

**BOARD OF COUNTY COMMISSIONERS MEETING  
TUESDAY, JULY 22, 2008 – 3:00 P.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; Kenneth T. Welch; and Ronnie E. Duncan.

**Members Absent:** John Morroni.

**Members Late:** None.

**Members Excused:** None.

**Others Present:** James L. Bennett, County Attorney; Fred E. Marquis, Interim County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Tammy L. Burgess and Arlene J. Kennare, Deputy Clerks.

**INVOCATION:** Reverend Wayne Schoonover, Grace Bible Fellowship Church, Pinellas Park.

**PLEDGE OF ALLEGIANCE:** Director of Public Works and Transportation Peter J. Yauch.

**PRESENTATIONS AND AWARDS – None.**

**CONSENT AGENDA ITEMS NOS. 1 THROUGH 18 – APPROVED WITH THE EXCEPTION OF ITEM NO. 16, WHICH WAS CONSIDERED UNDER ITEM NO. 19.**

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	6 – 0

# 1 Minutes of regular meeting of June 17, 2008.

# 2 Reports received for filing:

- a. Entrada Community Development District Proposed Operating Budget for Fiscal Year 2009.
- b. Eastlake Oaks Community Development District Proposed Operating Budget for Fiscal Year 2009, Pursuant to Chapter 190.008(2)(b), Florida Statutes.

# 3 Vouchers and Bills Paid - Period of June 9, 2008 through June 20, 2008:

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2548 (period June 9 through June 13)

Payroll checks numbered 557193 through 557439 (period June 9 through June 13)

Imprest Fund Expenditures

System checks numbered 929009 through 930705

ACH Transfers numbered 456 through 496

Wire Transfers numbered 010650 through 010658

- # 4 Miscellaneous items received for filing as noted on the agenda:
  - a. City of Largo Notice of Public Hearing regarding Ordinance No. 2008-56 held July 15, 2008, annexing certain property.
  - b. City of Safety Harbor Ordinance No. 2008-12 adopted June 16, 2008, annexing certain property.
  
- # 5 Consultant's Competitive Negotiation Act (CCNA) procurement approved by the County Administrator for quarter ending June 30, 2008 received for filing.

<u>Department</u>	<u>Type</u>	<u>Project</u>	<u>Vendor</u>	<u>Dollar Value</u>	<u>Award Date</u>
Public Works	Amendment No. 3	Consulting Engineering Services for Advanced Traffic Management System/Intelligent Transportation Systems (ATMS/ITS) on McMullen Booth Road/East Lake Road (C.R. 611) PID No. 743	Vanus Engineering Evolution, Inc.	None – Time Extension Only	4/22/08

- # 6 Plats, Guarantees, Sureties, and Agreements: Stonecrest Subdivision – Turning Leaf Custom Homes, Inc. and Fifth Third Bank – completion surety funds released.
  
- # 7 Change Order No. 4 (Final) to the agreement with R.E. Purcell Construction Co., Inc. for Florida Avenue and 14<sup>th</sup> Street North to Bee Branch Creek (Bid No. 067-0221-C; PID No. 969) approved, increasing the agreement amount by \$44,923.38 (total revised agreement amount, \$1,948,889.31); contract accepted as complete on April 18, 2008 and retainage released; Chairman authorized to sign and the Clerk to attest.
  
- # 8a Bid for Pump Station Replacements Group 2 – Pump Stations Nos. 082 and 088 (Project No. 1912-A, Bid No. 078-0435-C) from Kimmins Contracting rejected for being non-responsive and not being pre-qualified; bid from Dallas 1 Corporation, a pre-qualified contractor, in the amount of \$583,291.80 accepted 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.

- # 8b Bid for Pump Station Rehabilitations Group 3 – Pump Stations Nos. 353, 394, and 396 (Project No. 1913-A, Bid No. 078-0436-C) from Kimmins Contracting rejected for being non-responsive and not being pre-qualified; bid from TLC Diversified, Inc., a pre-qualified contractor, in the amount of \$379,270.00 accepted 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.
  
- # 9 Change Order No. 2 (Final) to agreement with Mole Head Construction and Boring, Inc. for Town of Belleair Wastewater System Acquisition Project – Force Mains and Reclaimed Water Mains (Project No. 1673-B; Contract No. 056-0454-N) approved decreasing the agreement amount by \$221,939.86 (revised total agreement amount, \$13,718,590.71) and increasing the construction time by 139 days to allow for connection to pump station 054 on Indian Rocks Road at McKay Creek; contract accepted as substantially complete on April 28, 2008 and retainage released; Chairman authorized to execute and the Clerk to attest.
  
- #10 DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR – RECEIVED FOR FILING (COUNTY ADMINISTRATION)

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Airport	Consent to Leasehold Mortgage with Satya Investments, Inc. for Modified Financing with Florida Business Development Corporation	N/A	6.27.08
Airport	Airline Operating Permit with Sunwing Airlines, Inc. for Use of Facilities for Non-Exclusive Passenger Service at the Airport	\$40,000.00 Cooperative Marketing Airport expense; plus \$168,798.00 estimated annual revenue	6.25.08
Community Development	2008 Universal Cycle – Local Government Verification of Affordable Housing Incentives Forms for Inclusion in Atlantic Housing Partners Application for Funding from Florida Housing Finance Corporation	N/A	6.13.08
Community Development	Local Government Verification of Contribution Loan and Correspondence Regarding Terms and Conditions for Financing to Catholic Charities for Pinellas Hope II Project	N/A	5.21.08

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Culture, Education, and Leisure	First Amendment to Grant Funding Agreement with Seminole Junior Warhawks Athletic Association, Incorporated for Construction of a Restroom Building and Connection to the County Sewer and Lift Station	N/A – time only	6.23.08
Culture, Education, and Leisure	Individual Artist Professional Development Grant Agreements with:		6.4.08
	(a) Vaibhav Alandikar for Purchase of a Potter’s Wheel;	(a-e) \$1,000.00 each;	
	(b) Ric Savid for Purchase of Wide-Angle Lens;		
	(c) Marius Moore for a Strong Web Site and Training on its Design and Advertising;		
	(d) Mary Klein for Recreation and Reprint of “A Rich Fantasy Life;”		
	(e) Peter Meder for Electronic Components and Circuit Board Equipment to Program Automation Movements;		
	(f) Andrea L. Pawlisz for Art Display Panels and the Purchase of a Business Desk;	(f) \$985.00;	
	(g) David Manson for Refurbishment and Restoration of Orchestral Trombone;	(g) \$750.00; and	
	(h) Marita Contreras for Supplies and Materials for a Photography Project;	(h-o) \$1,000.00 each	
	(i) John J. Di Sanza for Multi-Media Graphic Design Presentation and Design Fee Costs;		
	(j) Lori Krout for Travel Expenses Associated with Painting Sessions and to Study Public Art in New York City;		
	(k) Patricia Chute for an Abiquiu Deluxe Easel and a More Functional Studio;		
	(l) Kyu Yamamoto for Purchase of Sculpture Materials and Painting Accessories;		

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
	(m) M.K. Foltz for Purchase of an Archival Pigment Ink Printer;		
	(n) Bonnie Duncan for Purchase of a Canon Digital Camera; and		
	(o) T. Scott Wooten for Purchase of a Macintosh Computer		
Economic Development	Memorandum Delegating Signature Authority from the County Administrator to the Director of Economic Development for all Non-Purchasing, Non-Binding Economic Development Related Items	N/A	6.24.08
Economic Development	Business Assistance Partnership Agreement with Greater Clearwater Chamber of Commerce, Inc., d/b/a Clearwater Regional Chamber of Commerce, the Chamber Business Acceptance Corporation, and the City of Clearwater for Business Assistance Specialists in Local Communities	\$10,000.00 annual expenditure for up to ten, successive, 1-year terms	6.3.08
Economic Development	Application for Federal Assistance with U.S. Environmental Protection Agency (EPA) for Brownfields Program, Dansville Neighborhood Cleanup Project	\$600,000.00 requested funds, plus \$120,000.00 County match	5.21.08
Emergency Management	Memorandum of Understanding with the School Board of Pinellas County for Upgrades of an Existing Generator at John Hopkins Middle School	\$220,000.00	2.29.08
Environmental Management	(a) Amendment No. 1 to the Agreement with Florida Department of Environmental Protection (FDEP), Bureau of Beaches and Coastal Systems, Beach Management Funding Assistance Program for Dune Walkovers; and	(a) N/A – time only; and	6.12.08
	(b) Second Amendment to the Interlocal Agreement with the Florida Department of Transportation for Design of a Water Quality Monitoring Program	(b) \$10,000.00 revenue over 2-years	

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Environmental Management	Lobbying and Litigation Certification for Grants and Cooperative Agreements with the EPA for Air Quality Section 103 Program	N/A	6.6.08
Environmental Management	Amendment No. 5 to the Agreement with FDEP for Lake Seminole Stormwater Project	N/A – time only	6.4.08
Health and Human Services	Grant Agreement with Boley Centers, Inc. for Grove Park Village Project	\$8,333.33, no match	6.13.08
Justice and Consumer Services	Certificate of Participation with the Florida Department of Law Enforcement (FDLE), Office of Criminal Justice Grants, for the Edward Byrne Memorial Justice Assistance Grant Program	\$149,852.00 anticipated revenue, no match	6.19.08
Pubic Works	Interlocal Agreement with the City of Belleair Bluffs (City) for Decorative Lighting Installations	\$159,602.26, plus \$205,136.79 City match	6.16.08
Real Estate Management	First Amendment to Memorandum of Ground Lease with HP STAR V, LLLP and Estoppel and Attornment Agreement for Leased Space at the Young – Rainey STAR Center	N/A	6.24.08
Real Estate Management	First Amendment to Temporary Access License Agreement with STS International, Incorporated for Testing of a Mobile Perimeter Surveillance System on County-Owned Property for 180 Days	\$500.00 revenue, term may be extended an additional 180 days	6.17.08
Real Estate Management	License Agreement with Suncoast Safety Council, Inc. for Use of a Portion of Vacant Parking Lot for Operation of a Motorcycle Safety Course	\$30,000.00 annual revenue, 3-year term with three additional, 1-year option of renewal	6.12.08
Real Estate Management	Notice of Commencement for Installation of a 40-Foot Tower at 6200 118 <sup>th</sup> Avenue North in Largo	N/A	6.4.08
Utilities	First Amendment to Agreement with Department of Veterans Affairs, United States of America for Connection, Supply and Use of Reclaimed Water for	N/A – Correction only	5.27.08

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
	Department of Veterans Affairs – Bay Pines National Cemetery		
Utilities	Releases of Lien with: Martin J. and Melanie Frank; Holders of Truman Mortgage Loan Trust 2002-1, in Care of J P Morgan Chase Bank Trust, 3920 41 <sup>st</sup> Avenue North; and Joseph Dazio	All liens are paid in full.	1.30.08
Utilities	Releases of Lien with: Residential Funding Company LLC; 116 175 <sup>th</sup> Avenue LLC; and B R H C LLC	All liens are paid in full.	1.18.08
Utilities	Releases of Lien with: Dale Hedrick; Katharine Eckels Trust; and Alison Dasilva	All liens are paid in full.	1.15.08
Utilities	Releases of Lien with: Gale Earnest; and YULIP	All liens are paid in full.	1.10.08
Utilities	Releases of Lien with: Emanuel Papadakis and Melanie K. FosheeDr, in Care of G R P LLC; Jeff and Ramona Buchanan; and John Thomas and Chery Lynne Wehlua	All liens are paid in full.	1.4.08
#11	Agreement with Sommerville-Wilson, Inc. d/b/a Split Rock Studios for exhibit element production services for Weedon Island (Contract No. 067-0029-B) accepted as complete as of June 10, 2008 and retainage in the amount of \$86,913.05 released (Environmental Management).		
#12	Fiscal Year 2008 Budget Amendment No. 13 was filed and made a part of the record (Management and Budget).		
#13	Receipt and file of quarterly reports (Management and Budget):		
	a.	Quarterly Report on Administrative Budget Amendments for the period April 1, 2008 through June 30, 2008 was filed and made part of the record.	
	b.	Quarterly Report on the Law Enforcement Trust Fund – Payments to the Sheriff for the period April 1, 2008 through June 30, 2008 was filed and made a part of the record.	
#14	Resolution No. 08-114 adopted appropriating earmarked receipts for a particular purpose in the Fiscal Year 2008 Community Development Fund budget (Grants and Aids) for unanticipated grant funds from the U.S. Department of Housing and Urban Development (Management and Budget).		

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#15a Resolution No. 08-115 adopted supplementing the Fiscal Year 2008 General Fund budget (unanticipated grant revenues from the Organized Crime Drug Enforcement Task Force [OCDETF] in the amount of \$3,050.00) to appropriate earmarked receipts for a particular purpose and transfer to the Sheriff (Management and Budget).

#15b Resolution No. 08-116 adopted supplementing the Fiscal Year 2008 General Fund budget to appropriate earmarked receipts for a particular purpose (unanticipated Florida Department of Children and Families reimbursement proceeds/grant revenue to the Public Defender) (Management and Budget).

#16 See Agenda Item No. 19.

#17 **PROCUREMENT ITEMS APPROVED BY THE COUNTY ADMINISTRATOR FOR THE QUARTER ENDING JUNE 30, 2008 – RECEIVED FOR FILING (PURCHASING)**

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<u>CONTRACT NUMBER</u>	<u>ACTION</u>	<u>COMMODITY</u>	<u>DEPT.</u>	<u>VENDOR</u>	<u>DOLLAR VALUE</u> <u>County Code</u>	<u>AWARD DATE</u>
078-0452-SS (PF)	Sole Source Purchase	Cured-in-Place Point Repair Kits	Utilities	Perma-Liner Industries, Inc.	141,459.75	06/23/08
056-0457-P (LN)	First and Final Renewal	Travel Services	Various	Varsity Enterprises, Inc. d/b/a Bowen-Keppie Travel	167,000.00	06/20/08
078-0107-B (MW)	Increase in Funds for Master Purchase Order	Helicopter Maintenance Service – Bell Helicopters	Public Works Highway and Mosquito Control Division	Lance Aviation Inc.	75,000.00	06/18/08
078-0385-E (KC)	Increase in Funds for Emergency Purchase Order	Emergency Repair	Environmental Management	Fish Tec, Inc.	26,478.80	06/12/08
056-0743-SS (SG)	Second Amendment	Electrocardiogram (EKG) Monitor/Defibrillator Maintenance Services	Emergency Medical Services	Physio-Control, Inc.	(52,685.09)	06/12/08
067-0295-P (RM)	First Renewal and Scrivener Error	Emergency Base Camps and Services Contract	Emergency Management	OK's Cascade, Inc.	n/a	06/05/08
067-0138-P (LN)	Amendment	Services-International Marketing Representation – Central Europe	Convention and Visitors Bureau (CVB)	Marion S. Wolf	n/a	05/27/08

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<u>CONTRACT NUMBER</u>	<u>ACTION</u>	<u>COMMODITY</u>	<u>DEPT.</u>	<u>VENDOR</u>	<u>DOLLAR VALUE</u> County Code	<u>AWARD DATE</u>
056-0133-P (LN)	Amendment	Services-International Marketing Representation – United Kingdom, Ireland & Scandinavia	CVB	Tourism Marketing Partnership	n/a	05/27/08
045-673-B (SS)	Second and Final Renewal	Magnesium Hydroxide Suspension	Utilities	Premier Chemicals LLC	920,000.00 2-176	05/27/08
056-0507-B (RM)	Change Order No. 2	Equipment, E 9-1-1 Plant & Nortel Private Branch Exchange (PBX)	Emergency Communications	Verizon Services Inc.	n/a	05/21/08
078-0277-B (SS)	Rejection of Bids	Pumps, Parts and Repairs (Co-op)	Utilities	n/a	n/a	05/21/08
067-0319-C	Change Order No. 1 Final	H.S. "POP" Stansell Park Bandshell Remodeling	Public Works	Tagarelli Construction, Inc.	(865.25)	05/19/08
023-862-P (AM)	Second and Final Renewal	Disclosure Counsel Services	County Attorney	Holland & Knight LLP	n/a	05/13/08
045-278-P (AM)	Second and Final Renewal	Pharmacy Services	Health & Human Services	Albertson's LLC	4,000,000.00 2-176	05/13/08
023-861-P	Name Change and First Renewal	Bond Counsel Services	County Attorney	From Bryant, Miller & Olive P.A. to Bryant Miller Olive P.A.	n/a	05/09/08
078-0251-B (MW)	Award of Bid	Services, Bridge Tending at Two Drawbridges	Public Works Operations Department	C & S Building Maintenance Corporation	455,461.44 24 months 227,730.72 12 months	05/06/08
045-0789-B (SS)	Name Change	Services, Fire Safety Testing, Inspection, and Certification for Facility Management and Countywide	Various	From Cintas Corporation No. 2 d/b/a Pye-Barker Fire & Safety d/b/a Cintas Fire Protection to Cintas Corporation No. 2 d/b/a Gulfcoast Fire & Safety	n/a	05/05/08

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<u>CONTRACT NUMBER</u>	<u>ACTION</u>	<u>COMMODITY</u>	<u>DEPT.</u>	<u>VENDOR</u>	<u>DOLLAR VALUE</u> County Code	<u>AWARD DATE</u>
045-598-B (SS)	Second and Final Renewal	Vehicle Brake and Clutch Parts/Repair (Co-op)	Fleet Management	Fleet Pride, Inc. Fleet Products	420,455.00 2-176	05/05/08
078-0428-E (PF)	Emergency Purchase	Replacement & Repair Services of Methanol Tanks at South Cross Bayou Wastewater Reclamation Facility	Utilities	Wharton-Smith, Inc.	179,868.00	05/01/08
078-0298-B (SS)	Rejection of Bids	Fertilizer (Co-op)	Various	n/a	n/a	04/28/08
078-0322-B (LN)	Rejection of Bids	Fluorosilicic Acid (Co-op) Fluoride	Utilities	n/a	n/a	04/28/08
056-0195-B (DM)	First and Final Renewal	Testing, Flow Meter	Utilities	ADS LLC d/b/a ADS Environmental Services	203,840.00	04/25/08
078-0220-P (AM)	Rejection of Proposals	Software Implementation	Health & Human Services	n/a	n/a	04/22/08
056-0776-S (PF)	Name Change	Tires	Fleet Management	From GCR Truck Tire Centers to Bridgestone Americas Holding Inc. d/b/a GCR Tire Centers	n/a	04/19/08
045-789-B (SS)	Increase in Funds for Master Purchase Order	Services, Fire Safety Testing, Inspection and Certification for Facility Management and Countywide	Various	Piper Fire Protection, Inc.	17,017.00	04/07/08
078-0234-B (RM)	Rescind of Bid and Re-Award of Bid	Oil and Lubricants (Co-op) Re-Bid	Fleet Management	Ward Oil Company, Inc.	361,010.96 24 month	04/07/08
034-770-P (AM)	Time Extension	Risk Management Software Computer System	Risk Management	CS Stars, LLC	n/a	04/01/08
056-0290-P (LN)	First Renewal and Amendment	Services – Public Relations Firm for CVB	CVB	Development Counsellors International, LTD	198,525.00	03/27/08

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<u>CONTRACT NUMBER</u>	<u>ACTION</u>	<u>COMMODITY</u>	<u>DEPT.</u>	<u>VENDOR</u>	<u>DOLLAR VALUE</u> <u>County Code</u>	<u>AWARD DATE</u>
034-57-B (SS)	Time Extension	Pumps, Parts and Repair	Utilities	ITT Flygt LLC Tampa Armature Works, Inc.	n/a	03/27/08
078-0234-B (RM)	Award of Bid	Oil and Lubricants (Co-op) Re-Bid	Fleet Management	Central Oil Co Inc J.H. Williams Oil Company, Inc. Newsom Oil Co. Ward Oil Company, Inc.	356,017.36 24 month 178,008.68 12 month	03/24/08
056-0968-C	Change Order No. 2 – Time Extension	Joe’s Creek Maintenance Dredging	Public Works	Southwest Contracting, Inc.	n/a	03/24/08
078-0175-B (MW)	Award of Bid	Traffic Grates, Frames, Manhole Covers (COOP)	Public Works Operations Department	U.S. Foundry and Manufacturing Corp.	180,725.70	03/21/08
078-0313-S (CM)	Purchase Authorization	Computer Software (Preprogrammed) – Buyout of Microsoft Licenses	Information Technology	SHI	552,405.01	03/10/08
<b>TOTAL</b>					<b>\$8,004,188.68</b>	

#18 Ranking of firms for administrative services for Insurance – Group Long Term Disability/Short Term Disability (Contract No. 078-0393-P) approved as follows:

1. Standard Insurance Company
2. Prudential Financial
3. Unum Life Insurance Company of America d/b/a UNUM
4. Hartford Life and Accident Insurance Company d/b/a The Hartford
5. Aetna Life Insurance Company
6. Life Insurance Company of North America d/b/a CIGNA Group Insurance
7. ReliaStar Life Insurance Company d/b/a ING Employee Benefits
8. United Healthcare Insurance Company d/b/a United Healthcare Specialty Benefits
9. Sun Life Financial
10. Humana Specialty Benefits d/b/a Kanawha Insurance Company
11. Lincoln Financial
12. Florida Combined Life Insurance Company

Final negotiated contract with number one ranked firm, Standard Insurance Company, approved.

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

#16 Contract with Holland & Knight LLP (Contract No. 023-862-P) for disclosure counsel services cancelled.

Responding to query by Commissioner Seel, Attorney Bennett related that issues have arisen due to a potential conflict of interest; and that a Request for Proposal will be brought forward next month to fill the gap for disclosure counsel services.

Motion	-	Commissioner Seel
Second	-	Commissioner Duncan
Vote	-	6 – 0

**REGULAR AGENDA**

#20 Agreement with IBI Group, Inc. for consulting services for 46<sup>th</sup> Avenue North from 55<sup>th</sup> Street North to 37<sup>th</sup> Street North (PID No. 694) terminated without cause; staff to notify consultant of its intent to cancel, observe the roadway segment for pavement structure condition for the purpose of future roadway maintenance, evaluate the need for sidewalk, and rank the need for consideration in the sidewalk construction program.

Motion	-	Commissioner Welch
Second	-	Commissioner Latvala

In response to comments by Commissioner Welch regarding rumors that the entire project will be abandoned, Mr. Marquis provided a brief overview of the process, and indicated that the project was broken into two sections, noting that the segment of 46<sup>th</sup> Avenue from 80<sup>th</sup> Street North to 66<sup>th</sup> Street North has been completed and ready to go to bid by the end of the year; and that only the segment from 55<sup>th</sup> Street North to 37<sup>th</sup> Street North will be terminated upon completion of the preliminary engineering report.

Vote	-	6 – 0
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#21 Authorization granted to advertise a public hearing to be held on October 7, 2008 regarding a proposed permanent roadway disconnection of Rosati Lane South from La Plaza Avenue South (PID No. 922306).

Motion	-	Commissioner Duncan
Second	-	Commissioner Latvala
Vote	-	6 – 0

#22 Change Order No. 1 to the contract with Ajax Paving Industries, Inc. for 2007-2008 Countywide Pavement Preservation and Americans with Disabilities Act (A.D.A.) Ramps

(PID No. 1577, Bid No. 067-0398-C) approved increasing the contract by \$200,000.00 (revised contract amount, \$6,959,772.62); and extending the contract 180 calendar days to January 18, 2009; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner  
Second - Commissioner  
Vote - 6 – 0

#23 Ranking of firms to provide traffic engineering consulting services for Advanced Traffic Management System/Intelligent Transportation System approved as follows:

1. Concurrent Technologies Corporation of Pennsylvania
2. DKS Associates, Inc.
3. HNTB Corporation
4. Kimley-Horn and Associates, Inc.
5. PB Americas, Inc.
6. TBE Group, Inc.
7. TransCore ITS, LLC
8. Vanus Engineering Evolution, Inc. d/b/a VANUS, Inc.

Staff authorized to negotiate contracts for Board approval with each of the top eight ranked firms.

Motion - Commissioner Latvala  
Second - Commissioner Welch

Responding to comments by Chairman Stewart, Mr. Marquis related that none of the individual contracts will exceed \$2,000,000.00; whereupon, Commissioner Seel expressed her concerns regarding the use of contractors and the impact on funds for the Intelligent Transportation Systems projects. In response to query by Commissioner Latvala, Mr. Yauch, with input by Mr. Marquis, indicated that the Board is notified when a consultant is used by virtue of a quarterly report listing work orders within the continuing service, and commented on individual work orders requiring quick turnaround.

Vote - 6 – 0

#24 Change Order No. 1 to the contract with Lanzo Lining Services, Inc. for Sanitary Sewer Cured-in-Place Pipelining Annual Contract 07/08 (PID No. 1949, Bid No. 078-0016-C) approved increasing the contract by \$500,000.00 (revised contract amount, \$1,480,360.00); Chairman authorized to execute and the Clerk to attest.

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

- #25 Agreement for Independent Consulting Engineering Services for Solid Waste Landfill and Landfill Related Activities with Camp Dresser & McKee Inc. approved in an amount not-to-exceed \$4,000,000.00 for a period of five years; Chairman authorized to sign and the Clerk to attest.

Motion	-	Commissioner Harris
Second	-	Commissioner Latvala
Vote	-	6 – 0

- #26 Authorization granted to advertise public hearings to be held on August 19, 2008 and October 7, 2008 regarding a proposed ordinance establishing a countywide inclusionary housing program (Community Development).

Bureau Director of Community Development Anthony M. Jones indicated that per the Board's direction at the July 1, 2008 BCC meeting, staff has prepared a revised proposed ordinance incorporating recommendations received from the charette held on June 4, 2008, at meetings with individual City Councils, and from County staff.

Attorney Bennett related that the second part of the two-part installment discussion on the inclusionary housing issue in the Florida Bar Journal came out last Friday; that it is quite cautionary on mandatory versus voluntary; that the County is on the edge of what has been tested by law; and that there are significant concerns specific to the issue of whether or not the courts determine the ordinance to be an impact fee.

Discussion ensued and in response to comments and queries by the members, Attorney Bennett related that he is not very comfortable with the County's present position, but that his comfort level has not reached a threshold wherein he would advise the Board not to proceed; and discussed the California and Florida legal challenges, noting that staff will continue to monitor the Florida appeal; and related that he believes the ordinance has been crafted to put the County in the best legal position possible.

During discussion and in response to query by Mr. Marquis, Attorney Bennett indicated that while it would be problematic if the ordinance is challenged in court and found to be an impact fee, it may be possible to revise the ordinance, if needed; and noted that funds from the impact fee would be specifically for impacts created by new developments, as they could not be used to cure past deficiencies.

Responding to query by Chairman Stewart, Mr. Jones provided an update on feedback received from the municipalities regarding whether they intend to support or opt out of the ordinance; whereupon, Mr. Marquis indicated that the ordinance will be re-sent to all of the municipalities informing them of the proposed changes prior to the first hearing; and that he anticipates the municipalities will make their decisions at that point.

Thereupon, Chairman Stewart indicated that he is hopeful Attorney Bennett will have clear guidance for the Board and the Board will have a better idea of municipal support by the October hearing.

Motion	-	Commissioner Duncan
Second	-	Commissioner Welch
Vote	-	6 – 0

#27 Ranking of firms for advertising and promotional services on behalf of the Convention and Visitors Bureau (Contract No. 078-0289-P) approved as follows:

1. Birdsall, Voss & Associates, Inc.
2. FKQ Marketing, Inc.
3. AKA Advertising d/b/a MMG Worldwide
4. Ypartnership, LLC
5. Fahlgren, Inc.
6. Dalton Agency
7. Fry Hammond Barr, Inc.
8. Paradise Advertising & Marketing, Inc.
9. Rick Johnson & Company, Inc.
10. The Zimmerman Agency
11. TURKEL
12. Uzzell Group, Inc.
13. Brogan & Partners
14. Engauge Marketing, LLC
15. Marketing Innovations Enterprises, Inc.
16. PDG+Creative

Staff authorized to negotiate a contract for Board approval with the number one ranked firm, Birdsall, Voss & Associates, Inc. (Convention and Visitors Bureau).

Mr. Marquis indicated that the Convention and Visitors Bureau (CVB) looked at the proposal pursuant to the Board's direction, provided their position, and arrived at the same solution as was previously recommended; whereupon, Chairman Stewart provided input regarding the CVB review and discussion, and related that the support was unanimous to recommend approval of the number one ranked firm.

Motion	-	Commissioner Welch
Second	-	Commissioner Duncan
Vote	-	6 – 0

#28 Resolution No. 08-117 adopted designating the area known as the Dansville site as a Brownfield Area and identifying the person responsible for Brownfield site rehabilitation; and authorizing the County Administrator to notify the Florida Department of Environmental Protection (FDEP) of said designation (Economic Development).

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

#29 Economic Development Grant Funding Agreement with Charles Stark Draper Laboratory, Inc. (Company) in the amount of \$2,000,000.00 approved (Economic Development).

Motion - Commissioner Duncan  
 Second - Commissioner Welch

Responding to comments and queries by the members, Director of Economic Development Mike Meidel provided a brief overview of the agreement and the type of business performed by the company and discussed the protections and safeguards for the County’s investment. He indicated that the agreement determines how the money will be distributed and under what circumstances the money would be returned to the County; and related that the project matches well with existing target industries in the County including SRI, another research group the Board helped induce to locate within Pinellas County last year; that synergies will be developed with Progress Energy regarding searching for alternative energy sources and improved efficiencies in its existing coal plants; and that this agreement will not obligate the company to locate to the Tampa Bay area as the project will remain in competitive mode until a fully completed package is offered to the company and press releases are issued by the Governor and the company.

Mr. Meidel indicated that the agreement is unique to Pinellas County and the company and allows more flexibility with terms and conditions than if it were part of the state process; that a signed five-year lease within Pinellas County is required before funding will be disbursed by the County; that the City of St. Petersburg is offering \$2,000,000.00 of city-owned real property if the company locates within the city limits, which the company will own upon the closing of the project; and that a specific site has not yet been determined, but the most likely location will be near the job corps campus. He discussed the terms regarding outsourcing employees; described the wage definition used, noting that it is comparable to the Qualified Target Industry (QTI) Tax Refund Program; and indicated that the company is a non-profit organization and does not qualify for the QTI program; and that the funding is strictly a one-time grant designed to match the Innovation Fund grant from the state.

Vote - 6 – 0

#30 Sixth Amendment to Lease Agreement with MG Tower, LLC for the Community Development Department renewing the lease term for a period of five years and reducing the rental rate to \$17.25 per square foot effective the first month following the date the Amendment is signed; Chairman authorized to sign and the Clerk to attest (Real Estate Management).

Motion - Commissioner Harris  
 Second - Commissioner Welch

Responding to query by Commissioner Seel, Mr. Marquis confirmed that the amendment to the existing lease agreement is not market-based; and that no comparison was made to leases within downtown Clearwater.

Vote - 6 – 0

- #31 Resolution No. 08-118 adopted determining the necessity to construct intersection improvements at 54<sup>th</sup> Avenue North and 28<sup>th</sup> Street North, and directing the condemnation of the necessary properties and property rights required for construction (PID No. 1146); Clerk authorized to record the resolution (Real Estate Management).

Motion - Commissioner Welch  
 Second - Commissioner Duncan

Responding to query by Chairman Stewart, Mr. Yauch indicated that the incorrect intersection is marked on the map provided in the backup documents; whereupon, he identified the correct project location.

Vote - 6 – 0

- #32 Contract for Sale and Purchase with William James Redgrave and Nadine LaVelle Redgrave for acquisition of a portion of land located at 2453 Keystone Road, Tarpon Springs for the Keystone Road – U.S. Highway 19 to East Lake Road project (PID No. 920522) approved; authorization granted for issuance of a check in the amount of \$48,970.33 to American Government Services Corporation (purchase price, \$38,520.00; attorney fees \$3,500.00; appraisal, \$4,767.50; engineering fees, \$1,765.88; title insurance and closing costs, \$416.95); Chairman authorized to sign and the Clerk to attest (Real Estate Management).

Motion - Commissioner Latvala  
 Second - Commissioner Welch  
 Vote - 6 – 0

Responding to query by Commissioner Latvala, Real Property Manager Jim Meloy related that 28 parcels remain to be purchased in connection with the project; and Director of Public Works and Transportation Peter J. Yauch stated that utility clearance may begin in January 2009.

- #33 Contract for Sale and Purchase with Emory L. Johnson, Anna L. Murray, a/k/a Anna L. Balough, and Byron R. Johnson for acquisition of real property located at 1304 East Tarpon Avenue, Tarpon Springs, for the Keystone Road – U.S. Highway 19 to East Lake Road project (PID No. 920522) approved; authorization granted for issuance of a check in the amount of \$158,302.67 to American Government Services Corporation (total closing expenses of \$158,302.67; county appraisal fee of \$2,500.00; estimated asbestos

survey, abatement, and demolition costs of \$10,000.00; total estimated cost of \$170,802.67); declaration of structures as surplus and authorization for Real Property Division to demolish the structures and dispose of any personal property, as appropriate, in accordance with the law and established county policy; Chairman authorized to sign and the Clerk to attest (Real Estate Management).

Motion - Commissioner Harris  
Second - Commissioner Latvala

Responding to query by Commissioner Seel, Real Property Manager Jim Meloy related that this is a whole taking of the land and the structure.

Vote - 6 – 0

#34a Mr. Marquis announced that a public hearing by the Local Planning Agency (LPA) will be held on August 6, 2008 at 5:30 P.M. at the South Cross Bayou Water Treatment Plant, 7401 54<sup>th</sup> Avenue North, St. Petersburg, regarding the designation of parcel number 01/31/15/00000/130/4000 as a Brownfield area; and that a Review and Recommendation Report, together with a proposed resolution designating parcel number 01/31/15/00000/130/4000 as a Brownfield area will be considered by the Board of County Commissioners at its meeting of September 16, 2008. He noted that the designation would allow the County to offer economic incentives to encourage redevelopment of the parcel; and that Contemporary Housing Alternatives of Florida, Inc. is asking for the designation and intends to redevelop the parcel into multi-family affordable housing.

#35 County Attorney authorized to defend the County’s interest:

- a. James R. Cordell, Jr. and Kim L. Kaszuba versus Pinellas County, Circuit Civil Case No. 08-9079-CI-021 – Encroachment Upon Public Property.
- b. Goldman Sachs Mortgage Company versus Brent E. Berry, et al., Circuit Civil Case No. 08-9625-CI-8 – Mortgage Foreclosure Involving a Community Development Mortgage.

Motion - Commissioner Welch  
Second - Commissioner Latvala  
Vote - 6 – 0

#36 Authorization granted to advertise a public hearing to be held on August 5, 2008, regarding a proposed Ordinance adding Section 2.08 to the Pinellas County Charter requiring referendum approval to remove the environmental lands designation from County-owned environmental lands or to sell, convey or transfer any fee simple interest in County-owned environmental lands; and scheduling a referendum on the proposed charter amendment.

Motion - Commissioner Harris  
Second - Commissioner Latvala

Responding to queries by the members, Managing Assistant County Attorney Dennis R. Long provided information with respect to specific language contained in the proposed ordinance; and County Attorney Bennett provided input.

Vote - 6 - 0

- #37 Authorization granted to advertise a public hearing to be held on August 5, 2008, regarding a proposed Ordinance amending Sections 90-102 and 90-112, Pinellas County Code, designating the boundaries by map of County-owned environmental lands that will be subject to charter limitations on the conveyance or designation of environmental lands.

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

- #38 Resolution No. 08-119 adopted regarding the County's Pre-Tax Premium Plan, a/k/a the Cafeteria Plan, with flexible spending arrangement; establishing a revised plan with additional provisions; and providing for an effective date.

Motion - Commissioner Welch  
Second - Commissioner Latvala  
Vote - 6 - 0

- #39 Settlement approved in the case of Pinellas County versus Menios Papas, Popi Papas, et al., Circuit Civil Case No. 01-008225-CI-015, Keene Road Project – Phases 1A and 1B, Parcels 028 (Roadway Easement), 030 (Roadway Easement), and 031 (Roadway Easement); payment of defendants' expert fees authorized in accordance with the confidential memorandum from County Attorney James L. Bennett dated July 22, 2008.

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

- #40 County Attorney Miscellaneous – None.

- #41 Sitting as the Countywide Planning Authority (CPA), the Board authorized public hearings to be held on August 5 and August 19, 2008, to consider a proposed Countywide Rule amendment to update the traffic generation rates.

Motion - Commissioner Latvala  
Second - Commissioner Seel  
Vote - 6 - 0

- #42 a. Starkey Road Project Update

Director of Public Works and Transportation Peter J. Yauch provided a brief summary of the project; and noted that the citizens in the area have come together as a coalition to implement a livable community format for the area and have

engaged a consultant who will make a presentation on the project in August. He indicated that design staff will attend the presentation and work with the City of Largo to determine what concepts could be implemented; and that since construction is not scheduled until approximately 2013, there is time to work with the citizens on this project.

Thereupon, Commissioner Latvala moved, seconded by Commissioner Harris, that the project update be acknowledged.

Motion	-	Commissioner Latvala
Second	-	Commissioner Harris
Vote	-	6 – 0

- b. Interim County Administrator Marquis reported that the Fiscal Year 2008-2009 budget, as submitted to the Board, contains no increase to millage rates; and that it is his intention to certify that budget to the Property Appraiser, unless otherwise directed; whereupon, Chairman Stewart confirmed that the members have indicated their concurrence.

Following a brief discussion on the Emergency Management Services (EMS) contracts currently in force, Mr. Marquis recommended that in order to fully fund the shortfall created by the mandated 4.1 percent increase in revenue to be provided to the cities during the upcoming fiscal year, approximately \$971,000.00 be taken from the EMS reserves; and that the cities be notified that it is the Board's intention to terminate all EMS contracts effective October 1, 2009, and to review the issue of consolidation. Responding to query by Commissioner Welch, Mr. Marquis advised that currently there is approximately \$18,200,000.00 in the EMS reserve; whereupon, Commissioner Seel noted that the cities have expressed an interest in discussing consolidation.

Thereupon, Commissioner Duncan moved, seconded by Commissioner Latvala, that approximately \$971,000.00 in EMS reserve funds be used to fully fund the shortfall created by the current contracts.

Motion	-	Commissioner Duncan
Second	-	Commissioner Latvala
Vote	-	6 – 0

#43 County Commission Miscellaneous:

- a. Commissioner Duncan provided information re upcoming Tampa Bay Area Regional Transportation Authority workshop.

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- b. Commissioner Welch queried as to possible funding for Pinellas Hope, with Mr. Marquis providing information; suggested that Commissioner Stewart consider serving on the newly formed “A Baseball Community” coalition.
- c. Commissioner Harris noted that a citizen representative must be appointed to serve on the Value Adjustment Board; suggested that alternate BCC and citizen representatives also be appointed; and provided water conservation tip.
- d. Chairman Stewart related that Director of Economic Development Mike Meidel will serve as the County’s stakeholder representative to work with the Tampa Bay Rays re the stadium issue.

Mr. Marquis explained the County Administrator interview process and noted that it will begin next week.

\* \* \* \*

At this time, 4:25 P.M., the meeting was recessed and reconvened at 6:30 P.M. with all Commissioners in attendance except for Commissioners Morroni and Seel. Frederick L. Dean, Deputy Clerk, assumed Ms. Harris' place on the dais.

\* \* \* \*

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

**COUNTYWIDE PLANNING AUTHORITY PUBLIC HEARINGS**

#44a Ordinance No. 08-37 adopted approving Case No. CW 08-24, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from Residential Suburban to Residential Low and Institutional, re 4.5 acres m.o.l. located at 3280 and 3290 McMullen Booth Road (regular amendment). The Pinellas Planning Council recommended approval of the proposed amendment subject to the following conditions, and staff concurred.

- 1. City of Clearwater to evaluate the traffic impacts of any future development of the site pursuant to the City’s Concurrency Management System.
- 2. The City give special consideration to the improvement of the site with respect to the buffering and landscaping guidelines of the Scenic/Non-Commercial Corridor Master Plan.

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

Motion	-	Commissioner Latvala
Second	-	Commissioner Duncan
Vote	-	5 – 0

#44b Ordinance No. 08-38 adopted approving the proposed amendments to the Beach by Design Special Area Plan (SAP) (CW 01-25, SAP Change No. 5-2008) initiated by the City of Clearwater; providing for severability; providing for filing of the Ordinance; providing for other modifications that may arise from review of the Ordinance at the public hearings and with responsible authorities; and providing for an effective date. The Pinellas Planning Council (PPC) recommended conditional approval of the proposed amendments subject to the following conditions; and staff concurred.

1. That a maximum of 150 temporary lodging units per acre be approved (as opposed to 175).
2. That prior to allocation of any of the 1,385 hotel density reserve units, the following shall be required:
  - a. The level of service (LOS) discrepancy between the 2007 Metropolitan Planning Organization (MPO) LOS Report and the DKS Associates February 2008 Beach Area Traffic Study be reconciled and the current LOS verified by the City to the satisfaction of the MPO;
  - b. Based on the reconciled LOS, the MPO Countywide Concurrency Management Program be employed by the City in assessing the impact of the projects proposing to utilize the hotel density reserve units; and
  - c. Any traffic system deficiencies resulting from the foregoing analysis be enumerated and solutions identified and scheduled for implementation by the City consistent with its Concurrency Management System.

Separately and in addition, recommended that an updated and revised SAP that incorporates all amendments since the original Beach By Design approval be provided and filed of record.

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

Motion	-	Commissioner Duncan
Second	-	Commissioner Latvala
Vote	-	5 – 0

**SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS**

#45 Petition of Carmen J. Winkelman, James R. Spear, Bonita S. Spear, Donald Sweeney, John R. Herndon, Kathryn B. Herndon, George P. Najemian, and Theresa Najemian to vacate the unopened Basin Street public right-of-way, reserving a drainage and ingress/egress easement over the entire vacated area in the Grand Bay Heights Subdivision denied. Letters of no objection received from all appropriate parties. Interested property owners were notified of the date of the public hearing. Staff recommended the vacation be granted. One letter in objection to the application has been received.

Real Property Manager Jim Meloy displayed maps and photographs of the subject area and stated that the applicants own the property to the east and west of the road; that the road is platted and unopened; that the underlying interest is to the applicants; and that staff recommends approval of the petition if an easement for drainage and ingress and egress to the road is retained.

Responding to queries by the members, Mr. Meloy related that the road is unopened; that no one will be inconvenienced by the vacation as no access would be removed; that many years ago roads were platted into wetlands; that the easement would allow ingress and egress and drainage; and that ingress and egress will be from Hill Point Drive in the North.

Petitioners Roger A. Hurley, Carmen Winkelman, and George Najemian indicated that they own and pay taxes on the parcels beyond Basin Street; that they currently have no access to the property; and that granting the vacation will provide them with access. They noted that Basin Street is submerged for most of its length; that there is no access for public use; that the petitioners own homes on the lagoon but have no legal access to the lagoon or the right-of-way in order to apply for boat dock permits; that granting the petition will ensure that the mangroves and environmentally sensitive areas will remain protected; and that representatives of the Department of Environmental Management have conducted a visit to the site and issued a report indicating that docks can be permitted in accordance with regulations. They stated that while some neighbors are in opposition to the vacation, the neighbors in the immediate area are not; and that the vacation will increase the value of the individual properties as well as the overall values in the neighborhood.

Responding to query by Commissioner Duncan, Mr. Hurley related that he has owned his home for more than 14 years; and provided information on how he acquired the parcel beyond Basin Street.

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\* \* \* \*

At this time, 6:45 P.M., Commissioner Seel entered the meeting.

\* \* \* \*

Responding to the Chairman's request for individuals wishing to be heard in favor of the application, Donna Griffin, Palm Harbor, appeared and indicated her support.

Responding to the Chairman's request for individuals wishing to be heard in objection to the application, the following persons appeared and expressed their concerns:

Dennis Green, Ozona  
Reggie Hall, Ozona  
Richard Chrzanowski, Ozone (submitted photographs)  
Hannah Ralicki, Ozona

During discussion and in response to query by Commissioner Harris, Interim County Administrator Marquis related that although this petition had previously been submitted to staff, it was withdrawn before coming to the Board; whereupon, Commissioner Latvala noted that precedent has been set for this type of vacation; and that it will not negatively affect the wetlands. Additional discussion ensued wherein the members commented on the manner in which docks could be built; whereupon Mr. Marquis provided specific information; and noted that when the petitioners submit an application for a dock permit the entire situation will be reviewed; and that a similar vacation had been approved in Crystal Beach.

Referring to a preliminary dock configuration submitted by the petitioners, Director of Environmental Management William M. Davis related that staff has had discussions with the petitioners regarding dock construction; that a wetlands line has not been set; that although the configurations are not approved, all three petitioners intend to apply for dock permits; that he believes approving the vacation would obligate the County to issue some sort of dock permit; that a trail for citizen access would have to remain; that the area has not yet been field-reviewed by his staff; and that the petitioners have no right to submit dock permit applications unless and until the vacation is approved. During additional discussion and in response to comments by the members, Mr. Davis indicated that if the board stipulates that citizen access is required, staff would ensure that it is included in its recommendation with regard to any dock permit requests; whereupon, referring to photographs, Mr. Hurley described the manner in which the public would be able to use the path; indicated that he would enlarge the existing gate, if requested; and noted that there is no kayak launching activity from this path at present.

Following additional brief discussion, Commissioner Latvala moved, seconded by Commissioner Welch, that the petition be approved; and Commissioner Harris noted that he is not comfortable supporting the motion; whereupon, Commissioner Seel indicated that should the vacation be granted, she would hope that it would include continued public access.

Upon call for the vote, the motion failed 3 to 3, with Commissioners Duncan, Harris, and Seel casting the dissenting votes.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	3 – 3 (Commissioners Duncan, Harris and Seel dissenting)

#46 Resolution No. 08-120 adopted granting petition of Accent Investments, LLC to vacate a portion of right-of-way on Eighth Street, Lot 13, Subdivision of Block 150 of Sutherland, Florida; authority granted for Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified of 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 Seel
Second	-	Commissioner Duncan
Vote	-	6 – 0

#47 Ordinance No. 08-39 adopted amending Sections 38-29 and 38-30 of the Pinellas County Code designating the responsibility for the administration and implementation of the local housing assistance program; providing for an Affordable Housing Advisory Committee; providing for severability; providing for inclusion in the Pinellas County Code; providing for other modifications that may arise from review of the Ordinance at the public hearing and with responsible authorities; and providing for an effective date. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Duncan
Second	-	Commissioner Seel
Vote	-	6 – 0

#48 Resolution No. 08-121 adopted approving and authorizing the submittal to the U.S. Department of Housing and Urban Development the Pinellas County Consortium’s Fiscal Year 2008-2009 Action Plan for Community Planning and Development; authorization for the Chairman or designee to sign and the Clerk to attest Specific Performance Agreements, Land Use Restriction Agreements, and Developer Agreements; authorization for the Community Development Director to sign and file reports and other administrative documents; and authorization for Community Development to hold 2009 public hearing on needs and performance. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Harris  
Second - Commissioner Latvala

Responding to query by Chairman Stewart, Interim County Administrator Marquis stated that the Cities of St. Petersburg, Clearwater, and Belleair Shores are not members of the consortium; and Director of Community Development Anthony M. Jones stated that the City of Largo is a member of the consortium but not a cooperating city.

Vote - 6 – 0

#49a Application of Tarpon Ridge, Inc., c/o Grady Pridgeon, for the removal of a previously established condition limiting residential density granted in Variance Case 01-04 approved, re approximately 133 acres lying west of Interstate 275, east of 28<sup>th</sup> Street North and generally south of 102<sup>nd</sup> Avenue North and North of 96<sup>th</sup> Avenue North. Staff recommends approval of the application. No correspondence has been received.

In providing background information relating to the application, Interim County Administrator Marquis noted that when the Board last heard the application, it withheld its approval until such time as several conditions were met, including the receipt of input from the City of St. Petersburg indicating that it would not oppose any landfill issues, and agreement by the applicant that it would include affordable housing in the project in accordance with the provisions of the County's Inclusionary Housing Ordinance. Mr. Marquis noted that the City of St. Petersburg has indicated that it will withhold comment until the application has been approved by the County; and that the applicant has agreed to meet the requirement that affordable housing be included in the project.

Director of Building and Development Review Services Paul T. Cassel referred to an aerial photograph, pointed out the subject parcel, provided additional background information, and noted that the applicant is requesting release from a previously established condition, which release would allow the developer to use a density bonus for location within the Gateway Activity Center as permitted under the County Land Use Plan. He related that while the property is located in the City of St. Petersburg, Pinellas County Ordinance 04-18 requires a setback of 2,000 feet from any solid waste property; that a variance to adjust the setback for this project was granted in 2004; that the variance included several conditions, one of which was that the density be held to 30 units per acre; and that the applicant is seeking to remove this condition from the variance in order to take advantage of the available density bonus. Mr. Marquis related that the applicant has committed to meeting the criteria for the placement of affordable housing in each of the separate residential developments; and that this condition will be included in a development agreement; whereupon, Mr. Cassel noted that the condition will run with the land; that staff will have oversight of the conditions as the project is developed; and that approval is recommended with the conditions outlined in the report.

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E. D. Armstrong, III, Esquire, Clearwater, stated that he represents the applicant; and that the application has been reconfigured and approved by staff and the Local Planning Agency; and that he and his team are available to respond to any queries the Board may have.

Responding to the Chairman's request for individuals wishing to be heard, the following persons appeared and indicated their support:

Barbara Inman, St. Petersburg  
Lyndsey Scofield, St. Petersburg  
Steven Kurcan, St. Petersburg  
Ann Vanek-Dasovich, Tampa (submitted letter in support from Florida Wildlife Federation)  
Bev Griffiths, Riverview  
Honey Rand, Lutz  
Cathy Harrelson, St. Petersburg  
Mary Gerken, St. Petersburg  
Pat Kiesylis, St. Petersburg

Thereupon, Commissioner Duncan moved, seconded by Commissioner Harris, that the application be approved.

Discussion ensued wherein Commissioner Welch commented that he would have preferred assurance from the City of St. Petersburg that it would not oppose future expansion of the landfill, and Chairman Stewart concurred; and County Attorney Bennett recommended that since the variance language has not yet been drafted, the Chairman be authorized to review and approve the final language; whereupon, Chairman Stewart noted that he will do so with the assistance of the County Attorney and the Interim County Administrator, and no objections were noted.

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

At this time, Mr. Marquis read the following announcement:

Public hearing agenda item No. 49b represents an amendment to the County's Comprehensive Plan that is being considered today by the Board for transmittal to the Department of Community Affairs (DCA) for review. The DCA is trying to better inform citizens of its determination regarding whether or not local government comprehensive plans and/or plan amendments are in compliance with State law. Therefore, if the action taken by the Board of County Commissioners today is to authorize transmittal of this amendment to the DCA for review, then anyone who wishes to hear directly from the DCA regarding its compliance determination on this amendment can give the Board Reporter their name and address which will then be forwarded to the DCA, and that person will be notified directly by the DCA as to when, and in what newspaper, the DCA will issue its determination regarding the status of the amendment.

You will also be informed at that time that you have 21 days after the DCA publishes this determination if you wish to challenge the DCA's findings.

- #49b Application of Bayside Reserves, Inc. and Pinellas County Community Development through Pinellas County Community Development, c/o Anthony Jones, Director, and Roxanne Amoroso, Banc of America Community Development Corp., Representatives, for a change of zoning from R-3 and R-2, Single Family Residential, AL, Aquatic Lands, A-E, Agricultural Estate Residential, and RPD-5, Residential Planned Development, 5 Units Per Acre to RPD-5, AL, and RPD-10, Residential Planned Development, 10 Units Per Acre; a change in land use designation from Residential Low and Preservation to Residential Low, Preservation, and Residential Low Medium; and a development agreement providing for a building height of five stories for the proposed building and a request for a 50 percent Affordable Housing Density Bonus (Z/LU-3-8-07), re several parcels of land containing approximately 23 acres located on the east and west sides of 49th Street, primarily lying north of 162nd Avenue North, approved subject to further review and approval by the Pinellas Planning Council and Countywide Planning Authority. Resolution No. 08-122 adopted. Staff recommended approval of the application; Local Planning Agency (LPA) recommended denial of the application. Four letters, nine e-mail messages, and ten telephone messages in objection to the application have been received. Correspondence submitted for the Planning and Zoning Examiner's Hearing and the meeting of the LPA includes two letters and a petition containing 52 signatures, one letter and a petition containing 129 signatures, and one letter and a petition containing 325 signatures in objection to the application. Staff authorized to transmit to the Pinellas Planning Council and further authorized to transmit change in land use designation to DCA for review and comment. Final Board approval contingent upon comments received from DCA.

Director of Building and Development Review Services Paul T. Cassel referred to an aerial photograph and land use map and pointed out the subject parcels. He provided a description of the surrounding area; noted that the parcels contain a number of submerged acres which will be deeded to the county; and identified zoning and land use designations in the neighborhood. Referring to the concept plan, Mr. Cassel noted that it calls for the development of 209 multi-family units and ten single-family units; that there will be an open-space play area; and that complete site plan review is required. He related that there will be no wetlands encroachment; that there will be no development on the transfer parcel, but density will be transferred from that property to the development parcel; that the density bonus will be available only in the non-coastal storm areas consistent with the Comprehensive Plan policies and the State planning mandates; and that in exchange for the density bonus, the applicant is required to provide at least 20 percent of the multi-family units as affordable to households that are at or below 60 percent of the area median income.

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Mr. Cassel related that the developer will be required to include several offsite infrastructure improvements in order to mitigate the traffic impacts of the development; that there will be a reconstruction of 162<sup>nd</sup> Avenue between 49<sup>th</sup> Street and Bolesta Road, intersection improvements, and the addition of sidewalks to improve traffic flow; and that the owner will also be required to contribute to the funding of associated improvements on both the northerly and southerly ends of 49<sup>th</sup> Street; whereupon, responding to query by Chairman Stewart, he related that the developer of the Roosevelt Commons Office Complex has proposed the installation of a traffic signal at the intersection of Roosevelt Boulevard and Bolesta Road; that the signal has been approved by the Florida Department of Transportation (FDOT); and that the developer of the project under review will contribute funds toward that improvement.

Director of Community Development Anthony M. Jones conducted a PowerPoint presentation titled *Pinellas County Community Housing Program*, a copy of which has been filed and made a part of the record, and discussed the Community Housing Program, the Community Housing Trust Fund, the Community Housing Land Trust, and the concept of affordable housing as it relates to the subject application, following which he responded to queries by the members.

Noting that the two-year process has been challenging for the staff, the applicant, and the neighborhood, Mr. Cassel indicated that issues revealed in the original review, including the appropriate level of density for the neighborhood, the mitigation of traffic concerns, the environmental concerns raised by the location of the site, and flood plain and evacuation issues, have been addressed. He indicated that staff has been working closely with the DCA; that the DCA requested the amendment of some policies relative to the 100-year flood plain; and that those amended policies were adopted by the Board as part of the Comprehensive Plan in March 2008 and have been approved by the DCA. He stated that the project is consistent with the policies of the Comprehensive Plan and the guiding principles of both the County's Strategic Plan and Pinellas By Design to provide affordable workforce housing opportunities in or near major employment areas; whereupon, he noted that the LPA did not agree with staff's recommendation in support of the application and listed the LPA's objections. In response to query by Commissioner Seel, Mr. Cassel indicated that the current zoning on the property would allow the development of between 60 and 70 units, without the affordable housing density bonus.

Jacob F. Stowers indicated that he represents the developers, Broderick & Associates and Banc of America, and submitted a document titled *Bayside Reserve BOCC Presentation Packet*, a copy of which has been filed and made a part of the record; whereupon, he discussed how the project relates to the strategies and initiatives contained in Pinellas by Design and the County's Comprehensive Plan.

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Jesse Leon, Banc of America Community Development Corporation (BACDC), provided information with respect to the market-rate mixed income housing accomplishments of BACDC; and conducted a PowerPoint presentation titled *Bayside Reserve, Housing Within Reach for Pinellas County Residents*, a copy of which is included in the packet submitted by Mr. Stowers.

Robert Pergolizzi, Gulf Coast Consultants, referred to the County's Comprehensive Plan, and stated that the proposed project meets the Plan's objectives and requirements. He provided information regarding compatibility and traffic; noted that the height of the building will be within the height limitation under the current zoning; that local traffic improvements are included in the development agreement; that local roadways are substandard and will be reconstructed to Pinellas County standards in conjunction with the project; and that another developer will be constructing intersection improvements at Roosevelt Boulevard and Bolesta Road.

Scott Emery, Ph.D., related that he has been to the site on two occasions to examine the upland area for gopher tortoises, shrub jays, and other populations; that he was unable to find evidence of them on the property; that there is an eagle's nest located approximately 70 feet from the farthest southern end of the property; and that wetlands species will not be affected.

Responding to the Chairman's request for individuals wishing to be heard in favor of the application, Arthur O'Hara, St. Petersburg, appeared and indicated his support.

Responding to the Chairman's request for individuals wishing to be heard in objection to the application, the following persons appeared and expressed their concerns:

Barbara Walker, Palm Harbor  
Liz Drayer, Clearwater  
George J. Dimoff, Clearwater  
Mary Jo Dimoff, Clearwater  
Bill Medernach, Clearwater  
Sheila Gantt, Clearwater (submitted petition)  
J. S. Hood, Belleair  
David Waddell, Clearwater  
David Kandz, St. Petersburg  
Val Maltese, St. Petersburg  
Richard N. Shott, Clearwater (submitted presentation)  
John Ruggles, Clearwater (submitted document)  
Janet Modrakovic, Clearwater  
Jeff Hoyt, Clearwater  
Cathy Harrelson, St. Petersburg

In rebuttal, Mr. Pergolizzi provided information regarding the transportation improvements called for in the project, and the project's compatibility to the neighborhood.

Responding to query by Chairman Stewart, Director of Public Works and Transportation Peter J. Yauch provided historical information regarding the traffic patterns at the Bayside Bridge; noted that it carries twice the number of cars per day than had been anticipated; related that there is a recognized operational problem where the ramp comes into 49<sup>th</sup> Street; and described the anticipated construction and traffic signal installation needed to mitigate the problem. In response to query by Commissioner Welch with respect to the possible traffic impact coming from the proposed project onto Bolesta Road, he indicated that there is currently background traffic; that there will be a greater concentration of traffic on Bolesta Road; and that this traffic is the focal point recognized by FDOT in its approval of the new traffic signal; and Mr. Pergolizzi provided additional input.

In response to queries by Commissioner Seel, Senior Vice President of JMG Realty, Inc. Bonnie B. Smetzer explained the security provisions provided by the management company; Mr. Leon indicated that 20 percent of the units will be affordable to households at 60 percent of the area median income; and Dr. Emery provided additional information with respect to the eagle's nest located near the parcels.

Responding to queries by the members, Mr. Jones confirmed that, as the agreement stands, 20 percent of the units will be rented as affordable housing and the remaining 80 percent will be rented at market rate, but the ratio is ultimately dependent upon the financing received for the project; and Mr. Leon provided additional information with respect to financing; whereupon, Mr. Marquis suggested that the Board set the ratio as a condition of its approval of the application; and discussion ensued.

Responding to query by Commissioner Welch, County Attorney Bennett provided information with regard to the representation provided by Johnson, Pope, Bokor, Ruppel & Burns, LLP in this matter, stating that there is no issue of conflict or concern.

Following brief discussion, Commissioner Latvala moved, seconded by Commissioner Welch, that the application be approved; whereupon, responding to query by Commissioner Duncan, Chairman Stewart confirmed that the motion is for the approval of the change of zoning, the change in land use designation, and the development agreement, as submitted.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	6 - 0

July 22, 2008

**CITIZENS TO BE HEARD**

Jay Alexander, St. Petersburg, re reactivation of a federal program USCCC.  
Gus Calderone, Largo, re Sheriff/Layoffs.  
Pat Kiesylis, St. Petersburg, re loss of moratorium protection of our coast.

On behalf of the Board, Chairman Stewart expressed appreciation to Director of Building and Development Review Services Paul T. Cassel for his many years of dedicated service to Pinellas County; and extended congratulations on his upcoming retirement.

#50 Meeting adjourned at 10:48 P.M.

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Chairman

ATTEST: KEN BURKE, CLERK

By: \_\_\_\_\_  
Deputy Clerk