

**CITY OF PINELLAS PARK, FLORIDA
CITY COUNCIL AGENDA
JULY 23, 2009**

**CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE**

I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS

SERVICE AWARDS — City Employees

SPECIAL PRESENTATION — DO THE RIGHT THING

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 July 9, 2009.

IV. PUBLIC HEARINGS

◆ COMMUNITY DEVELOPMENT

P1 ORDINANCE NO. 3686. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 5966 114TH TERRACE NORTH - (Cynthia Ruth Engert - AX09-13)

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This is a voluntary annexation of 0.32 acres MOL of contiguous residential property. The Owner's single family home is located on this site in the Forest Square Subdivision.

(reference material — ordinance, petition, map, attorney approval letter, C2 on 7/9/2009 Council agenda)

P2 ORDINANCE NO. 3688. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6170 104th Avenue North (Mark and Rebecca Haley – AX09-15)

PUBLIC HEARING, SECOND AND FINAL READING

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- P2** NOTE: This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owners' single family home is located on this site in the Northfield Manor Subdivision.

(reference material — ordinance, petition, map, attorney approval letter, *C4 on 7/9/2009 Council agenda*)

- P3** **ORDINANCE NO. 3689. AMENDING ORDINANCE NO. 2432 TO CORRECT A SCRIVENER'S ERROR IN THE ZONING CLASSIFICATION FOR A CERTAIN PARCEL OF PROPERTY GENERALLY LOCATED AT 6116 110TH AVENUE NORTH (GILLESPIE – AX97-5)**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: Ordinance No. 2432, (approved on June 12, 1997), annexed the property located at 6116 110th Avenue North into the City of Pinellas Park. This amending ordinance corrects a scrivener's error in ordinance No. 2432 by changing the zoning classification from T-2 to T-1.

(reference material — ordinance, attorney approval letter *C5 on 7/9/2009 Council agenda*)

V. CONSENT AGENDA

◆ CITY CLERK

- C1** **ORDINANCE NO. 3692. AN ORDINANCE AMENDING ORDINANCE NO. 3683, BY AMENDING THE CITY'S ADMINISTRATIVE FEE SCHEDULE; AS LISTED ON PAGES 14 AND 15, OF EXHIBIT "A".**

FIRST READING PRIOR TO PUBLIC HEARING

NOTE: The City has a current Administrative Fee Schedule which provides for fees for services rendered by the City. This Ordinance has been prepared to delete fees listed in the Program Fees for Youth Recreation Programs as listed on Pages 14 and 15 of Exhibit "A".

(reference material — Ordinance)

- C2** **RESOLUTION NO. 09-23. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, APPOINTING REGINA A. KARDASH AS AN ASSISTANT CITY ATTORNEY.**

FIRST AND FINAL READING

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- C2** NOTE: City Attorney James Denhardt has asked that Regina A Kardash be appointed Assistant City Attorney pursuant to the City Charter, Section CC-504.

(reference material — resolution, memo from City Attorney)

◆ **LIBRARY AND RECREATION**

- C3** **AUTHORIZATION FOR MAYOR TO SIGN AGREEMENT BETWEEN THE CITY OF PINELLAS PARK AND THE PINELLAS COUNTY COALITION FOR THE HOMELESS, INC.**

NOTE: The Pinellas County Coalition for the Homeless, Inc. (PCCH) is the administrative agency for the Pinellas County Homeless Leadership Network and its 10-Year Plan to End Homelessness in Pinellas County, to which the City of Pinellas Park is a signatory. The City of Pinellas Park has budgeted \$10,000 to contribute to the administrative costs of the agency during FY 2008-2009, renewing support initially granted in FY 2006-2007. The proposed Agreement establishes the terms and conditions of this funding and the authorized purposes of the funding, itemized in the Budget, Attachment A, as support for salary and benefits for an office manager/bookkeeper.

ACTION: (Approve - Deny) Authorization for the Mayor to sign an Agreement between the City of Pinellas Park and the Pinellas County Coalition for the Homeless, Inc. for FY 2008-2009, providing for a grant amount of \$10,000.00 and establishing terms and conditions for such grant.

(reference material — agreement; PCCH annual budget FY 08-09; letter from City Attorney)

◆ **PUBLIC WORKS**

- C4** **AWARD OF BID 08/008 – PARK BOULEVARD DRAINAGE IMPROVEMENT PROJECT, PHASE III, BASIN C – EHC, Inc.**

NOTE: Bids were legally advertised and bid invitations were mailed to 142 prospective bidders. Twelve (12) bids were received with EHC, Inc. (1360 Railhead Blvd, Naples, FL 34110) being the low bidder with a bid submittal of \$1,339,411.83. Project funding is provided from several agencies including \$3,955,305.00 from the Federal Transportation Discretionary Grant through the Florida Department of Transportation (FDOT). The amount budgeted for this project is \$11,287,000.00 (pg. 376 of the FY 08/09 adopted budget).

The budgeted amount included storm sewer crossings on Park Boulevard that were subsequently determined (through value engineering) to not be required for the project. This adjustment to the original plans represented a significant decrease in the cost of the project. There were twelve bidders for the project that made it a very competitive bid. In addition, the costs of concrete and other

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- C4** required materials have decreased approximately forty percent as well. Additional construction inspection costs and materials testing, estimated to be over \$270,000.00, have been approved for reimbursement by the FDOT Local Area Project program. These costs are part of the project and typically paid for by the City. This project will be charged to account 301-382-5-794-25.

ACTION: (Approve-Deny) Authorization to award Bid 08/008 for the Park Boulevard Drainage Improvement Project, Phase III, Basin C to EHC, Inc., Naples, FL, in the amount of \$1,339,411.83 to be charged to the appropriate account.

(reference material — bidder's list, bid concurrency approval from FDOT, bid book available for review)

- C5** **AUTHORIZATION TO PURCHASE UNDER FLORIDA SHERIFF'S ASSOCIATION, FLORIDA ASSOCIATION OF COUNTIES AND FLORIDA FIRE CHIEF'S ASSOCIATION, CONTRACT 08-16-0908-QE065-QE510 – One 2009 Ford Crown Victoria P-71 Police Vehicle – For Police Department**

NOTE: This 2009 Crown Victoria Police Cruiser is a replacement for asset 13376 K-9 unit that was determined to be a total loss after being involved in an accident. Accounts will be charged as follows: Deductible charge of \$200 to 001-212-5-491-05, Insurance loss fund charge of \$8,124.36 to 511-212-5-491-05 for a total insurance claim charge of \$8,324.36. The remaining amount of \$12,434.64 is to be charged to account 501-212-5-661-09 for a total cost of \$20,759.

ACTION: (Approve-Deny) Authorization to purchase under Florida Sheriff's Association, Florida Association of Counties and Florida Fire Chief's Association Contract 08-16-0908-QE065-QE510 – One 2009 Ford Crown Victoria Police Package Vehicle for the Police Department from Duval Ford, Jacksonville, Florida, at a cost of \$20,759 to be charged to the appropriate account.

(reference material — 7/14/09 e-mail from Risk Management, 6/23/09 vendor confirmation, capital expenditure request form)

◆ **COMMUNITY DEVELOPMENT**

- C6** **ORDINANCE NO. 3690, AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE); ARTICLE 8 "FLOOD DAMAGE CONTROL" OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA.**

FIRST READING PRIOR TO PUBLIC HEARING

NOTE: An ordinance amending Chapter 18 (Land Development Code); Article 8 "Flood Damage Control" of the Code of Ordinances of the City of Pinellas Park,

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- C6** Florida, by amending Article 8 per requirements of the National Flood Insurance Program (NFIP) for flood map updating process; 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 repeal of ordinances or parts of ordinances in conflict herewith to the extent of such conflict; providing for an effective date. (LDC 2009-04)

(reference material — ordinance, 06/22/09 letter from City Attorney)

- C7** **APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY WALTER R. PLAMOWSKI (AX09-16) — Annexation of 0.26 acres MOL located at 5931 106th Terrace North**

NOTE: This is a voluntary annexation of 0.26 acres MOL of contiguous residential property located at 5931 106th Terrace North in the Country Haven Subdivision.

Walter R. Plamowski 5931 106 th Terrace North	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$905.58	\$0.00	\$0.00
This is an annexation by petition only. There are no “Special Provisions”.			

ACTION: (Approve - Deny) The voluntary annexation of 0.26 acres MOL of contiguous residential property owned by Walter R. Plamowski and located at 5931 106th Terrace North.

(reference material — petition, data sheet, comment sheet, revenue sheet, map)

- C8** **ORDINANCE NO. 3693. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 5931 106TH TERRACE NORTH (Walter R. Plamowski – AX09-16)**

FIRST READING PRIOR TO PUBLIC HEARING

NOTE: This is a voluntary annexation of 0.26 acres MOL of contiguous residential property. The Owner’s single family home is located on this site in the Country Haven Subdivision.

(reference material — ordinance, petition, map, Attorney approval letter)

◆ OMB

- C9 **ORDINANCE NO. 3691. AMENDING ORDINANCE 3641 ADOPTING THE BUDGET FOR FISCAL YEAR 2008/2009.**

FIRST READING PRIOR TO PUBLIC HEARING

NOTE: Basically this budget amendment performs some minor maintenance on the non CIP portion of the budget. For the CIP budget, some projects have been deferred to FY 2009/2010 along with, again, some minor maintenance. Overall the City's budget for this year will decrease by \$3.8 million that will result in a total budget of \$111 million.

(reference material — ordinance, budget amendment schedule)

VI. **REGULAR AGENDA**

◆ COMMUNITY DEVELOPMENT

- R1 **CONSIDERATION OF A RELEASE OF UNITY OF TITLE - For a property generally located at 5070 Ulmerton Road North. (MS 2009-41 – Robert Root)**

NOTE: The applicant, Robert Root, has requested the release of a Unity of Title document tying together certain lots internal to the Turtle Creek Subdivision. The Release is necessary to develop the applicant's property.

ACTION: (Approve – Deny) The Release of a Unity of Title document for property generally located at 5070 Ulmerton Road North.

(reference material — staff memorandum, application, Unity of Title documents, copy of applicants deed, Release of Unity of Title form and aerial)

- R2 **CONSIDERATION OF A REQUEST FOR A WAIVER TO THE REQUIREMENT FOR ALL DUMPSTERS AND THEIR ENCLOSURES TO BE A MINIMUM OF FIVE FEET FROM ANY PROPERTY LINE TO ALLOW AN EXISTING ENCLOSURE TO REMAIN AS BUILT, 2.4 FEET FROM THE PROPERTY LINE ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 12600 ROOSEVELT BOULEVARD. (MS 2009-43 – Pallas LLC./Housh Ghovae Northside Engineering Services.)**

QUASI-JUDICIAL

NOTE: The applicant is requesting consideration of a waiver to allow a dumpster enclosure to remain at 2.4 feet from a property line where a minimum of five feet is required. The property is currently developed with a 100-room Marriott hotel, internal restaurant and related vehicular use areas. The ballroom was recently

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- R2** expanded and with that improvement the existing dumpster/compactor enclosure needed to be relocated. Simultaneously, Waste Management increased the size of the compactor to facilitate the additional square footage of the facility. When the final survey was submitted to the Building Development Division to finalize the permit, it was observed that the enclosure was encroaching into the required five foot setback. The enclosure itself is 2.4 feet from the property line. The contractor attempted to relocate the compactor; however, the angle at which it would need to be placed in order to achieve the require five foot setback would make pick-up difficult, if not impossible. Site inspection reveals that the subject property is within an area of industrial, office and other commercial uses. Surrounding uses are: to the north, Bighthouse Networks; to the south, Bay Tec Center; to the east, undeveloped commercial land; to the west, Catalent.

ACTION: (Approve – Deny) A request for a waiver to the requirement that all dumpsters and their enclosures be a minimum of five feet from any property line to allow an existing enclosure to remain as-built, 2.4 feet from the property line for a property located at 12600 Roosevelt Boulevard.

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

◆ **NEIGHBORHOOD SERVICES**

- R3** **APPEAL OF SPECIAL MAGISTRATE (SM) LIEN NO. 09-07-6594**
(Stephanie C. Hombrar, 5291 85th Terrace)

NOTE: Kevin Ginan, current owner of the property located at 5291 85th Terrace, has filed an application to appeal the \$14,880.00 Special Magistrate (SM) Lien No. 09-07-6594 on his property. The City's estimated cost in handling this case is \$823.45. On June 24, 2009, the Special Magistrate recommended that SM Lien No. 09-07-6594 be reduced to \$2,000.00, provided this amount is paid by a date determined by City Council.

ACTION: (Approve-Deny) The reduction of SM Lien No. 09-07-6594, against Stephanie Hombrar and the property located at 5291 85th Terrace, to \$2,000.00, provided this amount is paid by _____, otherwise the lien will automatically revert back to the original amount of \$14,880.00.

(reference material — 6.24.09 recommendation letter from Special Magistrate; excerpt from 6.24.09 Special Magistrate minutes; 6.10.09 memo from Neighborhood Services Administrator; application & letter from Kevin Ginan; appreciation letter from neighbors; history of events)

- R4** **APPEAL OF SPECIAL MAGISTRATE (SM) LIEN NO. 06-08-0256**
(Graham D. Knight, 6580 50th Street)

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- R4** NOTE:Graham Knight, owner of the property located at 6580 50th Street, has filed an application to appeal the \$4,725.00 Special Magistrate (SM) Lien No. 06-08-0256 on his property. The City's estimated cost in handling this case is \$563.85. On May 27, 2009, the Special Magistrate recommended that SM Lien No. 06-08-0256 be reduced to \$2,000.00, provided this amount is paid by a date determined by City Council.

ACTION: (Approve-Deny) The reduction of SM Lien No. 06-08-0256, against Graham D. Knight and the property located at 6580 50th Street, to \$2,000.00, provided this amount is paid by _____, otherwise the lien will automatically revert back to the original amount of \$4,725.00.

(reference material — 6.01.09 recommendation letter from Special Magistrate; excerpt from 5.27.09 Special Magistrate minutes; 4.15.09 memo from Neighborhood Services Department Administrator; application & letter from Graham Knight; history of events)

- R5** **APPEAL OF SPECIAL MAGISTRATE (SM) LIEN NO. 07-07-4396 (Preil Trust 4690, 4690 87th Avenue)**

NOTE:Sheila Campbell Edell, current owner of the property located at 4690 87th Avenue, has filed an application to appeal the \$9,950.00 Special Magistrate (SM) Lien No. 07-07-4396 on her property. The City's estimated cost in handling this case is \$664.87. On June 24, 2009, the Special Magistrate recommended that SM Lien No. 07-07-4396 be reduced to \$700.00, provided this amount is paid by a date determined by City Council.

To show good faith, Ms. Edell submitted a check on July 1, 2009, in the amount of \$700.00 as recommended by the Special Magistrate.

ACTION: (Approve-Deny) The reduction of SM Lien No. 07-07-4396, against Preil Trust 4690 and the property located at 4690 87th Avenue, to \$700.00, provided this amount is paid by _____, otherwise the lien will revert back to the original amount of \$9,950.00.

(reference material — 6.24.09 recommendation letter from Special Magistrate; excerpt from 6.24.09 Special Magistrate minutes; 6.10.09 memo from Neighborhood Services Department Administrator; application & letter from Sheila Campbell Edell; history of events)

- R6** **APPEAL OF SPECIAL MAGISTRATE (SM) LIEN NO. 04-98-0746 (Sheryl A. Kirk, 5570 86th Avenue)**

NOTE:Mark Pace is an independent contractor representing USA Fed Natl Mtg Assn (aka Fannie Mae). Fannie Mae acquired the property located at 5570 86th

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- R6** Avenue on March 17, 2009, through foreclosure. Mr. Pace has requested a reduction or elimination of the \$9,580.00 Special Magistrate (SM) Lien No. 04-98-0746 for this property. On June 24, 2009, the Special Magistrate recommended that SM Lien No. 04-98-0746 be reduced to the amount of \$1,500.00, provided the reduced amount is paid by a date determined by City Council. The City's estimated cost in handling this case is \$951.22.

ACTION: (Approve-Deny) The request for a reduction of SM Lien No. 04-98-0746, against Sheryl A. Kirk and the property located at 5570 86th Avenue, to the reduced amount of \$1,500.00, provided this reduced amount is paid by July 30, 2009, otherwise the lien will automatically revert back to the original amount of \$9,580.00.

(reference material — 6.11.09 file information memo; 6.24.09 recommendation letter from Special Magistrate; excerpt from 6.24.09 Special Magistrate minutes; application from Mark Pace; history of events)

- R7** **APPEAL OF SPECIAL MAGISTRATE (SM) LIEN NO. 08-97-3729 (Sheryl A. Kirk, 5570 86th Avenue)**

NOTE: Mark Pace is an independent contractor representing USA Fed Natl Mtg Assn (aka Fannie Mae). Fannie Mae acquired the property located at 5570 86th Avenue, on March 17, 2009, through foreclosure. Mr. Pace has filed an application to appeal the \$5,230.00 Special Magistrate (SM) Lien No. 08-97-3729 for this property. The City's estimated cost in handling this case is \$655.17. On June 24, 2009, the Special Magistrate recommended that SM Lien No. 08-97-3729 be reduced to \$1,200.00, provided this amount is paid by a date determined by City Council.

ACTION: (Approve-Deny) The reduction of SM Lien No. 08-97-3729, against Sheryl A. Kirk and the property located at 5570 86th Avenue, to \$1,200.00, provided this amount is paid by _____, otherwise the lien will automatically revert back to the original amount of \$5,230.00.

(reference material — 6.24.09 recommendation letter from Special Magistrate; excerpt from 6.24.09 Special Magistrate minutes; 6.11.09 memo from Neighborhood Services Department Administrator; application from Mark Pace; history of events)

◆ **CITY COUNCIL**

- R8** **REAPPOINTMENT TO THE METROPOLITAN PLANNING ORGANIZATION — William F. Mischler**

NOTE: At the July 28, 2005, Regular Meeting, City Council appointed Bill Mischler to serve as the City's representative on the Metropolitan Planning

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- R8** Organization (MPO) for a four year term, with term to expire in September 2009. The City's current MPO representative or a new representative needs to be appointed at this time for a four-year term. Mr. Mischler has served on the MPO since October 1982 and would like to be reappointed to serve as the City's representative on the Metropolitan Planning Organization.

ACTION: (Approve-Deny) Reappointment of _____ to the Metropolitan Planning Organization with a term to expired September 2013.

(reference material — letter from Brian K. Smith, Executive Director, MPO)

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.

