

**CITY OF PINELLAS PARK, FLORIDA
CITY COUNCIL AGENDA
SEPTEMBER 24, 2009**

**CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE**

I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS

PROCLAMATIONS

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 September 10, 2009.

IV. PUBLIC HEARINGS

◆ OMB

P1 RESOLUTION NO. 09-27. A RESOLUTION DECREASING THE REVENUE 16.62% FROM AD VALOREM TAXATION OF PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF PINELLAS PARK, FLORIDA, TO \$13,402,341.

SECOND PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This Resolution establishes the City millage rate for fiscal year 2009-2010 property taxes, which will be billed by the County Tax Collector in November. The proposed rate is 4.5478 mills, which represents an 16.62% decrease over the rolled-back rate, and is consistent with the proposed budget.

(reference material — Resolution, *P1 on 9/10/2009 Council agenda*)

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- P2 ORDINANCE NO. 3697. AN APPROPRIATIONS AND TAX LEVY ORDINANCE OF THE CITY OF PINELLAS PARK, FLORIDA, COVERING THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010; BEING AN ORDINANCE APPROPRIATING FUNDS REQUIRED FOR THE PURPOSE OF MEETING THE GENERAL OPERATING EXPENSES OF THE CITY FOR SALARIES, WAGES, FEES NECESSARY OR PROPER, DISBURSEMENTS AND OTHER EXPENDITURES NECESSARY OR PROPER FOR THE OPERATION OF THE CITY GOVERNMENT, THE WATER AND SEWERAGE UTILITY SYSTEM AND FOR THE PURPOSE OF MEETING DEBT RETIREMENT REQUIREMENTS AND CAPITAL IMPROVEMENTS DURING SAID FISCAL YEAR.**

SECOND PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This Ordinance legally appropriates the City budget for the fiscal year October 1, 2009 through September 30, 2010. It reflects the changes as discussed at Council's Budget Workshop.

(reference material — Ordinance, *P2 on 9/10/2009 Council agenda*)

◆ COMMUNITY DEVELOPMENT

- P3 ORDINANCE NO. 3695. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6062 110TH AVENUE NORTH (WILLIAM E. CAWLEY JR. AX09-18)**

PUBLIC HEARING, SECOND AND FINAL READING

This is a voluntary annexation of 0.14 acres MOL of contiguous residential property. The Owner plans to have a new mobile home placed on this currently vacant property. The property is located at 6062 110th Avenue North, in the Greentree Manor Subdivision.

(reference material — ordinance, petition, map, Attorney approval letter, *C3 on 9/10/2009 Council agenda*)

- P4 ORDINANCE NO. 3698. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 12492 68TH Street North (Casey J. Collins – AX09-19)**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This is a voluntary annexation of 0.17 acres MOL of contiguous residential property. The Owner's single family home is located on this site in the Pinebrook Estates Subdivision.

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P4 (reference material — ordinance, petition, map, Attorney approval letter, *C5 on 9/10/2009 Council agenda*)

P5 **RESOLUTION NO. 09-30. VACATING AN APPROXIMATELY 10-FEET-WIDE BY 210-FEET-LONG INGRESS/EGRESS AND UTILITY EASEMENT, GENERALLY LOCATED WITHIN THE REMINGTON PRESERVE SUBDIVISION, WEST OF 57TH STREET AND NORTH OF 80TH AVENUE. (V 2009-7 Michael and Laurel Gustafson)**

PUBLIC HEARING, FIRST AND FINAL READING

NOTE: The applicants request to vacate an approximately 10-foot-wide by 210-foot-long ingress/egress and utility easement, generally located within the Remington Preserve Subdivision, west of 57th Street and north of 80th Avenue. Utilities for the subdivision are located within the existing rights-of-way of 80th Avenue and 57th Street, therefore, the easement was not needed. City Divisions and private utilities have expressed no objection to the proposed vacation. The following Findings of Fact are pertinent to this request:

1. The vacation is consistent with the policies of the Comprehensive Plan.
2. The various public and private utility agencies and City Divisions have no objection to the vacation.

(reference material — resolution, Attorney approval letter, staff report, application, and map)

P6 **RESOLUTION NO. 09-31. VACATING AN APPROXIMATELY 10-FEET-WIDE BY 72-FEET-LONG DRAINAGE AND UTILITY EASEMENT, GENERALLY LOCATED ALONG THE WEST PROPERTY LINE OF 9404 60TH LANE. (V 2009-8 Kimberly and David Paine)**

PUBLIC HEARING, FIRST AND FINAL READING

NOTE: The applicants request to vacate an approximately 10-foot-wide by 72-foot-long drainage and utility easement located along the west property line of their property in order to construct a shed. City Divisions and private utilities have expressed no objection to the proposed vacation. The following Findings of Fact are pertinent to this request:

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.

(reference material — resolution, Attorney approval letter, staff report, application, and map)

◆ FINANCE

- P7 **RESOLUTION NO. 09-28. AMENDING RESOLUTION NO. 08-27 RELATING TO THE OPERATION OF THE WATER AND SEWER SYSTEMS; REVISING WATER, SEWER RATES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS CONFLICTING HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This resolution adopts a retail rate increase of 4% (\$.24) for water, 2% (\$.14) for sewer. This tentative rate increase is contingent upon approval of a Pinellas County pass through on the wholesale water purchase rate of 8% and a 5% increase on sewer which, if approved, is scheduled to take effect on October 1, 2009. This rate increase, should it be approved, will be effective with all billing issued on or after October 1, 2009.

(reference material — Resolution, Exhibit I, *C6 on 9/10/2009 Council agenda*)

◆ HUMAN RESOURCES

- P8 **ORDINANCE NO. 3699. AMENDING THE FIREFIGHTERS' PENSION PLAN ORDINANCE TO IMPLEMENT CHANGES SET FORTH IN THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF PINELLAS PARK AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS DATED 10/01/2008, AND TO AMEND THE FIREFIGHTERS' PENSION PLAN ORDINANCE TO MEET THE STANDARDS OUTLINED IN FLORIDA SENATE BILL 538.**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This ordinance amends Article III of Chapter 17 (Pensions and Retirements) of the Code of Ordinances of the City of Pinellas Park, Florida, relating to the Pinellas Park Firefighters' Pension Fund to meet the terms set forth in the collective bargaining agreement between the City of Pinellas Park and the IAFF dated 10/01/2008 and to also meet the standards as outlined in Florida Senate Bill 538.

(reference material — ordinance, City attorney letter, *C8 on 9/10/2009 Council agenda*)

V. CONSENT AGENDA

◆ COMMUNITY DEVELOPMENT

C1 ORDINANCE NO. 3701. AN ORDINANCE AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE) ARTICLE 6, "SIGNS" OF THE CITY OF PINELLAS PARK, FLORIDA.

FIRST READING PRIOR TO PUBLIC HEARING

NOTE: An Ordinance Amending Chapter 18 (Land Development Code) Article 6, "Signs" of the Code of Ordinances of the City of Pinellas Park, Florida, by amending Section 18-628 "All Districts", Subsection (m) "Political Signs"; Providing that signs for candidate whose name will be on the general election ballot may remain until after the general election when the primary election and the general election are within seventy-five (75) days of each other; 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. This was approved at the August 6, 2009, Planning & Zoning Commission meeting. (LDC 2009-03)

(reference material — ordinance, City Attorney's approval letter, excerpts of P&Z minutes of 08/06/09)

C2 ORDINANCE NO. 3700. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PORTION OF RIGHT-OF-WAY GENERALLY LOCATED ON 34TH STREET BETWEEN 118TH AVENUE AND 126TH AVENUE NORTH (Pinellas County – AX09-20

FIRST READING PRIOR TO PUBLIC HEARING

NOTE: This is a voluntary annexation of 0.45 acres MOL of contiguous right-of-way property. Pinellas County Public Works Operations Department has requested that the City take over maintenance of this segment of right-of-way as it is the last segment between 118th Avenue and 126th Avenue that is not currently in the City.

(reference material — ordinance, letter from Pinellas County Public Works, comment sheet, data sheet, map, Attorney approval letter)

◆ HUMAN RESOURCES

- C3 **RESOLUTION NO. 09-33. ADOPTING A THREE YEAR AGREEMENT BETWEEN THE CITY OF PINELLAS PARK AND THE FRATERNAL ORDER OF POLICE (FOP) LODGE 43, POLICE OFFICERS AND COMMUNITY COMPLIANCE SPECIALISTS; WHICH AGREEMENT IS FOR THE PERIOD OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2012; PROVIDING FOR AN EFFECTIVE DATE.**

FIRST AND FINAL READING

NOTE: This resolution adopts a three year contract between the City of Pinellas Park and the Fraternal Order of Police Lodge 43, Police Officers and Community Compliance Specialists Unit, concerning the wages, hours and other terms and conditions of employment, to be effective October 1, 2009. The contract has been ratified by the members of the bargaining unit.

(reference material — resolution, proposed contract, summary of major changes)

- C4 **RESOLUTION NO. 09-32. ADOPTING A REVISED NON-UNION CLASSIFICATION AND PAY PLAN AND THE CONTINUATION OF CERTAIN COMPENSATION PROGRAMS FOR POSITIONS NOT INCLUDED IN BARGAINING UNITS WITHIN THE CITY OF PINELLAS PARK; PROVIDING FOR AN EFFECTIVE DATE.**

FIRST AND FINAL READING

NOTE: This resolution adopts a revised Classification and Pay Plan and authorizes the continuation of certain compensation programs for employees in the Police Department.

(reference material — resolution, classification and pay plan)

◆ POLICE

- C5 **AUTHORIZATION TO FUND ADVANCED POLICE TRAINING FROM CONFISCATED PROPERTY FUND.**

NOTE: The Counter Narcotics and Terrorism Operational Medical Support (CONTOMS) Program is a nationally-recognized, evidence-based course in tactical medical support of law enforcement and military operations. The program is hosted by the U.S. Department of Health and Human Services, U.S. Department of Homeland Security, the U.S. Park Police and the TRUE Research Foundation for the Advancement of Military Medicine. This advance tactical medic training provides a solid foundation of knowledge and skill for tactical medical providers supporting local, state and federal law enforcement missions. The school integrates educational, practical and field exercises to provide the

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- C5** student with the essentials of Tactical Emergency Medical Support (TEMS). Successful completion of this course results in certification of special competence.

Chief Thomas is requesting funding through our Confiscated Property Fund.

If approved, Firefighter/Paramedic Elliot Carhart will attend this training in Alexandria, Virginia, October 12-16, 2009. He has been a member of the Pinellas Park Fire Department for three years and a member of the Police Department's SWAT Team for two years. The cost for this training that is inclusive of tuition, books, hotel, and per diem is \$2,335

In November 2009, Orange County Sheriff's Office will host the SWAT Round-Up International Competition. This event combines education and training seminars, and head-to-head competition into one major event. Twenty-seven years ago, SWAT Round-Up International began as a means to provide a forum for the exchange of ideas among agencies. SWAT Round-up has now evolved into an international showcase for tactical teams from across the United States and Europe. Great efforts are made to ensure the primary focus of SWAT Round-Up International remains committed to team and individual training.

The Training and Education Program is an extremely vital part of the SWAT Round-Up International experience. In the past, training topics generally include addressing homeland security, crowd management and law enforcement response to terrorism. Numerous other applicable courses for tactical teams are also available. Nationally renowned instructors participate in the training and education offered during this six day symposium. This training experience brings experts together from all over the country to train our team members. This unique opportunity provides lessons learned from actual case studies or prior incidents, recognizes new and innovative tactics other teams have employed, encourages contact with other agencies as a year round resource and motivates our team members to maintain peak physical fitness/condition. The competition aspect of Round-up evaluates performance under stress and promotes team innovation and problem solving. If approved, eight of our SWAT Team Members will attend the SWAT Round-up International Competition. The cost for this training that is inclusive of entry fee, ammunition, hotel accommodations, and per diem is \$3,975.

Pursuant to Florida Statute 932.704(3)(a), this is to certify that this proposed expenditure complies with the State – required provisions for expenditure of these funds.

ACTION: (APPROVE-DENY) Authorization to fund advanced police training for police employees from the Confiscated Property Fund Balance to Confiscated Property Fund Operating Account 104-212-5-536-02 in the amount of \$6,310

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- C5 (reference material — CONTOMS Description, email, and memorandum – 7 pages, SWAT Roundup Description and email – 2 pages)

VI. REGULAR AGENDA

◆ **COMMUNITY DEVELOPMENT**

- R1 **CONSIDERATION OF A REQUEST FOR A CHANGE TO A PREVIOUSLY APPROVED PRELIMINARY SITE PLAN FOR A PARCEL OF LAND IN THE “P” PUBLIC ZONING DISTRICT GENERALLY LOCATED AT 6767 86TH AVENUE NORTH TO ALLOW A FIVE AND SIX-FOOT-HIGH FENCE TO BE INSTALLED IN THE FRONT YARD.** (MS 2009-45 6767 86th Avenue LLC, Hallmark Accounting LLC, Andrew Restler – Southern SNF)

QUASI-JUDICIAL

NOTE: The applicants are requesting a change to a previously approved Preliminary Site Plan for a 6.632 acre (MOL) parcel of land in the “P” Public Zoning District generally located at 6767 86th Avenue North, Gulf Shore Rehab & Nursing Center, to allow the installation of a five-foot-high fence and a six-foot-high gate in the front yard, along 86th Avenue North to fence an existing stormwater retention pond. There are no building expansions proposed with this use. The surrounding area consists of: to the north, single family dwellings; to the south, Center Academy (El Rancho) and functionally abutting is a drainage ditch and Oak Park School; to the east, Commerce Park and Center Academy (El Rancho); and to the west, single family dwellings. Section 18-1506.25 of the Land Development Code requires City Council approval of site plans for property located within the “P” Public Zoning District.

ACTION: (Approve – Deny) The Preliminary Site Plan for a parcel of land in the “P” Public Zoning District generally located at 6767 86th Avenue North to allow the installation of a five-foot-high fence and a six-foot-high gate in the front yard, along 86th Avenue North.

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

◆ **LIBRARY AND RECREATION**

- R2 **APPOINTMENT TO THE LIBRARY BOARD** — One Regular Member

NOTE: A vacancy on the Library Board was created by the resignation of Darlene Bennett. Three applicants were interviewed: Ms. Dona Flores, Mr. Gary Henkel and Mr. Eric Scherer. The members of the Board selected Mr. Henkel.

Attached are the applications of Ms. Flores, Mr. Gary Henkel and Mr. Eric Scherer.

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- R2** ACTION: (Approve-Deny) The appointment of _____ to the Library Board, to fill the unexpired term of Darlene Bennett, with a term to expire June 30, 2010.

(reference material — applications)

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.

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																																																																																											
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27	28 Yom Kippur	29	30	<p>AUGUST 2009</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>OCTOBER 2009</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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