

ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of August 20, 2009

TO: City Council Chair & Members of City Council

SUBJECT: City Council Minutes

EXPLANATION: City Council minutes of May 21 and June 4, 2009 are submitted for your approval.

A RESOLUTION APPROVING THE MINUTES
OF THE CITY COUNCIL MEETINGS HELD
ON MAY 21 AND JUNE 4, 2009; AND
PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the minutes of the City Council meetings held on May 21 and June 4, 2009 are hereby approved.

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM
AND SUBSTANCE:

City Attorney or Designee

minres.wpd

REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

THURSDAY, MAY 21, 2009, AT 3:05 P. M.

* * * * *

Chair Jeff Danner called the meeting to order with the following members present: Herbert E. Polson, James R. Kennedy, Jr., William H. Dudley, Leslie Curran, James S. Bennett, Karl Nurse, and Wengay M. Newton, Sr. Mayor Rick Baker, First Deputy Mayor/City Administrator Tish Elston, Community Development Senior Administrator Richard Mussett, Chief Assistant City Attorney Mark Winn, Assistant City Attorneys Al Galbraith and Jeanne Hoffmann, City Clerk Eva Andujar and Deputy City Clerk Amelia Preston were also in attendance.

Councilmember Curran moved with the second of Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council approve the agenda with the following changes:

- MOVE CA-1 Approving the purchase of replacement police cruisers from Garber Chevrolet- Buick-Pontiac-GMC Truck, Inc. for the Fleet Management Department at a total cost of \$1,117,143. *[Moved to Reports as F-2]*

- REVISED CB-8 Awarding a contract to Surge Solutions Group, Inc. in the amount of \$288,380.00 for Fleet Maintenance Facility Fueling Site Upgrades. (Engineering Project No. 07077-119, Oracle No. 10720) *[Revised language and backup]*

- ADD F-3 Arts Update. (Oral)

- INFO H-2 Public Services & Infrastructure Committee. (5/14/09)
 - (a) Ordinance amending Section 28-6, City Code; revising the requirements for a public vehicle driver permit; and modifying and clarifying requirements for applications, appeals, denials and revocations.

 - (b) Ordinance amending Sections 17-151 through 17-173 of the St. Petersburg City Code, which regulate peddlers, solicitors and canvassers.

- (c) Ordinance amending Sections 17-226 through 17-255 of the St. Petersburg City Code, related to fortunetelling.
- (b d) Ordinance providing for the adoption of regulations promoting the use of drought tolerant plant materials; providing for incentives; and providing for prohibitions limiting the use of St. Augustine turf in new construction.
- (e e) Ordinance amending the St. Petersburg City Code by creating a new Section 16.50.85 providing for community gardens; creating a new Section 16.70.030.1.13 providing for procedures for review and approval of an annual community garden permit; providing for conditions of approval; and providing for suspensions, revocations and appeals.

REVISE J-3 Confirming the Preliminary Assessment for Building Demolition Numbers 356 and 357. *[Revised cover memos]*

REVISE J-4 Approving a Substantial Amendment to the FY 2008-2009 Annual Action Plan ("Amendment") to add a new Community Development Block Grant-Recovery ("CDBG-R") program with funding in the amount of \$598,343 to be allocated to the City from the U.S. Department of Housing and Urban Development ("HUD") to establish the CDBG-R; authorizing the Mayor to submit the Amendment to HUD and to execute all documents necessary to implement the Amendment. *[Revised Action Plan]*

Roll call. Ayes. Bennett. Nurse. Newton. Danner. Polson. Kennedy. Curran. Nays. None. Absent. Dudley.

Councilmember Curran moved with the second of Councilmember Kennedy that the following resolutions be adopted:

09-251 Renewing blanket purchase agreements with Alfred Conhagen, Inc. of Florida, Tampa Armature Works, Inc. d/b/a TAW Technical Field Services; Cardo USA, Inc. formerly ABS Pumps, Inc; Alttec Corporation; and Carter & Ver Planck for pumps, pump parts and repair services for the Water Resources Department at an estimated annual cost of \$675,000.

09-252 Approving blanket purchase agreements with Carl Eric Johnson, Inc., ITT Water & Wastewater Florida, LLC and Tencarva Machinery Co. d/b/a Hudson Pump & Equipment, sole source providers for pumps, pump parts and repair services for the Water Resources Department at an estimated annual cost of \$225,000.

Downtown St. Petersburg Intermodal Facility Study:

- 09-253 Authorizing the Mayor to enter into an agreement with the Pinellas County Metropolitan Planning Organization (MPO), which will allow the MPO, a designated Federal Transit Administration (FTA) grantee, to pass through to the City a contribution of \$20,000 in FTA Section 5303 funding from the Pinellas Suncoast Transit Authority (PSTA) towards Task 2 of the Downtown St. Petersburg Intermodal Facility Study, and approving a supplemental appropriation in the amount of \$505,888 in the General Capital Improvement Fund.
- 09-254 Authorizing the Mayor to enter into an agreement with the firm PB Americas, Inc. in the amount of \$499,867 for professional services related to the Downtown St. Petersburg Intermodal Facility Study.
- 09-255 Renewing an agreement with Professional Staffing ABTS Inc., dba Able Body Labor and Lumea Staffing, Inc. formerly E.S.S.I., Inc. for temporary staffing for city-wide use at an estimated annual amount of \$470,000.
- 09-256 Renewing an agreement with G.A. Food Services of Pinellas County, Inc. d/b/a G.A. Food Service, Inc. for the Summer Food Service Program for the Recreation Department at an estimated annual amount of \$350,139.
- 09-257 Accepting a proposal from PAW Materials, Inc. for digester tank repair services for the Water Resources Department a total cost of \$262,950.
- 09-258 Accepting bids from Office Furniture Center, Inc., Office Pavilion South Florida, Inc. d/b/a Workplace Resource, Holmes & Brakel International, Inc., Corporate Express Office Products, Inc., Commercial Design Services, Inc., and Florida Business Interiors, Inc. for furniture for the Main Library at a total cost of \$253,161.
- 09-259 Renewing blanket purchase agreements with Wesco Turf Supply, Inc. now known as Wesco Turf, Inc; Ruckus Investments LC d/b/a Quality Mowers; Deere & Company; Rudy's Rentals & Sales, Inc; and Vermeer Southeast Sales & Services, Inc., for lawn and turf equipment, power tools, parts and accessories at an estimated annual cost of \$201,000.
- 09-260 Authorizing the Mayor to execute a Lease Agreement with Pasadena Card Club, Inc., a Florida not-for-profit corporation, for the use of City-owned real property located at Ten Park Street North, St. Petersburg, Florida for a period of thirty-six (36) months, at an aggregate rent of \$36.00; and to waive the reserve for replacement requirement. *(Requires affirmative vote of at least six (6) members of City Council.)*

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- 09-261 Authorizing the Mayor to grant a Public Utility Easement to Florida Power Corporation d/b/a Progress Energy Florida Inc., a Florida corporation, for the installation, operation and maintenance of electrical service improvements and related facilities to Building "C" of the Water Resources Complex located at 1635 Third Avenue North, St. Petersburg.
- 09-262 Awarding a contract to Surge Solutions Group, Inc. in the amount of \$288,380.00 for Fleet Maintenance Facility Fueling Site Upgrades. (Engineering Project No. 07077-119, Oracle No. 10720)
- 09-263 Awarding a contract to Kimmins Contracting Corporation in the amount of \$180,807 for the 54th Avenue South Slip-Lining Rehab of 54" RCP Sewer; rescinding an unencumbered appropriation in the Water Resources Capital Project Fund (4003) in the amount of \$250,000 from the SAN Bas. 1/4/10/15/18/20/29 Project (10114); and approving a supplemental appropriation in the amount of \$250,000 to the SAN 54 A/S Slip Line FY09 Project (12312) from the increase in the unappropriated balance of the Water Resources Capital Project Fund (4003) resulting from the rescission (Engineering Project No. 09020-111; Oracle No. 12312).
- 09-264 Confirming the reappointment of Gail Simpson and John Hixenbaugh as regular members to the Public Arts Commission to serve four-year terms ending 4/30/13.

Roll call. Ayes. Bennett. Nurse. Newton. Danner. Polson. Kennedy. Curran. Nays. None. Absent. Dudley.

Chair Danner announced that anyone present for Open Forum see staff, otherwise, Open Forum will take place at the end of the meeting.

The Clerk read the titles of proposed Ordinances 927-G, 928-G and 929-G. Councilmember Curran moved with the second of Councilmember Bennett that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, June 4, 2009, at 9:00 a.m., or as soon thereafter as the same may be heard, be set as the time for the public hearing on proposed Ordinances 927-G, 928-G and 929-G, entitled:

PROPOSED ORDINANCE NO 927-G

AN ORDINANCE APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH CELOTEX PRIDGEN, LLLP, A FLORIDA LIMITED PARTNERSHIP, RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF DR. MARTIN LUTHER KING JR. STREET NORTH, IN THE CENTER OF A TRIANGULAR-SHAPED LAND AREA BOUNDED BY ROOSEVELT BOULEVARD (SR 686) ON THE NORTH AND GANDY BOULEVARD (SR 694) ON THE SOUTH; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO 928-G

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(C)(5)B., ST. PETERSBURG CITY CHARTER, AUTHORIZING THE RESTRICTIONS CONTAINED IN THE JOINT PARTICIPATION AGREEMENT (“JPA”) AND THE ASSURANCES (“GRANT ASSURANCES”) WHICH ARE ATTACHED TO THE JPA, TO BE EXECUTED BY THE CITY, AS A REQUIREMENT FOR RECEIPT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (“FDOT”) GRANT IN THE ESTIMATED AMOUNT OF \$48,000 (“GRANT”) WHICH REQUIRE THAT THE CITY WILL MAKE ALBERT WHITTED AIRPORT AVAILABLE AS AN AIRPORT FOR PUBLIC USE ON FAIR AND REASONABLE TERMS, USE THE PROJECT FACILITIES AND EQUIPMENT IN GOOD WORKING ORDER FOR THE USEFUL LIFE OF SAID FACILITIES OR EQUIPMENT, NOT TO EXCEED 20 YEARS FROM THE DATE OF ACCEPTANCE OF THE GRANT; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO APPLY FOR AND ACCEPT THE GRANT IN THE ESTIMATED AMOUNT OF \$48,000; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; APPROVING A SUPPLEMENTAL APPROPRIATION FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE AIRPORT CAPITAL IMPROVEMENT FUND (4033) RESULTING

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FROM THESE ADDITIONAL REVENUES IN THE AMOUNT OF \$48,000 TO THE AIRPORT - CONSTRUCTION OF TAXIWAY "D", RAMP AND REELS (PROJECT #11670); PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR EXPIRATION.

PROPOSED ORDINANCE NO 929-G

AN ORDINANCE PROVIDING FOR THE CALLING OF AN ELECTION TO PRESENT TO THE VOTERS AN AMENDMENT TO SECTION 5.05(d) OF THE ST. PETERSBURG CITY CHARTER PROVIDING THAT THE CANVASSING BOARD FOR CITY ELECTION RETURNS BE THE PINELLAS COUNTY CANVASSING BOARD; PROVIDING FOR EXCEPTIONS; PROVIDING FOR THE CALLING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON SEPTEMBER 1, 2009, TO BE HELD AS PART OF THE CITY OF ST PETERSBURG'S CITYWIDE PRIMARY ELECTION TO PRESENT THIS CHARTER AMENDMENT TO THE VOTERS; PROVIDING FOR THE FORM OF THE TITLE AND THE QUESTION TO APPEAR ON THE BALLOT; MAKING FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

Roll call. Ayes. Bennett. Nurse. Newton. Danner. Polson. Kennedy. Curran. Nays. None. Absent. Dudley.

No action was taken in connection with a report item concerning a Stimulus Funding Update presented by Contracts and Grants Officer Wayne Finley.

In connection with a report item, Purchasing Director Louis Moore made a presentation. Councilmember Curran moved with the second of Councilmember Nurse that the following resolution be adopted:

09-265 Approving the purchase of replacement police cruisers from Garber Chevrolet-Buick-Pontiac-GMC Truck, Inc. for the Fleet Management Department at a total cost of \$1,117,143.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Nays. None. Absent. Bennett.

No action was taken in connection with report item concerning an Arts Update presented by Arts and International Relations Manager Elizabeth Brincklow.

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In connection with a new business item, Councilmember Newton moved with the second of Councilmember Curran that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council refer to the Council Procedures Committee a request to schedule all public hearings that have a high level of interest/impact to the City at 6:00 p.m.

Roll call. Ayes. Bennett. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Nays. None. Absent. None.

In connection with a new business item, Councilmember Nurse moved with the second of Councilmember Bennett that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council refer the City's Panhandling Ordinance Prohibited Zone to the Public Services and Infrastructure Committee for review.

Roll call. Ayes. Bennett. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Nays. None. Absent. None.

In connection with a Budget, Finance & Taxation Committee report, Councilmember Kennedy moved with the second of Councilmember Newton that the following resolution be adopted:

09-266 Approving the Selection Committee's recommendation to Administration to select ICMA as the City's single defined contribution plan (401a) and deferred compensation (457) vendor/record keeper.

Roll call. Ayes. Bennett. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Nays. None. Absent. None. Councilmember Kennedy moved with the second of Councilmember Dudley that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council request staff move forward with the proposed competitive bid for the Public Utility Revenue Bonds.

Roll call. Ayes. Bennett. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Nays. None. Absent. None. Councilmember Kennedy moved with the second of Councilmember Curran that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the May 14, 2009 Budget, Finance & Taxation Committee report.

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Roll call. Ayes. Bennett. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Nays. None. Absent. None.

09-267 was inadvertently omitted.

In connection with a Public Services and Infrastructure Committee report, Councilmember Nurse moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, June 4, 2009, at 9:00 a.m., or as soon thereafter as the same may be heard, be set as the time for the public hearing on proposed Ordinances 930-G, 931-G and 932-G, entitled:

PROPOSED ORDINANCE NO. 930-G

AN ORDINANCE AMENDING SECTION 28-6, CITY CODE; REVISING THE REQUIREMENTS FOR A PUBLIC VEHICLE DRIVER PERMIT; MODIFYING AND CLARIFYING REQUIREMENTS FOR APPLICATIONS, APPEALS, DENIALS AND REVOCATIONS; AND PROVIDING AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 931-G

AN ORDINANCE AMENDING SECTIONS 17-151 THROUGH 17-173, CITY CODE WHICH REGULATE PEDDLERS, SOLICITORS AND CANVASSERS; PROVIDING FOR APPLICATION AND PERMIT REQUIREMENTS; PROVIDING FOR APPEALS, REVOCATION AND DENIAL OF APPLICATIONS; AND PROVIDING AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 932-G

AN ORDINANCE AMENDING SECTIONS 17-226 THROUGH 17-255, CITY CODE RELATED TO FORTUNETELLING; MODIFYING PERMIT AND APPLICATION REQUIREMENTS; PROVIDING FOR APPEALS, DENIAL OF APPLICATIONS AND REVOCATIONS; AND PROVIDING AN EFFECTIVE DATE.

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The Clerk read the titles of proposed Ordinances 930-G, 931-G and 932-G. Roll call. Ayes. Bennett. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Nays. None. Absent. None. Councilmember Nurse moved with the second of Councilmember Bennett that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, July 23, 2009, at 6:00 p.m., or as soon thereafter as the same may be heard, be set as the time for the public hearing on proposed Ordinance 934-G, entitled:

PROPOSED ORDINANCE NO. 934-G

AN ORDINANCE PROVIDING FOR THE ADOPTION OF REGULATIONS PROMOTING THE USE OF DROUGHT TOLERANT PLANT MATERIALS; PROVIDING FOR INCENTIVES; PROVIDING FOR PROHIBITIONS LIMITING THE USE OF ST. AUGUSTINE TURF IN NEW CONSTRUCTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Roll call. Ayes. Bennett. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Nays. None. Absent. None. Councilmember Nurse moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, June 4, 2009, at 9:00 a.m., or as soon thereafter as the same may be heard, be set as the time for the public hearing on proposed Ordinance 933-G, entitled:

PROPOSED ORDINANCE NO. 933-G

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING THE CITY CODE BY CREATING A NEW SECTION 16.50.85 PROVIDING FOR COMMUNITY GARDENS; CREATING A NEW SECTION 16.70.030.1.13 PROVIDING FOR PROCEDURES FOR REVIEW AND APPROVAL OF AN ANNUAL COMMUNITY GARDEN PERMIT; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SUSPENSIONS, REVOCATIONS AND APPEALS; AND PROVIDING AN EFFECTIVE DATE.

Roll call. Ayes. Bennett. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Nays. None. Absent. None. Councilmember Nurse moved with the second of Councilmember Bennett that the following resolution be adopted:

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BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the May 14, 2009 Public Services and Infrastructure Committee report.

Roll call. Ayes. Bennett. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Nays. None. Absent. None.

The meeting was recessed at 4:08 p.m.

The meeting was reconvened at 6:03 p.m. with all members present.

In connection with public hearings concerning the confirmation of preliminary assessments, Councilmember Bennett moved with the second of Councilmember Newton that the following resolutions be adopted:

- 09-268 Confirming and approving preliminary assessment rolls for Lot Clearing No. 1456 and providing for an interest rate of 12% per annum from the date of this resolution on unpaid assessments.

- 09-269 Assessing the costs of securing listed on Securing Building Nos. 1116 and 1117 (SEC 1116 and 1117) as liens against the respective real property on which the costs were incurred; providing that said liens have a priority as established by City Code Section 8-373; providing for an interest rate of 12% per annum on unpaid balances; and authorizing the Mayor to execute and record Notices of Lien(s) in the public records of the County.

- 09-270 Assessing the costs of demolition listed on Building Demolition No. 356 and 357 (DMO 356 and 357) as liens against the respective real property on which the costs were incurred; providing that said liens have a priority as established by City Code Section 8-373; providing for an interest rate of 12% on unpaid balances; and authorizing the Mayor to execute and record Notices of Lien(s) in the public records of the County.

The Chair asked if there were any persons present wishing to be heard and there was no response. Roll call. Ayes. Bennett. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Nays. None. Absent. Curran.

In connection with a public hearing concerning a Substantial Amendment to the FY 2008-2009 Annual Action Plan, Councilmember Bennett moved with the second of Councilmember Nurse that the following resolution be adopted:

09-271 Approving a Substantial Amendment to the FY 2008-2009 Annual Action Plan ("Amendment") to add a new Community Development Block Grant-Recovery ("CDBG-R") program with funding in the amount of \$598,343 to be allocated to the City from the U.S. Department of Housing and Urban Development ("HUD") to establish the CDBG-R; authorizing the Mayor to submit the Amendment to HUD and to execute all documents necessary to implement the Amendment. (*Action deferred to follow Ordinance 894-G.*)

The Clerk read the title of proposed Ordinance 894-G (City File LGCP/EAR-2008-02) and Urban Design and Historic Preservation Manager Rick MacAulay made a presentation. Councilmember Curran moved with the second of Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 894-G, entitled:

PROPOSED ORDINANCE NO. 894-G

AN ORDINANCE AMENDING THE ST. PETERSBURG COMPREHENSIVE PLAN, ORIGINALLY ADOPTED AS ORDINANCE 1143-F, AS AMENDED BY ORDINANCE 310-G; MAKING SUBSTANTIVE CHANGES BASED ON THE 2007 EVALUATION AND APPRAISAL REPORT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second reading and second public hearing.

Roll call. Ayes. Bennett. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Nays. None. Absent. None.

In continuation of the public hearing concerning a Substantial Amendment to the FY 2008-2009 Annual Action Plan, the Chair asked if there were any persons present wishing to be heard and there was no response. Roll call on Resolution 2009-271. Ayes. Bennett. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Nays. None. Absent. None.

The Clerk administered the oath to those present wishing to present testimony in connection with the quasi-judicial proceedings.

The Clerk read the titles of proposed Ordinances 689-L and 716-Z (City File FLUM-3(A)). Presentations were made by Urban Design and Historic Preservation Manager Rick MacAulay and Mr. Don Mastry, representing A & S Tierra Verde one of the property owners/applicants. The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Gordon Beardsley, 600 Cleveland Street, Clearwater, representing Pinellas County Planning Department, expressed Pinellas County's concerns with increased residential units on a barrier island, the deficit of emergency shelter space within Pinellas County and stated the Pinellas Bayway is also a regional emergency evacuation route for Tierra Verde, St. Pete Beach, Isla del Sol, etc. The proposed commercial general designation and potential 415 additional units would increase the emergency shelter deficit and increase the number of vehicles using a critical regional evacuation route where regional hurricane evacuation clearance times are already high. Pinellas County now limits any density increases to five units per acre on barrier islands and requested the City designate the 17.3 acres as residential office retail which limits development to 15 units per acre instead of commercial general. Submitted a copy of Brian Smith's April 6, 2009 letter to Development Services Director Julie Weston.
2. John Thomas, 233 3rd Street North, representing the Tierra Verde Community Association, Mr. Michael Mauro and Attorney Maura J. Keifer, stated the Community feels great concern that this land mass is very low lying and in the hurricane vulnerability zone. He stated his disagreement with the analysis done by the City concerning emergency shelters and stated that the bridge service level is "F" on the weekend and at peak times. He stated the Tierra Verde Community Association is still concerned with density and objects to the FLUM amendment.

Cross examination and rebuttal were waived by Messrs. MacAulay and Mastry. Councilmember Bennett moved with the second of Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinances 689-L and 716-Z, entitled:

PROPOSED ORDINANCE NO. 689-L

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN FOR THE CITY OF ST. PETERSBURG, FLORIDA; ESTABLISHING COMMERCIAL GENERAL AND RESIDENTIAL LOW FUTURE LAND USE FOR LANDS GENERALLY LOCATED ON THE WEST SIDE OF THE PINELLAS BAYWAY (SR 679) ON THE NORTHERN END OF TIERRA VERDE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

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PROPOSED ORDINANCE NO. 716-Z

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA; ESTABLISHING CCS-3 (CORRIDOR COMMERCIAL SUBURBAN) AND NS-2 (NEIGHBORHOOD SUBURBAN) AS THE OFFICIAL ZONING MAP DESIGNATIONS FOR LANDS GENERALLY LOCATED ON THE WEST SIDE OF THE PINELLAS BAYWAY (SR 679) ON THE NORTHERN END OF TIERRA VERDE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVISIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second reading and second public hearing.

Roll call. Ayes. Bennett. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Nays. None. Absent. None.

There being no further business, the meeting was adjourned at 7:10 p.m.

Jeff Danner, Chair-Councilmember
Presiding Officer of the City Council

ATTEST: _____
Eva Andujar, City Clerk

REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

THURSDAY, JUNE 4, 2009, AT 8:32 A.M.

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Chair Jeff Danner called the meeting to order with the following members present: Herbert E. Polson, James R. Kennedy, Jr., William H. Dudley, Leslie Curran, James S. Bennett, Karl Nurse, and Wengay M. Newton, Sr. Mayor Rick Baker, First Deputy Mayor/City Administrator Tish Elston, City Attorney John Wolfe, Assistant City Attorney Mark Winn, City Development Senior Administrator Richard Mussett, City Clerk Eva Andujar and Deputy City Clerk Cathy Davis were also in attendance.

Councilmember Curran moved with the second of Councilmember Nurse that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council approve the agenda as amended with the following changes:

ADD CA-3 Pinellas Trail - 34th Street Pedestrian Bridge ("Overpass"):

- (a) Awarding a contract to Denson Construction Inc. in the amount of \$1,277,914.34 for construction of the Pinellas Trail - 34th Street Pedestrian Bridge ("Overpass"); approving supplemental appropriations from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants Improvements Fund (3004) resulting from additional revenues from the Interlocal Agreement between the City and Pinellas County for construction of the overpass authorized by City Council Resolution 2008-64, in the amount of \$500,000 to the Bike Path Project (10622) and \$3,000,000 to the Pinellas Trail Overpass Project (12358) (Engineering Project No. 06103-912 and 09103-112); and authorizing the Mayor to execute all documents necessary to effectuate this transaction.
- (b) Authorizing the Mayor to execute Amendment 1 to Task Order No. 06-11-SCI/T to the agreement between the City of St. Petersburg and Sprinkle Consulting in the amount not to exceed \$130,000 for post design phase services for the Pinellas Trail - 34th Street Pedestrian Bridge for a total amount of \$574,652.00. (Engineering Project No. 09103-112; Oracle No. 12358)

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- (c) Authorizing the Mayor to execute a ninety-nine (99) year Airspace Agreement with the State of Florida Department of Transportation (FDOT) for the Pinellas Trail 34th Street South Pedestrian Bridge Project No. 06103-912 and an assignment of the Airspace Agreement to Pinellas County.
- (d) Authorizing the Mayor to grant an Easement to Pinellas County for public purposes to include the maintenance of an approach ramp and appurtenant structures and improvements within the City-owned Pinellas Trail Extension property to provide access to the eastern end of the Pinellas Trail 34th Street South Pedestrian Bridge for City Project No. 06103-912.
- (e) Authorizing the Mayor to execute an Interlocal Agreement with Pinellas County for the maintenance of the Pinellas Trail Extension from 34th Street South to approximately 13th Street South; and authorizing the Mayor to execute all other documents necessary to effectuate this transaction.

- MOVE CB-1 To Reports as Item E-4: Authorizing the Mayor to execute a Lease Agreement between the City of St. Petersburg and Fred Snook, d/b/a The Hide Out, for Space No. 1006 at The Pier for a one (1) year term commencing May 1, 2009 and expiring April 30, 2010.
- MOVE CB-2 To Reports as Item E-5: Approving the plat of Martin Bridgeview Subdivision, generally located at the southeast corner of 110th Avenue North and 4th Street North. (City File 08-20000014)
- DELETE CB-3 Authorizing the Mayor to execute a Lease Agreement with Edward White Hospital, Inc., a Florida for profit corporation, for the use of a ±32,930 square foot parcel of City-owned property located on the south side of Booker Creek Park as an employee/park patron parking lot for a period of three (3) years. *(Requires affirmative vote of at least six (6) members of City Council.)*
- MOVE CB-4 To Reports as Item E-6: Authorizing the Mayor to execute a twelve (12) month License Agreement with St. Petersburg Yacht Charters & Sales, Inc., a Florida for profit corporation, (D.B.A. the Marina Point Ships Store) for use of the premises located at 500 First Avenue Southeast on Demens Landing at a minimum monthly rent of \$2,876.00. *(Requires affirmative vote of at least six (6) members of City Council.)*

6/4/09

- DELETE CB-7 Accepting a proposal from Boley Centers, Inc. for management services for the Summer Youth Intern Program for the Community Affairs Department at an estimated annual cost of \$190,000, and approving a supplemental appropriation in the amount of \$190,000 from the increase in the unappropriated balance of the General Fund resulting from these additional revenues.
- ADD CB-9 Resolution finding that payment of all closing related costs, including documentary stamps, for acquisition of the property herein described serves a City purpose; authorizing the Mayor to purchase one (1) unimproved parcel located at 2251 Fairfield Avenue South, St. Petersburg (Parcel 6) for Phase II of the Dome Industrial Park Plan for the sum of \$65,000; to pay all closing related costs, including documentary stamps, not to exceed \$5,000; approving a supplemental appropriation in the amount of \$70,000 from the unappropriated balance of the General Fund (Land Sale Proceeds Designation) to Real Estate & Property Management for FY09.
- REVISE D-8 Ordinance 933-G amending the St. Petersburg City Code by creating a new Section 16.50.85 providing for community gardens; creating a new Section 16.70.030.1.13 providing for procedures for review and approval of an annual community garden permit; providing for conditions of approval; and providing for suspensions, revocations and appeals.
- ADD E-3 EMS Update. (Oral)
- ADD G-1 Recommending to the Metropolitan Planning Organization (MPO) the appointment of Mary Moser to the Citizens Advisory Committee. (Councilmember Polson)
- ADD G-2 Requesting City Council move to have the Budget, Finance & Taxation Committee, Public Services & Infrastructure Committee, and the Housing Services Committee televised. (Councilmember Nurse)
- INFO H-2 Co-Sponsored Events Committee. (5/21/09)
(a) Resolution approving the applications for Co-Sponsored Events in “Name Only” for Nite Riders Van Club, Inc. for an event entitled Saint Pete Live; Albert Whitted Airfest, Inc. for an event entitled Rock ‘n’ Wings Concert and World Triathlon Corporation for an event entitled Iron Kids Triathlon.
- INFO H-5 Housing Services Committee. (5/28/09)

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- (a) Authorizing the Mayor to purchase under the Neighborhood Stabilization Program, one (1) bank-owned, foreclosed and unoccupied parcel located at 861 - 18th Avenue South, St. Petersburg, for the sum of \$19,550; to pay closing related costs not to exceed \$7,500; to rehabilitate or reconstruct the property for an amount not to exceed \$100,000; and to sell the property in accordance with the requirements of the Department of Housing and Urban Development, and Section 2301 (d)(2) of Housing and Economic Recovery Act 2008; and to execute all documents necessary to effectuate same.

ADD H-6 Committee of the Whole - Legislative Issues. (5/28/09)

ADD I-1 Approving the issuance of the City of St. Petersburg Public Utility Revenue Bonds Series 2009A, not to exceed \$60,000,000; and refunding revenue bonds series 2009B, not to exceed \$30,000,000 for the purpose to acquire, construct and erect certain improvements to the Public Utility System, advance refunding certain indebtedness and approving documents associated therewith.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

Councilmember Curran moved with the second of Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council move Consent Items CB-1 through CB-4 to reports and approve the following resolutions:

- 09-272 Approving the qualifications of Boley Centers, Inc. and Homes For Independence, Inc. to acquire, rehabilitate and manage multi-family rental properties for the Housing and Community Development Department through Neighborhood Stabilization Program (NSP) funding at an estimated amount of \$2,374,741.
- 09-273 Awarding a blanket purchase agreement to Port Consolidated, Inc. for biodiesel fuel for the Fleet Management Department at an estimated annual cost of \$1,476,000.

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Pinellas Trail - 34th Street Pedestrian Bridge (Overpass):

- 09-274 Awarding a contract to Denson Construction Inc. in the amount of \$1,277,914.34 for construction of the Pinellas Trail - 34th Street Pedestrian Bridge (“Overpass”); approving supplemental appropriations from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants Improvements Fund (3004) resulting from additional revenues from the Interlocal Agreement between the City and Pinellas County for construction of the overpass authorized by City Council Resolution 2008-64, in the amount of \$500,000 to the Bike Path Project (10622) and \$3,000,000 to the Pinellas Trail Overpass Project (12358) (Engineering Project No. 06103-912 and 09103-112); and authorizing the Mayor to execute all documents necessary to effectuate this transaction.
- 09-275 Authorizing the Mayor to execute Amendment 1 to Task Order No. 06-11-SCI/T to the agreement between the City of St. Petersburg and Sprinkle Consulting in the amount not to exceed \$130,000 for post design phase services for the Pinellas Trail - 34th Street Pedestrian Bridge for a total amount of \$574,652.00. (Engineering Project No. 09103-112; Oracle No. 12358)
- 09-276 Authorizing the Mayor to execute a ninety-nine (99) year Airspace Agreement with the State of Florida Department of Transportation (FDOT) for the Pinellas Trail 34th Street South Pedestrian Bridge Project No. 06103-912 and an assignment of the Airspace Agreement to Pinellas County.
- 09-277 Authorizing the Mayor to grant an Easement to Pinellas County for public purposes to include the maintenance of an approach ramp and appurtenant structures and improvements within the City-owned Pinellas Trail Extension property to provide access to the eastern end of the Pinellas Trail 34th Street South Pedestrian Bridge for City Project No. 06103-912.
- 09-278 Authorizing the Mayor to execute an Interlocal Agreement with Pinellas County for the maintenance of the Pinellas Trail Extension from 34th Street South to approximately 13th Street South; and authorizing the Mayor to execute all other documents necessary to effectuate this transaction.
- 09-279 Authorizing the Mayor to execute an agreement between the City of St. Petersburg and Coordinated Child Care of Pinellas, Inc. to provide child care services for qualified families for one year commencing July 1, 2009 and ending June 30, 2010.

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- 09-280 Rescinding an unencumbered appropriation in the Recreation and Culture Capital Improvements Fund (3029) in the amount of \$200,000 from the Main Library Improvements Project (CP82541), and approving a supplemental appropriation in the amount of \$200,000 from the increase in the unappropriated balance of the Recreation and Culture Capital Improvements Fund (3029) resulting from the rescission to the Mirror Lake Complex Code Upgrades Project (Engineering Project No. 09222-017; Oracle No. 12270)
- 09-281 Authorizing the Mayor to accept a U.S. Department of Justice Grant in the amount of \$4,500 to pay Police Department investigative overtime costs for joint cases with The U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives and to execute all documents necessary to effectuate this transaction; approving a supplemental appropriation in the amount of \$4,500 from the increase in the unappropriated balance of the General Fund (0001) resulting from these additional revenues to the Police Department.
- 09-282 Resolution finding that payment of all closing related costs, including documentary stamps, for acquisition of the property herein described serves a City purpose; authorizing the Mayor to purchase one (1) unimproved parcel located at 2251 Fairfield Avenue South, St. Petersburg (Parcel 6) for Phase II of the Dome Industrial Park Plan for the sum of \$65,000; to pay all closing related costs, including documentary stamps, not to exceed \$5,000; and approving a supplemental appropriation in the amount of \$70,000 from the unappropriated balance of the General Fund (Land Sale Proceeds Designation) to Real Estate & Property Management for FY09.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

Community Affairs Manager Theresa Jones provided Council with an update concerning Consent Item CB-7 (Accepting a proposal from Boley Centers, Inc for management services for the Summer Youth Intern Program) which was deleted from the agenda.

Councilmember Dudley introduced Mark and Carter Temple, his nephews visiting from Tampa, who are working on their Eagle Scout badges.

In connection with a report item, Councilmember Kennedy moved with the second of Councilmember Curran that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive the oral Pinellas Planning Council update provided by Councilmember Kennedy.

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Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

In connection with a report item, Economic Development Manager Sophia Sorolis made a presentation. Councilmember Dudley moved with the second of Councilmember Curran that the following resolution be adopted:

09-283 A resolution recommending that Project A9031245830 ("Project"), a management services headquarters company, be approved as a Qualified Target Industry Business pursuant to Section 288.106, Florida Statutes, and committing \$85,000 as the City's share of the local financial support for the Project.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

In connection with a new business item, Councilmember Curran moved with the second of Councilmember Kennedy that the following resolution be adopted:

09-284 Recommending to the Metropolitan Planning Organization (MPO) the appointment of Mary Moser to their Citizens Advisory Committee.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

In connection with a report item, Downtown Enterprise Facilities Director Chris Ballestra made a presentation. Councilmember Curran moved with the second of Councilmember Kennedy that the following resolution be adopted:

09-285 Authorizing the Mayor to execute a Lease Agreement between the City of St. Petersburg and Fred Snook, d/b/a The Hide Out, for Space No. 1006 at The Pier for a one (1) year term commencing May 1, 2009 and expiring April 30, 2010.

Roll call. Ayes. Nurse. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. Newton. Absent. None.

In connection with a report item, Downtown Enterprise Facilities Director Chris Ballestra made a presentation. Councilmember Dudley moved with the second of Councilmember Bennett that the following resolution be adopted:

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09-286 Authorizing the Mayor to execute a twelve (12) month License Agreement with St. Petersburg Yacht Charters & Sales, Inc., a Florida for profit corporation, (D.B.A. the Marina Point Ships Store) for use of the premises located at 500 First Avenue Southeast on Demens Landing at a minimum monthly rent of \$2,876.00.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

In connection with a new business item, Councilmember Nurse moved with the second of Councilmember Bennett that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council approve televising the Budget, Finance & Taxation Committee, the Public Services & Infrastructure Committee and the Housing Services Committee for a 90-day trial period.

Marketing & Communication Director Elizabeth Herendeen provided cost information to televise the proposed committee meetings. Councilmember Curran moved with the second of Councilmember Kennedy that the following substitute resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council refer the request to televise the Budget, Finance & Taxation Committee, the Public Services & Infrastructure Committee and the Housing Services Committee to the Council Procedures Committee for further discussion.

Roll call. Ayes. Nurse. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. Newton. Absent. None.

The Clerk read the title of proposed Ordinance 1002-V and Zoning Official Philip Lazzara made a presentation. The Chair asked if there were any persons present wishing to be heard and there was no response. Councilmember Bennett moved with the second of Councilmember Curran that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 1002-V, entitled:

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PROPOSED ORDINANCE NO. 1002-V

AN ORDINANCE AMENDING ORDINANCE NO. 989-V, WHICH APPROVED THE VACATION OF AN UNIMPROVED NORTH-SOUTH ALLEY BETWEEN 3RD AND 4TH STREETS NORTH, SOUTH OF 110TH AVENUE NORTH, AND THE VACATION OF 206 FEET OF 110TH AVENUE NORTH, LOCATED EAST OF 4TH STREET NORTH; SUBJECT TO CONDITIONS AMENDING THE CONDITION RELATING TO THE WIDTH AND PURPOSE OF AN EASEMENT TO BE RETAINED; AND PROVIDING FOR AN EFFECTIVE DATE.

be adopted on second and final reading.

Roll call. Ayes. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. Nurse.

The Clerk read the title of proposed Ordinance 927-G and Urban Design & Historic Preservation Manager Rick MacAulay made a presentation. Councilmember Kennedy moved with the second of Councilmember Curran that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 927-G, entitled:

PROPOSED ORDINANCE NO. 927-G

AN ORDINANCE APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH CELOTEX PRIDGEN, LLLP, A FLORIDA LIMITED PARTNERSHIP, RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF DR. MARTIN LUTHER KING JR. STREET NORTH, IN THE CENTER OF A TRIANGULAR-SHAPED LAND AREA BOUNDED BY ROOSEVELT BOULEVARD (SR 686) ON THE NORTH AND GANDY BOULEVARD (SR 694) ON THE SOUTH; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading.

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The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Don Mastry, 200 Central Avenue, commented in support of the proposed ordinance.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

The Clerk read the title of proposed Ordinance 928-G and Airport Manager Richard Lesniak made a presentation. Councilmember Polson moved with the second of Councilmember Bennett that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 928-G, entitled:

PROPOSED ORDINANCE NO. 928-G

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(C)(5)B., ST. PETERSBURG CITY CHARTER, AUTHORIZING THE RESTRICTIONS CONTAINED IN THE JOINT PARTICIPATION AGREEMENT (“JPA”) AND THE ASSURANCES (“GRANT ASSURANCES”) WHICH ARE ATTACHED TO THE JPA, TO BE EXECUTED BY THE CITY, AS A REQUIREMENT FOR RECEIPT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (“FDOT”) GRANT IN THE ESTIMATED AMOUNT OF \$48,000 (“GRANT”) WHICH REQUIRE THAT THE CITY WILL MAKE ALBERT WHITTED AIRPORT AVAILABLE AS AN AIRPORT FOR PUBLIC USE ON FAIR AND REASONABLE TERMS, USE THE PROJECT FACILITIES AND EQUIPMENT IN GOOD WORKING ORDER FOR THE USEFUL LIFE OF SAID FACILITIES OR EQUIPMENT, NOT TO EXCEED 20 YEARS FROM THE DATE OF ACCEPTANCE OF THE GRANT; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO APPLY FOR AND ACCEPT THE GRANT IN THE ESTIMATED AMOUNT OF \$48,000; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; APPROVING A SUPPLEMENTAL APPROPRIATION FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE AIRPORT CAPITAL IMPROVEMENT FUND (4033) RESULTING FROM THESE ADDITIONAL REVENUES IN THE AMOUNT OF

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\$48,000 TO THE AIRPORT — CONSTRUCTION OF TAXIWAY “D”, RAMP AND REILS (PROJECT #11670); PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR EXPIRATION.

be adopted on second and final reading.

The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Jack Tunstill, 9132 124th Way North, Seminole, representing the Airport Advisory Committee, spoke in support of the proposed Ordinance.
2. Gonzales J. Ortez, 3724 76th Street North, spoke in support of the proposed Ordinance.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Dudley. Curran. Bennett. Nays. None. Absent. Kennedy.

The Clerk read the title of proposed Ordinance 929-G and City Attorney John Wolfe made a presentation. Councilmember Curran moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 929-G, entitled:

PROPOSED ORDINANCE NO. 929-G

AN ORDINANCE PROVIDING FOR THE CALLING OF AN ELECTION TO PRESENT TO THE VOTERS AN AMENDMENT TO SECTION 5.05(d) OF THE ST. PETERSBURG CITY CHARTER PROVIDING THAT THE CANVASSING BOARD FOR CITY ELECTION RETURNS BE THE PINELLAS COUNTY CANVASSING BOARD; PROVIDING FOR EXCEPTIONS; PROVIDING FOR THE CALLING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON SEPTEMBER 1, 2009, TO BE HELD AS PART OF THE CITY OF ST PETERSBURG’S CITYWIDE PRIMARY ELECTION TO PRESENT THIS CHARTER AMENDMENT TO THE VOTERS; PROVIDING FOR THE FORM OF THE TITLE AND THE QUESTION TO APPEAR ON THE BALLOT; MAKING FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

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be adopted on second and final reading.

The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Gonzales J. Ortez, 3724 76th Street North, spoke in support of the proposed Ordinance.
2. Tee Lassiter, 937 Union Street South, spoke in support of the proposed Ordinance.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

The Clerk read the title of proposed Ordinance 930-G and Chief Assistant City Attorney Mark Winn made a presentation. Councilmember Newton moved with the second of Councilmember Curran that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 930-G, entitled:

PROPOSED ORDINANCE NO. 930-G

AN ORDINANCE AMENDING SECTION 28-6, CITY CODE; REVISING THE REQUIREMENTS FOR A PUBLIC VEHICLE DRIVER PERMIT; MODIFYING AND CLARIFYING REQUIREMENTS FOR APPLICATIONS, APPEALS, DENIALS AND REVOCATIONS; AND PROVIDING AN EFFECTIVE DATE

be adopted on second and final reading.

The Chair asked if there were any persons present wishing to be heard and there was no response. Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

The Clerk read the title of proposed Ordinance 931-G. Councilmember Newton moved with the second of Councilmember Dudley that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 931-G, entitled:

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PROPOSED ORDINANCE NO. 931-G

AN ORDINANCE AMENDING SECTIONS 17-151 THROUGH 17-173, CITY CODE WHICH REGULATE PEDDLERS, SOLICITORS AND CANVASSERS; PROVIDING FOR APPLICATION AND PERMIT REQUIREMENTS; PROVIDING FOR APPEALS, REVOCATION AND DENIAL OF APPLICATIONS; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading.

The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Dwight Lawton, 175 56th Avenue South, spoke in opposition. Stated he sees this as a way to raise fees and not respond to difficulties with peddlers, solicitors.
2. Gonzales J. Ortez, 3724 76th Street North, commented on the proposed ordinance.
3. Tee Lassiter, 937 Union Street South, commented on the proposed ordinance and stated it needs additional clarification.
4. Bruce Wright, 1818 29th Avenue North, representing Refuge Ministries, spoke in opposition to the proposed ordinance. Feels this will impact a number of individuals.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

The Clerk read the title of proposed Ordinance 932-G. Councilmember Newton moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 932-G, entitled:

PROPOSED ORDINANCE NO. 932-G

AN ORDINANCE AMENDING SECTIONS 17-226 THROUGH 17-255, CITY CODE RELATED TO FORTUNETELLING; MODIFYING PERMIT AND APPLICATION REQUIREMENTS; PROVIDING FOR APPEALS, DENIAL OF APPLICATIONS AND REVOCATIONS; AND PROVIDING

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AN EFFECTIVE DATE.

be adopted on second and final reading.

The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Bruce Wright, 1818 29th Avenue North, representing Refuge Ministries, spoke in opposition to the proposed ordinance and expressed concern with potential restriction of religious liberties.
2. Jim Cummins, 2001 Brinson Road, Lutz, representing the Astrological Association of St. Petersburg, asked Council to defer action to provide their members time to discuss the proposed ordinance.
3. Robbie Coulson, 13353 Hacienda Drive, expressed concern with finger printing and other requirements of the proposed ordinance.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

The Clerk read the title of proposed Ordinance 933-G and Development Services Director Julie Weston made a presentation. The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Rebecca Falkenberry, 301 2nd Street North #18, representing ALP, asked questions concerning notification and who makes application for permit, etc.
2. Tee Lassiter, 937 Union Street South, did not express any concerns with the proposed ordinance, but suggested Council look at how it spends money.
3. Colin Fiske, 234 ½ 9th Avenue NE, spoke in support of the proposed ordinance and expressed concern when a permit is suspended or not renewed. Stated the proposed ordinance lacks clarity.
4. Emmanuel Raux, 2519 Driftwood Road, spoke in support of the proposed ordinance and stated that 15-20% of food produced is produced in an urban environment.
5. Gail Eggeman, 104 Fareham Place North, spoke in support of the proposed ordinance and expressed concern that produce cannot be sold on the community garden property.
6. Andrea Hildebran, 855 17th Avenue South, spoke in support of the proposed ordinance.

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7. Julien Ehrenkonig, 1034 28th Avenue North, spoke in support of the proposed ordinance.
8. Mattie Wright, 3634 2nd Avenue South, spoke in support of the proposed ordinance.

Councilmember Curran moved with the second of Councilmember Nurse that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 933-G, entitled:

PROPOSED ORDINANCE NO. 933-G

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING THE CITY CODE BY CREATING A NEW SECTION 16.50.85 PROVIDING FOR COMMUNITY GARDENS; CREATING A NEW SECTION 16.70.030.1.13 PROVIDING FOR PROCEDURES FOR REVIEW AND APPROVAL OF AN ANNUAL COMMUNITY GARDEN PERMIT; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SUSPENSIONS, REVOCATIONS AND APPEALS; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading as amended.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

The meeting was recessed at 11:05 a.m.

The meeting was reconvened at 11:19 a.m. with all members present.

The Clerk read the title of proposed Ordinance 935-G and Development Services Director Julie Weston made a presentation. Councilmember Nurse moved with the second of Councilmember Bennett that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, June 18, 2009, at 3:00 p.m., or as soon thereafter as the same may be heard, be set as the time for the second reading and second public hearing on proposed Ordinance 935-G, entitled:

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PROPOSED ORDINANCE NO. 935-G

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING SECTION 16.10.020.1 OF THE ST. PETERSBURG CITY CODE, TITLED "MATRIX: USE PERMISSIONS AND PARKING REQUIREMENTS," TO ESTABLISH THE "OFFICE, GENERAL" USE AS AN ACCESSORY USE WITHIN THE DOWNTOWN CENTER - PARK (DC-P) ZONING DESIGNATION; AND PROVIDING AN EFFECTIVE DATE.

The Chair asked if there were any persons present wishing to be heard and there was no response. Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

The Clerk administered the oath to those present wishing to present testimony in connection with the quasi-judicial proceedings.

The Clerk read the title of proposed Ordinance 717-Z. A presentation was made by Urban Design & Historic Preservation Manager Rick MacAulay representing the City who is also the applicant. The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Hal Freedman, 1 Beach Drive SE, representing POWW, stated we appreciate Council bringing this ordinance forward.
2. Gonzales J. Ortez, 3724 76th Street North, commented on the proposed ordinance.

Cross examination and rebuttal were waived by Mr. MacAulay. Councilmember Polson moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, June 18, 2009, at 3:00 p.m., or as soon thereafter as the same may be heard, be set as the time for the second reading and second public hearing on proposed Ordinance 717-Z, entitled:

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PROPOSED ORDINANCE NO. 717-Z

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ST. PETERSBURG, FLORIDA, BY CHANGING THE ZONING OF PROPERTY GENERALLY LOCATED SOUTH OF 1ST AVENUE SE, BETWEEN 1ST STREET SOUTH AND BAYSHORE DRIVE SE, FROM DC-3 (DOWNTOWN CENTER-3) TO DC-P (DOWN-TOWN CENTER-PARK); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PORTIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

The Clerk read the titles of proposed Ordinances 936-G and 937-G and Development Services Director Julie Weston made a presentation. Councilmember Nurse moved with the second of Councilmember Bennett that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, June 18, 2009, at 3:00 p.m., or as soon thereafter as the same may be heard, be set as the time for the public hearing on proposed Ordinances 936-G and 937-G, entitled:

PROPOSED ORDINANCE NO. 936-G

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING SECTION 16.20.120.7.1 OF THE ST. PETERSBURG CITY CODE, TITLED "MAXIMUM BUILDING HEIGHT," TO AMEND THE HEIGHT RESTRICTIONS MAP DESIGNATION FOR THE PROPERTY KNOWN AS THE PROGRESS ENERGY PARK - HOME OF AL LANG FIELD, GENERALLY LOCATED SOUTH OF 1ST AVENUE SE, BETWEEN 1 STREET SOUTH AND BAYSHORE DRIVE SOUTHEAST, FROM AREA "A" TO AREA "E," REDUCING THE MAXIMUM BASE HEIGHT FROM 300 FEET TO 50 FEET, UP TO 75 FEET AFTER PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.

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PROPOSED ORDINANCE NO. 937-G

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING SECTION 16.20.120.7.1 OF THE ST. PETERSBURG CITY CODE, TITLED "MAXIMUM BUILDING HEIGHT," TO AMEND THE HEIGHT RESTRICTIONS MAP DESIGNATION FOR THE PROPERTY KNOWN AS THE PROGRESS ENERGY CENTER FOR THE ARTS, GENERALLY LOCATED NORTH OF DALI BOULEVARD / BAYSHORE DRIVE SE BETWEEN 1ST STREET SOUTH AND BAYSHORE DRIVE SE, FROM AREA "A" TO AREA "D," REDUCING THE MAXIMUM BASE HEIGHT FROM 300 FEET TO 125 FEET, UP TO 200 FEET AFTER PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.

Roll call. Ayes. Nurse. Danner. Polson. Kennedy. Curran. Bennett. Nays. Newton. Dudley. Absent. None.

The Clerk read the title of proposed Ordinance 1003-V. Councilmember Nurse moved with the second of Councilmember Curran that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, July 9, 2009, at 9:00 a.m., or as soon thereafter as the same may be heard, be set as the time for the public hearing on proposed Ordinance 1003-V, entitled:

PROPOSED ORDINANCE NO. 1003-V

AN ORDINANCE APPROVING A VACATION OF TURNER STREET NORTH, ALSO KNOWN AS 5TH STREET NORTH, BETWEEN 69TH AVENUE NORTH, ALSO KNOWN AS ATWOOD AVENUE NORTH, AND 70TH AVENUE NORTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

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In connection with a Legal item regarding the issuance of Public Utility Revenue Bonds Series 2009A, Finance Director Jeff Spies made a presentation. Councilmember Kennedy moved with the second of Councilmember Bennett that the following resolution be adopted:

09-287 Approving the issuance of the City of St. Petersburg Public Utility Revenue Bonds Series 2009A, not to exceed \$60,000,000; and refunding revenue bonds Series 2009B, not to exceed \$30,000,000 for the purpose to acquire, construct and erect certain improvements to the Public Utility System, advance refunding certain indebtedness and approving documents associated therewith.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

In connection with a Council Procedures Committee report, Councilmember Curran moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the May 21, 2009 Council Procedures Committee report.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

In connection with a Co-Sponsored Events Committee report, Councilmember Curran moved with the second of Councilmember Dudley that the following resolution be adopted:

09-288 Approving the applications for Co-Sponsored Events in "Name Only" for Nite Riders Van Club, Inc. for an event entitled Saint Pete Live; Albert Whitted Airfest, Inc. for an event entitled Rock 'n' Wings Concert and World Triathlon Corporation for an event entitled IronKids Triathlon.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

In connection with a Budget, Finance & Taxation Committee, Councilmember Kennedy moved with the second of Councilmember Curran that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council approve staff begin looking at offering voluntary 401 pension plan options to non-union employees.

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Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None. Councilmember Kennedy moved with the second of Councilmember Curran that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the May 28, 2009 Budget, Finance & Taxation Committee report.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

In connection with a Public Services and Infrastructure Committee, Councilmember Nurse moved with the second of Councilmember Curran that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the May 28, 2009 Public Services and Infrastructure Committee report.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

In connection with a Housing Services Committee report, Councilmember Curran moved with the second of Councilmember Kennedy that the following resolution be adopted:

09-289 Authorizing the Mayor to purchase under the Neighborhood Stabilization Program, one (1) bank-owned, foreclosed and unoccupied parcel located at 861 - 18th Avenue South, St. Petersburg, for the sum of \$19,550; to pay closing related costs not to exceed \$7,500; to rehabilitate or reconstruct the property for an amount not to exceed \$100,000; and to sell the property in accordance with the requirements of the Department of Housing and Urban Development, and Section 2301(d)(2) of Housing and Economic Recovery Act 2008; and to execute all documents necessary to effectuate same.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None. Councilmember Curran moved with the second of Councilmember Bennett that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and the file the May 28, 2009 Housing Services Committee report.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett.

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Nays. None. Absent. None.

In connection with a Committee of the Whole, Councilmember Curran moved with the second of Councilmember Bennett that the following resolution be adopted:

09-290 Approving the recommendation of the Committee of the Whole and ratifying the letter sent by the Council Chair requesting the Governor veto SB 216 relating to campaign financing/local government expenditure.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None. Councilmember Polson moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file that May 28, 2009 Committee of the Whole oral report.

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

In connection with an EMS Report, City Attorney John Wolfe provided Council with an update on the lawsuit which has been filed and stated the City is continuing with negotiations. First Deputy Mayor Tish Elston provided Council with an oral update on meetings with the County, the three options being considered (conversion of Rescue to ALS Engine, Hybrid Transport Model, and the City taking over all transports within the City limits and taking ad valorem and transport fees within St. Petersburg which will free up tax dollars and provide efficiencies in the system). Administration is in the process of engaging an outside consultant to review the City's proposal. No action was taken on this issue.

In connection with a report item, Councilmember Curran moved with the second of Councilmember Bennett that the following resolution be adopted:

09-291 Approving the plat of Martin Bridgeview Subdivision, generally located at the southeast corner of 110th Avenue North and 4th Street North (City File 08-20000014)

Roll call. Ayes. Nurse. Newton. Danner. Polson. Kennedy. Dudley. Curran. Bennett. Nays. None. Absent. None.

In connection with the Open Forum portion of the agenda, the following person(s) came forward:

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1. Alan Snel, 1203 E Powhatan Avenue, Tampa, invited Council to the Bicycle Bash by the Bay on October 11, 2009, from 11 a.m. to 4 p.m., Vinoy Park in St. Petersburg.
2. Tee Lassiter, 937 Union Street South, asked the City to improve communication with the public concerning where they can get assistance if they are homeless. She commented on today's invocation by House Representative Rick Kriseman, and commented on the needs of residents.
3. Mattie Wright, 3634 2nd Avenue South, commented on an incident involving Councilmember Bennett.
4. Gonzales J. Ortez, 3724 76th Street North, commented on Project A9031245830 (Report Item E-2, Qualified Target Industry Business) and other various issues.
5. Hamilton Hanson, 204 37th Avenue North, thanked the City Clerk's staff for their assistance. Commented on his letter to Councilmember Curran and reiterated his offer to provide budgeting classes to the public.

There being no further business, the meeting was adjourned at 1:04 p.m.

Jeff Danner, Chair-Councilmember
Presiding Officer of the City Council

ATTEST: _____
Eva Andujar, City Clerk