

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, MAY 6, 2008 – 9:31 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

Members Absent: None.

Members Late: None.

Members Excused: None.

Others Present: James L. Bennett, County Attorney; Fred E. Marquis, Interim County Administrator; Frederick L. Dean, Director, Finance Division; and Arlene Smitke, Deputy Clerk.

INVOCATION: Pastor Willy Rice, Calvary Baptist Church, Clearwater

PLEDGE OF ALLEGIANCE: Commissioner Duncan

PRESENTATIONS

1. Presentation of the 2008 Employee Appreciation Week Proclamation to Richard L. Dodson, Trades/Field Services Supervisor, Facility Management, Detention Division.
2. Presentation of the County Administrator Annual Recognition Awards to the 2007 Gold Level recipients.

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 – BOARD OF COUNTY COMMISSIONERS

1 Resolution No. 08-63 adopted granting petition of Mark E. Callahan and Marisa C. Callahan to vacate a portion of a drainage easement located on Lot 17 in The Woods at Lake Seminole Unit One Subdivision; authority granted for Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

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

WATER AND NAVIGATION CONTROL AUTHORITY PUBLIC HEARINGS

2a Commercial dock application No. CC38908-08 submitted by the City of Clearwater, Promenade Pier, northeast end of the Memorial Causeway Bridge, Clearwater (Clearwater Harbor) 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

2b Dredge and fill application No. DF1908-08/Revised submitted by Pirate’s Cove of Tampa Bay, LLC and Gandy Center, LLC, vacant commercial lots east of San Fernando Boulevard North and south of Monaco Drive, St. Petersburg (Snug Harbor) 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 condition:

Turbidity control devices must be properly maintained throughout dredging. In the event of turbidity problems outside of the immediate work area, the applicant or contractor must take immediate corrective action.

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

BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING

3 Ordinance No. 08-29 adopted providing that the Pinellas County Code be amended by revising Article II, Chapter 90, relating to environmental lands. Staff recommended approval of the proposed ordinance. No correspondence has been received. No citizens appeared to be heard.

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

COUNTYWIDE PLANNING AUTHORITY PUBLIC HEARINGS

4a Ordinance No. 08-30 adopted approving Case No. CW 08-21, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Low to Residential/Office Limited, re 0.6 acre m.o.l. located on the northeast corner of Nebraska Avenue and Westlake Boulevard (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

- # 4b Ordinance No. 08-30 adopted approving Case No. CW 08-22, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Preservation and Water Drainage Feature to Residential Medium, re 0.6 acre m.o.l. located on the north side of 42nd Avenue North, 450 feet east of 28th 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 Duncan
Second - Commissioner Seel
Vote - 7 - 0

- # 5a Ordinance No. 08-31 adopted approving Case No. CW 08-19, the proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan from Planned Redevelopment-Residential to Residential/Office General, re 0.3 acre m.o.l. located on the southeast corner of 38th Avenue North and Ithaca Street North (regular amendment). Pinellas Planning Council recommended approval of the proposed amendment subject to the following condition, and staff concurred.

The City of St. Petersburg submit a modified infrastructure analysis by September 30, 2008, indicating the cumulative impacts expected from incremental Countywide Plan Map amendments to the Vision 2020 Special Area Plan and updating all other relevant portions of the Special Area Plan, including but not limited to maps, acreage calculations, and other relevant analysis and discussion.

No correspondence has been received. No citizens appeared to be heard.

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

- # 5b Ordinance No. 08-32 adopted approving Case No. CW 08-20, the proposal by the City of Oldsmar to amend the Countywide Future Land Use Plan from Residential Urban to Residential Medium and Residential/Office General, re 14.0 acres m.o.l. located west of State Road 580, south of St. Clair Avenue (regular amendment). The Pinellas Planning Council recommended approval of the proposed amendment subject to the following conditions, and staff concurred.

1. The density averaging requirements in Section 6.1.3 of the Countywide Rules, including written evidence of the averaging

- recorded in the public records, should density averaging occur on Lots 1, 2, or 3.
2. The City of Oldsmar shall evaluate the traffic impacts and limit the intensity of the use on the site pursuant to the City’s concurrency management system.

No correspondence has been received. No citizens appeared to be heard.

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

CITIZENS TO BE HEARD

Nicholas Fritsch, Clearwater, re widening 102nd Avenue.
 Greg Pound, Largo, re families.
 Mark P. Klutho, Largo, re stupidity, waste.

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At this time, 10:24 A.M., Commissioner Welch left the meeting.

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CONSENT AGENDA ITEMS NOS. 6 THROUGH 18 – APPROVED.

Motion	-	Commissioner Harris
Second	-	Commissioner Duncan
Vote	-	6 - 0

6 Approval of minutes – None.

7 Reports received for filing:

- a. Internal Audit Division, Clerk of the Circuit Court, Report No. 2008-02 dated April 3, 2008 – Follow-Up Review to Audit of Ambulance Service Contract.
- b. Internal Audit Division, Clerk of the Circuit Court, Report No. 2008-03 dated April 3, 2008 – Follow-Up Review to Audit of Brooker Creek Preserve, Environmental Education Center, Department of Environmental Management.
- c. City of Belleair Beach Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2007.
- d. City of Oldsmar Community Redevelopment Agency 2006-07 Annual Report.
- e. City of Seminole, Florida, Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2007.

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- f. Snug Harbor Center Community Development District Proposed Operating Budget for Fiscal Year 2009 and Resolutions No. 2008-09 and 2008-10 adopted March 27, 2008, setting a public hearing and approving the proposed budget for the remainder of Fiscal Year 2008 and for Fiscal Year 2009, respectively.
- g. Pinellas Park Water Management District Annual Financial Report of Units of Local Government, Fiscal Year 2006/2007, and Independent Auditors Report.
- h. Southwest Florida Water Management District Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2007.
- i. Dock Fee Report for the month of March 2008.
- j. Quarterly Report of Routine Dock Permits issued from January 1, 2008 through March 31, 2008.

8 Vouchers and Bills Paid - Period of March 24, 2008 through April 4, 2008:

Payroll Journal Expenditures
Payroll Journal page numbers 1 through 2552
Payroll checks numbered 556005 through 556243

Imprest Fund Expenditures
System checks numbered 920274 through 921981

ACH Transfers numbered 48 to 137
Wire Transfers numbered 010544 through 010595

9 Miscellaneous items received for filing:

- a. City of Largo Notice of Public Hearing regarding Ordinance No. 2008-34 held May 6, 2008 annexing certain property.
- b. City of Oldsmar Notice of Public Hearings regarding Ordinances Nos. 2008-10 through 2008-12 voluntarily annexing certain property; public hearings held May 6, 2008.
- c. Pinellas Suncoast Fire & Rescue Resolution No. 2008-03 adopted March 18, 2008, superseding Resolution No. 2007-07 establishing a life safety/fire inspection fee, effective April 1, 2008.
- d. City of Seminole Ordinances Nos. 02-2008 through 09-2008 and No. 12-2008 effective March 25, 2008, voluntarily annexing certain property.
- e. Correspondence from City of St. Petersburg terminating Interlocal Planning Agreement with Pinellas County effective April 16, 2008.

#10a Change Order No. 1 (final) to the Option of Renewal with Purvis Curbs Corporation for Annual Countywide Sidewalk and Americans with Disabilities Act Ramp Repair and Replacement Fiscal Year 2006-2007 (PID No. 1328; Bid No. 056-13-C) approved decreasing the contract amount by \$10,715.62 (revised contract amount, \$684,777.63);

contract accepted as substantially complete as of November 17, 2007 and retainage released; Chairman authorized to sign and the Clerk to attest.

- #10b Change Order No. 2 (final) to the contract with Pepper Contracting Services, Inc. for the Alligator Creek Channel "B" Phase II project (PID No. 714; Bid No. 056-0965-C) approved decreasing the contract amount by \$44,205.76 (revised contract amount, \$1,727,126.24) and extending the contract schedule by 15 days; contract accepted as substantially complete as of February 15, 2008 and retainage released; Chairman authorized to sign and the Clerk to attest.
- #11 Sole source purchase of mosquito control products from Clarke Mosquito Control Products, Inc. (Contract No. 078-0308-SS) approved; 24-month contract with no options of renewal beginning on August 22, 2008, for a total contract estimated expenditure not to exceed \$986,400.00 (estimated annual expenditure not to exceed \$493,200.00) with prices held firm for the first 12 months; after the first 12 months, price adjustments in an amount not to exceed the average of the Producers Price Index (PPI), Household & Institutional Pesticides & Chemicals, Not Seasonally Adjusted, for the prior 12 months, or ten percent, whichever is less will be allowed upon vendor's request.
- #12 Sole source purchase of Advanced Traffic Management System/Intelligent Transportation System (ATMS/ITS) MIST Software from Telvent Farradyne Inc. (Contract No. 078-0350-SS) approved for a total contract estimated expenditure not to exceed \$580,953.00. Funding to be provided by a Congestion Mitigation Air Quality (CMAQ) grant (not to exceed \$250,000.00) and fuel tax revenue (not to exceed \$330,953.00).
- #13 Amendment No. 1 to the agreement with Kisinger Campo & Associates Corp. for professional engineering consultant services for 20th Avenue Southeast - Lake Avenue to Starkey Road (PID No. 880) approved allowing the transfer of \$29,995.00 from the construction documents, bidding, and construction phases and reimbursable services to the final design and permitting phase (no change to the total agreement amount of \$342,828.00); Chairman authorized to sign and the Clerk to attest.
- #14 Bid of Weatherford Engineered Chemistry accepted on the basis of being the lowest responsive, responsible bid received for reclaimed and virgin methanol fuel (Contract No. 078-0293-B) for a total estimated annual expenditure not to exceed \$390,000.00. Contract is for twelve months with adjustable (increase or decrease) pricing at three-month intervals for the life of the contract based on the average of the Producer Price Index (PPI) – Fuels and Related Products and Power, Other Petroleum and Coal Products, or ten percent in any six-month period, whichever is less; and includes three additional 12-month options for renewal at the same terms and conditions, subject to availability of funds and County Administrator approval.

- #15 Award of Bid to Tampa Contracting Services, Inc., for Lake Seminole Alum Injection Project (PID No. 829, Bid No. 078-0310-C) in the amount of \$3,251,926.70 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 of the agreement by the contractor and written approval as to form by the Office of the County Attorney (Environmental Management).
- #16 Fiscal Year 2008 Budget Amendment No. 10 was filed and made a part of the record (Companion Item No. 17a) (Management and Budget).
- #17a Resolution No. 08-64 adopted reallocating reserves for future years in the Emergency Communications # E911 System Fund (0225) Fiscal Year 2008 Budget to appropriate earmarked receipts for a particular purpose (Companion Item No. 16) (Management and Budget).
- #17b Resolution No. 08-65 adopted supplementing the Fiscal Year 2008 Capital Projects Fund Budget (Radio Systems Project) for the T-Mobile Cash Settlement Funds related to the Pinellas County Hospital Microwave System (unanticipated fund balance) to appropriate earmarked receipts for a particular purpose (Management and Budget).
- #18 First amendment to the Interlocal Agreement relating to the distribution of monies derived from imposition of the Local Option Gas Tax to the county and the various municipalities in the county, amending the expiration date of the agreement to December 31, 2017, approved for execution.
- #19 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court) – None.

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At this time, 10:25 A.M., Commissioner Welch returned to the meeting.

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- #20 Interlocal Agreement with the City of Oldsmar for Advanced Traffic Management System/Intelligent Transportation Systems (ATMS/ITS) and Roadway Transfer Agreement to transfer traffic control authority approved. Agreements are effective for a period of ten years with subsequent ten-year renewals, subject to mutual agreement; Chairman authorized to sign and the Clerk to attest.

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

- #21 Roadway Transfer Agreements with the Cities of Largo, Pinellas Park, and Tarpon Springs to transfer traffic control authority for specified roadway segments approved; Chairman authorized to sign and the Clerk to attest.

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

- #22 Amendment No. 2 to the Agreement for Professional Consulting Engineering and Architectural Services with Ranon & Partners, Inc. for the Pinellas County Jail Complex Master Plan (PID No. 1460) approved, increasing the agreement by \$205,700.00 for a revised agreement amount of \$1,216,399.00.

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

- #23 Resolution No. 08-66 adopted providing for reimbursement of certain sewer project costs incurred by the County with proceeds of future tax-exempt financing and approving the expenditure or reimbursement of proceeds from the County’s Sewer Revenue Bonds, Series 2003, on additional sewer projects (companion item to agenda items Nos. 26a and 26b).

Julie Santamaria, RBC Capital Markets, presented the proposed resolution and recommended that the County move forward with a bank loan instead of a bond issue; whereupon, responding to queries by Mr. Marquis and the members, she indicated that this is the first time such a request has been made; that the loan would be for 20 years; and that the County would save approximately 75 basis points, or 0.75 percent, under current market conditions.

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

- #24 Change Orders Nos. 3, 4, and 5 (Motorola Change Orders. Nos. 08-001, 08-002, and 08-003, respectively) to Contract No. 990-0909-N with Motorola, Inc. for radio system Project 25 migration and data expansion approved increasing the contract amount by \$10,419,625.90 for Fiscal Years 2008 and 2009 expenditures (total approved contract expenditures through Change Order 5, \$34,575,543.90); contract term extended through September 30, 2014 (budgetary estimates for Fiscal Years 2009 through 2014, \$22,250,000.00; revised expenditure total with budgetary estimates through Fiscal Year 2014, \$56,825,543.90); Chairman authorized to sign and the Clerk to attest (Emergency Communications).

Motion - Commissioner Latvala
Second - Commissioner Seel

Responding to queries by Commissioners Welch and Seel, Radio Systems Manager Pamela J. Montanari indicated that, with the exception of minor software upgrades, the current estimates represent the balance of the County's investment for the next ten years; that 56 percent of the projected expenditures will be funded by moving violation fees and grant funds and 44 percent by the Capital Improvement Program; that approximately \$15 million will come from the 2010-2020 Penny for Pinellas tax; that several agencies in the eight-county area will be able to operate their radios in Pinellas County; and that the Pinellas cities will be responsible for replacing their radios for compatibility with the system.

Vote - 7 – 0

- #25 Lease Agreement with Meridian-HRCF Sunplex, LLC (Meridian) for office space for the Sheriff's Office, Court Processing Section, approved. Agreement is for a period of five years, commencing upon completion of tenant improvements; County may renew for two one-year renewal terms; rental rate for first year of term is \$85,131.00; rental rate is subject to annual rental increases of three percent; County may terminate anytime after year four with 120 days notice. Chairman is authorized to execute the agreement and the Clerk to attest (Facility Management).

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

- #26a Resolution No. 08-67 adopted appropriating earmarked receipts for a particular purpose and reallocating funds from the Sewer Construction Fund Series 2003 Fund (0557) to the Sewer Renewal and Replacement Fund (0552) in the Fiscal Year 2008 Budget (Management and Budget).

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

- #26b Resolution No. 08-68 adopted appropriating earmarked receipts for a particular purpose in the Fiscal Year 2008 Sewer Renewal and Replacement Fund (0552) Budget (Management and Budget).

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

- #27 Resolution No. 08-69 adopted declaring a county-owned parcel surplus and granting authorization to convey the parcel to the City of Clearwater as authorized in Florida Statutes, Section 125.38; Chairman authorized to execute the County Deed and the Clerk to attest the County Deed and record the resolution (Real Estate Management).

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

- #28 Assistant County Administrator Elithia V. Stanfield and Manager of Intergovernmental Relations Sally Everett presented an update regarding the legislative session which ended on May 2, noting that approximately 80 percent of the bills have not been “enrolled,” or released in their final versions incorporating all amendments and setting forth the statute wording, a process that usually takes approximately one week.

Mses. Stanfield and Everett provided a summary of bills which passed and failed and the implications to Pinellas County and its legislative agenda; discussed the issues debated by the Taxation and Budget Reform Commission, noting that nine questions will appear on the November ballot; and responded to various queries by the members.

- #29 County Attorney Miscellaneous – None.

- #30 Sitting as the Countywide Planning Authority (CPA), the Board adopted Joint Pinellas Planning Council/Countywide Planning Authority Resolution No. 08-70 regarding development agreements; Chairman authorized to sign the resolution with the understanding there will be further refinements through the rulemaking procedure.

Motion - Commissioner Welch
Second - Commissioner Latvala

During discussion and in response to queries by the members, David P. Healey, Executive Director, Pinellas Planning Council (PPC), provided background information regarding concerns that the City of St. Petersburg had raised at the April PPC meeting; and indicated that the Council approved the joint resolution with no changes, with the understanding that further consideration of St. Petersburg’s concerns would occur when the Countywide Rules were amended to implement the provisions of the joint resolution.

In response to query by Chairman Stewart, Mr. Healey indicated that staff will bring the rule amendment to the PPC and CPA during June and July, respectively, to be implemented by September 30, 2008.

Vote - 7 – 0

- #31 Resolution No. 08-71 adopted amending Resolution No. 89-208 regarding rate increases for Sunstar ambulance transports, increasing current rates 4.9 percent, establishing a rate for patients who expire at the scene prior to transport, providing for automatic increases on retail rates when the Medicare rate exceeds the established rate, and providing for an effective date; total fiscal impact would be approximately \$500,000.00 to \$1,200,000.00 increase in annual billings by Sunstar Ambulance Service.

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

#32 County Administrator Reports: Tampa Bay Estuary Program (TBEP) Update

Holly Greening, Executive Director, Tampa Bay Estuary Program, conducted a PowerPoint presentation titled *Tampa Bay Estuary Program: Partnership for a Healthy Bay*, a copy of which has been filed and made a part of the record.

During discussion and in response to queries by the members, Ms. Greening provided information regarding fertilizer use and elaborated on the difficulties related to ordinance enforcement; whereupon, she emphasized the importance of educating citizens and local businesses in “green” practices.

#33 County Commission Miscellaneous:

- a. Commissioner Duncan reminded the Board of the Tampa Bay Area Regional Transit Authority “Pinellas County Tour” meeting to be held in the Pinellas Suncoast Transit Authority Board Room on May 7 from 1:00 to 4:00 P.M.
- b. Commissioner Seel requested update on recent Homeless Leadership Network meeting; Commissioner Duncan provided information re Pinellas Hope – no formal proposal has been made at this time.
- c. Commissioner Morroni related that Council Member Peter Hofstra made a motion to name a City of Seminole park after Chairman Stewart; park will be named “Ridgewood Groves Park.”

Reported on his attendance at the Pinellas Park Water Management District meeting. Mr. Marquis offered to forward Utilities Director applications to the District to assist in their search to replace retiring Executive Director Richard Frazee.

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- d. Commissioner Harris indicated that he represented the Board at an Eagle Scout ceremony for a Youth Advisory Committee (YAC) member; noted that two YAC members are Eagle Scouts; and acknowledged their achievement.

- e. Commissioner Stewart announced that the Friends of Weedon Island will hold its annual meeting at the preserve on May 17 at 10:00 A.M., followed by a free picnic; and related that a 40-foot canoe artifact was unearthed at the preserve.

Requested a volunteer to serve on the Metropolitan Planning Organization Bayway Bridge Task Force; Commissioner Morroni appointed (motion by Commissioner Latvala, seconded by Commissioner Duncan, and carried).

#34 Meeting adjourned at 11:44 A.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk