

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, JUNE 16, 2009 – 3:00 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: Calvin D. Harris, Chairman; Karen Williams Seel, Vice-Chairman; Kenneth T. Welch; Nancy Bostock; and Neil Brickfield.

Not Present: Susan Latvala and John Morroni.

Others Present: James L. Bennett, County Attorney; Robert S. LaSala, County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Arlene J. Kennare and Tammy L. Burgess, Deputy Clerks.

INVOCATION: Pastor Anthony Ballesterio, New Destiny Worship Center, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Bostock.

PRESENTATIONS AND AWARDS:

1. Presentation of a Certificate of Recognition to Sue Englander, EEI Manufacturing Services, recognizing receipt of the U.S. Small Business Administration 2009 Region IV Prime Subcontractor of the Year Award.
2. Presentation recognizing Jewel White Cole, Managing Assistant County Attorney, for receipt of The Paul S. Buchman Award.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 13 – APPROVED WITH THE EXCEPTION OF ITEMS NOS. 2c, 2d, 8, AND 9, WHICH WERE CONSIDERED UNDER ITEM NO. 14.

Motion	-	Commissioner Bostock
Second	-	Commissioner Welch
Vote	-	5 – 0

1 Minutes of regular meeting of May 19, 2009 approved.

2 Reports received for filing:

- a. Internal Audit Division, Clerk of the Circuit Court, Report No. 2009-11, dated May 18, 2009 – Audit of United Health Care (UHC) Health Claims, Human Resources Department, together with *The Audit Watch*.

- b. State of Florida Auditor General Report No. 2009-205 of Pinellas County District School Board Florida Education Finance Program (FEFP) Full-Time Equivalent (FTE) Students and Student Transportation for the Fiscal Year ended June 30, 2008.
 - c. See Item No. 14.
 - d. See Item No. 14.
- # 3 Vouchers and Bills Paid – Periods May 4 through May 8, 2009, May 11 through May 15, 2009, and May 18 through May 22, 2009.
- Payroll Journal Expenditures
Payroll Journal page numbers 1 through 2402
Payroll checks numbered 562487 through 562697
- Imprest Fund Expenditures
System checks numbered 965142 through 967359
- ACH Transfers numbered 2467 through 2549
- Wire Transfers numbered 010963 through 010981
- # 4 Miscellaneous items received for filing:
- a. City of Largo Notice of Public Hearing regarding Ordinances Nos. 2009-35 and 2009-36 held June 2, 2009, annexing certain property.
 - b. City of Pinellas Park Notice of Public Hearing regarding Ordinance No. 3684 held June 11, 2009, voluntarily annexing certain property.
 - c. Town of Kenneth City Resolution No. 09-08 effective May 13, 2009, supporting solar energy.
- # 5 Ranking of firms and authorization for staff to negotiate with each of the top four ranked firms for consultant selection: materials testing services, approved as follows:
- 1. Ardaman & Associates, Inc.
 - 2. Nodarse & Associates, Inc.
 - 3. Professional Services Industries, Inc.
 - 4. Tierra, Inc.

6 Ranking of firms and authorization for staff to negotiate with the No. 1 ranked firm for Consultant Selection: Pinellas County Utilities Debris Management Program (PID. No. 2009) approved as follows:

1. Dewberry & Davis LLC
2. Post, Buckley, Schuh & Jernigan, Inc.
3. Consul-Tech Enterprises, Inc.

7 DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR, RECEIVED FOR FILING (COUNTY ADMINISTRATOR)

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Community Development	Satisfactions of Mortgage with Deloris A. Fekety and Bonnie L. Johnson	All liens are paid in full.	5.21.09
Community Development	Local Government Verification of Contribution Loan Document for Catholic Charities' Pinellas Hope II Project	N/A	5.13.09
Community Development	2009 Universal Cycle – Local Governmental Verification of Affordable Housing Incentive Forms for The Roundstone Development, LLC Project at The Lodges at Pinellas Park	N/A, \$200,000.00 assistance from the City of Pinellas Park	5.12.09
Community Development	Correspondence with Palm Lake Village Housing Corporation for an Extension to Specific Performance Agreement for Low Income Units at Magnolia Gardens Assisted Living Facility	\$150,000.00	5.8.09
Community Development	2009 Universal Cycle – Local Government Verification of Affordable Housing Incentive Forms for the Local Community Housing Corporation Projects at: (a) Eagle Ridge Apartments; and (b) Oak Ridge Estates	(a-b) \$200,000.00 each from Pinellas County Housing Trust Fund	5.6.09
County Attorney	Memorandum of Authorization for Eminent Domain for the Keystone Road Project with: (a) West Central Florida Oil Company for Two Parcels; and	(a) estimated expense of \$26,150.00 for 1st Parcel, plus \$1,200.00 estimated for 2 nd parcel; and	5.21.09

June 16, 2009

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
	(b) Trinity Alliance Church for One Parcel	(b) estimated expense of \$17,500.00	
Culture, Education, and Leisure	Grant Application with the Florida Fish and Wildlife Conservation Commission for the Florida Boating Improvement Program for Boating Access Facilities	\$378,026.40 requested funds, plus \$561,133.39 County cash match, plus \$60,775.80 County in-kind match; Amendment 1 for Agreement for this item was filed on 1.6.09, BCC agenda, Item No. 14	7.1.08
Economic Development	Letter of Commitment for FY 2010 Procurement Technical Assistance Program	\$12,488.00	5.4.09
Economic Development	Agreement with the U.S. and Foreign Commercial Service International Trade Administration International Trade Administration U.S. Department of Commerce	\$23,500.00	4.24.09
Environmental Management	Assistance Amendment No. 1 with the U.S. Environmental Protection Agency for PM 2.5 Ambient Air Monitoring Program	\$25,000.00 grant revenue, no County match; time extension	5.16.09
Environmental Management	Lobbying and Litigation Certification for Grants and Cooperative Agreements with Environmental Protection Agency for Close-Out of the PM 2.5 Ambient Air Monitoring Network Grant	N/A	5.11.09

June 16, 2009

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Health and Human Services	(a) Certification of Local Government Approval for Non-Profit Organizations on Behalf of Catholic Charities, Diocese of St. Petersburg, Inc. (CCDOS) for Verification of Non-Objection to Application by CCDOS to Florida Department of Children and Families Office on Homelessness Application for Emergency Shelter Grant Funding; and	(a) N/A; and	5.21.09
	(b) Memorandum of Agreement with Directions for Mental Health, Inc. for a Grant Funding from the U.S. Substance Abuse and Mental Health Services Administration for Primary and Behavioral Health Integration Program	(b) N/A; grant funding estimated at \$500,000.00 per year for 4-years	
Public Safety Services	Memorandum of Understanding with Concurrent Technologies Corporation for the Use of the 4.9 GHZ Test Bed Equipment	N/A; \$85,000.00 approximate equipment value	5.12.09
Public Works	Joint Project Agreement with the City of St. Petersburg for Utility Installation by Roadway Contractor for Bear Creek Channel Improvements Phase II from Rosati Lane to Hibiscus Avenue South	\$165,712.50 City relocation cost, plus \$8,285.63 (5%) County Administrative fee revenue	5.12.09
Public Works	Preliminary Engineering Agreement with CSX Transportation, Inc. for Design of a New Crossing Signal at Bryan Dairy Road	\$18,500.00	5.8.09
Public Works	Joint Participation Agreement Amendment No. 1 with the State of Florida, Department of Transportation (FDOT) for Bridgeway Acres Landfill Slurry Wall Relocation Project	\$52,641.31	5.6.09
Public Works	Interlocal Agreement with Lealman Special Fire Control District for Maintenance of Traffic Control Devices, Retroactive to March 1, 2009	N/A	5.4.09
Public Works	Computer Services Agreement with the FDOT for Access to Computerized Signal of All State Intersections	N/A	1.23.09
Real Estate Management	Contract for Sale and Purchase of Real Property with CHANJOHNBLAKE, Inc. for the Keystone Road Project from U.S. 19 to East Lake Road	\$23,175.00 total estimated cost	5.18.09

June 16, 2009

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Real Estate Management	License Agreement with Young Life, Inc. for Use of a Vacant County-Owned Lot Located in the Greater Ridgecrest Area for Community Programs	N/A	5.13.09
Real Estate Management	Contract for Sale and Purchase with Vito Farese for the Haines Road Project – U.S. 19 to Interstate 275	\$35,002.10 total estimated cost	5.12.09
Real Estate Management	Mutual Release and Termination of Recreation License Agreement with East Lake Youth Sports Association, Inc. for a Vacant Parcel of Land in the Northeast County Corridor within the Boundaries of the Wilde Well Fields	N/A	5.8.09
Real Estate Management	(a) License Agreement with the Board of Trustees of the St. Petersburg, College, Florida for Use of a Portion of the Art Center at Heritage Village to Store an Art Collection; and (b) Contract for Sale and Purchase of Real Property with Lynn J. Price for the Keystone Road Capital Improvement Project from U.S. 19 to East Lake Road	(a) \$10,087 annual revenue; and (b) \$110,628.00 total estimated cost	5.4.09
Real Estate Management	Sovereignty Submerged Lands Lease Modification with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for an Increase in Square Footage and Change Upland Ownership for Belle Harbour Yacht and Marina	\$540.00 processing fee paid by County, plus \$1,800.00 annual rental payment with 3% annual increase	3.5.09
Utilities	(a) Releases of Lien with: Nazzareno Martini, Jr. and Mary Martini; Shane M. and Kathy Neal; Kenneth Weinstein; Ted and Jennifer Ferris; Robert F. Kibler, III, in Care of Bank of New York; Julio Batista, in Care of Citibank TRE; Alvin Howard; James and Diane O'Neill; Timothy L. Sabina A. Jordan; and Vasil Paci; and (b) Notices of Lien with: Laurie L. Hannum; Thomas A. and Delores A. Wakin; Citimortgage, Inc.; Robert L. Snedeker EST; Jose U. Fabri; Ronald and Donna Scanga; Gary M. Cane, 2006 Revocable Trust; Maria D. and Joseph A. Pagnoni; Kurt L. and Kecia A. Hannah; Anna M. and Catherine M. Kane	(a) All liens are paid in full.; and (b) N/A	1.29.09

June 16, 2009

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Utilities	Release of Lien with Brady Homes LLC	Lien is paid in full.	1.20.09
Utilities	Notices of Lien with: Richard A. Kowalchuk; Jason S. and Amy J. York; Randi D. and Bryan J. Beck; John E. Cupp, Sr.; Valdimir Wesolowski; Vinh Pham and Lan Mai; Chris Maquest; Albert N. Dierkes; Horace T. Gary; Richard Howell; I B Property Holdings, LLC; Stephen and Holly Rauth; Marcelo and Kim Barbosa; Phillip A. Schwab IV and Kimberly A. Schwab; and Julie M. Drobny	N/A	1.13.09
Utilities	Releases of Lien with: Jesus and Adriana Pereira; Ronda Cochran; Jeffrey L. D'amore; Deanna Nieves; Kenneth Weinstein; Scott R. and Stephanie L. Prestwood; and Kent Amoth	Liens are paid in full.	1.8.09
Utilities	Releases of Lien with: Pamela J. Humiston; Anthony J. Pepe; Paul R. Wedemeyer; Heidi Christiansen; Todd a. Ferron; George W. and Victoria K. Walker; Francisco and Veronica Rosero; Theodore Prindle; Diomaro Da Silva and William R. SilvaDr; Robert L. Rodgers; Collette D. Hartstein; USA Veterans Adm; Key Largo Communities Corp, in Care of Norman Enzor; and Michael G. Westrope, in Care of Residential Loan Trust	Liens are paid in full.	1.5.09
Utilities	Notices of Lien with: Marc Forsythe; Rachael A. Peasley and Roger K. and Cheryl Johnson	N/A	9.26.08
Utilities	Notices of Lien with: Jeremy and Cynthia Kirkland; Gulf Beach Partners LLC; Fernando Ortiz; Ken Jr. Kunzig; Brian T. Forrestal; Garrick A. Hewetson; Dawn Mari Rodrigues; and L. Ialeen Salyer	N/A	9.25.08

June 16, 2009

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Utilities	Notices of Lien with: Kathleen F. Eckland; Collette D. Hartstein; Robert and Melissa Cook; Paula Stolzenberg; John F. Newton; Christopher T. Bolson; Kimberlee Griffith Garcia; Joseph R. III and Joseph R. Zaborac; Eric C. and Alicia A. Conner; Richard Mac Millan; Jeffrey L. D'amore; Alex E. and Patricia R. Dussault; David C. and Patricia M. Blow; David W. and Lacey D. Snow; Jay C. Leigh J and Jeryl V. Gray; Maria C. Mendez; William M. and Janine Cronk; Peter Cusmano; Dennis and Kristy J. Casey; Keith L. George; Christopher and Linda Scarlett and Kenneth Weinstein (2)	N/A	9.12.08
Utilities	Notices of Lien with: Iris M. and Rodney Robinson; 11325 3 rd St E, Residential Land Trust, in Care of Francis C. Tre Reeder; Todd A. Ferron; Diomaro Da Silva and William R. Silva; Charles A. Robbins and Maricor Piloneo; Leon and Linda Alger; Ronald E. II Kolb and Rebecca Kolb; Colleen M. Dragonetti; Alysia J. Meares; Linda Hill Kettell and John Kettell; Loretta Perenyi; Brett E. Smith; Paul R. Wedemeyer; Teresa M. Sorenson; Josephine Baran; Steven A. Michaelson; Erwin Jr. Duff; and Kevin and Pauline L. Knight McBreaty	N/A	9.9.08
Utilities	Notices of Lien with: Scott M. and Kathleen M. Kruzinski; Iva J. Fitzpatrick; James T. Priest; Lisa Redman; Donald E. and Heather L. Rothwell; Timothy L. and Sabina A. Jordan; Thongpanh Miller; Carlos Soliveras; Lori-Ann L. Oritz; Susan M. Lundy; Kenneth A. Weinstein; Francisco and Veronica Rosero; Steven R. Tenenbaum; Joseph Di Leonardo; Rodger and Cynthia Soluri; Betty, Richard Wayne and Debra Jean Lollis; Joseph Di Leonardo; Sally A. Taylor; Sharon and Kostas Mercuris; and Ali Sarican	N/A	9.4.08
Utilities	Notices of Lien with: John Grewe; Mary Digregorio; Margaret Nicholson; Mary Ferguson; Jacqueline Bernier; Richard W. Mc Cabe; Kent Amoth; Jeremy Malcom; Clarence Waybright; Lela K. Bishop; Glen Turner; Maria C. Mendez; Barbara Allen; Mark T. Henneman; David G. Staples; and Joseph A. Jr. Martinson.	N/A	9.3.08

- # 8 See Item No. 14.
- # 9 See Item No. 14.
- #10 Ranking of firms and authorization for staff to negotiate with the No. 1 ranked firm, Janicki Environmental, Inc., for development of a conservation management plan for Clearwater Harbor and St. Joseph Sound approved (Contract No. 089-0222-P) (Environmental Management).
- #11 Fiscal Year 2009 Budget Amendment No. 9 was filed and made a part of the record (Management and Budget).
- #12 Bids of A.M.E. Services, Inc., Coast Cleaning Service, Inc. – Contract 3, and Top Job Janitorial, Inc., rejected on the basis of being nonresponsive for not meeting bid specifications. Bids for Janitorial Services – Various Buildings (Contract No. 089-0268-B) awarded to the following vendors, as delineated in the agenda memorandum dated June 16, 2009, on the basis of being the lowest responsive and responsible bids received meeting specifications:
 - The Brahlich Corporation, D/B/A All-Kleen Commercial Cleaning Services, Inc. – Contract 1C, 1D, and 3.
 - Integrated Building Maintenance Services, Incorporated – Contract 1B.
 - Dazser-TPA Corporation, D/B/A Jani-King of Tampa Bay – Contract 1E.
 - Ask Solutions, Incorporated, D/B/A Ask Janitorial Professionals, Incorporated – Contract 1F.
 - Top Job Janitorial, Inc. – Contract 1A and 2.

Bid is for a 24-month contract effective July 1, 2009, with one 24-month extension beyond the primary contract period at the same terms, conditions, and specifications. Prices are firm for a period of twelve months; after the first twelve months and every twelve months thereafter, prices may be adjusted in accordance with the Consumer Price Index (CPI) in an amount not to exceed the average of the CPI for All Urban Consumers, Not Seasonally Adjusted. The extension shall be exercised only if all terms and conditions remain the same and are subject to approval by the County Administrator or the Director of Purchasing (Real Estate Management/Purchasing).
- #13 Ranking of firms and authorization for staff to negotiate with the No. 1 ranked firm, Rand Imaginit Technologies, Inc., D/B/A Imaginit Technologies, for software services – computer-aided design and drafting (CADD) Upgrade Autodesk Products (Contract No. 089-0252-P) approved.

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

2 Reports received for filing:

- c. Pinellas County License Board for Children's Centers & Family Day Care Homes Financial Audit for Fiscal Year 2007-08.

Responding to query by Commissioner Seel, Commissioner Welch indicated that he would provide further information regarding funding of the Pinellas County License Board for Children's Centers & Family Day Care Homes by the Juvenile Welfare Board (JWB); and, later in the meeting, he related that the JWB will provide funding in the amount of \$610,000.00 during the upcoming fiscal year.

- d. City of Gulfport Urban Services Report for Proposed Annexation dated April 2009, pursuant to Chapter 171.42, Florida Statutes, regarding 171.12 acres generally located on the south side of Gulfport Boulevard South from 61st Street South northerly to Oleander Way South.

Responding to queries by Commissioner Welch, Mr. LaSala indicated that a map of the area proposed for annexation will be provided; and Assistant County Administrator James A. Dates indicated that he will provide additional information regarding the impact of the proposed annexation on the South Pasadena fire district.

- # 8 Resolution No. 09-68 adopted authorizing the submittal of a grant application for the Department of Energy's Energy Efficiency and Conservation Block Grant Program (County Administrator).

Responding to queries by Commissioner Seel, Assistant County Administrator Elithia V. Stanfield provided information regarding the number of jobs to be created under the program, and noted that certain wage requirements must be met for those jobs; that the monies must be expended within 18 months of receipt; that an interdepartmental work group reviewed all of the proposed projects; and that the jobs created will be in the private sector; and Director of Public Works and Transportation Peter J. Yauch provided additional information.

- # 9 Annual WorkNet Pinellas, Inc. Fiscal Year 2009-2010 Budget approved pursuant to the interlocal agreement between WorkNet Pinellas, Inc. and Pinellas County (County Administrator).

Responding to query by Commissioner Seel, President and CEO of WorkNet Pinellas Ed Peachey related that if WorkNet Pinellas and Success Training and Retention Services (STARS) do have customers in common, a determination of eligibility would have to be made on a case-by-case basis in order for WorkNet to pay for training for these individuals. He noted that the funds received under the Recovery Act must be spent within the next 15 months; and suggested that the funding of STARS participants could be a short-term solution to a long-term problem; whereupon, Commissioner Seel commented that if individual funding could be found for STARS, it might be possible to restore funding for other county programs.

Motion	-	Commissioner Seel
Second	-	Commissioner Welch
Vote	-	5 – 0

- #15 Joinder and Consent to Plat by Mortgagee for Shady Groves Townhomes, a new affordable housing project to be developed within the city limits of Dunedin by Habitat for Humanity of Pinellas County approved; Chairman authorized to execute and the Clerk to attest (Community Development).

Motion	-	Commissioner Seel
Second	-	Commissioner Bostock
Vote	-	5 – 0

- #16a Authorization granted to advertise a public hearing to be held on July 21, 2009, on a proposed ordinance amending Chapter 38, Article IV of the Pinellas County Code relating to the Pinellas County Community Housing Trust Fund Program (Community Development).

Responding to queries by Commissioner Seel, Community Development Urban Development Division Manager Bruce Bussey indicated that although the proposed changes were coordinated with housing staff, the cities have not been officially notified; and indicated that they will be notified immediately. He indicated that the Community Development Department is seeking opportunities to acquire and rehabilitate rental properties; and noted that Community Development has acquired an apartment complex in Clearwater through a Housing Trust Fund loan; and that those units have been rehabilitated and put into the county’s affordable housing inventory. Mr. Bussey stated that the proposed ordinance will expand the county’s ability to purchase vacant land

which could be added to the Community Land Trust for long-term affordable housing development.

Referring to the proposed revisions to be made with respect to loans for minor rehabilitation, Commissioner Seel suggested that a threshold figure could be used rather than provide a loan in an amount that will not increase the value of the unit by more than 50 percent; and Mr. Bussey indicated that while it is preferable to use a percentage, that change could be made; whereupon, Commissioner Bostock suggested the use of a lower percentage rate.

Responding to query by Commissioner Welch, Mr. Bussey related that when the original ordinance was drafted, the housing market was vastly different than it is today; and noted that in order to deter individuals from “flipping,” the minimum affordability period requirement was put in place; whereupon, he indicated that the proposed ordinance clarifies the minimum affordability requirement and eliminates the mandatory equity sharing requirement.

Motion	-	Commissioner Welch
Second	-	Commissioner Seel
Vote	-	5 – 0

- #16b Authorization granted to advertise a public hearing to be held on July 21, 2009, regarding the Fiscal Year 2009-2010 Pinellas County Consortium’s Action Plan for community planning and development programs funded with federal grant funds (Community Development).

Motion	-	Commissioner Welch
Second	-	Commissioner Brickfield
Vote	-	5 – 0

- #17 Contracts for Sale and Purchase with Katie Zellner, James McDuffy, Jeremy McDuffy, and Schenique Williams for acquisition of real property located in the Dansville Redevelopment Area (PID No. 991) approved (total purchase price, \$62,451.00; closing costs and costs of clearing title-related defects, \$10,800.00); Chairman authorized to execute contracts and the Clerk to attest (Community Development).

Responding to queries by Commissioner Brickfield, Assistant Director of Community Development Cheryl C. Reed provided information on the rationale of using a 2006 appraisal; and noted that the sale could not go forward as a voluntary acquisition unless that appraisal was used; and, in response to queries by Mr. LaSala and Commissioner Bostock, County Attorney Bennett indicated that the cost of the sale would increase three-fold if a more current appraisal was used.

Motion - Commissioner Brickfield
 Second - Commissioner Welch
 Vote - 5 – 0

#18 Interlocal Agreement approved June 3, 2008 with the School Board of Pinellas County for the construction of joint-use recreation facilities on the southeast corner of Keystone Road and East Lake Road rescinded (Culture, Education, and Leisure).

Motion - Commissioner Welch
 Second - Commissioner Seel
 Vote - 5 – 0

#19 First Amendment to Agreement with The Friends of Gulf Beaches Historical Museum, Inc. eliminating a gap audit and providing for a compilation of its financials approved (Culture, Education, and Leisure).

Motion - Commissioner Bostock
 Second - Commissioner Welch
 Vote - 5 – 0

#20 Amendment No. 1 to the Grant Agreement with the Florida Department of Environmental Protection (FDEP) Bureau of Beaches and Coastal Systems for Sand Key beach renourishment projects (FDEP Contract No. 07P11) approved (total project cost, \$666,460.00; Pinellas County’s portion, \$333,230.00); Chairman authorized to execute and the Clerk to attest (Companion Item No. 21) (Environmental Management).

Motion - Commissioner Welch
 Second - Commissioner Bostock
 Vote - 5 – 0

#21 Amendment No. 2 to the Agreement for Consultant Engineering Services for the Sand Key Beach Renourishment Project (PID No. 921055) with Coastal Planning & Engineering, Inc. approved, increasing the agreement by \$352,198.00 for a total revised agreement amount of \$950,358.00; Chairman authorized to execute and the Clerk to attest (Companion Item No. 20) (Environmental Management).

Motion - Commissioner Bostock
 Second - Commissioner Welch
 Vote - 5 – 0

#22 Authorization granted to advertise a public hearing to be held on July 7, 2009, regarding a proposed ordinance amending Ordinance 04-39, Section 46-33, for a surcharge on non-criminal traffic infractions or certain criminal violations (Justice and Consumer Services).

Motion - Commissioner Welch
 Second - Commissioner Seel
 Vote - 5 – 0

- #23 Agreement between Pinellas County and the Sixth Judicial Circuit Court of Florida delineating the respective powers, privileges, and responsibilities of the parties regarding County-funded court employees approved for execution; agreement is effective through June 30, 2011 and may be extended for five consecutive two-year periods; total amount of agreement is approximately \$2,462,050.00 (Justice and Consumer Services).

Motion - Commissioner Seel
Second - Commissioner Bostock

Responding to query by Commissioner Brickfield, Chief Judge Robert J. Morris, Jr. provided information with respect to the number of county-funded court employees in Pinellas County as compared with counties of similar size.

Vote - 5 – 0

- #24 Amendment No. 2 to the contract with Jon R. Thogmartin, M.D., P.A., for DNA services employees at the forensics laboratory approved for the period effective July 1 through September 30, 2009; cost for the positions for the remainder of the 2008-2009 fiscal year, \$41,410.00; Chairman authorized to execute and the Clerk to attest (Justice and Consumer Services).

Motion - Commissioner Seel
Second - Commissioner Welch
Vote - 5– 0

- #25 Resolution No. 09-69 adopted declaring a portion of county-owned property as surplus and granting authorization to convey the parcel to the City of Treasure Island, at no cost, pursuant to Florida Statutes, Section 125.38; Chairman authorized to execute the County Deed and the Clerk to attest; Clerk authorized to record the resolution (Real Estate Management/Culture, Education and Leisure).

Motion - Commissioner Bostock
Second - Commissioner Welch

Responding to query by Commissioner Seel, Senior Assistant County Attorney Don S. Crowell related that the property must continue to be used for public beach access and parking or it will revert back to the county.

Vote - 5 – 0

- #26 Contract for Sale and Purchase with Meridian Mortgage Investors Fund VIII, LLC for acquisition of approximately 4.256 acres of real property lying within the Lake Tarpon Water Quality Area 63 project for the construction of a stormwater facility (PID No. 922027) approved; authorization granted for issuance of a check in the amount of \$471,168.50 to Amity Title, Inc. (total closing expenses, \$471,168.50; appraisal fee [County], \$4,950.00; title search fee [County], \$420.00; total estimated acquisition costs, \$476,538.50) (Real Estate Management/Environmental Management).

Motion	-	Commissioner Bostock
Second	-	Commissioner Welch
Vote	-	5 – 0

#27 Other Administrative Matters:

- a. Interlocal Agreement with the City of St. Petersburg for construction of the Fred Marquis Pinellas Trail Overpass of 34th Street approved; funding not to exceed \$3,500,000.00; Chairman authorized to sign and the Clerk to attest; County Administrator authorized to execute and process all ancillary agreements required in connection with the project (Public Works).

In response to comment and query by Commissioner Welch, Director of Public Works and Transportation Peter J. Yauch referred to an aerial photograph showing the location of the overpass; and related that it is an in-line design; whereupon, Joe Kubicki, Director of Transportation and Parking, City of St. Petersburg, indicated that if the project is approved by the members today, the contract should be in process within a week; and that the duration of the contract is approximately 240 days.

Responding to queries by Commissioner Brickfield, Mr. Yauch noted that the loop in this area was closed when the City of St. Petersburg opened its section of the Trail approximately six months ago; and that although Penny for Pinellas dollars were originally slated for use on this project, Tax Incremental Financing (TIF) funds will be used.

Commissioner Seel commented that this project had been reviewed thoroughly by the Metropolitan Planning Organization; and Mr. Yauch confirmed that TIF funds will be used for the project, which will be repaid by Third Penny monies.

Motion	-	Commissioner Welch
Second	-	Commissioner Bostock
Vote	-	5 – 0

#28 County Attorney authorized to defend the cases of:

- a. U.S. Bank, N.A. versus Nancy Beavers, et al – Circuit Civil Case No. 09-008634-CI-20 – Mortgage Foreclosure Involving a Subordinate Mortgage.
- b. Wells Fargo Bank, N.A. versus Sandra L. Donofrio – Circuit Civil Case No. 09-008700-CI-20 – Mortgage Foreclosure Involving a Subordinate Mortgage.
- c. Mirtha C. Coppen and Jose L. Coppen, Husband and Wife versus Pinellas County Utilities (PCU) and Florida Department of Transportation (FDOT) – Circuit Civil

Case No. 09-008344-CI-020 – Action Seeking Declaratory Relief Protecting Riparian Rights Against Encroachment by a Flowmeter and Guardrail.

- d. Morton Plant Hospital Association, Inc. d/b/a Morton Plant Hospital, Trustees of Mease Hospital, Inc. d/b/a Mease Dunedin Hospital, and also d/b/a Mease Countryside Hospital, and St. Anthony’s Hospital, Inc. d/b/a St. Anthony’s Hospital versus The Pinellas County Board of County Commissioners, a Political Subdivision of the State of Florida and Jim Coats, Sheriff of Pinellas County, Florida – Circuit Civil Case No. 09-008366-CI-015 – Allegations of Unpaid or Inadequately Paid Medical Bills for Care of Indigent Pre-Trial Detainees and Indigent Inmates.
- e. Pinellas County Emergency Medical Services Authority versus City of St. Petersburg, Florida – Circuit Civil Case No. 88-006779-CI-015 – Mandamus Action.
- f. City of St. Petersburg, Florida versus Emergency Medical Services Authority – Circuit Civil Case No. 09-001839-CI-013 – Declaratory Judgment Action.
 - Motion - Commissioner Welch
 - Second - Commissioner Bostock

Responding to queries by Commissioner Welch, Attorney Bennett indicated that Items Nos. 28e and 28f are different cases involving Pinellas County Emergency Medical Services and the City of St. Petersburg; that both cases are active and relate to the same matter; that a hearing on the County’s motion to consolidate the two cases is scheduled for early July; that the next step is to set a motion to dismiss; that a case conference will be scheduled during the first hearing to determine how the case will proceed and whether the court has jurisdiction over the matter; that a status report on the cases is expected no later than mid-July; and that the County can still participate in a follow-up meeting with the City of St. Petersburg despite the pending litigation.

Vote - 5 – 0

- #29 County Attorney authorized to initiate code enforcement lien foreclosure litigation against Norman and Diane Weizer – Code Violation Fines.

Motion - Commissioner Welch
Second - Commissioner Seel
Vote - 5 – 0

- #30 County Attorney authorized to initiate housing discrimination litigation on behalf of Phyllis J. Alley in the Claim of Phyllis J. Alley versus Les Chateaux Condominium Association, Housing and Urban Development Case No. 04-09-0465-8; Pinellas County Case No. 09-014.

Motion - Commissioner Welch
Second - Commissioner Seel

In response to comments and queries by Commissioner Seel, Attorney Bennett indicated that the County's Office of Human Rights provides education and training regarding housing discrimination; that the number of housing discrimination lawsuits has increased; and that the matters are generally resolved, but it often takes filing a lawsuit and educating the property owner to get their attention and cooperation; whereupon, he pointed out that a significant change occurred when the County recently absorbed cases from the City of St. Petersburg; and that the cases with merit have begun cycling through the system and have contributed to the increase in the number of lawsuits filed.

In response to concerns expressed by Attorney Bennett regarding the current budget situation and the ability of the Office of Human Rights to continue to provide education and training, Chairman Harris indicated that the Office of Human Rights included continued training in its budget; and noted that the County has taken over most of the cities' housing discrimination cases.

Vote - 5 – 0

- #31 Resolution No. 09-70 adopted authorizing the County Attorney's Office to defend mortgage foreclosure actions in which Pinellas County is named as a defendant as a result of its lien interest.

Motion - Commissioner Welch
Second - Commissioner Seel
Vote - 5 – 0

- #32 County Attorney Miscellaneous – None.

- #33 Sitting as the Emergency Medical Services Authority, the Board approved the appointment of Largo Fire Rescue Chief Michael Wallace as Pinellas County Fire Chiefs Association representative to the Pinellas County Emergency Medical Services (EMS) Advisory Council.

Motion - Commissioner Welch
Second - Commissioner Seel
Vote - 5 – 0

- #34 Sitting as the Emergency Medical Services Authority, the Board accepted the Hybrid Transport Proposal Analysis as submitted by a committee of City Managers, Fire Chiefs, and County Administration personnel; approved the recommendation that no action be taken, in totality, with regard to the Hybrid Proposal; and approved a holistic approach to

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the entire EMS and fire service system, with inclusion of all stakeholders in the discussion.

Emergency Medical Services (EMS) Division Manager Craig A. Hare conducted a PowerPoint presentation titled *EMS Authority Hybrid Transport Proposal Analysis – June 16, 2009*, a copy of which has been filed and made a part of the record. He related that on April 22, 2009, representatives from the Pinellas County Council of Professional Firefighters conducted a presentation for an ad-hoc committee of City Managers, Fire Chiefs, and County Administration personnel regarding a proposal to use 25 existing rescue units for 9-1-1 patient transports; and that an analysis was prepared subsequent to the meeting.

Mr. Hare provided the following information relating to the findings of the committee:

- Hybrid study is too aggressive and not fact-based.
- Hybrid model has the potential for efficiencies; further study of consolidation and streamlining of service delivery should occur.
- Committee does not recommend instituting a partial fire-based transport program as a cost-saving measure until it can be thoroughly studied and fact-based conclusions reached.

In response to queries by the members, Mr. Hare provided detailed background information regarding the potential negative impacts associated with ambulance transport providers operating concurrently in Pinellas County; and reported that the County contracts with a single ambulance provider, Paramedics Plus, d/b/a Sunstar, for all ambulance transports. In response to a request by Commissioner Bostock, Assistant County Administrator James Dates agreed to provide data on concurrency numbers related to staffing for additional transport systems.

Responding to queries and comments by the members, Mr. LaSala provided information regarding a future study of the EMS System where, with member approval, a consultant will be hired to review the system and look for areas where improvement may be possible. Commissioner Welch related that although it will be a challenge to address both EMS and Fire Services concurrently, he wished to see a holistic approach used, and Commissioner Seel concurred.

In response to concerns raised by Commissioner Seel regarding the complex nature of the ambulance service contract, Mr. Hare related that all aspects of the agreement will be reviewed with the Board when the contract renewal is considered. At the request of Commissioner Brickfield, Mr. Hare, with input by Mr. LaSala, provided additional

information relating to the April 22 presentation, clarifying that the Hybrid Proposal was scrapped by the committee as not being financially obtainable; whereupon, he agreed to provide pertinent financial information regarding the overall proposal.

Following discussion, with input by County Attorney Bennett, Commissioner Welch moved, seconded by Commissioner Seel, that the *Analysis of the Hybrid Transport Proposal* be officially accepted.

Upon call for the vote, the motion carried 3 to 2, with Commissioners Bostock and Brickfield casting the dissenting votes.

Motion	-	Commissioner Welch
Second	-	Commissioner Seel
Vote	-	3 - 2 (Commissioners Bostock and Brickfield dissenting)

Following discussion, Commissioner Harris clarified that the Hybrid Proposal, in totality, will not be acted upon, but parts of it can be included in the holistic approach to EMS and fire service; and that all the stakeholders will be included in the discussions.

#35 County Administrator Reports – None.

#36 Reappointment of 17 members to the WorkNet Pinellas Board of Directors for an additional two-year term (July 1, 2009 through June 30, 2011) as outlined in the agenda memorandum dated June 16, 2009, which has been filed and made a part of the record, approved.

Motion	-	Commissioner Welch
Second	-	Commissioner Seel

Responding to query by Commissioner Brickfield, Commissioner Bostock stated that she is an alternate on the WorkNet Pinellas Board. Discussion ensued regarding appointments and reappointments to various boards, turnover, new members, reappointing long-serving individuals, and ensuring a mix of new individuals and experienced individuals; whereupon, Commissioner Bostock requested the opportunity to discuss looking at the various committees, who is appointed, how individuals are appointed, and how to ensure there is appropriate turnover on the committees. Chairman Harris provided input, noting that State law outlines who should be appointed to the WorkNet Pinellas Board; and that Commissioners can choose individuals to appoint to certain boards.

Vote	-	5 – 0
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#39 Ordinance No. 09-35 adopted amending Article V, Division 10, Section 138-974 of the Pinellas County Code relating to permanent transient accommodations in the M-1, Light Manufacturing and Industry District. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Welch
Second - Commissioner Bostock
Vote - 5 – 0

#40 Resolution No. 09-71 adopted approving the application of Frederick Loos and Jeanne M. Stockmeister for a change of zoning from P-1, Professional Offices, to C-2, General Retail Commercial and Limited Services; Ordinance No. 09-36 adopted approving a change in land use designation from Residential/Office-General to Commercial General (Z/LU-2-5-09), subject to further review and approval by the Pinellas Planning Council and Countywide Planning Authority, re a parcel of land containing approximately 0.40 acre located on the southeast corner of 46th Avenue North and 79th Way North, St. Petersburg. 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 Bostock
Vote - 5 – 0

#41a Ordinance No. 09-37 adopted approving Case No. CW 09-08, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from Residential/Office General to Institutional, re 1.3 acres m.o.l., located at 300 and 303 Pinellas Street, 323 Jeffords Street, and a parcel located on the east side of Reynolds Avenue approximately 250 feet north of Pinellas Street (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 Welch
Second - Commissioner Bostock
Vote - 5 – 0

#41b Ordinance No. 09-38 adopted approving Case No. CW 09-10, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Commercial Neighborhood to Residential Low (up to five units per acre), re 0.9 acre m.o.l., located at 1202, 1263, and 1325 Gooden Crossing (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 Welch
Second	-	Commissioner Bostock
Vote	-	5 – 0

- #41c Ordinance No. 09-38 adopted approving Case No. CW 09-11, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Commercial Neighborhood, Residential Low (up to five units per acre), and Recreation/Open Space to Residential Low (up to five units per acre) and Recreation/Open Space, re several parcels of land containing 4.3 acres m.o.l., located north of Wilcox Road between Pine Street Southwest and Jackson Street (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

In response to query by Commissioner Welch, Pinellas Planning Council (PPC) Executive Director David P. Healey related that the PPC made a supplemental recommendation that the County bring forward a separate amendment to designate the five-acre lake as a water/drainage feature, which recognizes the physical characteristics of the land and is compatible with the Countywide Future Land Use Plan Rules; and noted that the supplemental recommendation is not binding; and that the PPC recommends that the BCC approve the subthreshold amendment.

Motion	-	Commissioner Welch
Second	-	Commissioner Bostock
Vote	-	5 – 0

- #41d Ordinance No. 09-38 adopted approving Case No. CW 09-12, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Urban (up to 7.5 units per acre) and Commercial Neighborhood to Industrial Limited, re 0.9 acre m.o.l., located at 6289 150th Avenue North and 15092, 15098, and 15110 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 Welch
Second	-	Commissioner Bostock
Vote	-	5 – 0

- #42a Ordinance No. 09-39 adopted approving Case No. CW 09-09, the proposal by the City of Dunedin to amend the Countywide Future Land Use Plan from Residential Urban (up to 7.5 units per acre) to Resort Facilities Medium, re 5.3 acres m.o.l., located at 453

Edgewater Drive (Alternate U.S. Highway 19) (regular amendment). Pinellas Planning Council recommended approval of the proposal subject to the accompanying development agreement and as an exception to the Scenic/Non-Commercial Corridor Unique/Scenic View Subclassification for the portion of Edgewater Drive that serves the site and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Seel
Second	-	Commissioner Bostock
Vote	-	5 – 0

#42b Ordinance No. 09-38 adopted approving Case No. CW 09-13, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Urban (up to 7.5 units per acre) to Industrial Limited, re 2.0 acres m.o.l., located at 15122 and 15123 63rd Street North and 15090 62nd Street 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 Seel
Second	-	Commissioner Bostock
Vote	-	5 – 0

CITIZENS TO BE HEARD

Bruce Mesagno, Sr., St. Petersburg, re solid waste operations

Tom Hammond, Clearwater, re dump fee (submitted poster with photographs)

Michael Dean, St. Petersburg, re dump fee

Jon B. Coats, Jr., Esquire, Pinellas Park, re solid waste operations change in definition of “modified” single axle trailers

Lenore Faulkner, Madeira Beach, re Pinellas County Schools

Mark P. Klutho, Largo, re stupidity, waste

During discussion the members expressed concerns regarding the solid waste hauling fees and the change made to the definition of “modified” single axle trailers without the Board’s knowledge, and in response to requests made by Commissioners Welch and Bostock, Mr. LaSala indicated that he will prepare and provide a report for the Board to determine if further changes to the regulations are necessary; and that he will include a brief history of what occurred and why the definition was changed, whether the rules and regulations were applied consistently, and the details of what was communicated to the consumers and when.

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#43 Meeting adjourned at 7:06 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk