipt (BTR) in 2004 and the BTR for Hong Kong Buffet in 2008, no alcoholic beverage licenses were obtained; therefore, no grandfathering exists. Based on the Police Incident Log dating back to 2004, there have not been issues related to noise, lights and other nuisances at this address. It would not appear that a waiver to allow an approximately 470-foot-long by six-foot-high, chain link fence in lieu of a solid wall along the south property line would adversely impact the public interest or the adjacent properties. The surrounding area consists of: to the north, vacant commercial land; to the south, Rainbow Village Mobile Home Park; to the east, PKS Rentals and a contractor’s office; and to the west and functionally abutting, Pinebrook Townhomes. Subject to matters that may be discussed by Council, staff has not identified any inconsistencies with the Comprehensive Plan. The proposal should have no adverse effect on adopted levels of service for City infrastructure.

CITY COUNCIL AGENDA

APRIL 9, 2009

PAGE 5

- P4** ACTION: (Approve – Deny) A waiver to allow a six-foot-high, chain link fence in lieu of a solid wall as required by Section 18-1507.12, “Regulations for the Sale, Dispensing and Consumption of Alcoholic Beverages” which requires that “The property line abutting a Residential Zoning District shall be screened by a permanent, painted masonry wall not less than six (6) feet in height nor more than eight (8) feet in height, in accordance with Section 18-1507 entitled "Fences, Walls, and Hedges", and must be sufficient to screen out excessive sound and view to the abutting residential area" for a parcel of land generally located at 12061 66th Street North.

(reference material — staff report, application, aerial, site plan)

V. CONSENT AGENDA

◆ **COMMUNITY DEVELOPMENT**

- C1 ORDINANCE NO. 3678. 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 A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 12755 60TH STREET AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; FROM “M-1” LIGHT INDUSTRIAL TO “M-1” LIGHT INDUSTRIAL WITH AN “IPUD” INDUSTRIAL PLANNED UNIT DEVELOPMENT OVERLAY AND ADOPTING A MASTER PLAN AND SUPPORTING DOCUMENTATION FOR AN “IPUD” INDUSTRIAL PLANNED UNIT DEVELOPMENT OVERLAY. (PUD 2009-5/MS 2009-18 Rogers Realty Management, Inc. Theodore P. Rogers, President Owner/Deuel and Associates, Brian A. Barker P.E., Agent)**

**FIRST READING PRIOR TO PUBLIC HEARING
(PUBLIC HEARING APRIL 23, 2008 – (QUASI JUDICIAL))**

NOTE: Rogers Realty Management, Inc. has applied for a rezoning from “M-1” Light Industrial Zoning District to “M-1” Light Industrial Zoning District with an “IPUD” Industrial Planned Unit Development Overlay and adoption of a Master Plan for a 1.43 acre parcel of land generally located at 12755 60th Street for the development of a two-lot, industrial subdivision. Minor construction is proposed for the parcel, such as dumpster enclosures and minor pavement modifications. The applicant wishes to subdivide the property for a potential sale. Subject to any matters that may be discussed at the hearing, staff has not identified any inconsistencies with the Comprehensive Plan. The proposal should have no adverse effect on adopted levels of service for City infrastructure. Surrounding businesses are: to the north, Mid-County Recycling; to the south, Minton Services; to the east, Industrial Packaging Systems, EMI Filter Company and The Framing Source; and to the west, Robotic Parking Inc.. At its meeting on March

CITY COUNCIL AGENDA

APRIL 9, 2009

PAGE 6

- C1** 5, 2009, the Planning and Zoning Commission recommended APPROVAL of the above request subject to conditions;
1. Minimum setbacks shall be as illustrated on the “IPUD” Industrial Planned Unit Development Master Plan (Exhibit “B”).
 2. Criteria assigned to subdivision in notes on submitted Site Plan, last revised on 2/25/2009, shall be accepted as governing regulations for the development. All regulations not addressed shall revert to Code in effect at the time of “IPUD” Industrial Planned Unit Development Master Plan adoption.

(reference material — ordinance, Attorney approval letter, excerpts of P & Z minutes of 3/5/09, staff report, application, aerial map, master site plan)

◆ **PUBLIC WORKS**

- C2** **AUTHORIZATION FOR PURCHASE UNDER CITY OF TAMPA BID NO. 71072908 CONTRACT FOR HOT IN PLACE ASPHALTIC CONCRETE RECYCLING - from H.I.P Paving, LLC, Safety Harbor, FL**

NOTE: The City’s 2008/2009 Capital Improvement Program provides for the Annual Paving and Resurfacing of City streets. In addition to the traditional milling and resurfacing, the City will use a portion of the Annual Budget to contract for Hot In Place Asphaltic Concrete Recycling of approximately 16,930 square yards of City streets. The Hot In Place Asphaltic Concrete Recycling will be purchased under the City of Tampa Bid No. 71072908 Hot In Place Asphaltic Concrete Recycling from H.I.P Paving, LLC, at a cost of \$9.89 per square yard for a total contract amount of \$167,437.00; this cost includes materials, labor, equipment, traffic control, temporary striping and mobilization. The amount budgeted for Annual Paving and Resurfacing is \$500,000.00, the remainder of the budgeted amount will be used for traditional milling and resurfacing. The amount of \$167,437.00 will be charged to account 301-481-5-714-06 (page 372, 08/09 Budget Book).

ACTION: (Approve - Deny) Authorization to purchase under The City of Tampa Bid No. 71072908, Hot In Place Asphaltic Concrete Recycling from H.I.P Paving, LLC, Safety Harbor, FL. 34695 for a total contracted amount of \$167,437.00, to be charged to the appropriate account.

(reference material — 3/30/09 letter from City Attorney, quote from H.I.P. Paving, LLC)

- C3** **AUTHORIZATION FOR MAYOR TO SIGN AN AGREEMENT WITH BAYSIDE ENGINEERING – For the design of a traffic signal at 124th Avenue and Belcher Road (City Project 09/011)**

NOTE: At the City Council meeting on February 12, 2009, the City Manager was directed by City Council to enter into negotiations with the firm of Bayside

CITY COUNCIL AGENDA

APRIL 9, 2009

PAGE 7

- C3** Engineering, as the most qualified of three firms to provide services for the traffic signal design. Those negotiations have been held, and the amount of \$69,893.00 has been determined to be a fair cost for these services to be charged to account number 301-481-5-732-38. The amount budgeted for the design and installation of this signal is \$300,000 and can be found on page 372 of the current budget. Contract time for this project is 270 calendar days from the issuance of the Notice to Proceed.

ACTION: (Approve – Deny) Authorization to enter into an agreement with Bayside Engineering, for the design services in the amount of \$69,893.00 to be charged to the appropriate account .

(reference material — Agreement)

VI. REGULAR AGENDA

◆ **LIBRARY AND RECREATION**

R1 APPOINTMENT OF EQUESTRIAN BOARD MEMBER

NOTE: One vacancy on the Equestrian Board was created by the resignation of Rosa Freed at the end of her term. The Equestrian Board interviewed Susan B. Donaldson and Jan Gray for the position. One additional application was received, but was withdrawn by the applicant. The Equestrian Board recommends Council approve the appointment of Ms. Donaldson with a term to expire December 31, 2011.

ACTION: (Approve-Deny) Appointment of _____ to serve as a member of the Equestrian Board with a term to expire December 31, 2011.

(reference material — applications)

◆ **COMMUNITY DEVELOPMENT**

R2 AUTHORIZATION FOR THE CITY MANAGER TO SIGN AN OPTION TO LEASE AND A LEASE AGREEMENT WITH ST. GILES MANOR II, INC. AND THE ST. GILES EPISCOPAL CHURCH, INC. FOR A PORTION OF CITY-OWNED PROPERTY TO BE USED TO CREATE AFFORDABLE HOUSING FOR LOW INCOME AND VERY LOW INCOME ELDERLY PERSONS UNDER HUD'S SECTION 202 PROGRAM

NOTE: The City is proposing to enter into a lease with St. Giles Manor II, Inc. and the St. Giles Episcopal Church, Inc. for a portion of City-owned property in order to increase the availability of affordable housing for low income and very low income elderly under HUD'S section 202 Program.

CITY COUNCIL AGENDA

APRIL 9, 2009

PAGE 8

- R2** The lease would be for a period of 80 years with annual rent in the amount of One Dollar (\$1.00). The Lessee would construct the building using grant funds from HUD.

Simultaneously with the construction of the apartment complex by the Lessees, the Lessees shall construct, at the Lessees' expense, a new Senior Citizens Center/Annex on property adjacent to property being leased by the Lessor to the Lessees in a minimum gross building size of 4,368 square feet.

ACTION: (Approve - Deny) Authorization for the City Manager to sign an Option to Lease and a Lease Agreement with St. Giles Manor II Inc. and the St. Giles Episcopal Church, Inc.

(reference material — option to lease, lease agreement)

◆ **POLICE**

- R3** **AUTHORIZATION FOR THE MAYOR, CITY MANAGER AND POLICE CHIEF TO SIGN THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS FOR THE FY 2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM**

NOTE: The City is eligible to apply for funding under FY 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program through a joint application with the Pinellas County Board of County Commissioners and other local governments within the County. The US Department of Justice is requiring a joint application from all eligible entities within the County. This grant will be administered by the Pinellas County Sheriff's Office on behalf of law enforcement departments throughout the County. The funds are to be used for qualifying law enforcement programs and equipment purchases. This joint grant application requests \$120,060 for use by the Pinellas Park Police Department for equipment and the countywide prisoner transport initiative. There is no local match requirement for this grant. This authorizes the Mayor, City Manager, and Police Chief to execute the Memorandum of Understanding for this joint grant application.

ACTION: (Approve-Deny) Authorization for the Mayor, City Manager, and Police Chief to sign the Memorandum of Understanding for a joint grant application with the Pinellas County Board of County Commissioners and other eligible entities within the County for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

(reference material — Memorandum of Understanding, Risk Management approval, Attorney approval letter)

R4 AUTHORIZATION FOR MAYOR, CITY MANAGER, AND THE POLICE CHIEF TO SIGN AN INTERLOCAL AGREEMENT WITH THE PINELLAS COUNTY SHERIFF'S OFFICE FOR LIMITED PRISONER TRANSPORTATION SERVICES

NOTE: This is an interlocal agreement between the Pinellas Park Police Department and the Pinellas County Sheriff's Office for limited prisoner transportation services for both adults and juvenile arrestees. This agreement will remain in effect until December 31, 2011.

ACTION: (Approve-Deny) Authorization for the Mayor, the City Manager, and the Police Chief to sign an interlocal agreement with Pinellas County Sheriff's Office for limited prisoner transportation services.

(reference material — Agreement, Risk Management approval, Attorney approval letter)

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

VII. 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 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.

