

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

**CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE**

I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS

PROCLAMATIONS

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 October 8, 2009.

IV. PUBLIC HEARINGS

◆ NEIGHBORHOOD SERVICES

P1 ORDINANCE NO. 3702. AMENDING CHAPTER 12 (HEALTH AND SANITATION), ARTICLE I – PROHIBITED CONDITIONS

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: Chapter 12 (Health and Sanitation), Article I – Prohibited Conditions, Section 12-104 “Lot cleaning”, Subsections (H) and (J) are being amended by providing that the administrative fee amount will be as outlined in the City’s Administrative Fee Schedule.

(reference material — ordinance, attorney approval letter, *CI on 10/8/2009 Council agenda*)

CITY COUNCIL AGENDA

OCTOBER 22, 2009

PAGE 2

◆ **CITY CLERK**

- P2 ORDINANCE NO. 3703. AN ORDINANCE OF THE CITY OF PINELLAS PARK, FLORIDA, AMENDING THE DATES OF THE CITY GENERAL ELECTION FROM THE FIRST TUESDAY IN MARCH TO THE SECOND TUESDAY IN MARCH; AMENDING THE DATES OF THE QUALIFYING PERIOD; AMENDING THE DATE ON WHICH COUNCIL MEMBERS TAKE OFFICE.**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: This ordinance amends the dates of the 2010 General Election, qualifying dates and date on which Council Members take office.

(reference material — proposed ordinance; City Attorney approval, *C2 on 10/8/2009 Council agenda*)

- P3 ORDINANCE NO. 3704. AN ORDINANCE AMENDING ORDINANCE NO. 3692, BY AMENDING THE CITY'S ADMINISTRATIVE FEE SCHEDULE; AS OUTLINED IN 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.

(reference material — Ordinance; City Attorney approval, *C3 on 10/8/2009 Council agenda*)

◆ **COMMUNITY DEVELOPMENT**

- P4 CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE TO ALLOW AN "AUTOMOBILE DEALER-USED CARS" IN THE "B-1" GENERAL COMMERCIAL ZONING DISTRICT FOR A PROPERTY GENERALLY LOCATED AT 9145 66TH STREET NORTH. (CU 2009-11 – Dariusz Balcerek)**

PUBLIC HEARING (QUASI-JUDICIAL)

NOTE: The applicant requests consideration of a Conditional Use to allow an "Automobile Dealer-Used Cars" in the "B-1" General Commercial Zoning District on a 0.58 acre (MOL) parcel of land generally located at 9145 66th Street North. The applicant currently operates his minor automotive repair business on the site. On July 12, 2007, City Council approved Case No. CU 2007-19, a Conditional Use for "Automobile Dealer-Used Cars" for this site. The tenant moved his business and the BTR expired. Since the site was vacant for more than a year the conditional use became null and void, thus necessitating this review.

CITY COUNCIL AGENDA

OCTOBER 22, 2009

PAGE 3

- P4** Surrounding land uses are: to the north, unoccupied commercial land; to the south, St. Petersburg Plumbing Service and a single family dwelling; to the east, vacant commercial land; and to the west, 66th Street North and functionally abutting, Y & K Auto Sales. Subject to any matters that may be discussed at this 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. At its meeting of October 1, 2009, the Planning and Zoning Commission recommended APPROVAL of the above request subject to conditions.

ACTION: (Approve – Deny) A request for a Conditional Use to allow an “Automobile Dealer-Used Cars” in the “B-1” General Commercial Zoning District on a 0.58 acre (MOL) parcel of land generally located at 9145 66th Street North based on the staff report and the criteria found in Section 18-1509.4(B) & (C) subject to the following:

1. There shall be no outdoor loud speaker/public address or outdoor phone ringer systems allowed.
2. Along the south, side yard property line, a replacement hedge shall be installed to fill an area which has an approximately four-foot-wide gap to maintain the appropriate buffer per Code.
3. Nuisance vegetation must be managed and controlled in the rear of the lot, abutting 65th Way and around the existing retention pond.
4. There shall be no access to 65th Way.

(reference material — staff report, excerpt from the 10/01/09 Planning & Zoning meeting minutes, application, map, and site plan)

V. CONSENT AGENDA

◆ NEIGHBORHOOD SERVICES

C1 AUTHORIZATION TO ACCEPT REDUCED PAYMENT FOR SATISFACTION OF SPECIAL MAGISTRATE (SM) LIEN NO. 06-05-1916

NOTE: Canal Associates, Inc. (Roger Broderick), current owner of the property located at 9870 54th Street, filed an application to appeal the \$21,850.00 Special Magistrate (SM) Lien No. 06-05-1916 on this property. The City's estimated cost in handling this case is \$565.31. The Special Magistrate recommended that the lien be reduced to \$2,185.00 and Canal Associates, Inc. has submitted a check to the City for that amount.

ACTION: (Approve-Deny) Authorization to accept the reduced payment of \$2,185.00 for satisfaction of SM Lien No. 06-05-1916.

CITY COUNCIL AGENDA

OCTOBER 22, 2009

PAGE 4

- C1 (reference material — 10.05.09 recommendation letter from Special Magistrate; 9.28.09 check from Canal Associates, Inc., 8.28.09 memo from Neighborhood Services Administrator)

◆ **LIBRARY AND RECREATION**

- C2 **AUTHORIZATION FOR MAYOR TO SIGN MEMORANDUM OF UNDERSTANDING AND AGREEMENT — FAMILY RESOURCES, INC. (YOUTH ARTS CORPS PRODUCTIONS OF PINELLAS PARK)**

NOTE: The Memorandum of Understanding and Agreement sets forth the terms and requirements under which the City of Pinellas Park hosts the programs and instructional activities of Youth Arts Corps Productions, a program of Family Resources, Inc. The Memorandum provides for use of the Forbes Recreation Center, Broderick Recreation Center, Skyview Recreation Center, and Freedom Lake Center for Youth Arts Corps programs and activities during specified days and times; provides for a Youth Arts Corps Productions vehicle to be stationed at Forbes Recreation Center when not in service; and establishes minimum requirements for staff supervision and insurance on the part of Family Resources/Youth Arts Corps Productions.

ACTION: (Approve - Deny) Authorization for the Mayor to sign the Memorandum of Understanding and Agreement with Family Resources, Inc.

(reference material — memorandum of understanding and agreement, attorney letter, risk management email)

◆ **COMMUNITY DEVELOPMENT**

- C3 **ORDINANCE NO. 3705. AN ORDINANCE TEMPORARILY EXTENDING TIME LIMITS IMPOSED BY THE LAND DEVELOPMENT CODE (CHAPTER 18) OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA; RELATING TO THE VARIOUS DEVELOPMENT ORDER COMMENCEMENT AND EXPIRATION DATES AND THE EXPIRATION DATES ASSOCIATED WITH THE SPECIAL PROVISIONS OF ANNEXATION AGREEMENTS THAT WOULD HAVE BEEN EFFECTIVE BEGINNING SEPTEMBER 1, 2008; WITH SAID EXTENSION PROLONGING THEIR EFFECTIVENESS TO JANUARY 1, 2012; PROVIDING FOR AN EFFECTIVE DATE. (LDC 2009-07)**

FIRST READING PRIOR TO PUBLIC HEARING:

NOTE: Staff has prepared an ordinance to extend critical dates associated with development orders and annexation agreements approved since September 1, 2008 to January 1, 2012, consistent with the intent of Senate Bill 360 which was recently approved by the Legislature of the State of Florida. It is hoped that these

CITY COUNCIL AGENDA

OCTOBER 22, 2009

PAGE 5

- C3** extensions will give developers more time to finance projects and thereby help the economy and help get people back to work.

(reference material — ordinance, attorney approval memo, excerpts from the P&Z minutes of October 1, 2009, support letter from Anthony Menna)

◆ **PUBLIC WORKS**

- C4** **AUTHORIZATION TO PURCHASE FITNESS STATION EQUIPMENT UNDER CLAY COUNTY SCHOOL BOARD CONTRACT 08/09-03 — Fitness Station Equipment for Sparkle Lake Park**

NOTE: This purchase will be made under a Clay County Contract from Qitele Playgrounds LLC., 102 Pine Street, Neptune Beach, FL 32277. The cost for the fitness station equipment and installation is \$22,150.50, which will be charged to account 301-781-5-763-63. The amount budgeted for this project is \$33,000 found on page 384 of the FY 09/10 adopted budget. This is for purchase and installation of replacement fitness equipment at Sparkle Lake Park.

ACTION: (Approve – Deny) Authorization to purchase playground and fitness station equipment and installation under Clay County Contract 08/09-03, from Qitele Playgrounds, LLC., Neptune Beach, FL in the amount of \$22,155.50 to be charged to the appropriate account.

(reference material — 9/15/09 quotation from Qitele Playgrounds, LLC., 9/18/09 memo from Purchasing Director, 10/12/09 letter from City Attorney)

- C5** **AUTHORIZATION TO PURCHASE UNDER ST. LUCIE COUNTY SCHOOL DISTRICT CONTRACT 08-34 — 260 Seat Portable Bleacher Unit**

NOTE: This purchase will be made under a St. Lucie County School District contract from Seating Constructors USA, Inc. 2347 Circuit Way, Brooksville, Florida 34604. The cost for the portable bleacher unit is \$37,650.00, which will be charged to account 301-781-5-744-91. This expenditure will be for a 260 seat portable bleacher unit to be used for equestrian & other City events.

ACTION: (Approve – Deny) Authorization to purchase a portable bleacher unit under St. Lucie County School District Contract 08-34, from Seating Constructors USA, Inc. 2347 Circuit Way, Brooksville, Florida, in the amount of \$37,650.00 to be charged to the appropriate account.

(reference material — 9/14/09 quotation from Seating Constructors USA, Inc., 9/15/09 memo from Purchasing Director)

◆ FINANCE

- C6 **RESOLUTION NO. 09-36. A RESOLUTION AUTHORIZING A REFUND TO RESIDENTIAL RECYCLING CUSTOMERS EFFECTIVE NOVEMBER 1, 2009.**

FIRST AND FINAL READING

NOTE: The City began a curbside recycling program in October 1989 for residential customers. Due to the efforts of the community, the avoided disposal fee savings has resulted in a twelve-month credit of approximately \$63,924.70. This amount is to be refunded to residential recycling customers as a credit of approximately \$4.00 per customer, which is to be applied to their utility account. This refund will be charged to account number 001-259911.

(reference material — Resolution and Recycling Credit History exhibit)

◆ FIRE

- C7 **AUTHORIZATION FOR MAYOR TO SIGN AN EMERGENCY MEDICAL SERVICES ALS FIRST RESPONDER AGREEMENT - Fire Department**

NOTE: This authorizes the Mayor to sign an Emergency Medical Services ALS First Responder Agreement with Pinellas County.

ACTION: (Approve – Deny) Authorization for the Mayor to sign the Emergency Medical Services ALS First Responder Agreement.

(reference material — Emergency Medical Services ALS First Responder Agreement, memo from Cheryl Laser, Risk Management dated 8/20/09, letter from City Attorney dated 10/6/09)

◆ POLICE

- C8 **AUTHORIZATION FOR PURCHASE FROM SOLE SOURCE – X26 Taser Weapons – Police Department**

NOTE: On May 28, 2009, City Council authorized the City Manager to apply and contract for the Florida Department of Law Enforcement – Edward Byrne Memorial Justice Assistance Grant – American Recovery and Reinvestment Act of 2009 to purchase less-lethal tasers to replace and upgrade our inventory of older-model tasers for which manufacturer service and support is scheduled to end within the next year. On October 5, 2009, we were awarded the Grant.

This authorizes the purchase of 112 X-26 advance tasers from DGG Taser, Inc., 8725 Youngerman Ct., #203, Jacksonville, Florida – a sole source provider. The

CITY COUNCIL AGENDA

OCTOBER 22, 2009

PAGE 7

- C8** total cost for the 112 tasers with lasers, batteries and chargers, BladeTech holsters with pouch attachment, Windows based data port download kit, training cartridges, training suit, and extended warranty is \$113,748.65. \$95,500 will be charged to 001-212-5-622-15 (Grant) and \$18,248.65 will be charged to 104-212-5-535-05 (City's confiscated Property Fund).

ACTION: (Approve-Deny) Authorization to purchase 112 tasers from DGG Taser Inc., 8725 Youngerman CT #203, Jacksonville, Florida – a sole source provider at a cost of \$113,748.65 to be charged to the appropriate account.

(reference material: DGG Taser quote dated October 14, 2009 (2 pages); City's Sole Source Memorandum dated October 14, 2009; Taser International Sole Source Letter (two pages), and catalog information (nine pages))

VI. REGULAR AGENDA

NONE

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.

November 2009

The true perfection of man lies, not in what man has, but in what man is.

Oscar Wilde (1854-1900)



Sunday Monday Tuesday Wednesday Thursday Friday Saturday

1 Daylight Saving Time Ends	2	3	4	5	6 AACA Car Show & Swap Meet England Bros. Band Shell	7 AACA Car Show & Swap Meet England Bros. Band Shell
8	9	10 7:30 PM City Council Workshop	11 Veteran's Day City Offices & Library Closed	12 7:00 PM Agenda Session *7:30 PM City Council Meeting	13	14
15 International Family Festival England Bros. Band Shell	16	17	18 Pancake Breakfast Senior Center - 9 AM 7625 59th St.	19 *6:00 PM "Meet Your Mayor & Council"	20	21 Tell-A-Bration Pinellas Park Library
22	23	24 7:00 PM Agenda Session *7:30 PM City Council Meeting	25	26 No Trash Pick-Up Today Brush Site Closed Thanksgiving Day City Offices & Library Closed	27 City Offices & Library Closed	28
29 First Sunday of Advent	30				OCTOBER 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	DECEMBER 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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