

**CITY OF PINELLAS PARK, FLORIDA
CITY COUNCIL AGENDA
FEBRUARY 10, 2011**

**CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE**

I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS

NONE

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

II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of January 27, 2011.

III. PUBLIC HEARINGS

◆ COMMUNITY DEVELOPMENT

P1 ORDINANCE NO. 3757. AN ORDINANCE RESCINDING ORDINANCE NO. 3655, AN ORDINANCE ADOPTING A CONCEPT PLAN AND DOCUMENTATION CONTROLLING THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT THE INTERSECTION OF U.S. HWY 19 AND GATEWAY BOULEVARD, CERTIFYING CONSISTENCY WITH THE CITY'S ADOPTED 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. (PUD 2009-02) Hardy Huntley-Gateway LLC/Peter Creighton

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: City Council approved Ordinance Number 3655 on December 8, 2008 for the purpose of controlling the development of a 15.81 acre mol parcel of land located within the Gateway Centre Development of Regional Impact (DRI) and generally located at the intersection of US 19 and Gateway Boulevard. The PUD Master Plan called for the development of 266 multifamily residential units and 11,385 square feet of retail uses. The parcels have since come under the control of

CITY COUNCIL AGENDA

FEBRUARY 10, 2011

PAGE 2

- P1** a new owner that wishes to eliminate the existing development plan envisioned by the previous owner.

(reference material — Memo to Council, Ordinance, Attorney approval memo, Request letter from land owner, Ordinance 3655, aerial, *C7 on 1/27/2011 Council agenda*)

- P2** **ORDINANCE NO. 3758. AN ORDINANCE RESCINDING ORDINANCE NO. 3656, AN ORDINANCE ADOPTING A CONCEPT PLAN AND DOCUMENTATION CONTROLLING DEVELOPMENT OF PROPERTY GENERALLY LOCATED EAST OF 40TH STREET AND WEST OF 28TH STREET AND NORTHWEST OF GANDY BOULEVARD AND SOUTH OF 102ND AVENUE EXTENDED, CERTIFYING CONSISTENCY WITH THE CITY'S ADOPTED 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. (PUD 2009-03) Hardy Huntley, Peter Creighton**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: City Council approved Ordinance Number 3656 (PUD 2009-03) on January 22, 2009 for the purpose of controlling the development of a 205 acre mol parcel of land generally located within the Gateway Centre Development of Regional Impact (DRI), generally located east of US 19 and northwest of Gandy Boulevard. Prior to and during the public hearing, the developer withdrew much of the content of the PUD documents thereby eliminating the ability of the PUD to effectively control development on the parcel. The parcels have since come under the control of a new owner that wishes to eliminate the development plan envisioned by the previous owner.

(reference material — memo to Council, Ordinance, Attorney approval memo, Request letter from land owner, Ordinance 3656, aerial, *C8 on 1/27/2011 Council agenda*)

◆ **NEIGHBORHOOD SERVICES**

- P3** **ORDINANCE NO. 3756. AMENDING CHAPTER 12 (HEALTH AND SANITATION), SECTION 12-104, LOT CLEANING, SUBSECTION (F) NOTICE OF PROHIBITED CONDITIONS**

PUBLIC HEARING, SECOND AND FINAL READING

NOTE: Chapter 12 (Health and Sanitation), Section 12-104 “Lot Cleaning” Subsection (F) “Notice of Prohibited Conditions” is being amended that the notice may be given by regular mail and not certified mail, to remedy the property

CITY COUNCIL AGENDA

FEBRUARY 10, 2011

PAGE 3

- P3** violation within ten (10) days instead of fifteen (15) days, and is also being amended by providing for repeat violations.

(reference material — ordinance, attorney approval letters, *C2 on 1/27/2011 Council agenda*)

◆ **COMMUNITY DEVELOPMENT**

- P4** **CONSIDERATION OF A CONDITIONAL USE FOR AN INDUSTRIAL USE NOT PERMITTED BY RIGHT (GREEN WASTE RECYCLING) IN THE “M-1” LIGHT INDUSTRIAL DISTRICT AND A PRELIMINARY SITE PLAN REVIEW FOR A PROPERTY ZONED “M-1” THAT FUNCTIONALLY ABUTS RESIDENTIALLY ZONED PARCELS TO THE NORTH ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 7425 124TH AVENUE NORTH.** (CU 2011-05/MS 2011-07 Richard L. Croy/Carl Johnson)

PUBLIC HEARING (QUASI-JUDICIAL)

NOTE: The applicant is requesting consideration of a Conditional Use for an Industrial Use Not Permitted by Right (green waste recycling) in the “M-1” Light Industrial District and a Preliminary Site Plan Review for a property zoned “M-1” Light Industrial District that functionally abuts residentially zoned parcels to the north, on a 4.316 acre parcel (MOL) of land generally located at 7425 124th Avenue North. The applicant operates a dewatering/environmental services company on the site. The applicant spoke to the Zoning Division and requested that an additional use, the storage of materials for the business on the site, be added. The request was approved. However, due to changes in the initial business operations, the applicant opened the site to the general public for brush and green waste disposal. Community Compliance notified the applicant that the use was not on their existing Business Tax Receipt. In an effort to correct a Code violation, the applicant revisited the Zoning Division. The applicant was informed, by opening it to the public the use is viewed by Zoning as a recycling collection site. The applicant filed this request to operate the site within Code requirements. The surrounding area is developed with: to the north, Ranchero Village Mobile Home Park; to the west, a drainage canal; to the south, Precise Technologies, Inc.; and to the east, Classic Products Corp, Shoreline Flooring Supplies, and Diversified Building Concepts. 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.

ACTION: (Approve – Deny) A Conditional Use request to establish an Industrial Use Not Permitted by Right (green waste recycling) in the “M-1” Light Industrial

CITY COUNCIL AGENDA

FEBRUARY 10, 2011

PAGE 4

P4 District and a Preliminary Site Plan Review for a property zoned “M-1” Light Industrial District that functionally abuts residentially zoned parcels to the north on a parcel of land generally located at 7425 124th Avenue North based on the staff report and the criteria found in Section 18-1531.6, subject to the following conditions:

1. The applicant shall construct a solid wall, eight-feet in height.
2. If the outdoor storage exceeds the height of the eight-foot-high, solid wall, the applicant will be required to install additional visual screening with a material able to withstand the various destructive elements of subtropical weather (i.e. UV radiation, humidity, wind, heat) equal to the height of said storage.

(reference material — staff report, application, site plan, and aerial, *P3 on 1/27/2011 Council agenda - tabled*)

IV. CONSENT AGENDA

◆ COMMUNITY DEVELOPMENT

C1 AUTHORIZATION FOR MAYOR TO SIGN A LETTER OF INTENT TO APPLY FOR A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN, FOR THE SAFE HAVENS: SUPERVISED VISITATION AND SAFE EXCHANGE GRANT PROGRAM

NOTE: Community Action Stops Abuse, Inc. (CASA) proposes to collaborate with the City of Pinellas Park to develop and submit an application for funding from the United States Department of Justice (USDOJ), Office on Violence Against Women (OVW), in the amount of \$400,000.00 to be expended over a three-year period to enhance and expand services at their Visitation Center. This agency serves a county-wide constituency through its Visitation Center, which is located in Pinellas Park. CASA’s Visitation Center provides children with an opportunity to visit a non-residential parent who has been estranged from the child due to separation or divorce. CASA’s supervised visits and monitored exchanges provide safety with a special focus on the needs of children from homes where violence, substance abuse and mental health problems occur. Participants are accepted via referrals from the Family, Domestic Violence and Dependency courts. This is a “pass-through” grant. As such, the City of Pinellas Park would serve as the applicant and administrator for the grant, with CASA serving as the subcontractor providing these services. CASA Staff will provide detailed administration and reporting for the grant. The City of Pinellas Park could receive funding from the grant to compensate for City participation as well as any training and travel required of City personnel for this grant. The City would not be required to provide any matching funds for the grant. Further, submission of the Letter of Intent does not obligate the City to submit the grant

CITY COUNCIL AGENDA

FEBRUARY 10, 2011

PAGE 5

application. Should we proceed with development of an application, that application along with a Memorandum of Understanding, grant Assurances and Certifications will be presented to City Council for approval prior to that submission.

ACTION: (Approve – Deny) Authorization for the Mayor to sign a Letter of Intent to the US Department of Justice, Office on Violence Against Women.

(reference material — letter of intent)

C2 AUTHORIZATION FOR MAYOR TO SIGN PINELLAS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

NOTE: Pinellas County Community Development issued its Notice of Funding Availability for the Community Development Block Grant (CDBG) Program on January 16, 2011. Applications will be accepted until Friday, February 25, 2011. The City will seek funding to continue the multi-year program for construction of sidewalks in the Community Redevelopment Area. Matching funds for this application will be provided utilizing funds which are already earmarked for CDBG Grants and CRA Sidewalk Improvements in the Capital Improvements Program (CIP). This action authorizes the Mayor to sign the City's annual application for funding through the Pinellas County CDBG Program.

ACTION: (Approve – Deny) Authorization for the Mayor to sign the Pinellas County Community Development Block Grant Application.

(reference material — Community Development Block Grant Notice of Funding Availability)

C3 ORDINANCE NO. 3759. AN ORDINANCE AMENDING ORDINANCE NUMBER 2046, AN ORDINANCE ADOPTING THE COMMUNITY REDEVELOPMENT PLAN FOR PINELLAS PARK, FLORIDA; BY ADDING A COMMUNITY REDEVELOPMENT PLAN ADDENDUM, ATTACHED HERETO AS EXHIBIT A, TO ACCOUNT AND PROVIDE DETAIL FOR ACTIVITIES AND EXPENDITURES WITHIN THE COMMUNITY REDEVELOPMENT DISTRICT THAT WERE BROADLY STATED GOALS IN THE ORIGINAL PLAN; PROVIDING FOR CERTIFICATION BY CITY COUNCIL THAT THIS ORDINANCE IS IN CONFORMANCE WITH THE CITY'S COMPREHENSIVE PLAN AND COMMUNITY REDEVELOPMENT 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 2011-01)

**FIRST READING PRIOR TO PUBLIC HEARING
PUBLIC HEARING FEBRUARY 22, 2011**

CITY COUNCIL AGENDA

FEBRUARY 10, 2011

PAGE 6

NOTE: The existing Community Redevelopment Plan does not provide enough detail to apprise taxing authorities and the public of the various redevelopment programs and efforts of the Community Redevelopment Agency to implement the Community Redevelopment Plan. The addendum provides statistics that justify the current efforts of the Police Department to address problems and opportunities in the Redevelopment Area. It also provides detail of the programs administered through the Community Planning Division.

(reference material — memo to Council, Attorney approval letter, Ordinance)

◆ **PUBLIC WORKS**

C4 CHANGE ORDER NO. 2 AND FINAL PAYMENT FOR PROJECT 10/023 – ANNUAL CLEANING, INSPECTION AND REHABILITATION OF STORMWATER CULVERT PIPES – Reynolds Inliner, Inc.

NOTE: Change Order No. 2 is recommended for approval so that final payment can be processed and the contract closed out. The decrease represents a decrease to the contract of \$4,821.25 below the budgeted amount, for an adjusted contract amount of \$495,178.75. The account to be charged will be 301-382-5-761-65.

ACTION: (Approve – Deny) Authorization for approval and acceptance of Change Order No. 2, Project 10/023, Annual Cleaning, Inspection and Rehabilitation of Stormwater Pipes, a decrease in the contract in the amount of \$4,821.25, for a total adjusted contract amount of \$495,178.25, and authorization for final payment of \$49,517.87 to Reynolds Inliner, Inc., to be charged to the appropriate account.

(reference material — change order and final invoice)

C5 AUTHORIZATION FOR MAYOR TO SIGN A ENCROACHMENT AGREEMENT WITH PROGRESS ENERGY FLORIDA, INC. – For the installation of culvert pipe for Homeland Subdivision Drainage and Utilities Improvement Project within a Progress Energy Florida, Inc. easement.

NOTE: This authorizes the Mayor to sign an Encroachment Agreement with Progress Energy Florida, Inc. for installation of culvert pipe for the Homeland Subdivision Drainage and Utilities Project within a Progress Energy Florida, Inc. easement.

ACTION: (Approve – Deny) Authorization for Mayor to sign an Encroachment Agreement with Progress Energy Florida, Inc. for installation of culvert pipe for the Homeland Subdivision Drainage and Utilities Project within a Progress Energy Florida, Inc. easement.

(reference material — Progress Energy Florida, Inc. Agreement, 1/14/11 letter from City Attorney and 1/5/11 email from Risk Management)

C6 AUTHORIZING THE MAYOR TO SIGN A JOINT PROJECT AGREEMENT WITH PINELLAS COUNTY UTILITIES FOR SIGNALIZATION AND INTERSECTION IMPROVEMENTS AT 124TH AVENUE AND BELCHER ROAD

NOTE: This is an authorization for the Mayor to sign a Joint Project Agreement with Pinellas County Utilities for the installation of a traffic signal and intersection improvements at 124th Avenue and Belcher Road. The cost for these improvements will be \$449,046.90 plus 6.5% for County construction/contract administration and inspection costs of \$29,188.05 for a total cost of \$478,234.95. This will be deposited into an interest bearing escrow account for the purpose of payments by the County to the Contractor. This amount of \$478,234.95 is to be charged to account 301-481-5732-38. The amount budgeted for this project is \$470,000 and can be found on page 386 of the 2010/11 budget book.

ACTION: (Approve-Deny) This is an authorization for the Mayor to sign a Joint Project Agreement with Pinellas County Utilities for the installation of a traffic signal and intersection improvements at 124th Avenue and Belcher Road.

(reference material — Interlocal agreement, letter dated 1/27/11 from City Attorney)

VI. REGULAR AGENDA

◆ **POLICE**

R1 AUTHORIZATION FOR THE MAYOR TO SIGN THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE PINELLAS COUNTY SHERIFF'S OFFICE FOR PINELLAS SAFE HARBOR HOMELESS SHELTER

NOTE: As a result of partnerships from local governments, community service groups, the law enforcement community and the criminal justice system, a shelter for the homeless operated by the Pinellas County Sheriff's Office opened on January 6, 2011. The primary purpose of the Pinellas Safe Harbor Homeless Shelter is to be a cost effective shelter and service headquarters for those homeless who would otherwise be involved in the criminal justice system. Pinellas Safe Harbor Homeless Shelter provides these men and women a safe environment to receive the services they need to get back on their feet and keep them out of jail and the criminal justice system. As a result, the population of non-violent ordinance violators will be reduced, at a savings to our community.

The proposed MOU has been reviewed by the City Attorney's Office and Risk Management and will be effective upon signatures by both parties for a sum of \$50,000 toward the operational expenses for fiscal year 2011.

CITY COUNCIL AGENDA

FEBRUARY 10, 2011

PAGE 8

ACTION: (Approve-Deny) Authorization for the Mayor to sign the Memorandum of Understanding with the Pinellas County Sheriff's Office for Pinellas Safe Harbor Homeless Shelter. This MOU shall become effective upon execution by both parties and shall remain in effect unless terminated by 30 days written notice from either party or by mutual consent of the parties, for a cost of \$50,000 to be charged to the appropriate account.

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

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

VIII. 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.