

**CITY OF PINELLAS PARK, FLORIDA  
CITY COUNCIL AGENDA  
AUGUST 11, 2009**

**CALL TO ORDER  
INVOCATION  
PLEDGE OF ALLEGIANCE**

**I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS**

**RETIREMENT AWARD — Penny Fox, Senior Building Development Technician**

**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 23, 2009.

**IV. PUBLIC HEARINGS**

**◆ CITY CLERK**

**P1 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".**

**PUBLIC HEARING, SECOND AND FINAL READING**

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, *CI on 7/23/2009 Council agenda*)

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◆ **COMMUNITY DEVELOPMENT**

- P2 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.**

**PUBLIC HEARING, SECOND AND FINAL READING**

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, 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, *C6 on 7/23/2007 Council agenda*)

- P3 ORDINANCE NO. 3693. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 5931 106<sup>TH</sup> TERRACE NORTH (Walter R. Plamowski – AX09-16)**

**PUBLIC HEARING, SECOND AND FINAL READING**

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, *C8 on 7/23/2009 Council agenda*)

- P4 RESOLUTION NO. 09-21. A RESOLUTION VACATING THE 30-FOOT-WIDE, UNIMPROVED RIGHT-OF-WAY OF 41<sup>ST</sup> STREET NORTH GENERALLY LOCATED NORTH OF 80<sup>TH</sup> AVENUE NORTH AND SOUTH OF 81<sup>ST</sup> AVENUE NORTH. (V 2009-5 4101 80<sup>th</sup> Avenue/V. Joy Robertson)**

**CONTINUED PUBLIC HEARING, FIRST AND FINAL READING**

NOTE: The applicant is requesting the vacation of the west 30 feet, the remaining portion of 41<sup>st</sup> Street North right-of-way, south of 81<sup>st</sup> Avenue and north of 80<sup>th</sup> Avenue. The east 30 feet of this right-of-way was vacated via Resolution No. 05-35 (Case No. V 2005-10). The applicant states that the right-of-way has become a

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**P4** nuisance due to vagrants living in it and attempting to break into her vehicle. The applicant wishes to fence the area off to prevent trespass. No City Divisions or private utilities have raised objections to the proposal; however, utility and drainage easements must be retained and/or utilities relocated at the expense of the applicant and an ingress/egress easement for utility maintenance purposes must be retained. The Planning and Zoning Commission, at their meeting of June 4, 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; however, utility and drainage easements must be retained and/or utilities relocated at the expense of the applicant and an ingress/egress easement for utility maintenance purposes must be retained.
3. Prior to the placement of any obstructions in the easement, the applicant shall submit a customer service application to install a fire hydrant at the east end of 81<sup>st</sup> Avenue. The hydrant shall be installed and activated prior to any permits issued for fencing in the easement.

(reference material — resolution, Attorney approval letter, staff report, excerpts of the P&Z meeting of June 4, 2009, application, letter of objection, aerial *P2 on 7/9/2009 Council agenda - tabled*)

◆ **OMB**

**P5** **ORDINANCE NO. 3691. AMENDING ORDINANCE 3641 ADOPTING THE BUDGET FOR FISCAL YEAR 2008/2009.**

**PUBLIC HEARING, SECOND AND FINAL READING**

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, *C9 on 7/23/2009 Council agenda*)

**V. CONSENT AGENDA**

◆ **POLICE**

**C1** **AUTHORIZATION FOR CITY MANAGER TO SIGN SCHOOL RESOURCE OFFICER AGREEMENT WITH THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA.**

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- C1** NOTE: This contract revises and replaces the contract between the City and School Board of Pinellas County, Florida, 301 4<sup>th</sup> Street SW, Largo, Florida, previously entered, July 29, 2008. This one year proposed Agreement provides law enforcement and related services to Pinellas Park Senior High School and Morgan Fitzgerald Middle School from July 1, 2009 until June 30, 2010. The proposed Agreement has been reviewed by the City Attorney's office and Risk Management.

ACTION: (Approve-Deny) Authorization for the City Manager to sign the proposed Agreement with the School Board of Pinellas County, Florida for School Resource Officer Services.

(reference material — City Attorney's Letter dated 6/24/2009, Risk Management email dated 6/8/2009, and SRO Agreement)

**C2** **AUTHORIZATION FOR DONATION — YOUTH SERVICES SECTION**

NOTE: The Pinellas Park Police Department is mandated by the Florida State Legislature to donate 15% of confiscated funds. This donation will be used to purchase drug-free resistance materials for the Police Department's D.A.R.E. Program

ACTION: (APPROVE-DENY) Authorization for donation to the Pinellas Park Police Department Youth Services Section in the amount of \$3,520.64 from the Confiscated Property Fund Balance to Confiscated Property Fund Operating Account 104-212-5-331-09.

(reference material —Memo from Officers Tippett dated 7/22/2009, Certification memo)

**C3** **AUTHORIZATION TO TRANSFER OWNERSHIP OF RETIRED POLICE DOG K9 "ROCKY" TO CORPORAL CASSIDY PERRY**

NOTE: In accordance with Administrative Regulation 13.42(D) Donation of City Property, the police department has declared K9 "Rocky" surplus property. Rocky has been replaced with a new police K9. Rocky's handler, Corporal Cassidy Perry has requested that Rocky be donated to him for use as a family pet. The Chief is requesting that the City donate Rocky to Corporal Cassidy Perry at no charge. Rocky has been in service since April 23, 2003.

ACTION: (Approve - Deny) Authorization to donate retired K9 Rocky to Corporal Cassidy Perry.

(reference material — contract for donation and indemnification and hold harmless agreement between Cassidy Perry and the City of Pinellas Park)

◆ NEIGHBORHOOD SERVICES

C4 **ORDINANCE NO. 3694. AMENDING CHAPTER 12 (HEALTH AND SANITATION), ARTICLE I – PROHIBITED CONDITIONS**

**FIRST READING PRIOR TO PUBLIC HEARING**

NOTE: Chapter 12 (Health and Sanitation), Article I – Prohibited Conditions, Section 12-109 “Maintenance of structures, infrastructure and improvements”, is being amended by creating a new subsection. Subsection (C) will require that all infrastructure and improvements, public or private, shall be maintained, kept structurally sound and bear no evidence of excessive deterioration or of obstruction; including but not limited to: water lines, sanitary sewer lines, stormwater drainage, retention ponds, detention ponds, ditches, swales, driveways, driveway aprons, roads, alleys or other legal access. Subsection (C) will also presume that a public nuisance exists when one (1) or more of the aforesaid conditions exist.

(reference material — ordinance, attorney approval letter)

◆ PUBLIC WORKS

C5 **AUTHORIZATION FOR MAYOR TO SIGN AN AGREEMENT WITH CAMP DRESSER & MCKEE, INC. (CDM) — Engineering/Consultant Services for the Homeland Subdivision Drainage Project (09/006)**

NOTE: At the City Council meeting on March 12, 2009, the City Manager was directed by City Council to enter into negotiations with the firm of Camp Dresser & McKee, Inc. (CDM), as the most qualified of five firms to provide the Engineering/Consultant Services for the Homeland Subdivision Drainage Design, generally described as the area bounded by 70<sup>th</sup> Avenue to the south, Gandy Boulevard to the north, US 19 to the west, and Pinellas Park Water Management District’s Channel #3 to the east. Those negotiations have been held and the amount of \$558,000 has been determined a fair cost for the services and will be charged to accounts numbers 301-382-5-796-31, 301-381-5-774-11 and 301-381-5-796-49. The budgeted amount for design and construction of this project is \$5,635,000 (as found on pages 376, 377 and 378 of 08/09 budget). This project will also consist of reclaim water, sanitary sewer and potable water improvements.

ACTION: (Approve-Deny) Authorization to enter into a contract with Camp Dresser & McKee, Inc. (CDM), to provide the Engineering/Consultant Services for the Homeland Subdivision Drainage Project 09/006 in the amount of \$558,000 to be charged to the appropriate accounts.

(reference material — agreement, 07/23/09 letter from City Attorney)

**C6 AUTHORIZATION FOR PURCHASE UNDER PINELLAS COUNTY BID NO. 078-0152-B, MOWING AND RELATED MAINTENANCE OF ROADWAYS AND PONDS — from Commercial Maintenance Services, St. Petersburg, FL**

NOTE: The City's Parks and Streets & Drainage Divisions will piggyback on Pinellas County contract # 078-0152-B with Commercial Maintenance Services, St. Petersburg, FL, for a total annual contract amount of \$43,499.82. The Parks Division will contract for 5.56 acres of mowing and related maintenance of roadways and ponds for a total annual contract amount of \$3,050.32. This amount will be charged to account # 001-731-5-413-00. The Streets Division will contract for 50.49 acres of mowing and related maintenance of roadways and ponds for a total annual contract amount of \$22,972.95. This amount will be charged to account # 001-412-5-516-55. The Drainage Division will contract for 32.56 acres of mowing and related maintenance of roadways and ponds for a total annual contract amount of \$17,476.55. This amount will be charged to account # 001-414-5-435-04.

ACTION: (Approve - Deny) Authorization to purchase under Pinellas County Bid No. 078-0152-B, Mowing and Related Maintenance of Roadways and Ponds from Commercial Maintenance Services, St. Petersburg, FL, for a total annual contracted amount of \$43,499.82, to be charged to the appropriate accounts.

(reference material — 7/13/09 letter from City Attorney, quotes from Commercial Maintenance Services.)

**C7 AUTHORIZATION FOR FINAL PAYMENT ON CONTRACT 08/011 LIFT STATION 31 ODOR CONTROL REPLACEMENT – Shaw Environmental / Basin Water, Los Angeles, CA**

NOTE: This action is recommended so that final payment can be processed and the contract completed. The total amount of Contract 08/011 is \$198,000 and the final payment amount of \$19,800 is to be charged to account 301-381-5-756-39.

ACTION: (Approve – Deny) Authorization to make final payment for the Odor Control System Replacement, Contract 08/011, to Shaw Environmental/Basin Water, Los Angeles, CA, in the amount of \$19,800, to be charged to the appropriate account.

(reference material — final invoice)

◆ COMMUNITY DEVELOPMENT

- C8 **RESOLUTION NO. 09-24. A RESOLUTION DECLARING A CERTAIN PARCEL OF CITY-OWNED PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 58<sup>TH</sup> STREET AND 70<sup>TH</sup> AVENUE NORTH TO BE SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY STEPS TO EFFECT A SALE.**

**FIRST AND FINAL READING**

NOTE: The City owns an irregular shaped, non-buildable parcel of property located at the southwest corner of 58<sup>th</sup> Street and 70<sup>th</sup> Avenue North. Recently, Staff was approached by the new owner of the property immediately south of the City parcel requesting to purchase the property from the City. Community Planning staff inquired of all divisions and found that none has any municipal use for this City-owned parcel. When it was determined that no division had a use for it, an appraisal was ordered from C. Sattler and Associates, Inc. which indicated that the fair market value of the parcel was Four Thousand Dollars (\$4,000). Subsequent to being informed of the appraised value, the owners, Mr. and Mrs. John Morrill, submitted a written cash offer to purchase the property for Four Thousand Dollars (\$4,000) with no contingencies.

(reference material — Resolution, survey, attorney approval letter)

- C9 **RESOLUTION NO. 09-25. AUTHORIZING THE CITY MANAGER TO APPLY AND CONTRACT FOR THE FISCAL YEAR 2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – COUNTYWIDE SOLICITATION WITH THE OFFICE OF CRIMINAL JUSTICE GRANTS, FLORIDA DEPARTMENT OF LAW ENFORCEMENT; PROVIDING FOR COMPLIANCE WITH THE JUSTICE ASSISTANCE GRANT PROGRAM AND THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; AND PROVIDING FOR AN EFFECTIVE DATE.**

**FIRST AND FINAL READING**

NOTE: The City is eligible to make application to the Florida Department of Law Enforcement (FDLE) for the Fiscal Year 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Countywide Solicitation through the Pinellas County Department of Justice & Consumer Services for qualified law enforcement program purposes. The Pinellas Park Police Department proposes to purchase and install in-car video systems in six Patrol vehicles. This grant application requests \$26,994.00 from the Justice Assistance Grant program for this purpose. There is no local match requirement for this grant. The resolution authorizes the Mayor, the City Manager, or the City Manager's designee to

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- C9** execute all documents necessary for the application, award and reporting required for the grant, should the grant be awarded.

(reference material — resolution, authorization letter, grant application, FDLE announcement letter, Pinellas County solicitation, program announcement, grant conditions and certifications, attorney approval letter)

**VI. REGULAR AGENDA**

◆ **LIBRARY AND RECREATION**

- R1 APPOINTMENT TO THE RECREATION BOARD — Two Regular Members**

NOTE: The Recreation Board interviewed Dean Braden and Grace Torre on July 27, 2009 to fill the unexpired terms of Michael Lohden and Ralph Marlow. The Board recommends the appointments of Mr. Braden and Ms. Torre to serve on the Recreation Board with terms to expire as follows: Mr. Braden's term to expire December 31, 2009 and Ms. Torre's term to expire December 31, 2010.

ACTION: (Accept-Deny) The appointments of Dean Braden and Grace Torre to the Recreation Board.

(reference material — applications)

◆ **POLICE**

- R2 AUTHORIZATION FOR DONATION — Pinellas Park Boys and Girls Club of the Suncoast in Pinellas Park, Vincent House (Pinellas Park), WestCare Gulf Coast Florida, Inc. (for the Turning Point Program), The Homeless Emergency Project, Catholic Charities Diocese of St. Petersburg (for Pinellas Hope), and Pinellas Park High School's Criminal Justice Academy.**

NOTE: The Pinellas Park Police Department is obligated to donate 15% of confiscated funds. This donation will be used to support the youth of our community, social and vocational skills for adults living with mental illnesses, and provide homeless people with support services necessary to obtain self-sufficiency and improved quality of life.

ACTION: (Approve-Deny) Authorization for donation to Pinellas Park Boys and Girls Club of the Suncoast in Pinellas Park in the amount of \$25,000, Vincent House (Pinellas Park) in the amount of \$10,000, WestCare Gulf Coast Florida, Inc. (for the Turning Point Program) in the amount of \$10,000, The Homeless Emergency Project in the amount of \$10,000, Catholic Charities Diocese of St. Petersburg (for Pinellas Hope) in the amount of \$10,000, and Pinellas Park High School's Criminal Justice Academy in the amount of \$5,000. The total amount to

be donated is \$70,000 from the Confiscated Property Fund Balance to Confiscated Property Fund Operating Account 104-212-5-331-09.

(reference material — memo from Captain Haworth dated August 3, 2009 and Certification memo)

◆ **COMMUNITY DEVELOPMENT**

**R3 AUTHORIZATION FOR THE MAYOR TO SIGN A CONTRACT FOR SALE OF REAL PROPERTY WITH JOHN D. MORRILL AND MARICEL B. MORRILL. — For vacant City-owned property located at the southwest corner of 58<sup>th</sup> Street and 70<sup>th</sup> Avenue North**

NOTE: Community Planning staff has inquired of all Divisions and found that none has any municipal use for this City-owned parcel. An appraisal was performed by C. Sattler and Associates, Inc. which indicated the value of the property to be Four Thousand Dollars (\$4,000). Subsequent to the appraisal being done, Mr. and Mrs. Morrill have submitted a written cash offer on the property for the appraised value with no contingencies.

ACTION: (Approve - Deny) Authorization for the Mayor to sign a Contract For Sale Of Real Property for a vacant City-owned parcel located at the southwest corner of 58<sup>th</sup> Street and 70<sup>th</sup> Avenue North..

(reference material — Contract, 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**

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**following accessible formats: Braille, Large Print, Audio Tape, and Electronic File on Computer Disks.**



# September 2009

Ask not what your country can do for you;  
ask what you can do for your country.

John F. Kennedy (1917-1963)



Sunday      Monday      Tuesday      Wednesday      Thursday      Friday      Saturday

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6	7 Brush Site Closed Labor Day City Offices & Library Closed	8 7:30 PM City Council Workshop	9 Pancake Breakfast Senior Center - 9 AM 7625 59th St.	10 7:00 PM Agenda Session *7:30 PM City Council Meeting	11 Patriot Day	12																																																																																											
13 Grandparent's Day	14	15	16	17 *6:00 PM "Meet Your Mayor & Council"	18	19 Rosh Hashanah Begins Pride In The Park Fall Clean-Up (727) 541-0711																																																																																											
20 Ramadan Ends Rosh Hashanah Ends Pride In The Park Fall Clean-Up (727) 541-0711	21 Eid-Al-Fitr	22 Autumn Begins 7:30 PM City Council Workshop	23	24 7:00 PM Agenda Session *7:30 PM City Council Meeting	25	26																																																																																											
27	28 Yom Kippur	29	30	<p><b>AUGUST 2009</b></p> <table border="1"> <tr><td>S</td><td>M</td><td>T</td><td>W</td><td>T</td><td>F</td><td>S</td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td>1</td></tr> <tr><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td></tr> <tr><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td></tr> <tr><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td></tr> <tr><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td></tr> <tr><td>30</td><td>31</td><td></td><td></td><td></td><td></td><td></td></tr> </table> <p><b>OCTOBER 2009</b></p> <table border="1"> <tr><td>S</td><td>M</td><td>T</td><td>W</td><td>T</td><td>F</td><td>S</td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td>1</td><td>2</td><td>3</td></tr> <tr><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td></tr> <tr><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td></tr> <tr><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td></tr> <tr><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td><td>31</td></tr> </table>		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						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
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