

No. 1
BCC 2-21-06
3:03 P.M. SMITKE/Kennare/Fickley

1 Minutes of regular meetings of December 20, 2005 and January 10, 2006.

AGENDA ITEM #
February 21, 2006

APPROVAL OF MINUTES

- a. Regular Meetings of December 20, 2005 and January 10, 2006.

**BOARD OF COUNTY COMMISSIONERS
TUESDAY, JANUARY 10, 2006 – 9:33 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: Kenneth T. Welch, Chairman; Ronnie E. Duncan, Vice-Chairman; Robert B. Stewart; Calvin D. Harris; Karen Williams Seel; Susan Latvala; and John Morroni.

Members Absent: None.

Members Late: None.

Members Excused: None.

Others Present: Susan H. Churuti, County Attorney; D. Gay Lancaster, Chief Assistant County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Cathy Fickley, Deputy Clerk.

INVOCATION: Commissioner Robert Thomson, Salvation Army, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Duncan.

PROCLAMATIONS AND AWARDS

Presentation of the Solid Waste Association of North America Gold Excellence Award to Warren Smith, Director of Solid Waste Operations and Deb Bush, Solid Waste Program Manager.

CITIZENS TO BE HEARD – None.

All public hearing items have been properly advertised. Affidavits of Publication have been received and are on file in the Board Records Department.

SCHEDULED PUBLIC HEARINGS – BCC

1 Ordinance No. 06-01 adopted amending Chapter 26, Article IX, Section 26-272 of the Pinellas County Code to provide for annual registration; providing for simultaneous registering of lobbyist on a Registry of Lobbyists maintained and available for public inspection; providing for severability and an effective date; providing for codification. Staff recommended approval of the proposed ordinance. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Stewart
Second	-	Commissioner Duncan
Vote	-	7 - 0

2 Ordinance No. 06-02 adopted amending Section 34-27 of the Pinellas County Code; designation of additional positions to the list of succession as the official authority with authority to act during emergencies; and providing for an effective date. Staff recommended approval of the proposed ordinance. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Harris
Vote - 7 - 0

SCHEDULED PUBLIC HEARINGS – WATER AND NAVIGATION AUTHORITY

3 Private dock application No. P35668-05/Revised, Richard and Rita Pierce, Sand Dollar Realty, 8880 Commodore Drive, Seminole (The Narrows) approved; no correspondence has been received; no citizens appeared to be heard; the biological report has been filed as part of the record; and approval is subject to the following conditions:

1. The pier is not to have any lower landings at any time.
2. The entire terminal head of the pier is to be railed. The rail must be of a standard height for a handrail and have a midrail halfway between the top rail and deck surface.
3. The pier surface is to be elevated to a height of five feet above Mean High Water.
4. The use of the structure to accommodate loading or offloading or the mooring of vessels with motors is strictly prohibited.
5. It is expected that some mangrove trimming will be necessary during initial installation of the walkout. Mangrove trimming/removal during construction must be limited to the footprint of the structure.
6. Future trimming of mangrove branches, which overhang the deck surface and are within eight vertical feet of the deck surface, is allowed without further approvals from the County.
7. Prior to dock construction, the contractor must contact the Department of Environmental Management at 453-3385 to schedule a preconstruction field meeting to determine the exact location of the walkout in order to minimize mangrove impacts.
8. The pier is subject to periodic inspection by the Department of Environmental Management in order to review for compliance with these conditions.

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 7 - 0

- # 4 Commercial dock application CD36474-05, Hubbard Properties, LLC, Patricia Hubbard, 176 Boardwalk Place, Madeira Beach (John's Pass) approved; no correspondence has been received; no citizens appeared to be heard; and the biological report has been filed as part of the record.

Motion - Commissioner Harris
Second - Commissioner Duncan
Vote - 7 - 0

SCHEDULED PUBLIC HEARINGS – COUNTYWIDE PLANNING AUTHORITY

- # 5a Ordinance No. 06-03 adopted approving Case No. CW 05-69, the proposal by the Town of North Redington Beach to amend the Countywide Future Land Use Plan from residential suburban to recreation/open space, re one acre located on the southwest side of Bath Club Boulevard South, approximately 150 feet south of Bath Club Circle (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Morroni
Second - Commissioner Duncan
Vote - 7 - 0

- # 5b Ordinance No. 06-04 adopted approving Case No. CW 05-70, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from residential low to residential/office general, re 0.4 acre located on the west side of Highland Avenue, approximately 700 feet north of Belleair Road (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Harris
Vote - 7 - 0

- # 5c Ordinance No. 06-05 adopted approving Case No. CW 05-71, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from residential low to industrial limited, re 0.3 acre located on the northeast corner of 143rd Avenue North and 63rd Street North (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Harris
Second - Commissioner Duncan
Vote - 7 - 0

- # 5d Ordinance No. 06-05 adopted approving Case No. CW 05-72, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from residential low medium and commercial general to residential low, re 2.7 acres located on the west side of U.S. Alternate 19, approximately 200 feet south of Westwinds Drive (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 7 - 0

- # 5e Ordinance No. 06-05 adopted approving Case No. CW 05-73, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from industrial limited to residential low medium, re 1.6 acres located on the southwest corner of U.S. Alternate 19 and Wood Dove Avenue (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard. Input provided by Pinellas Planning Council Executive Director David P. Healey.

Motion - Commissioner Harris
Second - Commissioner Duncan
Vote - 7 - 0

- # 5f Ordinance No. 06-05 adopted approving Case No. CW 05-74, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from commercial neighborhood to residential low, re 0.2 acre located on the north side of 22nd Terrace Southwest, approximately 160 feet west of Railroad Avenue (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Harris
Second - Commissioner Latvala
Vote - 7 - 0

- # 6a Case No. CW 05-61, the proposal by the City of Largo to amend the Countywide Future Land Use Plan from commercial general, preservation, and water/drainage feature to community redevelopment district, re 39.98 acres generally located on the east side of U.S. Highway 19 North at 15579 U.S. Highway 19 North (regular amendment) temporarily deferred. Pinellas Planning Council recommended that the proposal be temporarily deferred to the meeting of February 7, 2006 and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Morroni
Second - Commissioner Duncan
Vote - 7 - 0

- # 6b Ordinance No. 06-05 adopted approving Case No. CW 05-66, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from residential urban to residential/office limited, treating the amendment as an exception to the scenic/non-commercial corridor residential sub-classification, re 0.2 acre located on the southeast corner of Nebraska Avenue and County Road 1 (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard. Input provided by Planning Director Brian K. Smith in response to queries by Commissioner Seel.

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 7 - 0

- # 6c Ordinance No. 06-06 adopted approving Case No. CW 05-67, the proposal by the City of Oldsmar to amend the Countywide Future Land Use Plan from industrial limited to commercial general, re 2.9 acres located on the southwest corner of Tampa Road and Pine Avenue (regular amendment). County staff concurs with Pinellas Planning Council's recommendation of approval; and further recommends that Pine Avenue shall be the eastern terminus for commercial land use designations on the south side of Tampa Road; and that the action shall not set a precedent for commercial intrusion into the industrial limited designations immediately south of the subject parcel. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Harris
Second - Commissioner Duncan
Vote - 7 - 0

- # 6d Ordinance No. 06-03 adopted approving Case No. CW 05-68, the proposal by Town of North Redington Beach to amend the Countywide Future Land Use Plan from residential/office/retail to residential high with resort facilities overlay, re 1.8 acres located on the northeast corner of Gulf Boulevard and 173rd Avenue (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 7 - 0

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Later in the meeting, Planning Director Brian K. Smith and Gordon R. Beardslee, Planning Department, provided information pertaining to the permissible units per acre in response to queries by Commissioner Seel.

* * * *

6e Case No. CW 05-75, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from residential rural to residential low, re 7.7 acres located on the southwest corner of Belcher Road and Alderman Road (regular amendment) temporarily deferred. Staff concurred with the Pinellas Planning Council's recommendation that the item be temporarily deferred to the meeting of February 7, 2006 in order for the proposed amendment to be advertised to include the transportation/utility portion of the subject parcel. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Morroni
Second - Commissioner Duncan
Vote - 7 - 0

6f Ordinance No. 06-05 adopted approving Case No. CW 05-76, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from residential urban to residential medium, re 5.1 acres located on the west side of I-275, south of 62nd Avenue North and north of 58th Avenue North (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Harris
Second - Commissioner Duncan
Vote - 7 - 0

6g Ordinance No. 06-05 adopted approving Case No. CW 05-77, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from commercial general to residential low, re 11.8 acres located west of the Pinellas Bayway at the westerly terminus of Collany Road (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 7 - 0

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CONSENT AGENDA ITEMS NOS. 7 THROUGH 18 – APPROVED

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 7 - 0

- # 7 Minutes of regular meeting of December 6, 2005.
- # 8 Reports received for filing:
 - a. Internal Audit Division, Clerk of the Circuit Court, Report No. 2005-17 dated December 8, 2005 – Follow-up Review to Audit of Community Development Dansville Neighborhood Area Redevelopment Project and Dansville Neighborhood Development Corporation.
 - b. State of Florida Constitutional Officer Revised Financial Report for 2004-2005 – Pinellas County Tax Collector.
- # 9 Other approvals – none.
- #10 Miscellaneous items received for filing as noted on agenda.
 - a. City of Clearwater Public Hearing Notices of Amendments to the Development Code, Beach by Design, and Annexation, Land Use Plan, and Zoning Atlas regarding Ordinances Nos. 7546-06, 7565-06 through 7567-06 and 7575-06 through 7581-06 to be held February 2, 2006.
 - b. Correspondence from the City of Pinellas Park regarding one ordinance voluntarily annexing certain property; public hearing to be held January 12, 2006.
 - c. Eastlake Oaks Community Development District minutes of meeting held August 11, 2005, together with Adopted Budget for Fiscal Year (FY) 2006.
- #11 Easement, quit claim deed, and County deed.
 - a. Brooker Land Company, L.L.C. – drainage easement accepted.
 - b. Evans & Associates I, LLC, et al - quit-claim deed accepted.
 - c. Hillsborough County/Race Track Road – Chairman authorized to execute and Clerk to attest and record Pinellas County Deed.
- #12 Awards of Bid:
 - a. See agenda item No. 19.
 - b. Bid of Insituform Technologies, Inc. for pipe lining services for Highway Division of Public Works Department on the basis of being the lowest responsive

and responsible bid received meeting specifications, for a total 24-month expenditure of \$2,521,362.00 (total annual expenditure, \$1,260,681.00) (contract effective for 24 months from date of contract award with one additional 24-month renewal period; option may be exercised only if all terms and conditions remain the same, with the exception of price, which allows for price adjustments in an amount not to exceed the Consumer Price Index (CPI) for all Urban Consumers, not seasonally adjusted, or five percent, whichever is less).

#13 Local Agency Program (LAP) Agreement with Florida Department of Transportation (FDOT) for the 49th Street North sidewalk project (PID No. 941); funding of \$1,613,449.00 is a grant with FDOT for 100 percent reimbursement of costs up to that amount.

#14 Awards of Bid to American Water Services Underground Infrastructure, Inc. for annual 2005 contracts regarding sanitary sewer, on the basis of being the lowest responsive, responsible bids received meeting specifications:

- a. For sanitary sewer clean and televise annual contract 2005 for an estimated total expenditure of \$334,000.00 (Project No. 1834) (Bid No. 056-0184-C); Chairman authorized to sign agreement and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.
- b. For sanitary sewer cured-in-place pipelining annual contract 2005 for an estimated total expenditure of \$657,700.00 (Project No. 1833) (Bid No. 056-0183-C); Chairman authorized to sign agreement and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

#15 Ranking of firms to provide professional engineering consulting services for the Pinellas County Utilities Sanitary Sewer Preventative Maintenance Program (Project No. 1823) as follows:

1. TBE Group
2. Camp Dresser & McKee, Inc. (CDM)
3. URS Corporation Southern

Staff authorized to negotiate a contract for Board approval with the number one ranked firm, TBE Group.

#16 Resolution No. 06-1 adopted assessing liens against lands cleared in Pinellas County pursuant to Chapter 78-599, Laws of Florida, and Pinellas County Code Chapter 58, Article IX, Section 338, directing that this resolution be filed in the Public Records Office

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of the Clerk of the Circuit Court of Pinellas County, Florida (Environmental Management).

#17 Confirmation of Emergency Amendment to contract with The Budd Group for security guard services and authorization of payments to The Budd Group for a total additional annual expenditure not to exceed \$35,880.00 (total revised estimated annual expenditure not to exceed \$403,608.92) (General Services).

#18 Fiscal Year 2006 Budget Amendment No. 4 was filed and made a part of the record (Management and Budget).

#19 Items for Discussion from Consent Agenda (County Administrator and Clerk of Circuit Court)

#12a. Bid of David Nelson Construction Co. for Belcher Road Phase III (Alderman Road to Klosterman Road) in the amount of \$12,596,879.35 (PID No. 921490) (Bid No. 056-92-C); Chairman authorized to sign agreement and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

Commissioner Seel requested an accounting of Long Branch revenue being used for the Belcher Road project; and indicated that the information could be submitted at a later date.

#20 Change Order No. 2 to agreement with Seaway Marine Contractors, Inc. for construction of boat dock facility upgrades at Lake Seminole Park (PID No. 922156) (Bid No. 034-947-C) approved, increasing the agreement amount by \$109,845.25 (revised agreement amount \$463,043.25) and extending the timeframe by 170 consecutive calendar days; Chairman authorized to sign and the Clerk to attest.

Motion	-	Commissioner Harris
Second	-	Commissioner Latvala
Vote	-	7 - 0

#21 Change Order No. 2 (final) to Project No. 984 with Pepper Contracting Services, Inc. for Highlands Boulevard project from Longford Drive to Lake Tarpon Drive approved increasing the agreement by the amount of \$4,382.07 (revised agreement amount \$301,058.11); contract accepted as complete as of September 2, 2005; retainage released in the amount of \$14,329.66; Chairman authorized to sign and the Clerk to attest.

Motion	-	Commissioner Latvala
Second	-	Commissioner Duncan
Vote	-	7 - 0

- #22 Change Order No. 1 to agreement with Wharton-Smith, Inc. for the Town of Belleair Wastewater System Acquisition Project – Belleair Pump Station (PID No. 734-613313-1673-A) (Bid No. 045-647-C) approved, increasing the agreement amount by \$250,885.77, including a contingency line item in the amount of \$75,000.00 (revised agreement amount \$2,042,885.77); Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Latvala
Second - Commissioner Harris
Vote - 7 – 0

- #23 State of Florida Department of Transportation (FDOT) Resolution – Utility Agreement (Resolution No. 06-2) adopted; Utility Work by Highway Contractor Agreement with the FDOT and a Memorandum of Agreement with the FDOT and the State of Florida, Department of Financial Services, Division of the Treasury (FDOT Project No. 257154-1-56-01; Pinellas County Project No. 1686), for utility relocation within the State Road 688 (Ulmerton Road) corridor from west of U.S. Highway 19 to El Centro/Ranchero Boulevard (the estimated cost of the County’s portion of the project, \$975,000.00) approved; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 7 – 0

- #24 Change Order No. 2 to Utility Work by Highway Contractor Agreement with the Florida Department of Transportation (FDOT) for relocation of water mains and appurtenances within the State Road 688 (Ulmerton Road) corridor from east of U.S. Highway 19 to east of 49th Street (FDOT Project No. 257139-1-56-02, formerly 257139-1-52-01; and Pinellas County Project No. 1684) approved, increasing the agreement in the amount of \$353,180.41 for a revised total agreement amount of \$1,063,180.41; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Harris
Second - Commissioner Latvala
Vote - 7 – 0

- #25 Authorization granted for the Clerk to advertise a public hearing to be held on February 7, 2006 re a proposed ordinance relating to stormwater and surface water pollution (Environmental Management).

Motion - Commissioner Harris
Second - Commissioner Latvala
Vote - 7 – 0

- #26 Master Florida Medicaid Upper Payment Limit (UPL) Agreement between Pinellas County and Hospital for administration of UPL program funds through September 30, 2006 in the amount of \$17,185,314.53 plus 17.5 percent return in the amount of

\$3,007,430.05 for a total amount of \$20,192,744.58 approved; authorization granted for execution of individual agreements pursuant to funding allocation chart (Human Services).

Motion	-	Commissioner Latvala
Second	-	Commissioner Harris
Vote	-	7 – 0

#27 Master Hospital Uncompensated and Emergency Care Service Agreement between Pinellas County and Hospital through September 30, 2006 in the amount of \$4,429,574.47 plus 17.5 percent return in the amount of \$775,175.53 approved; authorization granted for execution of individual agreements pursuant to funding allocation chart (Human Services).

Motion	-	Commissioner Duncan
Second	-	Commissioner Latvala
Vote	-	7 – 0

#28 Renewal of interlocal agreement with the Sixth Judicial Circuit Court for drug court treatment funding in the amount of \$750,000.00 for the period October 1, 2005 through September 30, 2006 approved for execution (Justice and Consumer Services).

Motion	-	Commissioner Latvala
Second	-	Commissioner Morroni
Vote	-	7 – 0

#29 Agreement between the City of Gulfport, Sheriff Jim Coats, and Pinellas County for latent fingerprint and crime scene services and evidence and property storage in the amount of \$53,138.46 (latent fingerprint services, \$17,896.89; crime scene services for a minimum of eight calls for service, \$15,360.00; evidence and property storage, \$19,881.57; all crime scene service calls above the minimum, \$160.00 each); agreement effective October 1, 2005 through September 30, 2006, approved; Chairman authorized to execute (Justice and Consumer Services).

Move	-	Commissioner Latvala
Second	-	Commissioner Harris
Vote	-	7 – 0

#30 Agreement between the School Board of Pinellas County, Sheriff Jim Coats, and Pinellas County for evidence and property storage commencing on July 1, 2005 for a 12-month period for a guaranteed minimum of 50 pieces of property for the amount of \$672.50 to be paid within 30 days of execution of agreement; additional pieces of property to be billed at \$13.45 per item, approved; Chairman authorized to execute (Justice and Consumer Services).

Move - Commissioner Harris
Second - Commissioner Latvala
Vote - 7 – 0

- #31 Resolution No. 06-3 adopted supplementing the FY06 General Fund budget - Justice and Consumer Services (Edward Byrne Memorial Justice Assistance grant) to appropriate earmarked receipts for a particular purpose (Management and Budget).

Motion - Commissioner Harris
Second - Commissioner Latvala
Vote - 7 – 0

- #32 Resolution No. 06-4 adopted appropriating an unanticipated General Fund balance associated with prior year revenue in the amount of \$2,045,500.00 for a particular purpose in the FY06 General Fund - Municipal Services Taxing Unit (MSTU) Local Road Paving and Sidewalk Program (Office of Management and Budget).

Motion - Commissioner Harris
Second - Commissioner Duncan
Vote - 7 – 0

- #33 Resolution No. 06-5 adopted supplementing the FY06 General Fund budget (various grants) to appropriate earmarked receipts for a particular purpose as requested by the Sheriff (Management and Budget).

Motion - Commissioner Seel
Second - Commissioner Latvala
Vote - 7 – 0

- #34 Other Administrative Matters – None.

- #35 County Attorney authorized to defend the County's interest:

- a. Citimortgage, Inc. versus Daisy Diaz Cruz, et al., Circuit Civil Case No. 05-8083-CI-07 – Mortgage Foreclosure involving a Community Development Mortgage.
- b. Dennis Solo, et al. versus Pinellas County, et al., Circuit Civil Case No. 05-7928-CI-15 – allegations of negligence resulting in personal injuries.
- c. Darin B. Wilbanks and Elizabeth R. Wilbanks versus Jim Coats, etc., Circuit Civil Case No. 05-7652-CI-20 – allegations of personal injuries as the result of a motor vehicle accident.

Motion - Commissioner Harris
Second - Commissioner Latvala
Vote - 7 – 0

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#36 Amended Special Counsel Contract with Ford & Harrison, LLP to provide expanded services to the County in matters relating to allegations of disability discrimination under state or federal law, retroactive to December 1, 2005, approved.

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 7 – 0

#37 Appointment of Jason C. Ester to the position of Assistant County Attorney approved.

Motion - Commissioner Harris
Second - Commissioner Latvala
Vote - 7 – 0

Responding to query by Commissioner Stewart, County Attorney Churuti indicated that a vote was necessary in order to properly charge the cost of additional staff against the budget of the Department of Environmental Management (DEM); that the number of code enforcement officers has increased from five to 18 over a seven-year period; and that the number of citations issued has gone up incrementally during that time, necessitating the hiring of another prosecutor.

Commissioner Stewart requested that in the future any possible additions to staff that may cause financial considerations be addressed during the budget process.

After discussion and in response to queries by Commissioners Seel and Stewart, Jacob F. Stowers, Assistant County Administrator, indicated that Code Enforcement is theoretically operating with a full team, although there may be a vacancy or two; and that he will inform the Board of the number of citations being issued on a regular basis.

#38 County Attorney Miscellaneous
Attorney Churuti:

- a. reported that the county prevailed on all four counts regarding the Innisbrook matter; and that Plaintiffs have 30 days to file an appeal;
- b. related that a jury has been picked in the Patterson wrongful death case which will be heard before Judge Frank Quesada in St. Petersburg; and
- c. referred to the Rick Dodge settlement agreement suggesting that the members read a confidential memorandum of law with additional contingencies that has been received and indicating that she anticipates receipt of a written agreement which will be placed on the agenda for the January 24, 2006 meeting.

#39 Sitting as the Emergency Medical Services Authority, the Board approved the Technical Service Support Agreement Amendment to Contract No. 023-933-N for

electrocardiogram (EKG) defibrillator maintenance with Medtronic Emergency Response Systems in the amount of \$13,647.23 for a total expenditure not to exceed \$405,351.02; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Harris
Second - Commissioner Latvala
Vote - 7 – 0

#40 Sole source purchase of IBM zSeries software lease from IBM Corporation for an estimated annual expenditure not to exceed \$385,850.00 (Contract No. 056-0144-SS), approved.

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 7 – 0

#41 Final negotiated contract with Randstad US, L.P. for temporary workers services (total estimated annual expenditure, \$1,934,295.00) (36-month contract with two additional 12-month options of renewal; prices may be increased no more than five percent or the amount of the Consumer Price Index (CPI) for all urban consumers, not seasonally adjusted for the preceding 12 months, whichever is less, at the end of each 12-month renewal period) (Contract No. 056-0100-P) approved; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Latvala
Second - Commissioner Harris
Vote - 7 – 0

#42 County Administrator Reports – None.

#43 County Commission Miscellaneous

Commissioner Morroni Congratulated Chairman Welch and wished him a great year as Chairman.

Commissioner Seel Related that she will provide the members with a copy of a report to be received by the Metropolitan Planning Organization (MPO) at its next meeting regarding a bus rapid transit feasibility study that concludes that the East Lake, McMullen Booth Road corridor is not feasible. Director of Planning Brian K. Smith provided input in response to queries by Commissioner Harris.

Commissioner Stewart Provided updates re the Job Corps process and the Gulf Boulevard project; requested and received consensus by the

January 10, 2006

members with regard to a proposed staff presentation re “Build Green.”

Commissioner Latvala Moved, seconded by Commissioner Morroni and carried, that Suzanne Henslee be reappointed to the Pinellas County Park Board.

Provided a Charter Review Commission update; and presented Commissioner Morroni with an award from the Tampa Bay Beaches Chamber of Commerce that she had accepted for him.

Commissioner Harris Water conservation tip re save water by watching the weather; suggested that to save money, call the Water Department and request information re “I Want a Healthy Lawn.”

Commissioner Duncan Related that a joint meeting will be held on February 1, 2006 with the Pinellas Suncoast Transit Authority and the PMI task force (an MPO subcommittee) to discuss corridor availability regarding the Bus Rapid Transit issue.

Chairman Welch Commissioner Morroni moved, seconded by Commissioner Duncan and carried, that Benjamin F. Shirley, Jr. be appointed to the WorkNet Pinellas Board of Directors to serve from January 10, 2006 through June 30, 2007; and that Darden Rice be appointed to the Pinellas County Park Advisory Board for a one-year term expiring on December 31, 2006.

Requested that Commissioner Morroni continue to chair the BCC/PPC Joint Annexation Task Force.

Commissioner Morroni Made a motion, seconded by Commissioner Latvala and carried, that a resolution be prepared to indicate members’ support in keeping Manatee County in the Tampa Bay Regional Planning Council (Resolution No. 06-6).

January 10, 2006

#44 Meeting adjourned at 10:39 A.M.

Kenneth J. Welch

Chairman

ATTEST: KEN BURKE

By: *Leslie A. Reed*

Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, DECEMBER 20, 2005 – 3:02 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: John Morroni, Chairman; Kenneth T. Welch, Vice-Chairman; Robert B. Stewart; Calvin D. Harris; Karen Williams Seel; Susan Latvala; and Ronnie E. Duncan.

Members Absent: None

Members Late: None.

Members Excused: None.

Others Present: Susan H. Churuti, County Attorney; Stephen M. Spratt, County Administrator; Frederick L. Dean, Deputy Clerk; Arlene Smitke, Deputy Clerk; and Arlene Kennare, Board Reporter.

INVOCATION: Pastor Randy Evans, Grace Christian Fellowship, Largo.

PLEDGE OF ALLEGIANCE: Commissioner Welch.

PRESENTATIONS AND AWARDS - NONE

CONSENT AGENDA ITEMS NOS. 1 THROUGH 14 - APPROVED

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	7-0

1 Approval of minutes of regular meeting of November 15, 2005.

2 Reports received for filing:

- a. Pinellas County, Florida, Comprehensive Quarterly Financial Report for the six months ended March 31, 2005.
- b. Pinellas County Fiscal Year (FY) 2006 Executive Summary Budget.
- c. Internal Audit Division, Clerk of the Circuit Court, Report No. 2005-13 dated November 17, 2005 – Audit of Human Services Social Action Funding.
- d. Internal Audit Division, Clerk of the Circuit Court, Report No. 2005-14 dated November 17, 2005 – Audit of Human Services Mental Health Funding.
- e. Internal Audit Division, Clerk of the Circuit Court, Report No. 2005-15 dated November 17, 2005 – Audit of Pinellas County Utilities Solid Waste Operations, together with *The Audit Watch*.
- f. City of St. Petersburg Savona Annexation Report pursuant to Chapter 171.042, Florida Statutes.

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- g. City of Safety Harbor Comprehensive Annual Financial Report for FY ended September 30, 2004.
- h. Tampa Bay Water FY 2006 Budget.
- i. Dock Fee Reports for months of August and October 2005.

3 Approvals Received for Filing:

- a. General – None.
- b. Vouchers and Bills Paid – Period of November 15 through December 2, 2005.
Payroll Journal Expenditures
Payroll Journal page numbers 1 through 2674 for the period of November 15 through November 18, 2005
Payroll Journal page numbers 1 through 2674 for the period of November 28 through December 2, 2005
Payroll checks numbered 536526 through 537242

Imprest Fund Expenditures
Replacement checks numbered 751203 and 751211
Manual checks numbered 751204 through 751210 and 751212 through 751216
System checks numbered 813731 through 816103

Wire Transfers numbered 005919 through 006022

4 Miscellaneous Items to be Received for Filing:

- a. Pinellas Park Water Management District Minutes of Regular Authority Meeting No. 1 dated October 20, 2005, and Financial Statement for the month of October 2005.
- b. Correspondence from Metal Industries, Inc. regarding Notification of Terminations pursuant to the Worker Adjustment and Retraining Notification Act.
- c. One item relating to Dock, Pier and Wharf Construction Contract Bonds.

5 Easements, Warranty Deeds, Surety, Plat, and Plat-Related Documents:

- a. Michael P. Miner - drainage easement accepted.
- b. Keith L. Singh and Phyliss Singh - drainage easement accepted.
- c. Hogan McMullen, LLC - drainage and utility easement accepted.
- d. Walsingham & Ulmerton, LLC - exclusive use easement accepted.
- e. City of Clearwater - ingress and egress easement accepted.
- f. Pinellas Suncoast Transit Authority - conservation easement accepted.
- g. Joseph Miller and Helen E. Miller - warranty deed accepted.
- h. M B Venture, Ltd. - warranty deed accepted.
- i. Bear Ridge Right-of-Way - completion surety funds released.

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- j. Winslow Park - plat and sidewalk and street sign guarantees approved and accepted for recording; funds accepted as completion surety.
- # 6a Change Order No. 3 (final) to Project No. 921912 with Pepper Contracting Services, Inc. for the construction of County Road 1, Tampa Road to New York Avenue, decreasing the contract by \$29,664.38, for a revised contract amount of \$4,357,385.62; contract accepted as complete as of July 7, 2005; retainage released in the amount of \$212,475.89 (Bid No. 034-170-C); Chairman authorized to sign and the Clerk to attest.
- # 6b Change Order No. 3 to Project No. 613 with Skanska USA Building, Inc. for construction management services for the Jail Expansion Phase II Health Care Facility, decreasing the agreement by \$297,496.00 for a revised agreement amount of \$27,341,026.00 approved; Chairman authorized to sign and the Clerk to attest.
- # 7 Amendment to Agreement with Ellis K. Phelps & Co. (Contract No. 034-57-B) for a name change to ITT Flygt LLC through corporate acquisition; Chairman authorized to sign and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.
- # 8 Bid of TLC Diversified, Inc. accepted for Solid Waste Operations Master wastewater pump station relocations (Project No. 1685; Bid No. 056-19-C) in the amount of \$1,050,090.00, on the basis of being the lowest responsive, responsible bid received meeting specifications; Chairman authorized to sign and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.
- # 9 Change Order No. 1 (Final) to Project No. 713-604117-1629 with Lanzo Lining Services, Inc. approved for the 15 inch to 42 inch sewer interceptor cured-in-place pipelining 2003/2004, decreasing the agreement by \$398,053.00 for a revised agreement amount of \$479,045.00; contract accepted as complete and final payment of retainage released in the amount of \$23,952.25 (Bid No. 023-319-C); Chairman authorized to sign and the Clerk to attest.
- #10 Resolution No. 05-286 adopted authorizing the one-time expenditure of funds in the amount of \$1,000.00 pursuant to Ordinance No. 00-16 for refreshments for the grand opening of the Southeast County Connection Center and the three-year anniversary celebration for each of the County Connection Centers (Community Development).
- #11 Partial release of lien to Eric Truitt for improved rental property lying within the Greater Ridgecrest Area of unincorporated Pinellas County approved for execution (Community Development).

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#12 DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR PURSUANT TO ORDINANCE NO. 04-63 – RECEIVED FOR FILING (COUNTY ADMINISTRATOR)

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Airport	Lessor's Agreement with Suntrust Bank on Behalf of Zeus Properties Two, Inc. to Approve Consolidation of Existing Financing and Subordination of County's Interest	\$2,300,000.00 subordinated amount	11.16.05
Airport	Temporary Communication Easement with Verizon Florida, Inc. to Construct, Install, Maintain, and Operate Communication Facilities During the Runway Extension Project	N/A	11.3.05
Clerk of the Circuit Court	(a) See Attached List of Releases of Street Lighting Lien; and (b) Releases of Paving Lien: Monica J. Carr; Larry R. and Theresa W. Holly; and Ron and Marilyn L. Zablo	All liens are paid in full.	12.2.05
Community Development	Neighborhood Enhancement Grant Agreement with Tierra Verde Community Association, Inc. for Installation of Waterlines and Landscaping on Madonna Boulevard	\$8,850.00, no match	12.2.05
Convention and Visitors Bureau	Second Amendments to Contracts with Accelerated Mailing & Marketing and Touristikdienst Truber for Mailing House/Storage Facilities for United Kingdom and Central European Markets	\$25,000.00 each Amendment	11.7.05
Culture, Education, and Leisure/County Extension	(a) Southwest Florida Water Management District (SWFWMD) 2007 Cooperative Funding Initiative Grant Application (CFIGAF) for Florida Yards & Neighborhoods; (b) Grant Funding Agreement with the City of Largo for Enrollment Fees for Therapeutic Recreation Dance and Drama Program for Children with Special Needs	(a) \$51,000.00 requested funds, plus \$57,000.00 Tampa Bay Water match, plus \$63,000.00 County match (b) \$8,885.00	11.17.05

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Culture, Education, and Leisure/Parks & Recreation	SWFWMD 2007 CFGAF for:		
	(a) Eagle Lake Park Stormwater Treatment and Wetland Restoration;	(a) \$22,015.00 requested funds, plus equal County match;	11.17.05
	(b) Joe's Creek Greenway Park Stormwater Treatment & Wetlands Restoration Phase II;	(b) \$85,000.00 requested funds, plus \$127,500.00 Surface Water Improvement and Management match, plus \$212,500.00 County funds;	
	(c) Pinellas Trail Stormwater Treatment & Habitat Restoration; and	(c) \$100,000.00 requested funds, plus equal County match;	
	(d) Wall Springs Water Quality Improvement and Habitat Restoration	(d) \$160,000.00 requested funds, plus equal County match	
Culture, Education, and Leisure/County Extension	Grant Agreement with The Juvenile Welfare Board for Support of the 4-H Youth Resource Programs for Improved Civic Engagement, Volunteerism and Community Projects for Youth	\$160,915.00, no match	11.16.05
Culture, Education, and Leisure/Parks & Recreation	(a) Task Assignment Notification Form (TANF) with Florida Department of Environmental Protection (FDEP), Bureau of Invasive Plant Management (BIPM) and Naturchem for the Treatment of Invasive Exotic Plants at Philippe Park	(a) \$45,900.00 grant revenue, plus \$3,979.82 SWFWMD cash match, plus \$5,000.00 County cash match, plus \$20,063.54 County in-kind services;	10.20.05
	(b) TANF with FDEP, BIPM and Randel's Landclearing for Treatment of Invasive Exotic Plants at Lake Seminole Park	(b) \$33,863.58 grant revenue, plus \$4,945.00 Southwest Florida Community Education grant match, plus \$50,723.55 County in-kind services	

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Culture, Education, and Leisure/Heritage Village	Historical Museums Grant Award Agreement with the State of Florida Division of Historical Resources for General Program Support	\$37,758.00 grant revenue, no match	9.24.05
Culture, Education, and Leisure/Heritage Village	Cover Page for U.S. Department of Housing and Urban Development for an Environmental Condition and Assistance Award for Construction of a Folk Cultural Center	N/A	6.19.05
Economic Development	Business Assistance Partnership Agreement with Safety Harbor Chamber of Commerce, Inc., and City of Safety Harbor for Outreach Efforts to Assist Local Businesses	\$19,500.00 with equal City and Chamber matches	11.17.05
Emergency Management	Letter of Commitment for Participation and Receipt of Funding with the Division of State Fire Marshal, Department of Financial Services for Maintenance of Type II Weapons of Mass Destruction/Hazardous Materials Resource Equipment	N/A	10.18.05
Emergency Management	Amendment No. 1 to Agreement with Area Agency on Aging of Pasco-Pinellas, Inc. to Purchase Beds/Cots for Public Special Needs Shelters	\$4,427.00 additional grant revenue, no match	10.17.05
Environmental Management	SWFWMD 2007 CFGAF for Brooker Creek Preserve Environmental Education Center Interpretive Signage Project	\$30,000.00 requested funds, plus \$60,000.00 County match	12.1.05
Environmental Management	Grant Application with SWFWMD for the Brooker Creek Watershed Community Outreach Program	\$25,000.00 requested funds, no match	11.22.05
Environmental Management	SWFWMD 2007 CFGAF for: (a) Lake Tarpon Water Quality Area 6;	(a) \$120,000.00 requested funds, plus \$155,000.00 County match;	11.17.05
	(b) Lake Tarpon Water Quality Area 23;	(b) \$155,000.00 requested funds, plus equal County match;	
	(c) Lake Tarpon Water Quality Area 63;	(c) \$155,000.00 requested funds, plus equal County match	

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Environmental Management	Agreement with Friends of Brooker Creek Preserve, Inc. to Provide Public Support through Fund Raising, Volunteer Programs, and Education	N/A	11.11.05
Environmental Management	Cooperative Agreement with U.S. Environmental Protection Agency (EPA) for Special Purpose Ambient Monitoring Network for Early Detection of Biological Agents	\$196,640.00 grant revenue, no match	11.10.05
Environmental Management	(a) Assistance Amendment No. 4 with EPA to a Grant Award Agreement for Implementation of Air Pollution, National Air Toxics Trends Site	(a) \$58,769.00 additional grant revenue, plus \$20,809.00 EPA in-kind services;	11.5.05
	(b) Cooperative Agreement with EPA for Ambient Monitoring Network	(b) \$56,046.00 grant revenue, no match	
Environmental Management	Grant Agreement with U.S. Department of the Interior Fish and Wildlife Service for Treating Exotic Vegetation for the Restoration of Coastal Habitats in Mobbly Bayou Wilderness Preserve	\$30,000.00 grant revenue, \$100,00.00 County match	10.3.05
General Services	License Agreement with Tampa Pilots, LLC to Utilize the Bay Pier at Fort DeSoto Park to Shuttle Pilots to and from the Egmont Key Pilot Station and Vessels	5 year term: \$12,000.00 first year revenue; \$24,000.00 second year revenue; and 4% annual escalation thereafter	12.5.05
General Services	License Agreement with Clearwater Community Volunteers, Inc. for Use of Northwest Garage and West Parking Lot for Registration and Parking for "Say No To Drugs" Holiday Classic 5K/10K Race	\$30.00 revenue	11.17.05
General Services	License Agreement with Miami Heart Research Institute, Inc., d/b/a Florida Heart Research Institute, for Use of the Mid-County Tax Collector's Facility to Conduct Free Cardiovascular Risk Factor Screenings	N/A	11.10.05

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Human Services	Master Homeless Initiative Funding Program Agreements with:		10.28.05 per 9.20.05 BCC agenda, item #24
	(a) ASAP Homeless Services, Inc. for Emergency Shelter Personnel Expenses;	(a) \$12,000.00, no match;	
	(b) Clearwater Homeless Intervention Project, Inc. for Emergency Shelter Program Contractual Services;	(b) \$53,000.00, no match;	
	(c) Homeless Emergency Project, Inc. for Emergency Shelter Personnel Expenses;	(c) \$10,000.00, no match;	
	(d) Religious Community Services, Inc. for Grace House Personnel and Operating Expenses;	(d) \$22,000.00, no match;	
	(e) St. Petersburg Free Clinic, Inc. for Beacon House Personnel Expenses;	(e) \$25,000.00, no match;	
	(f) WestCare Gulfcoast Florida, Inc. for Turning Point Personnel Expenses; and	(f) \$53,000.00, no match;	
	(g) Young Women's Christian Association of Tampa Bay, Inc. for Family Village Emergency Shelter Personnel Expenses;	(g) \$75,000.00, no match	
Human Services	Master Social Action Funding Agreements with:		10.28.05 per 9.20.05 BCC agenda, item #25
	(a) AIDS Service Association of Pinellas, Inc. for Program Contractual Costs Non-Match Operating Expenses and Personal Care Panty Operating Expenses;	(a) \$9,000.00, no match;	
	(b) All Nations Community Association, Inc. for Personnel Services - Program Coordinator, Hispanic Family Support Worker;	(b) \$15,000.00, no match;	
	(c) Benedict Haven, Inc. for Personnel and Operating Expenses;	(c) \$33,000.00, no match;	
	(d) Boy's and Girl's Clubs of the Suncoast for Personnel and Operating Expenses;	(d) \$5,000.00, no match;	
	(e) Brookwood Florida – Central, Inc. for Personnel Expenses;	(e) \$8,000.00, no match;	
	(f) Campbell Park Neighborhood Association, Inc. for Professional/Contractual Services;	(f) \$10,000.00, no match;	

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Human Services	(g) Caring and Sharing Center For Independent Living, Inc. for Personnel Expenses;	(g) \$9,000.00, no match;	10.28.05 per 9.20.05 BCC
	(h) Christian Recovery Centers, Inc. for Capital Outlay;	(h) \$5,499.00, no match;	agenda, item #25
	(i) Christmas Toy Shop Project, Inc. for Operating Expenses;	(i) \$8,000.00, no match;	
	(j) Citizens Alliance for Progress, Inc. for Personnel Expenses – Parent Facilitator;	(j) \$26,000.00, no match;	
	(k) Community Law Program, Inc. for Personnel Expenses;	(k) \$8,000.00, no match;	
	(l) Community Pride Child Care Center of Clearwater, Inc. for Operating Expenses;	(l) \$8,000.00, no match;	
	(m) Community Service Foundation, Inc. for Homebuyer Education Personnel Expenses;	(m) \$8,700.00, no match;	
	(n) Coptic Orthodox Charities, Inc. for Personnel and Operating Expenses;	(n) \$8,000.00, no match;	
	(o) Creative Clay, Inc. for Operating Expenses, Contract Services, Rent and Transportation;	(o) \$18,000.00, no match;	
	(p) Daystar Life Center, Inc. for Operating Expenses and Basic Needs;	(p) \$20,000.00, no match;	
	(q) Deaf and Hearing Connection for Tampa Bay, Inc. for State Community Care Disabled Adult and Community Support Service Personnel Expenses;	(q) \$26,000.00, no match;	
	(r) Eckerd Youth Alternatives, Inc. for Personnel and Operating Expenses;	(r) \$16,000.00, no match;	
	(s) Edward James Reid counseling Services, Inc.	(s) \$6,800.00, no match;	
	(t) Everyone’s Youth United, Inc. for Personnel Expenses;	(t) \$8,000.00, no match;	
	(u) Family Resources, Inc. for Personnel Expenses for Safe Place and Transitional Living Program;	(u) \$38,000.00, no match;	
(v) Family Service Centers, Inc. for Family Life Education Personnel and Operating Expenses;	(v) \$20,000.00, no match;		

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Human Services	(w) Gulf Coast Jewish Family Services, Inc., d/b/a Gulf Coast Community Care, Inc., for Elder Services Personnel Expenses, and Florida Center for Survivors of Torture Personnel and Operating Expenses;	(w) \$15,000.00, no match;	10.28.05 per 9.20.05 BCC agenda, item #25
	(x) Gulfcoast Legal Services, Inc. for Personnel Expenses;	(x) \$14,000.00, no match;	
	(y) Head Start Child Development and Family Services, Inc. for Personnel Expenses;	(y) \$6,000.00, no match;	
	(z) Help A Child, Inc. for Child Abuse Recovery Services Program Personnel and Operating Expenses, and Parent Aide Program Personnel Expenses;	(z) \$55,000.00, no match;	
	(aa) Homeless Emergency Project, Inc. for Emergency Housing Personnel Services;	(aa) \$30,000.00, no match;	
	(bb) James B. Sanderlin Family Service Center, Inc. for Capital Outlay;	(bb) \$10,000.00, no match;	
	(cc) Kimberly Home, Inc. for Infant Care Center Personnel Expenses, and Transitional Housing Personnel Expenses;	(cc) \$38,000.00, no match;	
	(dd) Neighborly Care Network, Inc. for Adult Day Care Operating Expenses, Nutrition Program Operating Expenses, Neighborly Pharmacy Personnel Expenses, and Transportation Program Operating Expenses;	(dd) \$90,027.00, no match;	
	(ee) Our Brother's Keeper, Inc. for Homeless Ex-Offenders Transitional Recovery Program Personnel and Operating Expenses;	(ee) \$20,000.00, no match;	
	(ff) Partners In Self Sufficiency, Inc. for Family Self Sufficiency Personnel Expenses;	(ff) \$18,000.00, no match;	
(gg) Pinellas Habitat for Humanity, Inc. for Personnel Expenses;	(gg) \$6,000.00, no match;		
(hh) Pinellas Opportunity Council, Inc. for Chore Services-Personnel Expenses, Emergency Financial Assistance-Operating Expenses, Retired Senior Volunteer Program Operating Expenses;	(hh) \$51,000.00, no match;		

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Human Services	(ii) Pinellas Village, Inc. for Personnel Expenses;	(ii) \$15,000.00, no match;	10.28.05 per 9.20.05 BCC
	(jj) Police Athletic League of St. Petersburg, Inc. for Education Program Personnel Expenses;	(jj) \$5,000.00, no match;	agenda, item #25
	(kk) Religious Community Services, Inc. for Food Pantry Personnel and Operating Expenses and Steeping Stone-Utilities, Supplies;	(kk) \$26,500.00, no match;	
	(ll) Society of St. Vincent de Paul, South Pinellas, Inc. for Food Center Operating Expenses;	(ll) \$10,000.00, no match;	
	(mm) St. Petersburg Free Clinic, Inc. for Women's Residence Personnel Expenses;	(mm) \$20,000.00, no match;	
	(nn) St. Petersburg Pregnancy Center, Inc. for Personnel Expenses;	(nn) \$8,500.00, no match;	
	(oo) Suncoast Center for Community Mental Health, Inc. for Community Care for the Elderly;	(oo) \$15,000.00, no match;	
	(pp) Suncoast Epilepsy Association, Inc. for Personnel and Operating Expenses;	(pp) \$28,000.00, no match;	
	(qq) Upper Pinellas Association for Retarded Citizens, Inc. for Health Service Personnel Expenses, and Residential Program Hurricane Panels, Kitchen Renovations, Air Conditioning System;	(qq) \$51,974.00, no match;	
	(rr) Watson Center, Inc. for Seniors' Independent Living Skills Personnel Expenses;	(rr) \$ 24,000.00, no match;	
	(ss) West Care Gulfcoast, Inc. for Mustard Seed Inn Personnel Expenses;	(ss) \$20,000.00, no match;	
(tt) YMCA of the Suncoast, inc. for High Point Youth and Family Services Personnel Expenses; and	(tt) \$25,000.00, no match		

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Human Services	(uu) Young Women's Christian Association of Tampa Bay, Inc. for Hispanic Outreach Center Personnel Expenses, and Coordinator for Hispanic Service and Advocate	(uu) \$34,000.00, no match	10.28.05 per 9.20.05 BCC agenda item #25
Justice and Consumer Services	Service Funding Agreement with Operation PAR, Inc. for the Inmate Participation and Accountability for Transition Project	\$90,895.00	11.10.05
Pinellas County Arts Council	Amendment No. 1 to Public Art Project with Erick Johnson for Palm Harbor Main Street	N/A – time only	11.5.05
Public Works	SWFWMD 2007 CFGAF for: (a) Allen's Creek Channel Improvements;	(a) \$825,750.00 requested funds, plus equal City of Clearwater and County matches;	11.17.05
	(b) Alligator Creek Channel Improvements – Phase 3;	(b) \$1,317,050.00 requested funds, plus \$1,296,720.00 County match;	
	(c) Bear Creek Channel Improvements;	(c) \$610,500.00 requested funds, plus equal County match;	
	(d) Bee Branch Drainage Improvements; and	(d) \$1,919,000.00 requested funds, plus \$2,099,000.00 County match;	
	(e) Curlew Creek Channel Improvements – Republic to Belcher	(e) \$798,000.00 requested funds, plus equal County match	
Public Works	Termination of Easement by General Release with Anthony L. Antell and Madeline Delgado-Antell	N/A	11.10.05
Public Works	Amendment to Temporary Construction Easement Agreement for Grading the Martin Borrow Pit Lake and Shoreline with: (a) Donna Baldwin; (b) Ronald C. and Sharon K. Jacobs; and (c) Karen H. Murphy	(a-c) N/A – time only	11.5.05

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Utilities	SWFWMD 2007 CFGAF for: (a) Alternate Water Source Rebate Program;	(a) \$82,500.00 requested funds, plus equal County match;	11.17.05
	(b) Commercial Spray Nozzle Program;	(b) \$44,000.00 requested funds, plus equal County match;	
	(c) North County Reclaimed Water System Expansion;	(c) \$950,000.00 requested funds, plus equal County match;	
	(d) Pinellas County Industrial, Commercial and Institutional Water Conservation Project;	(d) \$150,000.00 requested funds, plus equal County match;	
	(e) South Cross Bayou Water Reclamation Facility Education Program Transportation and Program Costs; and	(e) \$36,250.00 requested funds, plus \$127,700.00 County match;	
	(f) Tampa Road Reclaimed Water Transmission Main	(f) \$636,750.00 requested funds, plus equal County match	
Utilities	First Option of Renewal to the Agreement with the City of Clearwater for Recycling Collection Center Services	\$98,000.00 annual expenditure	11.10.05
#13	Resolution No. 05-287 adopted assessing liens against lands cleared in Pinellas County pursuant to Chapter 78-599, Laws of Florida, and Pinellas County Code Chapter 58, Article IX, Section 338, directing that this resolution be filed in the Public Records Office of the Clerk of the Circuit Court of Pinellas County, Florida (Environmental Management).		
#14	Reappointment of Fran Risser and appointments of Cathy Fleeger and Don Shea to the Pinellas County Arts Council; each approved for a full four-year term expiring December 31, 2009.		
#15	Items for Discussion from Consent Agenda (County Administrator and Clerk of Circuit Court) - None.		

- #16 Resolution No. 05-288 adopted determining the necessity to construct runway navigation aids improvements to the St. Petersburg-Clearwater International Airport and directing the condemnation of the necessary property and property rights required for construction.
- Motion - Commissioner Latvala
 - Second - Commissioner Welch
 - Vote - 7-0
- #17 Amended Temporary Construction Easement and Amended Agreement for Exchange with Richard F. Martin for the transfer of County-owned property approved; Chairman authorized to sign and the Clerk to attest.
- Motion - Commissioner Latvala
 - Second - Commissioner Duncan
 - Vote - 7-0
- #18 Installation of two speed humps and two three-way stop conditions on 48th Terrace North and 49th Avenue North as enumerated in the agenda memorandum dated December 20, 2005, which has been filed and made a part of the record, approved in accordance with the Residential Traffic Management (RTM) program adopted pursuant to Resolution No. 97-291 dated October 14, 1997, and revised June 4, 2002 and June 7, 2005.
- Motion - Commissioner Welch
 - Second - Commissioner Latvala
 - Vote - 7-0
- #19 Installation of nine speed humps and 11 multi-way stop conditions in the Newport Subdivision as enumerated in the agenda memorandum dated December 20, 2005, which has been filed and made a part of the record, approved in accordance with the Residential Traffic Management (RTM) program adopted pursuant to Resolution No. 97-291 dated October 14, 1997, and revised June 4, 2002 and June 7, 2005.
- Motion - Commissioner Latvala
 - Second - Commissioner Seel
 - Vote - 7-0
- #20 Contract for Sale and Purchase between Pinellas County and Scott A. Blakeney and Lisa Blakeney for acquisition of property located at 125 Knollwood Road, Tarpon Springs for the Keystone Road Capital Improvement Project from U.S. Highway 19 to East Lake Road (PID No. 920522) with authorization for the issuance of a check in the amount of \$114,720.26 to Somers Title Company approved; Chairman authorized to sign and the Clerk to attest.
- Motion - Commissioner Latvala
 - Second - Commissioner Seel
 - Vote - 7-0

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#21 Change Order No. 3 to Project Nos. 922378, 1176 and 815 with Bayshore Construction, Inc. for boardwalk construction (various locations), increasing the contract by \$40,441.00, for a revised contract amount of \$1,187,982.75 (Southwest Florida Water Management District [SWFWMD] providing 50 percent of the additional cost) approved; Pop Stansell Park Fishing Pier Rehabilitation (PID No. 1176) accepted as complete as of June 30, 2005; retainage released in the amount of \$6,459.24; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Latvala
Second - Commissioner Welch
Vote - 7-0

#22 Final negotiated contract with AgileAssets, Inc. (Contract No. 045-410-P) for Computerized Maintenance Management System (CMMS) in the total amount of \$728,000.00 (\$548,000.00 for the Base Plan and \$180,000.00 for the Pavement and Bridge Management Systems, if necessary) for software modules, installation, implementation, development, training, and maintenance approved; Chairman authorized to sign and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

Motion - Commissioner Latvala
Second - Commissioner Welch
Vote - 7-0

#23 Amendment No. 1 to the Agreement for Consultant Services for Florida Department of Transportation Utility Relocations with Ash Engineering, Inc. (PID Nos. 653-992114-1708 and 753-992114-1708) approved, increasing the agreement by \$156,000.00 for a revised agreement amount of \$406,000.00; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 7-0

#24 Ranking of firms to provide professional engineering consulting services for each of the four North County Phases 2A, 2B, 3A and 3B, 4A and 4B Reclaimed Water Distribution Systems as follows:

1. Boyle Engineering Corporation
2. Jones Edmunds & Associates, Inc.
3. King Engineering Associates, Inc.
4. Metzger & Willard, Inc.

Staff authorized to negotiate a contract for board approval with each of the four ranked firms.

December 20, 2005

Motion - Commissioner Latvala
Second - Commissioner Harris
Vote - 7-0

#25 Ranking of firms to provide concession service for Fort De Soto Park as follows:

1. Hollywood Promotion Corporation d/b/a D & R Management
2. United Park Services, Inc.
3. Pier Associates, Inc.
4. Apostolu Food Service, Inc.
5. Ovations Food Services, LP
6. Ft. De Soto Boat & Trailer Storage, Inc.

Staff authorized to negotiate a contract for board approval with the number one ranked firm, Hollywood Promotion Corporation d/b/a D & R Management (Culture, Education, and Leisure).

Motion - Commissioner Latvala
Second - Commissioner Welch
Vote - 7-0

#26 Authorization granted to advertise a public hearing to be held on January 24, 2006 to consider a proposed settlement agreement with the Florida Department of Community Affairs regarding a future land use map amendment (Z/LU 5-5-04) (Development and Review Services).

Motion - Commissioner Latvala
Second - Commissioner Seel
Vote - 7-0

#27 Authorization granted for the Clerk to advertise a public hearing to be held on January 24, 2006 regarding a proposed ordinance relating to the general penalties and enforcement procedures for local ordinance violations (Environmental Management).

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 7-0

#28 Authorization granted for the Clerk to advertise a public hearing to be held on January 24, 2006 regarding a proposed ordinance relating to lot clearing liens (Environmental Management).

Motion - Commissioner Welch
Second - Commissioner Latvala
Vote - 7-0

#29 Authorization granted for the Clerk to advertise a public hearing to be held January 24, 2006 regarding a proposed ordinance relating to derelict vessels.

Chairman Morroni suggested that the citizens of Tierra Verde be made aware of the public hearing; whereupon, Commissioner Harris pointed out that citizens countywide should be apprised of upcoming ordinance hearings so that they may appear and provide input (Environmental Management).

Motion - Commissioner Welch
Second - Commissioner Duncan
Vote - 7 - 0

- #30 Authorization granted for the Clerk to advertise a public hearing to be held January 24, 2006 regarding a proposed ordinance relating to minimum housing compliance (Environmental Management).

Motion - Commissioner Welch
Second - Commissioner Duncan
Vote - 7 - 0

- #31 First Amendment to Lease with Pinellas County Housing Authority for the Sheriff's Sexual Predator/Offender Tracking Unit for an additional 2,800 square feet of office space located at 11439 Ulmerton Road, adjacent to the existing space approved (five year term beginning upon the issuance of the Certificate of Completion of Tenant Improvements and terminating concurrently with lease renewals for the original space; \$27,188.00 first year rental rate with a 3.5 percent annual fixed rate increase for remaining years of term) (Lease Management division responsible for rental payments, monthly utility costs, janitorial service, pest control and minor maintenance expenses; Sheriff's Office responsible for cost of tenant improvements, not to exceed \$28,613.60); Chairman authorized to sign and Clerk to attest (General Services).

Motion - Commissioner Welch
Second - Commissioner Duncan
Vote - 7 - 0

- #32 Community Health Centers of Pinellas, Inc. Service Hours Expansion Agreement with Pinellas County for the expansion of health care access to the medically underserved citizens of Pinellas County for fiscal year 2005-2006 in the total amount of \$239,194.50 approved for execution (Human Services).

Motion - Commissioner Latvala
Second - Commissioner Welch

Commissioner Seel commented that she is hopeful that the program will expand to other county locations; whereupon, Human Services Director Evelyn R. Bethell provided input in response to query by Commissioner Welch; and related that staff has scheduled a meeting in January with Community Health Centers to determine how each program will be expanded.

Vote - 7 - 0

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- #33 Community Health Centers of Pinellas, Inc. Health Care Services Agreement with Pinellas County for the provision of expanded health care services to the medically underserved citizens of Pinellas County for fiscal year 2005-2006 in an amount not to exceed \$1,067,100.97 approved for execution (Human Services).

Motion - Commissioner Latvala
Second - Commissioner Harris
Vote - 7 - 0

- #34 Community Health Centers of Pinellas, Inc. Pharmacy Agreement with Pinellas County for the provision of pharmaceutical services to the medically underserved citizens of Pinellas County for fiscal year 2005-2006 for a total amount of \$241,676.66 approved for execution (Human Services).

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 7 - 0

- #35 Agreement between the City of Pinellas Park, Jim Coats, as Sheriff of Pinellas County, and Pinellas County for crime scene services and evidence and property storage for the Pinellas Park Police Department for the period from October 1, 2005 through September 30, 2006 in the amount of \$84,343.36 approved; Chairman authorized to sign agreement (Justice and Consumer Services).

Motion - Commissioner Latvala
Second - Commissioner Welch
Vote - 7 - 0

- #36 Contract for Law Enforcement Services between the City of Safety Harbor, Jim Coats, as Sheriff of Pinellas County, and Pinellas County for law enforcement services for the City of Safety Harbor for the period from October 1, 2005 through September 30, 2006 in the amount of \$1,122,331.68 (to be paid in monthly installments of \$93,527.64) approved; Chairman authorized to sign the contract (Justice and Consumer Services).

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 7 - 0

- #37 Resolution No. 05-289 adopted supplementing the fiscal year 2006 General Fund budget (Shelter Retrofit Agreement grant in the amount of \$307,680.00 awarded to Emergency Management Department) to appropriate earmarked receipts for a particular purpose (Management and Budget).

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 7 - 0

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#38 Resolution No. 05-290 adopted supplementing the fiscal year 2006 General Fund budget (unanticipated grant revenue in the amount of \$73,450.00 for Human Services) to appropriate earmarked receipts for a particular purpose (Management and Budget).

Motion - Commissioner Harris
Second - Commissioner Duncan
Vote - 7 - 0

#39 Resolution No. 05-291 adopted supplementing the fiscal year 2006 General Fund budget (unanticipated excess fees and grant revenues in the total amount of \$570,420.00) to appropriate earmarked receipts for a particular purpose and transfer to the Sheriff (Management and Budget).

Motion - Commissioner Latvala
Second - Commissioner Welch
Vote - 7 - 0

#40 Resolution No. 05-292 adopted reallocating Reserve for Future Years in the fiscal year 2006 Seminole Fire District's budget in the amount of \$47,680.00 to appropriate earmarked receipts for a particular purpose (Management and Budget).

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 7 - 0

#41 Resolution No. 05-293 adopted establishing a special revenue fund (0226) for the Wireless Emergency Telephone System Fund for fiscal year 2005 (total appropriations and reserves \$2,064,900.00); Resolution No. 05-294 adopted establishing a special revenue fund (0226) for the Wireless Emergency Telephone System Fund for fiscal year 2006 (total appropriations and reserves \$2,427,810.00); two budget amendments to realign the funds from the Emergency Phone Service and Equipment Fund (0225) in the proper FY 2005 and 2006 budgets approved (Management and Budget).

In response to query by Commissioner Harris, Office of Management and Budget Director Jerry Herron related that due to a recent statute change, staff is required to reallocate wireless funds received into a separate fund.

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 7 - 0

#42 Other Administrative matters.

Mr. Spratt referred to a letter dated December 9, 2005 from Florida Association of Counties (FAC) Executive Director Christopher L. Holley, a copy of which has been filed and made a part of the record, and provided an overview of home rule issues that were discussed at a recent Charter County Administrators meeting during the FAC Legislative Conference. He reported that a major issue discussed was how best to defend charter county authority against preemptive legislation; and that Mr. Holley has requested

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that each county contribute funds in an amount not to exceed \$5,000.00 for the purpose of hiring outside representation for the 2006 legislative session to assist in preventing the erosion of charter county authority; whereupon, Mr. Spratt requested direction by the members in that regard.

During discussion, Assistant County Administrator Elithia V. Stanfield pointed out that a representative who is knowledgeable and specializes only in the subject issue would be of benefit to the charter counties; whereupon, following further discussion, Commissioner Welch moved, seconded by Commissioner Latvala, that the request for a maximum contribution of \$5,000.00 for outside representation be approved.

Thereupon, upon call for the vote, the motion carried 4 to 3, with Commissioners Stewart, Harris and Seel casting the dissenting votes.

#43 County Attorney authorized to defend the County's interest:

- a. Allstate Insurance Company, as Subrogee of Michael Hartwick versus Pinellas County Board of County Commissioners – County Civil Case No. 05-11240-CO-42 – Allegations of Damages Involving a Vehicular Incident.
- b. Citifinancial Mortgage Loan Corporation versus Brigida Leach, et al. – Circuit Civil Case No. 05-7471-CI-08 – Mortgage Foreclosure Involving a Street Lighting Lien.
- c. U.S. Bank National Association versus Bruce S. Smith, et al. – Circuit Civil Case No. 05-7679-CI-20 – Mortgage Foreclosure Involving a Community Development Mortgage.

Motion	-	Commissioner Welch
Second	-	Commissioner Harris
Vote	-	7 – 0

#44 County Attorney authorized to initiate litigation re Jim Coats, as Sheriff of Pinellas County versus Kevin Newton Skeen – Allegations of Motor Vehicle Negligence.

Motion	-	Commissioner Harris
Second	-	Commissioner Duncan
Vote	-	7 - 0

#45 Non-Ad Valorem Assessment Agreement with Pinellas County Property Appraiser Jim Smith relating to implementation of non-ad valorem street lighting assessments approved; agreement provides for performance to extend uninterrupted from year to year, automatically renewed for successive periods not to exceed one year each; Chairman authorized to sign the agreement.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	7 - 0

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- #46 Amended and restated agreement with Gulfoast Legal Services, Inc. to provide legal advice and representation of designated complainants in appeals of fair housing cases approved for execution; services to be performed at a rate of \$150.00 per hour, plus compensation for all reasonable out-of-pocket expenses.

Motion - Commissioner Harris
Second - Commissioner Duncan
Vote - 7 - 0

- #47 Authority granted to settle the case of Terry R. Metts versus Pinellas County Government - Workers' Compensation, date of accident October 7, 2001, as outlined in the confidential memorandum from County Attorney Susan Churuti dated December 20, 2005.

Motion - Commissioner Harris
Second - Commissioner Duncan
Vote - 7 - 0

- #48 County Attorney Miscellaneous

- a. Related that an update re the status of the Rick Dodge negotiations is available for review in the Chairman's office.
- b. Discussed the new ethics rule as it applies to the commissioners; and related that there is some ambiguity over the issue; that the conservative approach would be to not accept any gifts after January 1, 2006, the effective date of the legislation; and that she will update the members upon receiving clarification of the issue.

- #49 Sitting as the Industrial Development Authority d/b/a the Economic Development Authority, the board approved a Lease Agreement between the Authority and The Enser Corporation of Alabama for office space located at the Young-Rainey STAR Center; Phase I is for an initial term of one year effective October 1, 2005 through September 30, 2006 for Areas 210 through 213, and October 1, 2005 through June 30, 2006 for Areas 207 and 208 for a total of 3,561 square feet (monthly payment of \$2,308.39 including sales tax); Phase II is for an initial term effective July 1, 2006 through September 30, 2006 for Areas 210 through 213 for a total of 1,490 square feet (monthly payment of \$965.88 including sales tax); Chairman authorized to sign lease.

Motion - Commissioner Welch
Second - Commissioner Duncan
Vote - 7 - 0

- #50 Sitting as the Emergency Medical Services Authority, the Board approved the second amendment to the agreement with Emergency Medical Services Group, Inc. for an up to 60-day time extension to the current contract for annual requirements of medical direction services for the Emergency Medical Services System, at the same terms and conditions, effective December 30, 2005; estimated expenditure not to exceed \$220,726.36 (based on fiscal year 2005-2006 monthly payment of \$110,363.18) (Contract No. 990-1155-P); Chairman authorized to sign the agreement after proper

execution by the contractor and written approval as to form by the Office of the County Attorney.

Motion - Commissioner Latvala
Second - Commissioner Seel

Responding to queries by Commissioners Harris and Duncan, Mr. Spratt indicated that the extension is necessary to allow services to continue during the completion of the request for proposal process, and Chief Assistant County Administrator D. Gay Lancaster described the services provided by Emergency Medical Services Group, Inc.

Vote - 7 - 0

#51 County Administrator Reports

Mr. Spratt referred to two amendments to the mobile home transition program ordinance and related that the first amendment clarifies that the State Housing Initiatives Partnership Program (SHIP) affordable rent numbers are adjusted for utilities. Alluding to the last sentence in Section 7 which contains a waiver provision, he stated that it had been placed in the ordinance without his knowledge; and that the second amendment eliminates the provision.

#52 Chairman-Elect appointments to Committees/Boards for 2006 approved.

Motion - Commissioner Latvala
Second - Commissioner Harris
Vote - 7 - 0

#53 Appointments to 2006 Boards and Committees by individual commissioners approved.

Motion - Commissioner Harris
Second - Commissioner Duncan
Vote - 7 - 0

#54 Board of County Commission 2006 Appointments/Reappointments approved.

Motion - Commissioner Welch
Second - Commissioner Latvala
Vote - 7 - 0

#55 County Commission Miscellaneous.

- a. Commissioner Harris Provided a water conservation tip: use water on houseplants after cleaning the fish tank.
- b. Commissioner Seel Discussed upcoming health initiatives; update re Chairman's request for a regional transit summit; discussed major roadway renaming initiative with input by Brian Smith, Director of Planning, and received consensus by the members to form a task

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force to address roadway renaming; requested further discussion re code enforcement loophole pertaining to storage sheds.

- c. Commissioner Stewart Provided an update re the Gulf Boulevard Beautification Project; and noted the frequent use of acronyms in county government.
- d. Commissioner Welch Referred to ongoing issues regarding the Jail Information Management System; and indicated that he would keep the members apprised of further developments.
- e. Chairman Morroni Commissioner Harris moved, seconded by Commissioner Seel and carried, that Christine Ochsner be appointed to the Youth Advisory Committee through July 31, 2006. Referred to a letter from Senator Bill Nelson congratulating the county on receiving 2005 Special Project Grant from the U.S. Department of Housing and Urban Development for construction and renovation of the Urban League Community Center.
- f. Entire Board Thanked staff and extended holiday wishes to all.

* * * *

At this time, 4:28 P.M., the meeting was recessed and reconvened at 6:32 P.M. with all Commissioners in attendance. Chairman Morroni explained the public hearing procedures and announced that following Citizens to be Heard, agenda items Nos. 57a through 57j will be addressed first, followed by items 58, 59, 56, and 57k.

* * * *

CITIZENS TO BE HEARD

David M. McKalip, M.D., re medical disaster preparedness (distributed information packet).

Stefano Longinotti, re general unavailability of affordable housing.

Raymond D. Lista, re traffic flow on North U.S. Highway 19.

All public hearing items have been properly advertised. Affidavits of Publication have been received and are on file in the Board Records Department.

SCHEDULED PUBLIC HEARINGS – BCC

#57a Resolution No. 05-295 adopted granting the application of Lorraine B. Gay through Todd Pressman, Pressman and Associates, Representative, for a change of zoning from A-E/W to RPD-0.5/W (Z-1-11-05), re approximately 2.26 acres located on the north side of Keystone Road, 340 feet east of Woodfield Boulevard. Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	7 – 0

* * * *

Mr. Spratt related that Items Nos. 57b and 57k represent amendments to the County’s Comprehensive Plan and that authorization is being requested for their transmittal to the Department of Community Affairs (DCA) for review and comment. He reported that if the Board recommends approval of the applications, interested citizens may be contacted directly by the DCA with regard to its compliance determination of the Comprehensive Plan amendments; and that any citizen wishing to receive notice directly from the DCA should provide their name and address to the Board Reporter.

* * * *

#57b Application of Marmar, LLC through Cyndi Tarapani, Florida Design Consultants, Inc., Representative, for a change of zoning from M-2 to RPD-5 and a change in land use designation from industrial general to residential low, re approximately six acres located on the west side of Anclote Road, 775 feet west of Savannah Avenue (Z/LU-2-11-05) approved; Resolution No. 05-296 adopted. Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard. Staff authorized to transmit change in land use designation to Florida Department of Community Affairs (DCA) for review and comment. Final Board approval contingent upon comments received from DCA.

Motion	-	Commissioner Latvala
Second	-	Commissioner Duncan
Vote	-	7 – 0

#57c Resolution No. 05-297 adopted granting the application of Seabass Marine Corporation through Steven A. Williamson, Esquire, Johnson, Pope, Bokor, Ruppel & Burns, LLP, Representative, for a change of zoning from C-3 to C-2; Ordinance No. 05-93 adopted approving a change in land use designation from industrial limited to commercial general (Z/LU-4-11-05), subject to further review and approval by the Pinellas Planning Council and the Countywide Planning Authority, re approximately 1.32 acres located on the north side of Oscar Hill Road, 533.6 feet west of U.S. Alternate Highway 19. Staff

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recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Latvala
Second	-	Commissioner Duncan
Vote	-	7 – 0

- #57d Resolution No. 05-298 adopted granting the application of Jack Far, LLC, c/o Jack Ayoub, Owner, through Daniel Abou-Jaoude, Representative, for a change of zoning from C-2 and AL to RM-10 and AL; Ordinance No. 05-94 adopted approving a change in land use designation from commercial general and preservation to residential low medium and preservation (Z/LU-5-11-05), subject to further review and approval by the Pinellas Planning Council and Countywide Planning Authority, re approximately 3.08 acres located on the east side of Seminole Boulevard, 545 feet north of 86th Avenue North. Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received.

Responding to the Chairman's call for persons wishing to be heard, Leo Plenski, St. Petersburg, distributed a handout and spoke regarding rezoning of mobile home parks; whereupon, Commissioner Seel noted that the case before the board does not concern a mobile home park.

Motion	-	Commissioner Duncan
Second	-	Commissioner Welch
Vote	-	7 – 0

- #57e Resolution No. 05-299 adopted granting the application of Big Bend Properties, LLC through Michael E. Dris, Representative, for a change of zoning from C-2 to C-3 (Z-7-11-05), re approximately 1.7 acres located on the northeast corner of U.S. Highway Alternate 19 and Willard Street. Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Welch
Second	-	Commissioner Duncan
Vote	-	7 – 0

- #57f Resolution No. 05-300 adopted granting the application of Pinellas County Community Development, Darlene Kalada, Director, through Cheryl Reed, Pinellas County Community Development, Representative, for a change of zoning from A-E, C-1, RM-5, RM-7.5, and R-4 to PC; Ordinance No. 05-95 adopted approving a change in land use designation from residential urban and residential low to recreation/open space (Z/LU-8-11-05) subject to further review and approval by the Pinellas Planning Council and Countywide Planning Authority, re approximately 8.62 acres generally located on the north side of 130th Avenue North (Wilcox Road) between Pine Street Southwest, 132nd Avenue North, and Jackson Street. Staff recommended approval of the application based

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on the Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Latvala
Second	-	Commissioner Duncan
Vote	-	7 - 0

#57g Resolution No. 05-301 adopted granting the application of Pinellas County Community Development, Darlene Kalada, Director, through Cheryl Reed, Pinellas County Community Development, Representative, for a change of zoning from R-4 and RM-5 to R-3 (Z-9-11-05), re approximately 5.19 acres generally located south of 134th Avenue North (Pine Street), north of Wilcox Road, between Jackson Street and Pine Street Southwest. Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Welch
Second	-	Commissioner Duncan
Vote	-	7 - 0

#57h Application of Lucky RNRJ Corporation through Aboul R. Qassam, Representative, for a change of zoning from R-4 to C-1 and a change in land use designation from residential urban to commercial neighborhood (Z/LU-6-11-05), re approximately 0.42 acre located on the north side of Belleair Road, west of South Haven Drive temporarily deferred. Staff recommended denial of the application based on the Local Planning Agency Report. No correspondence has been received.

Director of Development Review Services Paul Cassel referred to an aerial photograph and a zoning map, pointed out the location of the subject property, described zoning designations and uses in the surrounding area, and noted that the purpose of the application is to have the convenience store currently located on the property recognized as a permitted use; that the subject property and several others along Belleair Road had been downzoned in the mid 1990s from commercial to residential; and that this portion of Belleair Road was designated as a Scenic/Non-Commercial Corridor in 1999. Responding to queries by the members, Mr. Cassel indicated that nonconforming uses are allowed to continue and change ownership indefinitely, as long as the business is not discontinued or destroyed, in which case the property reverts to residential zoning; pointed out nearby commercial and office uses; and noted that a day care center having an institutional land use and residential zoning is permitted by special exception.

Rafiq Qassam, Safety Harbor, indicated that his father was unaware of the zoning when he purchased the property; that the purpose of the request is to have the ability to rebuild the store in the case of damage greater than 50 percent; and that he would be amenable to providing landscaping or other measures to preserve the scenic corridor; whereupon, he submitted a petition with 51 signatures in support of the application.

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Responding to queries by Commissioner Welch, Attorney Churuti referred to recent hurricane damage in Orange County and noted that Pinellas County currently does not have a policy regarding the rebuilding of nonconforming uses following a major disaster; and discussed options for addressing the situation. It was the consensus of the Board that the item should be included in a workshop in early 2006. During discussion, Commissioner Stewart moved to support staff's recommendation for denial, and the motion died for lack of a second; whereupon, Commissioner Latvala moved that the application be denied without prejudice and Commissioner Welch seconded.

Discussion continued, with input by the attorneys, Mr. Spratt, and Assistant County Administrator Jacob F. Stowers, III; and at the suggestion of Attorney Churuti, Commissioner Seel entered a substitute motion that staff work with the owners on a development agreement and that the matter be brought back for a second public hearing.

Motion	-	Commissioner Seel
Second	-	Commissioner Latvala
Vote	-	7 - 0

- #57i Resolution No. 05-302 adopted approving the application of Chien Yeh Hu and Sing Long Chang through Todd Pressman, Pressman & Associates, Representative, for a change of zoning from CR and R-2 to RPD-7.5 and RPD-2.5 and a development agreement (Z/LU-1-9-05), re approximately 2.5 acres located on the west side of Ridge View Road north of Rita Lane and approximately 3.8 acres located north and east of the northerly terminus of Ridge View Road. Staff recommended approval of the application based on the Local Planning Agency Report. One letter in support of and 29 letters in opposition to the application have been received.

Chairman Morroni noted seven cards in support of the application; and invited the objectors, Richard and Thelma Samuelsen, Tarpon Springs, to address the Board regarding their concerns; whereupon, Director of Development Review Services Paul Cassel and Mr. Pressman responded to their queries and provided information regarding the proposed site plan and development agreement. Bruce Hansen, Tierra Verde, also spoke in opposition to the application.

Charles W. Brammer, Tarpon Springs, and Karl F. Flammer, Palm Harbor, indicated that they are in support of the application, but expressed concerns pertaining to certain aspects of the project. Comments regarding the need for expansion of Rita Lane were noted by staff.

Motion	-	Commissioner Harris
Second	-	Commissioner Duncan
Vote	-	7 - 0

- #57j Resolution No. 05-303 adopted approving the application of MacDonald Family Properties, Inc. through Robert Pergolizzi, Gulf Coast Consulting, Inc., Representative, for a change of zoning from C-2 to RM-1 and RM-10 (Z-3-11-05), re approximately

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13.84 acres located on the west side of Seminole Boulevard, 630 feet north of Ulmerton Road. Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received.

Director of Development Review Services Paul Cassel referred to an aerial photograph and a zoning map, pointed out the location of the subject property, described zoning designations and uses in the surrounding area, and noted that travel trailers were permitted in C-2 zoning at the time the park was developed; that the proper zoning now would be CR; and that the requested zoning is consistent with the Land Use Plan and uses in the neighborhood.

Mr. Pergolizzi reiterated that the park is a travel trailer/RV park, not a mobile home park; that the existing C-2 zoning is in conflict with the Land Use Plan; and that the request will bring the zoning into conformance with the Plan.

Responding to the Chairman's call for persons wishing to be heard, Bill Gonyea, Largo, indicated that he is the general manager for MacDonald Family Properties; and that the buyer backed out and the property has been taken off the market. In response to query by Mr. Gonyea, Mr. Cassel confirmed that the trailer park will be allowed to remain after the rezoning until the property is redeveloped.

Lisa and Gene Cunningham, Hudson, and Elaine Demyan, Largo, spoke in opposition to the application.

In rebuttal, Mr. Pergolizzi indicated that he is unaware that the property has been taken off the market; that the contract purchaser, Rottlund Homes, has terminated the contract; that the owner will be negotiating in the future with Rottlund or another residential developer; and that Seminole Boulevard is currently six lanes and Ulmerton Road is programmed for widening to six lanes in FY 2007-2008. Responding to queries by Commissioner Welch, Mr. Pergolizzi explained that the sites are rented on a monthly basis and that a travel trailer is defined as a unit less than 35 feet in length; Attorney Bennett confirmed that the units in the park are not mobile homes and related that the residential tenancies are governed by landlord-tenant law and have no protection under Chapter 723 of the Florida Statutes; and Attorney Churuti related that the Board has no authority to require a finding of adequate and suitable alternative housing.

* * * *

At this time, 8:18 P.M., Commissioner Duncan left the meeting.

* * * *

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Motion - Commissioner Stewart
Second - Commissioner Latvala
Vote - 5 – 1 (Commissioner Morroni dissenting)

* * * *

Commissioner Duncan returned to the meeting at 8:19 P.M.

* * * *

#58 Interlocal agreement relating to the distribution of monies derived from imposition of the First Local Option Fuel Tax to the County and the various municipalities in the county, effective September 1, 2007, approved for execution; Ordinance No. 05-96 adopted extending the Local Option Fuel Tax for an additional ten years commencing September 1, 2007 and ending August 31, 2017. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Welch

Responding to queries by Commissioner Stewart, Director of the Office of Management and Budget Jerry Herron provided information pertaining to current and projected annual revenue; existing bond debt; and allocation of funds; and indicated that the new interlocal agreement reduces the County’s share from 75 to 60 percent and increases the municipal share from 25 to 40 percent; and that revenue will be used for operation and maintenance of the existing infrastructure; and Mr. Spratt provided input.

Vote - 7 – 0

#59 Proposed ordinance providing for the Ninth-Cent Fuel Tax levy and imposition upon every gallon of motor fuel and diesel fuel sold in Pinellas County for a period commencing January 1, 2007 and continuing through December 31, 2026, denied; staff recommended adoption of the proposed ordinance; four letters in favor of and 12 letters in opposition to the ordinance have been received.

Peter Yauch, Director of Transportation, referred to his presentation to the Board at its December 6, 2005 meeting and noted that additional information has been developed at the request of the members; whereupon, he conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record, and addressed the issue of stakeholder participation, noting that a Memorandum of Understanding (MOU) was developed in 2004 as an interim agreement to allow Phase I projects to commence; and that a proposed interlocal agreement is on hold, pending identification of a dedicated funding source. He related that Mr. Spratt had sent a letter to the municipalities regarding concurrence with the Advanced Traffic Management System/Intelligent Transportation System (ATMS/ITS) concept; gave a summary of the responses received to date; and provided information regarding the existing traffic control system.

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During discussion and responding to queries by the members, Messrs. Yauch and Spratt indicated that the proposed tax would fund enhancements to the system utilizing new technology for adaptive signal control and incident management; and that current funding sources are committed to operation and maintenance of the current system and for the initial phase of the ATMS system, currently under construction.

Responding to the Chairman's call for persons wishing to speak, Andy Nunez, St. Petersburg, spoke in support of and Dr. Regina Bennett, Clearwater, spoke in opposition to the proposed tax levy.

During discussion and responding to query by Commissioner Stewart, Director of the Office of Management and Budget Jerry Herron related that the estimated annual cost to the consumer of \$6.50 was developed using information provided by the American Automobile Association and based on an average of 12,000 miles per year at 18 miles per gallon. County Attorney Susan H. Churuti advised that the Board cannot place contingencies on its vote; that the tax need not be levied until June 30, 2006 in order to be effective January 1, 2007; and that if passed tonight, the matter could be repealed prior to June 30.

Discussion continued with input by Messrs. Yauch, Spratt and Herron; whereupon, Commissioner Seel moved that the proposed ordinance be adopted.

Motion	-	Commissioner Seel
Second	-	Commissioner Latvala
Vote	-	4 – 3

Referring to the proposed ordinance, Mr. Spratt related that imposition of the tax is subject to an extraordinary vote, as required by Section 336.021, Florida Statutes.

Responding to query by Commissioner Seel, Commissioner Duncan indicated that he believes it is important to have commitments from the Cities of St. Petersburg and Clearwater before proceeding; and that he would be willing to revisit the issue in the future.

Chairman Morroni explained to the audience that the motion failed, as five of seven votes are required; and that the matter will be brought back for consideration at another time.

#56 Ordinance No. 05-92 adopted establishing the Mobile Home Transition Program as authorized by Resolution No. 05-238. One letter and one petition with a total of 28 signatures in support of and one letter in opposition to the program have been received.

Assistant Director of Community Development Anthony M. Jones provided highlights of the program and indicated that it is intended to be a safety net for persons displaced by

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redevelopment of mobile home parks; and that the idea had originated in 2002 as a recommendation of the Mobile Home Task Force.

In response to the Chairman's call for persons wishing to be heard, Dale DeLorenzo, Seminole; Norman Pickett, Largo; and Barbara Inman, St. Petersburg, indicated that they are in favor of the program; and David Eastman, Tallahassee, commented on behalf of the Florida Manufactured Housing Association.

The following individuals spoke in opposition to the program:

Leo Plenski, St. Petersburg
Ann Cameron, St. Petersburg
Chuck Mirasola, St. Petersburg
Joseph Dennie, St. Petersburg
Stefano Longinotti, Largo
George Hibbs, St. Petersburg
Alan Jackson, St. Petersburg
Fred Taylor, St. Petersburg
Ray Brooks, Oldsmar – representing six residents in attendance
Milton James Gelder, St. Petersburg
Carl Blevins, Pinellas Park
Shelley Blevins, Pinellas Park
Christy Short, Pinellas Park
Linda Arcario, Pinellas Park
Sandra Short, Pinellas Park
Charles Plancon, Pinellas Park – submitted Attorney General Opinion dated 12/20/05
Jennifer Cocciardi, Pinellas Park – representing five residents unable to attend due to medical reasons
Ron Rush, Pinellas Park
John C. Harris, Pinellas Park
Delores Harris, Pinellas Park
Anne Wiezycki, Pinellas Park
Shirley Burt, Pinellas Park
Bill Turney, St. Pete Beach
Paul Smith, St. Petersburg
Danielle Moyse, Pinellas Park
Laurie Cherry, Pinellas Park
Donna Vander Broek, Seminole
Ricky Mills, Pinellas Park
Ralph Allen Robinson, Pinellas Park
Helma Paes, Pinellas Park
Stephen M. Fisher, St. Petersburg
Michael Rizzo, St. Petersburg

Alluding to comments by the objectors, Mr. Jones provided information regarding the development of the ordinance; and pointed out that the draft ordinance was provided to both the developer and residents of the Golden Lantern Mobile Home Park via e-mail within a nine-minute time span; that the e-mails were provided to the press; that a question and answer sheet was provided to all parties; and that he had visited the park to speak with the residents. He noted that Timothy A. Johnson, Jr., Esquire, Johnson, Pope,

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Bokor, Ruppel & Burns, P.A., who represents the owner and contract purchaser of Golden Lantern Mobile Home Park, had submitted numerous comments typed on the draft ordinance provided to him; that many of Mr. Johnson's suggestions were rejected; and that the Homeowners' Association submitted no written comments; whereupon, he assured the Board that no collusion had taken place.

Referring to concerns voiced by mobile home park residents at this and previous meetings, Mr. Jones agreed that he does not have the answers to many of the questions, as the issues are beyond the scope of the program and the authority of the Board of County Commissioners; that standard criteria have been used to define affordability; and that other issues must be addressed at the state level; whereupon, he explained three changes which have been made to the draft ordinance; and Attorney Churuti related that the ordinance provides a definition of terms used in Chapter 723, Florida Statutes, and does not change the existing law.

Messrs. Spratt and Jones indicated that the ordinance was developed as a tool to address changes that are occurring in the county and the impact on housing; that it represents one piece of a comprehensive strategy to address all the affordable housing issues; that the ordinance is only applicable to the unincorporated areas of Pinellas County; and that a \$20,000 income level was used as an example and is not a cap for participation in the program.

During discussion, Mr. Jones responded to queries by Commissioners Welch and Seel, and Mr. Spratt and Mrs. Churuti provided input.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	6 – 1 (Commissioner Morroni dissenting)

#57k Application of Golden Lantern Mobile Home Park, Ltd., c/o Robert J. Keathley, through Robert Pergolizzi, AICP, Representative, for a change of zoning from R-6 to C-2 and RM-12.5, a change in land use designation from residential urban to residential/office/retail (R/O/R) and residential medium, and a development agreement, re approximately 19.74 acres located on the south side of Park Boulevard (Golden Lantern Mobile Home Park) (Z/LU-2-9-05). Staff recommended approval of the application based upon the Local Planning Agency Report and subject to further review and approval by the Countywide Planning Authority. Sixty-four letters in objection to the application have been received. Staff authorized to transmit the application to Florida Department of Community Affairs (DCA) for review and comment. Conditioned upon compliance with the Development Agreement which guarantees compliance with Pinellas County Ordinance No. 05-92 and which Development Agreement was approved as a part of this action, a determination was made that, consistent with Section 723.083, Florida Statutes, adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners and the rezoning is approved contingent upon comments

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received from DCA and subject to further review and approval by the Countywide Planning Authority.

Director of Development Review Services Paul Cassel referred to an aerial photograph and a zoning map, pointed out the location of the subject property, described zoning designations and uses in the surrounding area, and noted that the R/O/R designation requested for a two-acre portion of the site is the most restrictive commercial designation. Referring to the development agreement, he explained that a special exception is included for a 50 percent residential density bonus under the State Housing Initiative Partnership (SHIP) Program; that a minimum of 40 percent and maximum of 55 percent of the units will be provided as affordable housing; that transportation improvements and compliance with the Mobile Home Transition Program ordinance are also required; and that the area is not located within the Coastal High Hazard Area (CHHA); whereupon, Chief Assistant County Attorney James L. Bennett discussed options for Board action on the request.

Timothy A. Johnson, Jr., Esquire; Johnson, Pope, Bokor, Ruppel & Burns, P.A., stated that he represents the owner and contract purchaser of the park; that the provision of affordable housing is guaranteed by the development agreement; and that Golden Lantern Mobile Home Park residents will be given an opportunity to lease the affordable housing units before they are offered to the general public; whereupon, he reviewed the background and various issues regarding the park; and stated that the planned development is exactly what the County is looking for in new community housing initiatives.

Responding to the Chairman's request for persons wishing to speak, the following individuals spoke in opposition to the program:

Leo Plenski, St. Petersburg
Jennifer Cocciardi, Pinellas Park
Charles Plancon, Pinellas Park
Linda Arcario, Pinellas Park
Sandra Short, Pinellas Park – distributed brochure
Christy Short, Pinellas Park – read and submitted letter from Patrick Short
Helma Paes, Pinellas Park
Ralph Allen Robinson, Pinellas Park
John C. Harris, Pinellas Park
Delores Harris, Pinellas Park
Chasity Short, Pinellas Park – read letter from friend
Susan Oppel, Pinellas Park
Ron Rush, Pinellas Park
Anne Wiezycki, Pinellas Park – read and submitted letters from two children
Eleanor McEachern, Pinellas Park
Theresa Damewood, Pinellas Park
Shelby Johnson, Pinellas Park – submitted drawing
Danielle Moyse, Pinellas Park
Laurie Cherry, Pinellas Park
Christy Rabich, Pinellas Park
Tammy Tucker, Pinellas Park – submitted income information, read son's poem

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Alluding to comments by the objectors, Mr. Johnson noted that transportation issues are addressed in the development agreement; that the property is not located in a CHHA; that availability of adequate and suitable housing is specifically addressed by the Mobile Home Transition Program ordinance; and that many of the park's residents will qualify for affordable housing units on the property; whereupon, he reiterated the positive aspects of the proposed development and indicated that conditions will only deteriorate if the project is delayed.

In response to query by Commissioner Welch, Mr. Johnson indicated that should the application be denied, the owner would have a legal right to close the park after providing a six-month notice to the residents; in which case, the ordinance would not apply and the residents would receive no benefits.

Responding to queries from the audience, Assistant Director of Community Development Anthony M. Jones provided examples of possible rental amounts for those units within the project to be designated as affordable housing; and David Luczak, Esquire, personal attorney for the owners, indicated that a variety of scenarios were discussed at a mediation session, but no promises were made regarding sale of the property to the residents; and that if the application is denied, an offer would be considered.

Discussion ensued, and Attorneys Churuti and Bennett provided input; whereupon, Commissioner Latvala moved, seconded by Commissioner Stewart, that the application be transmitted to the DCA for review and comment; and Commissioner Seel urged the parties to pursue a purchase of the park by the residents and asked that code enforcement officers be sent to the park. For the benefit of the audience, Mr. Spratt clarified that under the motion on the floor, the Board would hold in abeyance any final approval until comments are received from the DCA.

During continued discussion with input by Attorneys Johnson, Bennett, and Churuti, Commissioner Latvala rescinded the motion and moved that the development agreement be approved; and Commissioner Stewart seconded. Following continued discussion among the members and attorneys and a conference among staff, Commissioner Latvala clarified that the motion is to approve the development agreement based on compliance with the Mobile Home Transition ordinance, which requires a determination of adequate and suitable alternative housing; and that the zoning and land use changes be conditionally approved, subject to the findings of the DCA; and noted that the Board will consider final approval of both the zoning and land use at a later date.

Motion	-	Commissioner Latvala
Second	-	Commissioner Stewart
Vote	-	5 – 2 (Commissioners Seel and Morroni dissenting)

Mr. Spratt explained to those present that the item has been approved to be forwarded to the DCA and that it will come back before the Board for a second public hearing.

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#60 Meeting adjourned at 1:43 A.M., December 21.

John Manoussi
Chairman

ATTEST: KEN BURKE, CLERK

By *Linda A. Reese*
Deputy Clerk

