

**CITY OF PINELLAS PARK, FLORIDA
CITY COUNCIL AGENDA
MARCH 24, 2011**

**CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE**

SELECTION OF VICE-MAYOR AND OATH OF OFFICE

ACTION: (Approve - Deny) Selection of Council Member _____ to serve as Vice-Mayor with term to run from March 25, 2011 through March 8, 2012.

(reference material — previous Vice-Mayor list)

I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS

PROCLAMATIONS

SERVICE AWARDS (City Employees)

EMPLOYEE OF THE YEAR — Ricky Dillard, Utilities Technician Water Division

SPECIAL PRESENTATION — PLAQUE

American Public Works Association Technical Management Innovation Award for the Performing Arts Center Parking Lot presented to Mayor and City Council by Public Works Administrator Tom Nicholls

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 March 10, 2011.

III. PUBLIC HEARINGS

◆ **COMMUNITY DEVELOPMENT**

P1 RESOLUTION NO. 11-05. ELIMINATION OF STIPULATION #3 FROM THE GANDY ACCESS AND 28TH STREET REALIGNMENT EASEMENT AGREEMENT (V 2011-01 – CITY OF PINELLAS PARK)

PUBLIC HEARING, FIRST AND FINAL READING

NOTE: The City became the successor in interest to the above easement with the demise of the Gateway Centre Community Development District. At the time, the roads were constructed via the “Gandy Boulevard Interim Roadway Improvements for Gateway Centre Development of Regional Impact” plan. There existed the possibility that these roadway alignments could change. Because of this reason, the roads were constructed within easements as opposed to dedicated right-of-way. In order to unencumber the lands situate to these roadways, it is necessary to eliminate the possibility of the road alignments to change location as provided in Stipulation #3 of the easement agreement. Inasmuch as the roads have been in continuous public usage since construction, it is appropriate to “lock in” their respective existing alignments. The following findings of fact are pertinent to this action:

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, memo to City Council, application, and map)

P2 RESOLUTION NO. 11-06. VACATION OF TEMPORARY BLANKET EASEMENTS IN GATEWAY CENTRE BUSINESS PARK (V 2011-02 – City of Pinellas Park)

PUBLIC HEARING, FIRST AND FINAL READING

NOTE: Temporary blanket easements for utilities and drainage within the Gateway Centre Business Park are no longer needed due to completion of construction of the streets and drainage by the former Gateway Community Development District. 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 vacations.

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P2 (reference material — resolution, Attorney approval letter, staff report, application, map)

◆ **FIRE**

P3 **AUTHORIZATION FOR MAYOR TO SIGN ANNEXATION AGREEMENT WITH AUTUMN CLEARWATER, LLC (AX11-1) — Annexation of 2.13 acres MOL located at 3580 Ulmerton Road**

PUBLIC HEARING (QUASI-JUDICIAL)

NOTE: This is a voluntary annexation of 2.13 acres MOL of contiguous commercial property. The Owner plans to convert the former three story hotel and former restaurant to a Community Residential Home and dining room on the lot. The property is located at 3850 Ulmerton Road

Autumn Clearwater, LLC 3580 Ulmerton Road	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total:	\$56,587.55	\$0.00	\$15,000.00

The Annexation Agreement special provisions are:

- ◆ For a period of eighteen (18) months from the date of execution of this Agreement, the City shall waive City land development fees, applicable for the renovation of one (1) 57,954 sq. ft. building and one (1) 5,000 sq. ft building on the Property, estimated to be, and not to exceed, Fifteen Thousand Dollars (\$15,000.00).
- ◆ The CITY shall approve the OWNER to use the real Property described in Exhibit “A” as a Community Residential Home conditional use as depicted in Exhibit “B”.
- ◆ CITY shall permit 120 units/beds to be established of the 153 allowed by Ordinance.
- ◆ OWNER shall reduce the number of parking spaces from One Hundred Twenty Seven (127) to seventy (70). Sixty four (64) spaces are required. Fifty Seven (57) spaces shall be eliminated and returned to green space.

ACTION: (Approve - Deny) Authorization for Mayor to sign an Annexation Agreement with Autumn Clearwater, LLC for annexation of 2.13 acres MOL located at 3580 Ulmerton Road.

(reference material — agreement, petition, data sheet, comment review, revenue analysis, map, Attorney approval letter)

◆ **OMB**

P4 **ORDINANCE NO. 3760. PROVIDING FOR A NATURAL GAS FRANCHISE WITHIN THE CITY.**

PUBLIC HEARING, SECOND AND FINAL READING

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- P4** NOTE: The attached natural gas franchise ordinance is for a term of 30 years. It is a non exclusive franchise and allows for any potential competition for a natural gas provider in future years. The service areas in the State of Florida are granted or approved by the Public Service Commission. The City of Pinellas Park is within the service area of the Peoples Gas System, a division of Tampa Electric Company. In exchange for using the public right of way in the City, Peoples Gas will remit a 6 percent franchise fee on gross revenue to the City. This revenue source approximates \$60,000 annually for the General fund. The ordinance provides for remedies for any breaches of the ordinance, the right to audit the company, insurance provisions, conditions for working in the public right of way, etc. It also provides for an opportunity to terminate the ordinance by either party after the completion of the initial 15 years.

reference material — ordinance, *C5 on 3/10/2011 Council agenda*)

IV. CONSENT AGENDA

◆ PUBLIC WORKS

- C1 AUTHORIZATION FOR NEGOTIATIONS — LONGHILL DRIVE DRAINAGE IMPROVEMENTS AND THE SECONDARY DRAINAGE STUDY FOR THE GARNETT/NORTH DISSTON SUBDIVISIONS — RFP 11/007**

NOTE: The Selection Board, in accordance with Resolution 91-31, has reviewed the proposals submitted and recommends four consultants in the following order: 1) Advanced Engineering & Design, Inc. 2) Cardno TBE 3) Bayside Engineering Inc. and 4) Lockwood, Andrews & Newnam Inc. Upon City Council's recommendation and authorization, the City Manager will negotiate competitively with the most qualified firm and should he fail to reach an agreement, he will then negotiate with the remaining firms in order of preference, in accordance with Section 287.055, Florida Statutes.

ACTION: (Approve-Deny) Authorization for City Manager to negotiate with the firms recommended by the Selection Board, in order of preference as recommended, for Longhill Drive Drainage Improvements and the Secondary Drainage Study for the Garnett/North Disston Subdivisions.

(reference material — RFP results list)

- C2 AUTHORIZATION FOR FINAL PAYMENT FOR ENERGY EFFICIENT "GREEN" ATHLETIC FIELD LIGHTING FOR YOUTH PARK SOCCER COMPLEX FIELD #6 UNDER CLAY COUNTY CONTRACT 08/09-03— Musco Sports Lighting, LLC**

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- C2** NOTE: This action is recommended so that the final payment can be processed and the contract closed out. The total amount of the contract is \$93,360.00 and the final payment of \$34,060.00 is to be charged to account 301-781-5-763-71.

ACTION: (Approve - Deny) Authorization to make the second and final payment for energy efficient “green” athletic field lighting for Youth Park Soccer Complex Field #6 to Musco Sports Lighting, LLC, 100 1st Avenue West, Oskaloosa, IA 52577 in the amount of \$34,060.00 to be charged to the appropriate account.

(reference material — final invoice)

- C3** **AWARD OF BID 11/013 – PURCHASE OF 5 LIFT STATION MOTOR CONTROL PANELS AND JUNCTION BOXES – Universal Precision Industries, Inc.**

NOTE: Bids were legally advertised and bid invitations were mailed to 213 perspective bidders. Two (2) bids, and one (1) “no bid” were received with Universal Precision Industries, Inc., (1876 Lake Avenue SE, Suite A, Largo, FL 33771) being the low bidder with a bid submittal of \$57,026.00. The estimated amount budgeted for this purchase is \$60,000.00, and is reflected as a portion of the Lift Station Rehabilitation Program, as shown on page 396 of the adopted FY 10/11 budget. The account to be charged for this purchase is 301-381-5-776-50.

ACTION: (Approve – Deny) Authorization to award bid 11/013 for the purchase of five lift station motor control panels and junction boxes to Universal Precision Industries, Inc., Largo, FL in the amount of \$57,026.00 to be charged to the appropriate account.

(reference material — bidders list, bid book available for review)

◆ **OMB**

- C4** **REAPPOINTMENTS OF LETA CHANEY AND ROBERT MEYER TO THE CITIZENS' BUDGET ADVISORY COMMITTEE**

NOTE: Both Ms. Chaney and Mr. Meyer have served on the Committee since April, 1998. Both members indicated that they are interested in continuing to serve on this Committee.

ACTION: (Approve-Deny) Reappointments of Leta Chaney and Robert Meyer to serve as regular members of the Citizens' Budget Advisory Committee with terms to expire April 2013.

(reference material — Attendance Records of Leta Chaney and Robert Meyer)

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◆ **FIRE**

- C5 ORDINANCE NO. 3761. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 3580 ULMERTON ROAD (AUTUMN CLEARWATER, LLC AX11-1)**

FIRST READING PRIOR TO PUBLIC HEARING

NOTE: This is a voluntary annexation of 2.13 acres MOL of contiguous commercial property. The Owner plans to convert the former three story hotel and former restaurant to a Community Residential Home and dining room on the lot. The property is located at 3580 Ulmerton Road.

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

◆ **CITY COUNCIL**

- C6 RESOLUTION NO. 11-07. A RESOLUTION OF THE CITY OF PINELLAS PARK SUPPORTING POLICE OFFICER AND FIREFIGHTER PENSION PLAN REFORMS; PROVIDING FOR AN EFFECTIVE DATE.**

FIRST AND FINAL READING

NOTE: This resolution supports flexibility in state law that would allow cities to deal with their local problems locally and needs for the legislature to remove barriers in state law that prohibit this flexibility.

(reference material — resolution)

V. REGULAR AGENDA

◆ **COMMUNITY DEVELOPMENT**

- R1 CONSIDERATION OF A REQUEST TO REDUCE THE MINIMUM PERMITTED INTERIOR GREEN SPACE REQUIREMENT FROM 8% TO 3.2% ON A PARCEL LOCATED AT THE NORTHWEST CORNER OF GANDY BOULEVARD AND GRAND AVENUE. (MS 2011-12 – GATEWAY LLC/ CLAYTON WATKINS, BOHLER ENGINEERING AND MICHAEL LEEDS, GANDY AND GRAND LLC)**

(QUASI-JUDICIAL)

NOTE: The applicant is requesting a reduction to the minimum permitted interior green space requirement from 8% to 3.2% in the “B-1” General Commercial Zoning District on a 2.46 acre (MOL) parcel of land located at the northwest corner of Gandy Boulevard and Grand Avenue. The applicant is requesting a waiver to the interior landscape requirements of Code, specifically the percentage

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- R1** of interior greenspace required. Total VUA for the proposed development is 60,400 square feet. Interior greenspace is required at 8% of the VUA or 4,832 square feet. The applicant is providing 1,937 square feet, or 3.2%. The functionality of a gas station limits the ability to design a site that will meet all Code requirements due to the fact that the paved area adjacent to the pump areas will provide access for typical personal vehicles as well as trucks, SUV's, commercial vehicles, vehicles with trailers and tanker trucks delivering fuel. Placing islands within this area could be detrimental to the establishment as they could reduce accessibility. Furthermore, the minimum required open space requirement for this site is 25%; the applicant will be providing 31%. Approval of the waiver will require the applicant to deposit into the tree bank fund the cost of 14 trees; 3 canopy, 4 intermediate and 7 understory. Surrounding land uses are: to the north, undeveloped commercial property and PPWMD Drainage Ditch No. 2; (functionally abutting) to the south, Robert's Mobile Home Park; to the east, undeveloped commercial property; and to the west, future site of Dew Eurocars, currently under construction. 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 request to reduce the minimum permitted interior green space requirement from 8% to 3.2% in the “B-1” General Commercial Zoning District on a 2.46 acre (MOL) parcel of land located at the northwest corner of Gandy Boulevard and Grand Avenue based on the staff report and the criteria found in Section 1533.22.

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

- R2** **CONSIDERATION OF A REQUEST TO AMEND THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GATEWAY CENTRE BY ALLOWING A “GASOLINE SERVICE STATION” AS A PERMITTED USE LISTED IN EXHIBIT “G” OF THE DECLARATION. (MS 2011-13 – Hardy Huntley – Gateway, LLC.)**

NOTE: The applicant requests an amendment to the Declaration of Covenants, Conditions and Restrictions (Declaration) for Gateway Centre, Exhibit “G”, to provide as a permitted use a “gasoline service station,” Standard Industrial Classification No. 5541 (North American Industry Classification System No. 447110). This use is presently a prohibited use under Section 7.2 and Exhibit “G” of the Declaration. 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 request to amend the Declaration of Covenants, Conditions and Restrictions for Gateway Centre by allowing a “gasoline service station” as a permitted use as listed in Exhibit “G” of the Declaration.

R2 (reference material — staff report, application, and map)

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.

