

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, MAY 19, 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; Susan Latvala; John Morroni; Kenneth T. Welch; Nancy Bostock; and Neil Brickfield.

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

INVOCATION: Pastor Phil Engelman, Crystal Cove Community Church, Palm Harbor.

PLEDGE OF ALLEGIANCE: Commissioner Morroni.

PRESENTATIONS AND AWARDS:

1. Presentation recognizing winners of the 2009 Clearwater Bar Association Law Day poster exhibition and contest.
2. Good Government Award presented to Commissioner John Morroni by Housh Ghovae, President of the Pinellas Park Gateway Chamber of Commerce.
3. 2009 National Public Works Week Proclamation presented to Peter J. Yauch, Director of Public Works and Transportation.
4. Emergency Medical Services Week Proclamation presented to Dick Williams, Director of Public Safety Services.
5. Youth Advisory Committee presentation by Parth Desai, Chairman.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 11 – APPROVED WITH THE EXCEPTION OF ITEM NO. 2b, WHICH WAS CONSIDERED UNDER ITEM NO. 12.

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

1 Minutes of regular meeting of April 21, 2009 approved.

2 Reports received for filing:

- a. Internal Audit Division, Clerk of the Circuit Court, Report No. 2009-08 dated April 14, 2009 – Audit of Human Services Programs – Homeless Street Outreach.
- b. See Item No. 12.

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- c. Pinellas County Quarterly Donation Listing of \$500.00 or Greater for the period of January 1 through March 31, 2009.
- d. St. Petersburg-Clearwater International Airport Enterprise Fund Financial Statements for the years ended September 30, 2008 and 2007, with Independent Auditor's Report thereon.
- e. Pinellas County Sewer System Enterprise Fund Financial Statements for the years ended September 30, 2008 and 2007, with Independent Auditor's Report thereon.
- f. Pinellas County Solid Waste System Enterprise Fund Financial Statements for the years ended September 30, 2008 and 2007, with Independent Auditor's Report thereon.
- g. Pinellas County Water System Enterprise Fund Financial Statements for the years ended September 30, 2008 and 2007, with Independent Auditor's Report thereon.
- h. City of Belleair Beach Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2008.
- i. City of Clearwater Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2008.
- j. City of Seminole Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2008.
- k. Juvenile Welfare Board Interim Financial Report (Unaudited) dated March 31, 2009.

3 Vouchers and Bills Paid – Period April 6 through April 17, 2009:

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2947

Payroll checks numbered 562066 through 562283

Imprest Fund Expenditures

Manual checks numbered 751577 through 751578

System checks numbered 962164 through 963684

ACH Transfers numbered 2295 through 2351

Wire Transfers numbered 010933 through 010948

4 Miscellaneous items received for filing:

- a. City of Largo Notice of Public Hearing regarding Ordinance No. 2009-22 to be held May 19, 2009, annexing certain property.
- b. City of Pinellas Park Notices of Public Hearing regarding Ordinances Nos. 3679 through 3681 held May 14, 2009, voluntarily annexing certain property.

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- c. Town of Indian Shores Resolution No. 4-2009 adopted April 14, 2009 supporting an amendment to the Florida Constitution requiring the Florida Legislature to operate under the Florida Government in the Sunshine Laws.
- d. Lealman Special Fire Control District Resolution No. 09-01 naming Chief Richard Graham as its Chief Executive Officer.
- e. Pinellas Park Water Management District minutes of Regular Authority Meeting No. 6 dated March 19, 2009.
- f. Pinellas Suncoast Fire & Rescue Resolution No. 2009-04 adopted April 21, 2009, superseding Resolution No. 2008-03 establishing a life safety/fire inspection fee effective May 1, 2009.

5 Award of bid to Rowland, Inc. for pump station rehabilitation/improvements annual requirements for 2008/09 (PID No. 1965; Bid No. 089-0311-C) accepted in the amount of \$3,441,066.90 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.

6 Ranking of firms and authorization for staff to negotiate with the No. 1 ranked firm for software replacement at the Solid Waste Scale House (Contract No. 089-0065-P) approved as follows:

- 1. Paradigm Software, L.L.C.
- 2. DesertMicro
- 3. Creative Information Systems, Inc.
- 4. PC Scale, 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>
Airport	(a) Permit with Quick Flight Services, Inc. for Commercial Operations Airline Ground Services;	(a) \$10,560.00 approximate annual revenue;	4.17.09
	(b) Airline Operating Permit with Brendan Airways, LLC, d/b/a USA 3000 Airlines Air, LLC, for Airline Service; and	(b) \$80,000.00 Cooperative Marketing expenditure, plus \$81,247.92 direct Airport revenue, plus \$289,236.48	

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
		indirect Airport revenue; and	
	(c) Permit with Sky Chefs Inc. for Commercial Operations In-Flight Food Service Logistics	(c) \$2,000.00 estimated revenue	
Community Development	Land Trust Agreement with the Pinellas Community Housing Foundation, Inc. for the Surplus Land Trust – Bryan Dairy Project	N/A	4.24.09
Community Development	Subordination Agreement with Eugene B. Bowman and U.S. Bank, N.A.	\$118,000.00	4.23.09
Community Development	Specific Performance Agreements and Land Use Restriction Agreements with WestCare GulfCoast – Florida, Inc. for:		4.21.09
	(a) Florida Mustard Seed Rehabilitation; and	(a) \$8,000.00 Community Development Block Grant (CDBG) funds; and	
	(b) Florida Turning Point Rehabilitation	(b) \$42,000.00 CDBG funds	
Community Development	Satisfaction of Mortgage with Brian and Jean A. Harris	Lien is paid in full.	4.13.09
Community Development	Satisfaction of Mortgage with Louise Kohlberg	Lien is paid in full.	3.31.09
Community Development	Satisfaction of Mortgage with Newton Silverman	Lien is paid in full.	3.20.09
Community Development	Release of Lien with John A. Dufek	Lien is paid in full.	3.13.09
Culture, Education, and Leisure	(a) Employee Residential License Agreement with Francis G. Cumings for a Residential House in War Veterans' Park;	(a) \$1,125.00 estimated pro-rated annual electrical expenses to County;	4.30.09
	(b) Second Amendment to Grant Agreement with East Lake Youth Sports Association (ELYSA) for Expansion of the East Lake Youth Sports Complex for Batting Cages and Multi-Purpose Field Improvements;	(b) \$194,500.00 and time extension;	

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
	(c) Grant Funding Agreement with ELYSA for Irrigation System Expansion, Baseball Practice Field, and Shelter Improvements at the Sports Complex; and	(c) \$250,000.00; and	
	(d) Fourth Amendment to Grant Funding Agreement with ELYSA for Expansion of the East Lake Youth Sports Complex for Parking Lot Expansion and Baseball Field Expansion and Improvements	(d) \$144,238.00	
Culture, Education, and Leisure	Notice of Limitation of Use/Site Dedication for Eagle Lake Park Development, Phase I	N/A, grant close-out documents	4.22.09
Culture, Education, and Leisure	Amendment Extending Term of Agreement with Bob Emser for the Belleair Causeway Bridge Sculptures	N/A – time only	4.10.09
Culture, Education, and Leisure	Agreement with the YMCA of Greater St. Petersburg for Health Education for African-American Residents of St. Petersburg	\$9,124.00	10.31.08
Environmental Management	Interlocal Agreement with the Florida Department of Transportation, District Seven for the Operation and Maintenance of Lake Seminole Alum Stormwater Treatment Facilities	\$3,839.00 annual revenue	4.21.09
Environmental Management	(a) Grant Application with U.S. Environmental Protection Agency (EPA), Region 4, Air, Pesticides and Toxics Management Division for the National Air Toxics Trends Site Program;	(a) \$86,414.00 requested funds, plus \$68,586.00 EPA in-kind support; no County match; and	4.7.09
	(b) Agreement with the Friends of Weedon Island, Inc. for Changes in Duties Regarding Anticipated Operational Expenses and Editorial Revisions to the Original Contract	(b) N/A	
Environmental Management	Amendment No. 7 to the Agreement with Orange County, Florida for Lab Analysis of Volatile Organic Compounds	\$14,850.00 revenue	4.1.09
Environmental Management	Short-Term Facility License (STFL) with Misty Beauchamp for a Photographic Art Display at Weedon Island Preserve Cultural and Natural History Center (Weedon Island)	\$100.00 estimated revenue	3.30.09
Environmental Management	STFLs for Use of Weedon Island with:		3.26.09

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	(a) Bruce Hasbrouck, Faller, Davis & Assoc., Inc. for Uniform Mitigation Assessment Workshop at Weedon Island;	(a) N/A;	
	(b) Janice Luth, Tools From the Earth, LLC for Authentic Reproduction of Prehistoric Artifact Sales; and	(b) \$100.00 estimated revenue; and	
	(c) Felix Macaguani Rodriguez for Selling Hand Carved Wooden Canoe Paddles	(c) \$100.00 estimated revenue	
Environmental Management	STFLs for Use of Brooker Creek Preserve Environmental Education Center (Brooker Creek) with:		3.11.09
	(a) Carlton Ward, Carlton Ward Photography, LLC for an Art Exhibition; and	(a) \$100.00 estimated revenue; and	
	(b) John DeWolf, Florida Division of Forestry for a Strike Team/Task Force Leader S330 Training	(b) N/A	
Environmental Management	STFL with Rick Richards, Rick Richards, Inc. for Trail Cutting at Weedon Island	N/A	2.19.09
Environmental Management	STFLs with:		2.11.09
	(a) Kathy Brangers for a Birthday Party at Weedon Island;	(a) \$120.00 revenue;	
	(b) Elena M. Rhodes for Overnight Accommodations for an Ecology Workshop at the Pinellas County Biological Field Station; and	(b) N/A; and	
	(c) Mary Louise Pollock, Pastel Society of Tampa Bay, Inc. for an Art Exhibition at Brooker Creek	(c) \$100.00 estimated revenue	
Environmental Management	STFL with Linda G. Dawson for an Art Exhibition at Brooker Creek	\$100.00 estimated revenue	2.5.09
Environmental Management	STFLs with:		1.27.09
	(a) Keith Roberts for a Photographic Art Display at Weedon Island; and	(a) N/A; and	
	(b) Lou Kavouras, Southwest Florida Water Management District (SWFWMD) for a Governing Board Workshop and Meeting at Brooker Creek	(b) N/A	

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Environmental Management	STFLs for Use of Brooker Creek for an Art Exhibition with: (a) Wayne McCartney; and (b) Kevin Grass	(a) \$100.00 estimated revenue; (b) \$100.00 estimated revenue	1.9.09
	STFL with John Gurbacs for a Photographic Art Display at Weedon Island	N/A	
Environmental Management	STFL with Robert Hoffman, NOAA Fisheries Service, Protected Resource Division for an Internal Strategic Planning Meeting at Weedon Island	N/A	1.7.09
Health and Human Services	Notice of Grant Award with the Department of Health and Human Services, Health Resources and Services Administration for Mobile Medical Unit	\$155,125.00 revenue, no County match	4.21.09
Human Resources	Agreement with Girl Scouts of America, Troop 50 for Mud Hole Island Clean Up	N/A	2.27.09
Justice and Consumer Services	Financial Report with the Department of Children and Families, Florida Substance Abuse and Mental Health Corporation, Criminal Justice, Mental Health and Substance Abuse Reinvestment Grant Program	N/A	5.1.09
Justice and Consumer Services	Amendment No. 1 Data Collaborative Services Agreement with University of South Florida, Division of Sponsored Research for an Information System between State, Local and Private Agencies to Address Mental Health and Substance Abuse Planning	N/A	4.27.09
Justice and Consumer Services	Interagency Agreement with Operation PAR, Inc. for Pinellas Juvenile Assessment Center Data Sharing for the Purpose of Research and Policy Development	N/A	4.24.09
Justice and Consumer Services	Grant Application and Certification Documents for the Pinellas County Justice Assistance Project 2009	\$3,129,032.00 companion ratification agenda item filed on 5.19.09 BCC agenda	4.22.09
Justice and Consumer Services	Grant Application with the U.S. Department of Justice, Office of Justice Programs for the Targeted Mortgage Fraud and Scam Investigation Project	\$290,000.00 requested funds, no match	4.21.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Public Works	Release of Funds Held as Completion Surety for 7-Eleven at Chestnut and East Streets; Beach Townhomes; Central Hotel Laundry; Rally Store on Ulmerton Road; and Scopello Condominiums	N/A	4.30.09
Public Works	Release of Funds Held as Completion Surety with Heritage Oaks for: (a) Right-of-Way Utilization Permit; and (b) Lot Monuments	(a-b) N/A	4.27.09
Public Works	Joint Funding Agreement with U.S. Department of the Interior, U.S. Geological Survey for Florida Integrated Science Center – Tampa	\$186,000.00, plus \$67,200.00 Federal match	4.15.09
Public Works	Release of Funds Held as Completion Surety with Star Media Enterprises, Inc. for Stern Office Building Expansion	N/A	4.10.09
Public Works	(a) Joint Project Agreement with the Pinellas Park Water Management District for Utility Installation by Roadway Contractor for Haines Road from U.S. Highway 19 to Interstate 275; and (b) Construction Agreement with CSX Transportation, Inc. for Sidewalk Construction and Grading for Belcher Road	(a) \$219,361.63 total estimated cost; and (b) \$13,827.00	4.8.09
Public Works	Release of Funds Held as Completion Surety with Sun Ketch Construction, Inc. for Sun Ketch Townhomes of Pasadena	N/A	4.7.09
Public Works	Release of Funds Held as Completion Surety with: (a) Sun Ketch Homes, Inc. for Sun Ketch Townhomes at Monte Cristo; and (b) Sun Ketch Construction, Inc. for Lot Monuments for Sun Ketch Townhomes of Pasadena Pinellas County Temporary Waiver with Old Palm Harbor Main Street, Inc. and Greater Palm Harbor Area Chamber of Commerce for the First Annual Palm Harbor Citrus Festival	(a-b) N/A \$50.00 application fee revenue	4.6.09
Real Estate Management	(a) Residential License Agreement with Matthew R. Williams for the Residence at A.L. Anderson Park;	(a) \$250.00 rental revenue per month;	4.30.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
	(b) First Amendment to Lease Agreement with The Law Office of William H. Walker, Chartered for Additional Office Space;	(b) \$1,859.59 monthly revenue, plus applicable sales tax;	
	(c) License to Use Land Keystone Road with Kevin Cantrell for the Keystone Road Project from U.S. Highway 19 to East Lake Road; and	(c) N/A; and	
	(d) Lease Agreement with Constellation Technology Corporation for a Reduction in Space at the Young – Rainey STAR Center, Effective April 1, 2009	(d) \$16,307.02 total monthly payment (includes sales tax), plus payback through 6 th Amendment of \$10,585.27, plus payback per 5 th Amendment of 4735.88; total monthly payment including paybacks is \$27,628.17	
Real Estate Management	Contract for Sale and Purchase of Real Property with J.W. Daniels, Jr., Inc. for the Bryan Dairy Road Project from Starkey Road to 72 nd Street North	\$6,145.00 total estimated cost	4.29.09
Real Estate Management	(a) First Amendment to Access Agreement with Times Publishing Company for a Stand Alone News Rack at 310 Myrtle Avenue in Clearwater; and	(a) N/A; and	4.24.09
	(b) Seventh Amendment to Lease Agreement with Constellation Technology Corporation for Space at the Young – Rainey STAR Center	(b) \$30,052.51 total monthly rent (includes sales tax), plus payback per 6 th Amendment of \$10,585.27, plus \$735.88 payback per 5 th Amendment for total monthly payment including paybacks of \$41,373.66	

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Real Estate Management	License Agreement with Community Law Program, Inc. for Office Space in the 501 Building	\$803.03 total monthly revenue	4.22.09
Real Estate Management	Drainage Easements for Installation of Stormwater Piping to Control Erosion and Improve Drainage with:		4.21.09
	(a) Lowell B. and Paulette Andrews;	(a) \$4,000.00;	
	(b) Kyle and Susanne Flanagan; and	(b) \$4,000.00; and	
	(c) Christopher S. Perry	(c) \$8,700.00	
Real Estate Management	License Agreement with Alaka'i Consulting and Engineering, Inc. for Space at the Young – Rainey STAR Center	N/A rental charge, \$336.80 total monthly utility charge	4.15.09
Real Estate Management	Utility Use and Access Agreement with TW Telecom of Florida L.P. for Use of Equipment Space and the Facilities to Provide Telecommunication Services	N/A	4.14.09
Real Estate Management	Third Amendment to Lease Agreement with 118 th Avenue L.L.C. for Warehouse Space for the Clerk of the Circuit Court	N/A – time only	4.10.09
Real Estate Management	(a) Utility Easement with the City of Oldsmar for the Installation of Water Wells; and	(a) N/A; and	4.8.09
	(b) Lease Agreement with Arnulfo and Shirley Arroyo for Office/Warehouse Space Located at 13770 Automobile Boulevard for Relocation of the Sheriff's Purchasing Warehouse	(b) \$249,000.00 annual rental rate	
Real Estate Management	Mutual Release and Termination of Lease Agreement with Pace Technology, Inc. for Space at the Young – Rainey STAR Center	\$42,147.92 payment of outstanding obligation due by March 31, 2009	4.7.09
Real Estate Management	Sovereign Submerged Lands Easement with the Board of Trustees of the Internal Improvement Trust fund of the State of Florida for Maintenance of Infrastructure at the Madonna Boulevard Bridge	N/A	3.30.09
Utilities	Payment Request Summary Form with the Florida Department of Environmental Protection for the Innovative Waste Reduction and Recycling Grant for the Period Ending March 31, 2009	\$14,816.95 requested funds, plus \$10,113.50 County match	4.16.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Utilities	Change Order No. 1 Final, Acceptance of Agreement as Complete, and Release of Retainage with T.L.C. Diversified, Inc. for Pump Station Replacement and Rehabilitation, Group 2 – Pump Station Nos. 001, 002, and 003	\$27,533.00 decrease in total agreement amount	4.15.09
WorkNet	Pinellas Employer Training Application with WorkNet Pinellas for Career Ladder Training	\$24,800.00 WorkNet requested funds	4.23.09

- # 8 Authority granted to County Administrator Robert S. LaSala to approve and accept a Florida Forever grant agreement in the amount of \$710,770.00 from the Florida Communities Trust (FCT) for the Wall Springs Coastal Addition IV located in Wall Springs Park; grant provides reimbursement for up to fifty percent of the acquisition and other associated costs paid by Pinellas County for previously purchased Brinson and American Cancer Society parcels in the amount of \$1,421,540.00 (Culture, Education, and Leisure).
- # 9 Authority granted for submission of a Fiscal Year (FY) 2010 Section 319 Grant Proposal Application to the Florida Department of Environmental Protection requesting funding in the amount of \$1,200,000.00 for the Lake Seminole Regional Park Alum project (Environmental Management).
- #10 County Administrator’s signature approving the grant application to the United States Department of Justice, Recovery Act: Edward Byrne Memorial Justice Assistance Grant Formula Program application for the Pinellas County Justice Assistance Project 2009 in the amount of \$3,129,032.00 ratified and confirmed (Justice and Consumer Services).
- #11 Resolutions Nos. 09-58, 09-59, and 09-60 adopted granting ad valorem tax exemptions for historic properties located in the City of St. Petersburg (516 18th Avenue Northeast, 950 12th Street North, and 404 Sunset Drive South); Chairman authorized to sign the Historic Preservation Property Tax Exemption Covenants for the subject properties (Planning).

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

2 Reports received for filing:

- b. Internal Audit Division, Clerk of the Circuit Court, Report No. 2009-09 dated April 28, 2009 – Audit of County Travel Expenditures, Finance Accounts Payable, together with *The Audit Watch*.

Commissioner Seel indicated that she had met with Attorney Bennett and Mr. LaSala regarding researching other benchmarks relating to mileage and per diem expense reimbursement rates and the need to review the types of travel expenses reimbursed and the reimbursement rates.

Discussion ensued wherein the members expressed their willingness to review the rates and concurred that receipts should be required for all per diem expenses. Chairman Harris related that the existing mileage rate is not exorbitant; that it meets federal government and Internal Revenue Service (IRS) guidelines; and that it does not violate any laws or codes; whereupon, Commissioner Morrone stated that he is willing to review the mileage rate, but that he also wants to ensure that the employees are paid a fair rate for their mileage. Commissioners Bostock and Welch requested that staff provide a general overview of the circumstances under which the county requests an employee to travel and under which the county reimburses for the travel, in addition to a four-to-five-year travel trend analysis.

Responding to comments and queries by Commissioner Welch, Ms. Harris clarified the Clerk of the Court's role in setting the mileage and per diem expense reimbursement rates in 2003, indicating that the Clerk did not set the current rates, but did make a recommendation to pay a consistent rate that was in compliance with the IRS. She related that the Clerk's staff performed research and gathered information regarding the federal and IRS reimbursement rates and rates paid by other jurisdictions; and that the current mileage reimbursement rate was set based upon the recommendation of the appointing authorities under the Unified Personnel Service.

In response to query by Commissioner Latvala, Mr. LaSala related that most travel has been suspended, although there are a few exceptions, such as mandatory certifications and trips to Tallahassee for legal purposes; whereupon, Commissioner Latvala noted that due to the elimination of most of the travel expenses, the savings would not be as high as indicated in the audit; and suggested that the Board provide direction to Mr. LaSala to complete the current

budget process before beginning the review of the mileage and per diem expense reimbursement rates, and no objections were noted.

In response to query by Commissioner Seel regarding the Clerk spearheading the review, Ms. Harris responded that she would work in conjunction with the County Administrator's office, as a group has already been formed to review the issue.

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

- #13 Amendment No. 2 to the Agreement for Design Professional Services for Redevelopment of the Maintenance and Operations Site at Solid Waste Pinellas County Utilities with Post, Buckley, Schuh & Jernigan, Inc. (PID No. 814-822414-1482) in the amount of \$296,700.00 approved (revised agreement amount, \$2,029,437.40); Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Latvala
Second - Commissioner Bostock

Responding to queries by Commissioner Brickfield, Mr. LaSala confirmed that some Leadership in Energy and Environmental Design will be included in the new buildings; and that the current contract will save the county \$350,000.00 to \$360,000.00 compared to the proposed contract denied by the BCC in March 2009.

Vote - 7 - 0

- #14 a. Deferred Utility Relocation Expense Reimbursement (Including Interest) Agreement, Utility Work by Highway Contractor Agreement (at Utility Expense) (UWHCA), and Revised Memorandum of Agreement (MOA) between Florida Department of Transportation (FDOT) and the State of Florida, Department of Financial Services, Division of Treasury, and Resolution Utility Agreement between FDOT and Pinellas County for utility relocation for State Road 55 (U.S. Highway 19) from north of Whitney Road to south of Seville Boulevard (PCU Project No. 1801; FDOT PID No. 256881-1-56-03) approved (UWHCA previously approved April 21, 2009, withdrawn; MOA approved April 21, 2009, amended to reflect an initial payment of \$900,000.00; estimated Pinellas County Utilities [PCU] expenditure, \$4,340,349.00); Chairman authorized to execute the agreements and resolution and the Clerk to attest.

and

- b. Deferred Utility Relocation Expense Reimbursement (Including Interest) Agreement, Utility Work by Highway Contractor Agreement (at Utility Expense)

(UWHCA), and Revised Memorandum of Agreement (MOA) between Florida Department of Transportation (FDOT) and the State of Florida, Department of Financial Services, Division of Treasury, and Resolution Utility Agreement between FDOT and Pinellas County for utility relocation for State Road 55 (U.S. Highway 19) from south of Seville Boulevard to north of State Road 60 (PCU Project No. 1802; FDOT PID No. 256881-2-56-03) approved (UWHCA previously approved April 21, 2009, withdrawn; MOA approved April 21, 2009, amended to reflect an initial payment of \$500,000.00; estimated Pinellas County Utilities [PCU] expenditure, \$2,371,660.00); Chairman authorized to execute the agreements and resolution and the Clerk to attest.

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

- #15 First Amendment to the Agreement between Pinellas County and the Pinellas County Historical Society, Inc. (PCHS) establishing the fiscal year and amending the frequency of required audit information (financial information to be provided every three years, instead of five, beginning with Fiscal Year 2010), and providing for a compilation of financials prepared by a certified public accountant approved (Culture, Education, and Leisure).

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

- #16 Resolution No. 09-61 adopted approving Project A9031245830 as a qualified applicant pursuant to Section 288.106, Florida Statutes, and identifying sources of local county financial support as local participation in the Qualified Target Industry (QTI) Tax Refund Program (total contribution of Pinellas County will not exceed \$85,000.00 to be paid over a series of fiscal years as determined by the State) (Economic Development).

Motion	-	Commissioner Welch
Second	-	Commissioner Morroni

In response to comments by Commissioner Welch regarding the anonymity of the applicant, Attorney Bennett outlined the Florida Statutes governing the QTI Program, the applicant's right to keep its information confidential, and the public records exemption. He explained that the county's application form was changed to provide an opportunity for the applicant to consent to disclosure of its company name to the BCC, which was otherwise not allowed under the statute; and indicated that the Economic Development Department is designated as the county's economic development agency charged with administration of the QTI Program.

Chief Assistant County Attorney Dennis Long explained that Florida Statute §288.075 contains a provision that makes it a misdemeanor to release confidential and proprietary information; that the state law did not change; and that he recommended that the county's application form be changed in an effort to protect the BCC by ensuring strict compliance with the requirements of the statute as he was uncomfortable with the uncertainty in the law and with allowing the current procedure to continue. He indicated that disclosure of information on a prior QTI application raised issues and caused concerns that need to be addressed and resolved, which created the need for the statute to be viewed more narrowly and for the application form to be revised; that there are inconsistent views on the interpretation of the statute and how to limit and define the entity that holds and retains the applicant's information; and that he refined the request process to make it clear.

In response to queries by Commissioner Brickfield, Attorney Long indicated that the names of companies were previously disclosed through discussions with the Board, under the expansive view that the BCC was part of the economic development agency; and that he is unaware of any deals falling through as a result of a company's name being disclosed; whereupon, he noted that there have been other QTIs since the form was changed wherein the applicants were comfortable with divulging the company names; and that the subject applicant made the conscious decision not to reveal its identity during the application process.

Responding to comments and queries by Commissioner Morroni, Mr. LaSala indicated that the county's maximum commitment is \$85,000.00, noting that it could be less; whereupon, Assistant County Administration Elithia V. Stanfield indicated that state law only requires new companies to create ten new jobs; that all of the positions created by the applicant will be located in Pinellas County; and that the applicant is a new company, based upon the criteria and the state application.

Commissioner Seel expressed concerns regarding investing public money in an anonymous company and indicated that she could not support the application; and in response to her comments and queries, Mr. LaSala suggested that a report on the program be provided to the Board periodically, which would provide additional information relating to economic development activity.

During discussion, Chairman Harris and Commissioners Latvala and Morroni expressed their support for the QTI Program, and Commissioner Bostock expressed her frustrations with the structure of the state program, the limitations on information, and the desire to have some information made public for participation purposes; whereupon,

Commissioner Bostock requested that the issue be earmarked for discussion with the legislative platform.

Discussion ensued wherein Commissioner Brickfield indicated that reverting back to the more expansive view wherein the BCC was viewed as part of the county's economic development agency would solve a lot of problems, and Commissioner Seel concurred. In response to comments and queries by Commissioner Brickfield, Attorney Long, with input by Attorney Bennett, stated that a change in state law is not required for the company name to be disclosed to the BCC; and that the BCC could adopt a policy wherein it only considers applications if the company name is disclosed, noting that there are numerous policy ramifications associated with doing so that the Board should be apprised of before making that decision; whereupon, Mr. LaSala requested that staff be given time to review the legal, policy, ethical, and operational issues and bring the information back to the Board, and no objections were noted.

Vote - 6 – 1 (Commissioner Seel dissenting)

#17 Other Administrative Matters:

Mr. LaSala referenced a report titled *Fiscal Year 2009 Mid-Year Budget State Report*, a copy of which has been filed and made a part of the record, and stated that it is a new report that the BCC will be receiving on an annual basis. He indicated that the purpose of the report is to provide a snapshot of the county's most significant funds at the mid-point of the fiscal year; and noted that the General Fund forecast provided in February recognized that revenues were estimated about \$12 million less than the Fiscal Year (FY) 2009 budget, which resulted in all county departments and agencies in the General Fund being requested to reduce the FY09 expenditures to 97 percent or less; whereupon, he indicated that revenues appear to be coming in slightly less than forecast in February; and that budget submissions reflect that the 97 percent target will be achieved.

Mr. LaSala related that property tax values will be certified on July 1; and that if the values are stronger than estimated, the revenue forecast will improve. He stated that approximately 80 percent of the revenues in the General Fund come from property taxes, sales taxes, revenue sharing with the State, and other sales taxes, such as the communication service tax; whereupon, he discussed Municipal Service Taxing Units (MSTU) revenues, interest earnings, the tourist development fund, bed taxes, transportation trust funds, the Emergency Medical Services funds account, enterprise funds, airport funds, the Solid Waste fund, and the Penny for Pinellas special revenue fund, noting that a presentation relating to the third Penny for Pinellas program and the reprioritizing of projects will be brought before the Board in a few weeks.

Mr. LaSala indicated that a more in-depth presentation will be given in future years, noting that an abbreviated presentation was given this year due to the extensive discussions held in February and in preparation for the current budget; whereupon, in response to query by Commissioner Welch, Mr. LaSala agreed to obtain the April foreclosure filing number and provide it to the Board.

- #18 County Attorney authorized to defend the case of Paul Grand versus New York Yankees Limited Partnership, a Foreign Limited Partnership, the Phillies Limited Partnership, a Foreign Limited Partnership, Phillies Florida, LLC, a Foreign Limited Liability Company, Pinellas County, and the City of Clearwater – Circuit Civil Case No. 09-05171-CI-20 – Allegations of Personal Injuries as a Result of Negligence.

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

- #19 County Attorney authorized to initiate housing discrimination litigation on behalf of Santford L. Martin in the Claim of Santford L. Martin versus Crosswinds Mobile Home Park, Inc., Housing and Urban Development Case No. 04-08-1191-8, Pinellas County Case No. 08-038.

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

- #20 Authorization granted to advertise a public hearing to be held on June 2, 2009, regarding a proposed ordinance amending Section 18-66(h) of the Pinellas County Code relating to the establishment of airport user fees and setting same fees by resolution.

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

- #21 County Attorney Miscellaneous – None.

- #22 2009 Legislative Update.

Manager of Intergovernmental Relations Sally Everett presented an update regarding the recent legislative session, noting that the state budget in the total amount of \$66.5 billion had been approved. She indicated that this amount is approximately \$1.6 billion less than last year; that while funding for beach renourishment has been reduced, there should still be funding available for the county’s priority beach projects that will be coming forward next year; and provided a summary of bills which passed and failed and the implications to Pinellas County, noting that a written report will be forthcoming.

#23 County Commission Miscellaneous:

- a. Commissioner Brickfield noted the passing of Al Dettmer, former Mayor of Safety Harbor.
- b. Commissioner Morroni expressed appreciation to Housh Ghovae and the Pinellas Park Gateway Chamber of Commerce.
- c. Commissioner Latvala provided a report on her attendance at Fire Ops 101 course.
- d. Chairman Harris provided a water conservation tip.

* * * *

At this time, 4:24 P.M., the meeting was recessed and reconvened at 6:31 P.M. with all members present.

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PRESENTATIONS AND AWARDS:

- 1. Presentation of the Emergency Medical Technician of the Year Award to Michelle Molendyk, Sunstar Paramedics.
- 2. Presentation of the Paramedic of the Year Award to Josh Schuster, St. Petersburg Fire Rescue.

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 (BCC)

#24 Resolution No. 09-62 adopted granting the petition of Kenneth M. Bednarski, Trustee of the Stella Kleehammer Trust, to vacate a portion of a utility and drainage easement on Lot 5, Block 18, Tamarac by the Gulf Second Addition Subdivision; authority granted for the 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 Brickfield
Second - Commissioner Latvala
Vote - 7 - 0

#25 Dredge and Fill Application No. DF1991-08 submitted by the City of St. Petersburg, Channel “L,” Coffee Pot Bayou Exit Channel, St. Petersburg (Tampa Bay) approved; one e-mail message of no objection has been received; earlier correspondence received for the March 3, 2009 BCC meeting included two telephone calls and e-mail messages requesting a 30-day extension; 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. In the event of turbidity problems outside of the immediate work area, the applicant or contractor must take immediate corrective action.
2. The dredging must occur between August 1 and November 1.

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

#26 Ordinance No. 09-30 adopted amending Chapter 170 of the Pinellas County Land Development Code relating to the Flood Damage Prevention Provisions. No correspondence has been received. No citizens appeared to be heard.

Responding to queries by Commissioner Bostock, Planning Division Manager Gordon Beardslee provided detailed background information regarding the new composite definition of the county’s most hazardous coastal areas as the *Coastal Storm Area*; and referring to maps and aerial photographs, noted that the definition includes all areas within the state’s definition of the Coastal High Hazard Area, plus any area which would be isolated by a storm surge or in a velocity zone where wave action would be anticipated under the Federal Emergency Management Agency definition. He noted that adopting the broader definition of Coastal Storm Area places fewer people in harm’s way, restricts density increases in designated areas, and results in less impact to emergency management personnel.

Referring to Florida Statute 380.27, Commissioner Bostock queried as to whether the adoption of this ordinance would impact the county’s ability to draw down state funds; and Mr. Bennett noted that it would not.

In response to additional queries by Commissioner Bostock, Mr. Beardslee indicated that the City of St. Petersburg has not adopted the county’s composition definition because its staff believes that this issue can be handled locally without going beyond the state’s

Coastal High Hazard Area definition; and noted that the Coastal Storm Area definition has been adopted by the Cities of Clearwater, Pinellas Park, and Dunedin, and by most of the beach communities.

Responding to queries by Commissioners Latvala and Seel, Mr. Beardslee related that he is not aware of any instances where this definition has had any impact on insurance rates during the last 20 years; that the concept was adopted by the BCC into its Comprehensive Plan in March 2008; that the public was notified of the proposed change at that time; that the density restrictions only apply to new applications for an increase in density; and that property with an existing density of five units or more per acre which is located within the Coastal Storm Area is grandfathered.

Responding to comments by Commissioners Morroni and Bostock, Mr. Beardslee indicated that the purpose of the proposed ordinance is to bring the county's Land Development Regulations into compliance with the updated Comprehensive Plan; that with the adoption of this ordinance, the policy provisions contained in the Comprehensive Plan which restrict density and certain uses will be correctly referenced in the Land Development Regulations; and that only once the Comprehensive Plan is adopted can staff bring forward amendments to the Land Development Code, and discussion ensued.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	5 – 2 (Commissioners Bostock and Morroni dissenting)

#27 First public hearing held regarding a proposed ordinance amending Section 138-1286 of the Pinellas County Code relating to dumpsters. No correspondence has been received. No citizens appeared to be heard. Second public hearing to be held June 16, 2009.

Responding to queries by Commissioners Bostock and Seel, Planning Department Zoning Manager John Cueva related that the proposed ordinance will permit dumpsters for duplexes and triplexes in R-4 zoning districts and for mobile home parks in R-6 zoning districts; that many complaints relating to trash cans scattered throughout neighborhoods have come from residents of single-family homes; that the proposed ordinance should eliminate that situation; that when the Pinellas County Code Enforcement Task Force examined the issue, it did not anticipate this problem; and that there will be screening and fencing requirements for dumpsters located at duplexes and triplexes.

#28 First public hearing held regarding a proposed ordinance 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. Second public hearing to be held June 16, 2009.

#29a Ordinance No. 09-31 adopted amending Chapter 138 of the Pinellas County Land Development Code relating to the Old Palm Harbor-Downtown Zoning District. No correspondence has been received. No citizens appeared to be heard.

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

#29b Ordinance No. 09-32 adopted amending Chapter 146 of the Pinellas County Land Development Code relating to Historic Preservation. No correspondence has been received. Responding to the Chairman’s call for persons wishing to be heard, Mark P. Klutho, Largo, appeared and expressed his concerns.

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

CITIZENS TO BE HEARD

Susan Cuddon-Fletcher, Palm Harbor, re Brooker Creek budget.

Lenore Faulkner, Madeira Beach, re Pinellas Park Middle.

Rick Clowes, Tarpon Springs, re canal cleaning. Director of Public Works and Transportation

Peter J. Yauch to provide information.

Mark P. Klutho, Largo, re stupidity and waste.

#30 Meeting adjourned at 7:33 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk