



# **City of Pinellas Park**

## **City Council**

### **Agenda**

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Thursday, January 10, 2019

6:00 PM

City Council Chambers

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#### **CALL TO ORDER**

#### **INVOCATION**

#### **PLEDGE OF ALLEGIANCE**

#### **I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS**

##### **SPECIAL PRESENTATIONS**

##### **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 AND CITIZENS WILL BE SWORN IN IF THERE ARE ITEMS THAT ARE QUASI-JUDICIAL**

#### **II. APPROVAL OF MINUTES**

Approval of Regular Council Minutes of December 13, 2018, as on file in the City Clerk's office.

### **III. PUBLIC HEARINGS**

- P1 **RESOLUTION NO. 18-31.** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, VACATING A PORTION OF A DRAINAGE EASEMENT ON A PARCEL OF LAND GENERALLY LOCATED AT 5260 113TH AVENUE IN SECTION 16, TOWNSHIP 30 SOUTH, RANGE 16 EAST; VACATING A PORTION OF A UTILITY EASEMENT ON A PARCEL OF LAND GENERALLY LOCATED AT 11346 53RD STREET IN SECTION 16, TOWNSHIP 30 SOUTH, RANGE 16 EAST; PROVIDING FOR AN EFFECTIVE DATE (V 2018-8, TSE Industries, Inc.)

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

(Speaker - Erica Lindquist, Planning & Development Review Manager)

*(P5 on 11/20/2018 Agenda)*

NOTE: TSE Industries is requesting the vacation of a 168 foot long portion of a 10 foot wide drainage easement located under an existing building generally located at 5260 113th Avenue between Lots 28 and 29 and the vacation of a 279 foot long portion of a 5 foot wide utility easement generally located at 11346 53rd Street to the north of Lot 27.

ACTION: (Adopt - Deny) Resolution No. 18-31. Public hearing first and final reading.

**Department:** Community Development

**Reference Material:** [Staff report, Resolution, Attorney Ltr. Minutes, Application, Map- V 2018-8](#)

- P2 **ORDINANCE NO. 4077.** AN ORDINANCE OF THE CITY OF PINELLAS PARK, FLORIDA ADOPTING AN AMENDED MASTER PLAN CONTROLLING DEVELOPMENT OF A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) WITH UNDERLYING “B-1” GENERAL COMMERCIAL ZONING ON CERTAIN PARCELS OF LAND GENERALLY LOCATED AT 3660 GANDY BOULEVARD AND MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” WHICH IS ATTACHED HERETO AND MADE A PART THEREOF; ADOPTING A REVISED MASTER PLAN AND SUPPORTING DOCUMENTATION FOR PROPOSED RETAIL PLAZA AND CONVENIENCE STORE WITH A GAS STATION; 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 2015-6(R)2/BOA 2018-34/ MS 2018-27, Friends of Strays, Inc.)

**PUBLIC HEARING SECOND AND FINAL READING - QUASI-JUDICIAL**

**(Speaker - Erica Lindquist, Planning & Development Review Manager)**

NOTE: This is a request to amend a CPUD (Commercial Planned Unit Development) with underlying B-1 General Commercial Zoning for the development of a proposed 10,600 square foot retail plaza and convenience store with waivers and variances to the following: a variance to increase impervious surface area on both parcels; a variance to reduce the structure setback from 20 feet to 18 feet along the north, second front yard; and a waiver to reduce the required vehicular use area buffer at the right-of-way from 6 feet to 3 feet on both parcels. At its public hearing on November 1, 2018, the Planning and Zoning Commission recommended APPROVAL of this ordinance, subject to the following conditions:

1. Development controls are established through the development order, consisting of the application, staff report, and preliminary and final site plans, along with any accompanying text or graphics that constitute land development regulations applicable to the subject site. The submitted site plan, prepared by Landmark Engineering and Surveying Corporation last revised on September 6, 2018, and as may be directed by City Council to revise as a result of their review, shall be accepted as the controlling site plan for the development. All regulations not addressed in the site plan and supporting documentation shall default to Code in effect at the time of CPUD adoption.
2. Any trees that will not be planted in these streetscapes will be counted toward a contribution to the City’s Tree Bank Fund.
3. A portion of the City of Pinellas Park’s parcel of land, although not included in the PUD, is proposed to be developed under the auspices of a future easement agreement with the City and will be included in the development plans if approved.

*(C18 on 12/13/2018 Agenda)*

ACTION: (Pass - Deny) Ordinance No. 4077. Public hearing second and final reading - quasi-judicial.

**Department:** Community Development

**Reference Material:** [Ordinance, Attorney Ltr, Staff Report, Site Plan, Minutes, Application- PUD 2015-6\(R\)2](#)

**P3    ORDINANCE NO. 4076.    AMENDING ORDINANCE NO. 4070 FOR THE FISCAL YEAR 2018/2019**

**PUBLIC HEARING SECOND AND FINAL READING**

**(Speaker - Dan Katsiyiannis, Management and Budget Administrator)**

NOTE: This budget amendment is the City's first for the fiscal year. Our first amendment is dedicated to bringing forward unspent budget funds for CIP projects from the prior year that were not finished as of September 30th. These projects will be completed this fiscal year. The attached increases this year's budget by \$3,598,087 for a revised total City budget of \$127,786,639.

*(C9 on 12/13/2018 agenda)*

ACTION: (Pass - Deny) Ordinance No. 4076. Public hearing second and final reading.

**Department:** OMB

**Reference Material:** [Amend Ordinance, Budget Amend, Attorney Doc.](#)

#### **IV. CONSENT AGENDA**

**C1     REAPPOINTMENT TO PINELLAS OPPORTUNITY COUNCIL - (William Holmes)**

NOTE:     Mr. William Holmes has served on the POC since 2015 and has indicated that he is interested in continuing to serve on the Board for another term.

ACTION: (Approve - Deny) Re-Appointment of William Holmes to serve on the Pinellas Opportunity Council for the year 2019.

**Department:**             City Clerk

**Reference Material:**   [Reappoint Bill Holmes POC](#)

**C2     RESOLUTION NO. 19-01.   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, PERTAINING TO A CHARTER REVIEW COMMITTEE, ESTABLISHING SUCH CHARTER REVIEW COMMITTEE FOR THE PURPOSE OF STUDYING THE CHARTER OF THE CITY OF PINELLAS PARK, RECEIVING PUBLIC INPUT AND DETERMINING WHETHER THEY WISH TO RECOMMEND CONSIDERATION OF ANY CHANGES OR AMENDMENTS TO THE CHARTER; PROVIDING FOR A PROCESS FOR THE APPOINTMENT OF THE MEMBERS OF SUCH COMMITTEE; PROVIDING PROCEDURES FOR THE MEETINGS OF SUCH COMMITTEE; PROVIDING TIME SCHEDULES FOR SUCH COMMITTEE; PROVIDING FOR THE SUNSETTING OF SUCH COMMITTEE.**

**FIRST AND FINAL READING**

NOTE:     This Resolution will establish a Charter Review Committee consisting of seven (7) voting members, five (5) members shall be designated by City Council and the two (2) remaining members shall be selected by vote of the City Council based upon applications received by the City.

ACTION: (Adopt - Deny) Resolution No. 19-01.

**Department:**             City Clerk

**Reference Material:**   [19-01.Charter Review.res](#)

**C3     APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY PETER OZOLS AND INGUNA OZOLS, AS CO-TRUSTEES OF THE PETER OZOLS AND INGUNA OZOLS TRUST AGREEMENT U/T/D JUNE 30, 2017 (AX19-2) - Located at 6131 109th Terrace North**

NOTE: This is a voluntary annexation of 0.14 acres MOL of contiguous residential property located at 6131 109th Terrace North. The City agrees that for a period of twenty-four (24) months from the date of execution of this Agreement, the City shall waive City land development fees applicable for future redevelopment of the Property, in an amount up to, and not to exceed, Two Thousand Dollars (\$2,000.00). The City's annual projected revenue is Six Hundred Twenty-two Dollars (\$622.00) and no City funds were expended.

ACTION: (Approve - Deny) The voluntary annexation of 0.14 acres MOL of residential property owned by Peter Ozols and Inguna Ozols, as Co-Trustees of the Peter Ozols and Inguna Ozols Trust Agreement U/T/D June 30, 2017.

**Department:** Community Development

**Reference Material:** [AX19-2 Ozols Agreement, Petition, Data Sheet, Comment Sheet, Revenue Analysis, Map and Attorney letter.pdf](#)

**C4     ORDINANCE NO. 4078. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6131 109TH TERRACE NORTH (PETER OZOLS AND INGUNA OZOLS, CO-TRUSTEES OF THE PETER OZOLS AND INGUNA OZOLS TRUST AGREEMENT U/T/D JUNE 30, 2017 AX19-2)**

**FIRST READING PRIOR TO PUBLIC HEARING**

NOTE: This is a voluntary annexation of 0.14 acres MOL of contiguous residential property located at 6131 109th Terrace North.

ACTION: (Pass - Deny) Ordinance No. 4078.

**Department:** Community Development

**Reference Material:** [AX19-2 Ozols Ordinance, Petition, Map and Attorney letter.pdf](#)

**C5     RESOLUTION NO. 19-02.   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, AUTHORIZING A REFUND TO RESIDENTIAL RECYCLING CUSTOMERS EFFECTIVE FEBRUARY 1, 2019**

**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 \$70,166.00. This amount is to be refunded to residential 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.

ACTION: (Adopt - Deny) Resolution No. 19-02. First and final reading.

**Department:**             Finance

**Reference Material:**   [RecylResCrHstyAttyLtr](#)

**C6     AUTHORIZATION FOR THE CITY OF PINELLAS PARK TO ACCEPT A RIGHT-OF-WAY EASEMENT FROM LIHN T. PHAM & TUYET-LE THI DANG - 4220 70th Avenue North**

NOTE: The City of Pinellas Park has requested a right-of-way easement from Lihn T. Pham & Tuyet-Le Thi Dang to increase the right-of-way width to the required width for the installation of a potable water main, and for the future maintenance and operation of said equipment at 4220 70th Avenue North.

ACTION: (Approve - Deny) Authorization for the Mayor to accept a right-of-way easement from Lihn T. Pham & Tuyet-Le Thi Dang at 4220 70th Avenue North.

**Department:**             Public Works

**Reference Material:**   [4220 70th Ave Right of Way Easement backup](#)

**C7     AUTHORIZATION FOR THE CITY OF PINELLAS PARK TO ACCEPT A PERPETUAL UTILITY EASEMENT FROM 6351 49TH STREET LLC - 6351 49th Street North**

NOTE: The City of Pinellas Park has requested a utility easement from 6351 49th Street LLC to accommodate new utility equipment, and for the future maintenance and operation of said equipment at 6351 49th Street North.

ACTION: (Approve - Deny) Authorization for the Mayor to accept a utility easement from 6351 49th Street LLC at 6351 49th Street North.

**Department:**             Public Works

**Reference Material:**    [10x37 Shed Utility Easement 6351 49th St backup](#)

**C8     AUTHORIZATION FOR THE CITY OF PINELLAS PARK TO GIVE A PERPETUAL DRAINAGE EASEMENT TO PINELLAS COUNTY AT - 59th Avenue North and 46th Street North.**

NOTE: Pinellas County has requested a perpetual drainage easement at the pond to accommodate their new drainage infrastructure and for the future maintenance and operation of said infrastructure at the pond.

ACTION: (Approve - Deny) Authorization for the City of Pinellas Park to give a perpetual drainage easement to Pinellas County at the pond.

**Department:**             Public Works

**Reference Material:**    [Drainage Easement 59th Ave to 44th St backup](#)

**C9     AUTHORIZATION FOR THE CITY OF PINELLAS PARK TO ACCEPT A RIGHT-OF-WAY EASEMENT FROM RICHARD BRODRICK - 4160 70th Avenue North**

NOTE: The City of Pinellas Park has requested a right-of-way easement from Richard Brodrick to increase the right-of-way width to the required width and for the installation of a potable water main, and for the future maintenance and operation of said equipment at 4160 70th Avenue North.

ACTION: (Approve - Deny) Authorization for the Mayor to accept a right-of-way easement from Richard Brodrick at 4160 70th Avenue North.

**Department:**             Public Works

**Reference Material:**    [4160 70th Ave Right of Way Easement backup](#)



**C10    AUTHORIZATION FOR THE CITY OF PINELLAS PARK TO ACCEPT A RIGHT-OF-WAY EASEMENT FROM GEORGE A. PARADISE - 5245 78th Avenue North**

NOTE: The City of Pinellas Park has requested a right-of-way easement from George A. Paradise for the installation of a sidewalk, and for the future maintenance and operation of said equipment at 5245 78th Avenue North.

ACTION: (Approve - Deny) Authorization for the Mayor to accept a right-of-way easement from George A. Paradise at 5245 78th Avenue North.

**Department:**            Public Works

**Reference Material:**    [5245 78th Ave N Right of Way Easement backup](#)

**C11    AUTHORIZATION FOR THE CITY OF PINELLAS PARK TO ACCEPT A RIGHT-OF-WAY EASEMENT FROM AJKJ, LLC - 11486 68th Street North**

NOTE: The City of Pinellas Park has requested a right-of-way easement from AJKJ, LLC to increase the right-of-way width to the required width and to allow a clear zone adjacent to the road at 11486 68th Street North.

ACTION: (Approve - Deny) Authorization for the Mayor to accept a right-of-way easement from AJKJ, LLC at 11486 68th Street North

**Department:**            Public Works

**Reference Material:**    [11486 68th Street 15' right of way easement backup](#)

**C12    AUTHORIZATION FOR MAYOR TO SIGN INTERLOCAL MAINTENANCE AGREEMENT WITH PINELLAS COUNTY - Plat Book 124, Pages 16-17 Perpetual Drainage Easement**

NOTE: This authorizes the Mayor to sign an Interlocal Maintenance Agreement with Pinellas County to transfer the maintenance responsibility for the drainage easement dedicated to the City of Pinellas Park by plat. The County will perform specific maintenance to this easement area for a five year term. The proposed agreement has been reviewed by the City Attorney's office.

ACTION: (Approve - Deny) Authorization for the Mayor to sign an Interlocal Maintenance Agreement with Pinellas County.

**Department:**            Public Works

**Reference Material:**    [Interlocal Maintenance Agreement backup](#)

## **V. REGULAR AGENDA**

### **R1     THE 2018 LIBRARY ANNUAL REPORT**

NOTE: The 2018 Library Annual Report is submitted to Council by the Library Advisory Board in accordance with Section 2-504 of the City Code of Ordinances. Members of the Library Board will be in attendance to present the report.

ACTION: (Approve - Deny) 2018 Library Annual Report.

**Department:** Leisure Services

**Reference Material:** [2018 Library Annual Report](#)

## **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 digital recording of all public hearings. In the event that you wish to appeal a decision, the digital recording 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 THE HEARING IMPAIRED — An interpreter for the hearing impaired will be made available upon requests made at least 72 hours in advance.