

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, AUGUST 10, 2004 – 9:38 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

Members Absent: None.

Members Late: None.

Members Excused: None.

Others Present: Susan H. Churuti, County Attorney; Stephen M. Spratt, County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Dawn Rubio, Board Reporter.

INVOCATION: Rabbi Arthur Baseman, Temple B’Nai Israel.

PLEDGE OF ALLEGIANCE: Commissioner Todd

PROCLAMATIONS AND AWARDS

1. Proclamation to Marla Morris, Muscular Dystrophy Association, “Fill the Boot” Campaign, declaring the week of August 1-7, 2004 as Firefighter Appreciation Week.
2. Presentation by County Administrator Spratt of the 2004 Recycle Florida Today, Inc. Recycling Outstanding Partnership Award to Jan Tracy, Utilities Education Coordinator.

CITIZENS TO BE HEARD

1. Jo An Totty, Palm Harbor, re Palm Harbor.
2. Don Yuna, Palm Harbor, re boat/trailer parking fee.
3. Luke Lirot, Clearwater, re Adult Use Ordinance, Section 6-2.
4. Ruby Horrevoets, Largo, re Adult Use Ordinance, Section 6-2.
5. Wayne T. Sebrinu, Clearwater, re Adult Use Ordinance, Section 6-2.
6. Brandon L. Kolb, St. Petersburg, re Adult Use Ordinance, Section 6-2.
7. Ricanna Howard, Tampa, re Adult Use Ordinance, Section 6-2.
8. Jill Lauderdale, Manatee County, re Adult Use Ordinance, Section 6-2.

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

1 Multi-use dock application No. M34001-04/revised, K-S Investments, Inc., 1700 Park Street North, St. Petersburg (Boca Ciega Bay) approved; one letter in opposition to the application has been received; the biological report has been filed as part of the record; and staff recommended approval. No citizens appeared to be heard.

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

2 Dredge and fill application No. D/F-1519, City of St. Petersburg, Sunrise Drive South and Paradise Way Southeast, Fernery Bay, St. Petersburg (Little Bayou), approved; no correspondence has been received; no citizens appeared to be heard; the biological report has been filed as part of the record; and approval is subject to the following condition:

The applicant or contractor must take immediate corrective action should turbidity problems occur outside of the dredge or spoil area.

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

3 Dredge and fill application No. D/F-1516, City of St. Petersburg, Delaware Avenue Northeast and Carson Circle Northeast, St. Petersburg (Butterfly Lake), approved; one letter in support of and two letters in opposition to the application have been received; the biological report has been filed as part of the record; and approval is subject to the following condition:

The applicant or contractor must take immediate corrective action should turbidity problems occur outside of the dredge or spoil area.

Director of Environmental Management William M. Davis indicated that staff has no environmental or navigational concerns regarding the application, and that staff recommends approval.

Comments by Mike Barker, St. Petersburg, in support of the application; and comments by Rick Parrey, Alphonse Patrizzi and George Grada, all from St. Petersburg, in opposition to the application were noted.

William Coughlin, Engineering Department, City of St. Petersburg, related that in May 2002, five of the eight homeowners petitioned the city to evaluate the possibility of dredging; that the city estimates a cost of approximately \$8,750 per homeowner; and that some of the residents are no longer in favor of the dredging.

In response to query by Commissioner Stewart, County Administrator Stephen M. Spratt indicated that the board as the Water and Navigation Authority must review the environmental criteria in order to issue a permit; whereupon, County Attorney Susan H. Churuti related that the board must respond to all city applications for permits.

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

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At this time, 10:39 A.M., Commissioner Stewart left the meeting.

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4a Ordinance No. 04-56 adopted approving Case No. CW 04-31, the proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan from residential medium to residential/office/retail, re 0.2 acre located generally on the south side of 50th Avenue North, approximately 120 feet west of 4th Street North (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

4b Ordinance No. 04-56 adopted approving Case No. CW 04-32, the proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan from industrial general to industrial limited, re 1.1 acres located generally on the south side of 5th Avenue South, between 29th and 30th Streets South (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

4c Ordinance No. 04-57 adopted approving Case No. CW 04-36, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from residential urban, preservation and water/drainage feature overlay to recreation/open space, preservation and water/drainage feature overlay, re 36.6 acres located at the western terminus of Glen Oak Avenue North, approximately 1,250 feet west of McMullen Booth Road (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 4d Ordinance No. 04-58 adopted approving Case No. CW 04-38, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from commercial general to residential low, re 0.4 acre located generally on the east side of Murray Road, approximately 287 feet south of Walsingham Road (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 5a Ordinance No. 04-56 adopted approving Case No. CW 04-29, the proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan from preservation, industrial limited, activity center/primary overlay and water/drainage feature overlay to industrial limited, activity center/primary overlay and water/drainage feature overlay, re 11.7 acres located generally at the northeast corner of 16th Street North and 102nd Avenue North (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

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At this time, 10:40 A.M., Commissioner Stewart returned to the meeting.

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- # 5b Ordinance No. 04-56 adopted approving Case No. CW 04-30, the proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan from commercial general and activity center/primary overlay to central business district and activity center/primary overlay, re 0.4 acre located generally on the southeast corner of 4th Avenue North and Dr. M. L. King, Jr. Street North (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 5c Ordinance No. 04-59 adopted approving Case No. CW 04-33, the proposal by the City of Pinellas Park to amend the Countywide Future Land Use Plan from institutional and commercial general to residential medium, re 5.8 acres located generally on the west side of U.S. Highway 19 North, approximately 950 feet north of 110th Avenue North (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

Commissioner Seel requested that the city consider right-of-way needed for a proposed overpass during the final site plan review.

- # 5d Ordinance No. 04-59 adopted approving Case No. CW 04-34, the proposal by the City of Pinellas Park to amend the Countywide Future Land Use Plan from commercial general to residential/office/retail, re 3.1 acres located generally at the southeast corner of 66th Street and 94th Avenue (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

In response to query by Commissioner Seel, Dean R. Neal, Zoning Director, City of Pinellas Park, indicated that the proposed private school is not a permitted use within the commercial general category; and that an institutional classification would not be appropriate as the area has other existing commercial uses.

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

- # 5e Case No. CW 04-35, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from residential low and water/drainage feature overlay to residential high and water/drainage feature overlay, re 4.4 acres located on the east side of North Highland Avenue at the eastern terminus of Ridgelane Road (regular amendment) continued for 60 days at the request of the city. No correspondence has been received. No citizens appeared to be heard. Gina L. Clayton, Planning Department, City of Clearwater, appeared on behalf of the city.

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

- # 5f Ordinance No. 04-58 adopted approving Case No. CW 04-37, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from commercial recreation to institutional, re 14.6 acres located generally at the southwest corner of 28th Street North and 50th Avenue North (regular amendment). Pinellas Planning Council recommended

approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 5g Ordinance No. 04-58 adopted approving Case No. CW 04-39, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from commercial general to residential medium, re 6.8 acres located generally on the north side and western terminus of Sands Point Drive, and at the western terminus of Collany Road (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 6 Voluntary Annexation Review of VA 04-64 and VA 04-65, City of Largo, pursuant to Ordinance No. 00-63. Staff recommended that the board make a determination that the proposed annexations are consistent with Ordinance No. 00-63 in the absence of accepted guidelines and criteria for determining when the requirements of Ordinance No. 00-63 have been met; and further recommended that the board formally act to authorize county staff to forward proposed annexation criteria and guidelines to the Pinellas Planning Council (PPC) for action in order to more clearly define when the ordinance requirements have been satisfied. No correspondence has been received. No citizens appeared to be heard.

In response to query by Commissioner Welch, Mr. Spratt indicated that the draft criteria have been prepared and are ready for evaluation by the PPC.

Commissioner Seel indicated that many property owners are not aware of indentures on their properties; and requested that the City of Largo inform residents that their properties may be subject to annexation; whereupon, Jonathan Damonte, Largo, stated that he owns a title company and provides that information to home buyers; and suggested further that the state require that all title companies provide that information along with the title policy.

Chairman Latvala requested that the draft criteria and Commissioner Seel's request of the city be placed on the August 24, 2004 agenda for further discussion; whereupon, Commissioner Harris indicated that he is not in favor of the request.

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

- # 7 Public hearing held re proposed ordinance amending Chapter 138, Sections 1007, 1009, 1010, 1015, and 1016 of the Pinellas County Land Development Code relating to the Old Palm Harbor-Downtown Zoning District, and amending Chapter 138, Section 1332 of the Code pertaining to alcoholic beverages; authorization granted to advertise a second public hearing to be held August 24, 2004. No correspondence has been received. No citizens appeared to be heard.

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

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At this time, 10:56 A.M., Commissioner Stewart left the meeting.

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- # 8 Public hearing held re proposed ordinance amending Chapter 146, Historical Preservation, of the Pinellas County Land Development Code by revising Section 146-5 concerning the issuance of certificates of appropriateness; authorization granted to advertise a second public hearing to be held August 24, 2004. No correspondence has been received. Comments by Lesley Klein, representing the Main Street Association, and Jo-An Totty, Palm Harbor, were noted.

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

- # 9 Initial assessment roll for road and drainage improvements to 20th Avenue Southeast from Lake Avenue East to Starkey Road temporarily deferred to October 5, 2004 (previously deferred at meeting of May 25, 2004.) All property owners listed on the assessment roll have been notified as to the date of the public hearing. No correspondence has been received. No citizens appeared to be heard.

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

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At this time, 10:59 A.M., Commissioner Stewart returned to the meeting; and Commissioner Welch left the meeting.

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- #10 Resolution No. 04-132 adopted granting petition of Stephen and Gina Couture to vacate the 30-foot-wide right-of-way of 80th Street North lying west of and adjacent to Lot 1, Block C, Golden Sunshine Homes, located in the southeast quarter of Section 1, Township 31 South, Range 15 East. Letters of no objection were received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. No correspondence has been received. Staff recommended that the vacation be granted. Clerk authorized to record. No citizens appeared to be heard.

In response to query by Commissioner Harris regarding a recent lawsuit pertaining to vacated right-of-way, Charles R. Norwood, Public Works, explained that petitions are reviewed thoroughly; and that the lawsuit involved a minor platting issue dating from the 1920s.

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

- #11 Resolution No. 04-133 adopted granting petition of Evangelos and Sophia Legakis to vacate the west 10.0 feet of Lots 9 and 10, less the north 10.0 feet of said Lot 9, Milton's Subdivision, located in the northeast quarter of Section 31, Township 30 South, Range 16 East. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. No correspondence has been received. Staff recommended that the vacation be granted. Clerk authorized to record. No citizens appeared to be heard.

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

- #12 Application of Tarpon Ridge, Inc., through Grady Pridgen, Representative, approved for a variance from the requirements of Pinellas County Ordinance No. 04-18 to allow construction of residential dwelling units within 2,000 feet of Pinellas County solid waste disposal facilities (Variance 01-04), re approximately 133 acres lying west of I-275, east of 28th Street North and generally south of 102nd Avenue North and north of 96th Avenue North (previously deferred at meeting of July 27, 2004.) One letter in support, one letter and two e-mails in opposition to the variance have been received. Staff recommended approval with conditions based upon the Local Planning Agency report.

Referring to an aerial photo and map of the area, Director of Development Review Services Paul Cassel indicated that the property is in close proximity to the county's solid waste and landfill facility; and that the issue being discussed today concerns the distance buffer for a proposed mixed-use development of the property.

County Attorney Susan H. Churuti noted that the board rarely hears requests for variances; whereupon, Chief Assistant County Attorney James L. Bennett distributed

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copies of Ordinance No. 04-18, a copy of which has been filed and made a part of the record; and outlined the variance criteria.

Mr. Cassel reviewed the recommended conditions; and indicated that staff recommends a 700-foot buffer from the northerly property line; whereupon, in response to query by Commissioner Welch, he clarified that when taking the Florida Power easement into consideration, the actual distance would be approximately 960 feet from the landfill area.

In response to query by Commissioner Seel, David Goodwin, Assistant Director, Development Services, City of St. Petersburg, indicated that the developer's proposal of 75 units per acre would be similar to the density in the Carillon development.

Timothy A. Johnson, Jr., Esquire, Johnson, Pope, Bokor, Ruppel and Burns, LLP, stated that he represents the applicant; and indicated that the developer agrees to all of staff's conditions except for the proposed density of 30 units per acre; and related that Carillon is developed at between 100 and 160 units to the acre.

Architect Robert Jacques, Mulvaney G2 Company, indicated that his company has built many projects with a density of 150 to 200 units per acre; and argued that a higher density would be a model project for Pinellas County.

Director of Utilities Pick Talley related that the Solid Waste Department tries to locate landfills away from residential properties; and that adjoining landfill space across 28th Street will probably be needed within 15 years; whereupon, in response to query by Commissioner Welch, Director of Solid Waste Operations Warren Smith indicated that with approval of a 150-foot height at the current landfill, the additional landfill space may not be needed for about 33 years; and that he is aware of some complaints from residents of nearby developments.

Comments by Russell Sloan, President, St. Petersburg Area Chamber of Commerce, and Vern Farnsworth, St. Petersburg, in support of the variance; and comments by Robert M. Brumback, Chairman, Technical Management Committee, Norman Roche, Clearwater, and Marc Rogoff, John Scott Daily Institute of Government, University of Florida, in opposition to the variance were noted.

In rebuttal, Mr. Johnson urged that the board support staff's recommendation for approval but to allow the applicant's requested density of 75 units per acre.

In response to query by Commissioner Welch, County Administrator Stephen M. Spratt indicated that if the variance is granted, the project plan will come back to the board for approval of site plan considerations; and Director of Planning Brian K. Smith related that the master plan would be considered by the Pinellas Planning Council (PPC) before deliberation by the board.

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Thereupon, Commissioner Welch moved, seconded by Commissioner Harris, that the variance be approved as requested.

In response to query by Commissioner Seel, developer Grady Pridgen indicated that he would not object to the proposed 150-foot height of the landfill.

Following discussion, Commissioner Stewart offered a substitute motion, seconded by Commissioner Seel, to approve the variance as recommended by staff, including Condition No. 5 limiting the density to 30 units per acre; and Commissioner Welch indicated that he is agreeable to Commissioner Stewart's motion.

Motion - Commissioner Stewart
Second - Commissioner Seel
Vote - 4 - 3 (Commissioners Latvala, Morroni and Todd dissenting)

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Upon direction of the Chairman, the meeting was recessed at 1:10 P.M. and reconvened at 2:07 P.M. with Commissioner Stewart not in attendance.

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CONSENT AGENDA ITEMS NOS. 13 THROUGH 26 - APPROVED

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

#13 Minutes of regular meeting of July 13, 2004.

#14 Reports received for filing:

- a. Dock Fee Report for the month of June 2004.
- b. Juvenile Welfare Board of Pinellas County Interim Financial Reports (unaudited) dated June 30, 2004.

#15 Approvals received for filing:

- a. General - none.
- b. Vouchers and Bills Paid - Periods of July 12 through July 16 and July 19 through July 23, 2004.
Payroll Journal Expenditures
Payroll Journal page numbers 1 through 2765
Payroll checks numbered 522472 through 522992

Imprest Fund Expenditures

Replacement checks numbered 686717 through 686719 and 686721 through 686722

Manual checks numbered 686716 and 686720

System checks numbered 745455 through 747378

#16 Miscellaneous items received for filing as noted on agenda.

- a. Affidavit of publication of legal notice published in the Gulf Coast Business Review re Notice of Forfeiture of Unclaimed Money pursuant to Section 116.21, Florida Statutes.
- b. City of Clearwater Public Hearing Notices of Annexation, Land Use Plan, Rezoning and Zoning Atlas Amendments regarding Ordinances Nos. 7265-04 through 7267-04 and 7310-04 through 7318-04 to be held August 16, 2004.
- c. Correspondence from City of Pinellas Park re three ordinances voluntarily annexing certain property; public hearings held July 22, 2004 and to be held August 12, 2004.
- d. Pinellas Park Water Management District Minutes of Regular Authority Meeting No. 8, dated May 20, 2004.
- e. Housing Finance Authority of Pinellas County Fiscal Year 2003/2004 Budget Amendment No. 1, adopted July 13, 2004, submitted by Darlene J. Kalada, Executive Director of Housing Finance Authority.

#17 Releases of Sureties:

- a. Tyler Homes, Inc. – funds released.
- b. Sunset Point Townhomes – funds released.
- c. Beckett Lake Assisted Living Facility (ALF) – funds released.
- d. Sunketch at Feather Sound – funds released.

#18a Ranking of firms to provide design professional consulting services for the Sheriff's Administration Support Building Renovation (Project Name Change – formerly known as Juvenile Detention Center Renovation) (PID No. 606) as follows:

1. Mason Blau & Associates, Inc.
2. Elements
3. GLE Associates, Inc.

Staff authorized to negotiate a contract for board approval with the Selection Advisory Committee's number one ranked firm.

#18b Ranking of firms to provide construction management services for the Sheriff's Administration Support Building Renovation (Project Name Change – formerly known as Juvenile Detention Center Renovation) (PID No. 606) as follows:

1. Creative Contractors, Inc.
2. Mathews Construction
3. Peter R. Brown Construction, Inc.

Staff authorized to negotiate a contract for board approval with the Selection Advisory Committee's number one ranked firm.

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Later in the meeting, Commissioner Seel emphasized the need for staying within the construction budget for this project.

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#19a Ranking of firms to provide consulting engineering services to design standardized technical construction specifications for Utilities projects (Projects Nos. 691-906016-1733 and 751-906016-1733) as follows:

1. King Engineering Associates, Inc.
2. TBE Group, Inc.
3. McKim & Creed

Staff authorized to negotiate a contract for board approval with the Selection Advisory Committee's number one ranked firm.

#19b Ranking of firms to provide independent consulting engineering services for Solid Waste landfill and other related ancillary facilities (Project No. 999-999999-1749) as follows:

1. SCS Engineers
2. CH2M Hill/WCG Joint Venture
3. Jones Edmunds & Associates, Inc.

Staff authorized to negotiate a contract for board approval with the Selection Advisory Committee's number one ranked firm.

#20 Change Order No. 1 (final) to contract with Keystone Excavators, Inc. for Ridge Road sanitary sewer replacement, decreasing the contract by \$1,773.00 for a final agreement amount of \$179,787.00, and providing for release of retainage in the amount of \$8,714.08 (Project No. 753-989114-1127) (Bid No. 023-397-C); Chairman authorized to sign.

#21 Bid of TBG of Tampa, Inc. d/b/a The Beacon Group for HVAC/AC monthly inspection, preventative maintenance, and repairs for Utilities for an estimated 36-month expenditure not to exceed \$446,292.00 (36-month contract with three additional 12-month options of renewal at the same terms and conditions allowing for a price adjustment based on the Consumer Price Index [CPI] for All Urban Consumers, not seasonally adjusted, or five percent, whichever is less, subject to availability of funds and approval by the County

Administrator) (Bid No. 034-430-B); Chairman authorized to sign agreement and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

#22 Partial Release of Mortgages and Land Use Restriction Agreements to Friends of the Deaf Service Center of Pinellas, Inc. n/k/a The Deaf and Hearing Connection of Tampa Bay, securing an interest in a 54-unit rental apartment complex located at 7525 83rd Street North, Seminole, Florida 33777, approved for execution (Community Development).

#23 Approval to Declare Miscellaneous County-Owned Medical Equipment Surplus and Authorize its Donation to Baycare Health System withdrawn (Human Services).

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

#24 Budget amendments Nos. 21, 22, 23, and 24 were filed and made a part of the record (Management and Budget).

#25 Agreement with Florida Department of Environmental Protection for Florida Recreation Development Assistance Program (FRDAP) Project Agreement (SFY 2004-05) – Development for grant funding in the amount of \$112,500.00 for trail improvements at Lake Seminole Park (DEP Agreement No. F5047) (CSFA Number 37.017) approved (Culture, Education, and Leisure/Parks).

#26 Sitting as the Pinellas County Industrial Development Authority d/b/a the Economic Development Authority, the Board approved the final release of retainage to J & R Co-op Construction Company, Inc. for the Young-Rainey STAR Center Roof Replacement Project OSF Package #2 (Bid No. 023-252-C).

#27 Items for Discussion from Consent Agenda (County Administrator and Clerk of Circuit Court). See agenda item No. 23.

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At this time, 2:10 P.M., Commissioner Stewart returned to the meeting.

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#28 Bid for the relight taxiway “M” and associated taxiways project awarded to JACO Airfield Construction, Inc. for a total estimated cost not to exceed \$503,865.00 (95 percent funding by the Federal Aviation Administration [FAA], 2.5 percent by the Florida Department of Transportation [FDOT], and 2.5 percent by the St. Petersburg-Clearwater International Airport) (Airport Contract No. AP-57) (Bid No. 034-698-C);

Chairman authorized to sign agreement and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

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

- #29 Cooperative Funding Agreement between the Southwest Florida Water Management District (SWFWMD) and Pinellas County for Bee Branch Channel improvements - implementation (K677) for a total amount of \$88,100.00 (SWFWMD funding, \$44,050.00; Pinellas County funding, \$44,050.00) approved for execution (PID No. 922333).

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

- #30 Vacant Parcel No. 18/30/15/00000/210/2400 declared as surplus with establishment of a base bid of \$180,000.00, with authorization granted to advertise and sell to the highest bidder. At the request of Commissioner Todd, Charles Norwood, Public Works, will provide information as to the zoning classification of the parcel.

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

- #31 Agreement for Consultant Services for Improvements to Bryan Dairy Road (C.R. 296) from Starkey Road to 72nd Street North (Project No. 920588) with TBE Group, Inc. in the amount of \$790,769.00 approved for execution.

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

- #32 Contract for Sale and Purchase between Frances H. Allen and Pinellas County for acquisition of real property located at 1405 Indian Rocks Road South, Largo, Florida, for the Pump Station 54 project approved for execution; authorization granted for issuance of necessary checks and to declare the structure as surplus and dispose of said property as appropriate.

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

- #33 Contract for Purchase and Sale between Pinellas County and the Pinellas Suncoast Transit Authority (PSTA) for acquisition of a portion of the PSTA property located at 49th Street North in the amount of \$3,300,000.00 approved for execution and for the Clerk to attest. During discussion and in response to queries by Commissioner Seel,

Charles Norwood, Public Works, provided information regarding the purchase price and explained the time frame of December 1, 2004 for acceptance of the purchase price or exercise of the right to terminate the contract; and Mr. Spratt discussed possible uses for the site and indicated that proceeds from the Jumbo Sports property could be utilized for acquisition and renovation of the PSTA property.

Motion - Commissioner Harris
Second - Commissioner Welch
Vote - 6 – 1 (Commissioner Seel dissenting)

- #34 Cooperative Funding Agreement between the Southwest Florida Water Management District (SWFWMD) and Pinellas County for the Pinellas County Ultra Low Flow Toilet Rebate Program – Phase 3 (K679) in the amount of \$1,309,500.00 approved for execution.

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

- #35 First Amendments to Agreements for Instrumentation, Control & Monitoring Systems Repair, Maintenance and Training Services with Rocha Controls and Performance Technical Services, Inc. approved (Bid No. 034-21-B); Chairman authorized to sign agreements and Clerk to attest after proper execution by the contractors and written approval as to form by the County Attorney.

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

- #36 Bid for replacement/relocation of Pump Station No. 071 (Rebid) awarded to Vogel Brothers Building Co. on the basis of being the only responsive, responsible bid received meeting specifications for an estimated total expenditure in the amount of \$2,275,189.06 (Project No. 751-627314-1451) (Bid No. 034-681-C); Chairman authorized to sign agreement and Clerk to attest after proper execution by the contractor and written approval as to form by the County Attorney.

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

- #37 Amendment No. 6 to Refuse to Energy Plant Consolidated Management Agreement with Wheelabrator Pinellas, Inc. for provision of a switchyard circuit breaker in the amount of \$86,900.00 approved for execution. Commissioner Seel disclosed that she must abstain from voting on this matter due to a conflict of interest, and in accordance with the provisions of the Standards of Conduct Law, submitted a Memorandum of Voting Conflict, which has been filed and made a part of the record.

Motion - Commissioner Morrioni
Second - Commissioner Welch
Vote - 6 – 0 (Commissioner Seel abstaining)

- #38 First Amendment to License Agreement with Dansville Neighborhood Development Corporation for property located at 12603 132nd Avenue North, Largo, terminating the license effective September 30, 2005, approved for execution (Community Development).

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

- #39 Resolution No. 04-134 adopted authorizing payment in the amount of \$526.62 for a welcome reception held to meet the new airport director and promote the St. Petersburg-Clearwater International Airport (County Administrator).

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

- #40 Ranking of firms to provide state governmental representation (Contract No. 034-595-P) approved as follows:

1. Pennington Law Firm (Joint Venture)
2. Holland & Knight LLP
3. Governmental Solutions, LLC

Staff authorized to negotiate a contract with the number one ranked firm for Board approval (Purchasing/County Administrator).

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

- #41 Authorization granted to advertise a public meeting to be held on September 2, 2004, from 6:00 P.M. to 7:00 P.M. at the Extension Service Auditorium C re the Department of Environmental Protection Florida Recreation Development Assistance Program (FRDAP) grant application for Phase I boardwalk replacement at Sawgrass Lake Park (Culture, Education, and Leisure/Parks).

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

- #42 Authorization granted to advertise a public hearing to be held August 24, 2004, re a proposed ordinance amending the Water and Navigation Control Authority Ordinance relating to dock contractors' requirements (Environmental Management).

Responding to comments by Commissioners Stewart and Seel, Administrator Spratt advised that cost data would be provided with regard to the recommended requirements in the proposed ordinance; and that the County Attorney's office will be furnishing information pertaining to impending federal legislation and Pinellas County Construction Licensing Board building codes and requirements.

Motion - Commissioner Morrioni
 Second - Commissioner Todd
 Vote - 7 - 0

- #43 Termination of lease agreement at the Sheriff's tech services and video visitation sites located at the St. Petersburg-Clearwater International Airport approved for execution. Clerk authorized to record (General Services).

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

- #44 Sole source purchase of Maximo software support services from MRO Software, Inc. for the period of July 1, 2004 through June 30, 2009 at a firm price of \$616,623.65 approved (Contract No. 034-710-N); Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney (Purchasing/Information Systems).

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

- #45 Resolution No. 04-135 adopted appropriating unanticipated grant proceeds into the FY 2004 Capital Projects Fund in the amount of \$38,000.00 (Management and Budget).

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

- #46 First Amendment to Agreement for Flexible Spending Accounts Administration with Ceridian Benefits Services for annual requirements of flexible spending accounts administration (Contract No. 001-0472-P) approved, for a revised estimated annual expenditure in the amount of \$37,290.00; Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney (Purchasing/Personnel).

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

- #47 Final negotiated contract awarded to Corporate Fitness Works for health promotion and wellness program for a 24-month term in the amount of \$78,900.00 annually with prices

remaining firm for the first 12 months; subsequent price adjustments will be allowed in an amount not to exceed the average of the Consumer Price Index (CPI) for all Urban Consumers, Not Seasonally Adjusted, or five percent whichever is less for each additional 12-month period; contract to have one additional 24-month renewal period beyond the primary contract period; renewals may be exercised only if all terms and conditions remain the same and with approval by the County Administrator (Bid No. 034-610-P); Chairman authorized to sign after proper execution by the contractor and written approval as to form by the Office of the County Attorney (Purchasing/Personnel).

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

- #48 (1) Proposal of Marsh USA, Inc. accepted for annual requirements of insurance agent/broker services for Risk Management's casualty program and (2) Willis of Tennessee, Inc., d/b/a Willis of Florida for the property program for a contract period of 36 months effective upon execution of agreement and one additional 24-month option of renewal at the same prices, terms and conditions, pending availability of funds and County Administrator approval (Bid No. 034-626-P); Chairman authorized to sign agreements after proper execution by the contractors and written approval as to form by the Office of the County Attorney (Purchasing/Risk Management).

In response to queries by the board members, Assistant County Administrator Mark S. Woodard provided information with regard to the process used in acquiring the request for proposals, historical information, and clarification pertaining to the provision of separate brokers for liability and property insurance.

Motion	-	Commissioner Morrone
Second	-	Commissioner Welch
Vote	-	Vote 6 – 1 (Commissioner Seel dissenting)

- #49 Other Administrative Matters – None.

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

- a. Debbie Marsh, Trustee of Southern Trust versus John Patrick Carter, et al – Circuit Civil Case No. 04-4470-CI-07 – Mortgage Foreclosure Involving Notices of Liens for Sewer, Water or Reclaimed Water Services, Lot Clearing, and Street Lighting, Judgments for Attorney Fees, Fines and Costs and an Order(s) for Judgment of Restitution.
- b. Debbie Marsh, Trustee of the Romeo Trust versus William Cummings, et al – Circuit Civil Case No. 04-4468-CI-20 – Mortgage Foreclosure Involving Notices of Liens for Sewer, Water or Reclaimed Water Services, Lot Clearing, Demolition, and Paving Assessments.

- c. JP Morgan Chase Bank versus Bernice D. Brown, a/k/a Bernice Brown, et al – Circuit Civil Case No. 04-5090-CI-08 – Mortgage Foreclosure Involving a Community Development Mortgage.
- d. McCaughan Mortgage Company, Inc. versus Jeffrey Jung, et al – Circuit Civil Case No. 04-4830-CI-15 – Mortgage Foreclosure Involving a Street Lighting Lien.
- e. Midfirst Bank versus Anthony E. Sweat, et al – Circuit Civil Case No. 04-5210-CI-11 – Mortgage Foreclosure Involving a Judgment for Fine and Costs.
- f. New Century Home Equity Trust versus Al Johnson, et al – Circuit Civil Case No. 04-5102-CI-07 – Mortgage Foreclosure Involving a Judgment for Dependency Attorney Fees and Costs and Fine and Costs.
- g. Wachovia Bank versus Leslie L. Williams, et al – Circuit Civil Case No. 04-5262-CI-19 – Mortgage Foreclosure Involving Judgments for Fine and Costs and Attorney Fees and Costs.

Motion - Commissioner Morrone
Second - Commissioner Todd
Vote - 7 - 0

#51 County Attorney authorized to initiate litigation on behalf of:

- a. Mr. and Mrs. Andrew Cisek in the claim of Cisek versus Ciega Village Homeowners Association – PCO No.: PC-03-049, HUD No: 04-03-0870-8 – Complaint of Housing Discrimination.
- b. Leslie Vargo in the claim of Vargo versus Clearwater Sand Key Club I, Inc., et al – PCO No.: PC-04-017, HUD No.: 04-04-0435-8 – Complaint of Housing Discrimination.

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

#52 Resolution No. 04-136 adopted approving an employee welfare benefit plan, the ICMA-RC Retiree Health Savings Plan to be known as the Pinellas County Retiree Medical and Dental Reimbursement Plan; providing for the assets thereof to be held in trust; providing that the Pinellas County Board of County Commissioners shall act as trustee; providing for an effective date.

In response to query by Commissioner Seel, Attorney Churuti advised that the plan is similar to a health savings account; and that it goes into effect January 1, 2005.

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

- #53 Resolution No. 04-137 adopted authorizing the Pinellas Suncoast Fire and Rescue District to hold a referendum election in conjunction with the November 2, 2004 general election to submit to the voters of said district a proposal to change its tax structure for single-family residences.

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

- #54 Resolution No. 04-138 adopted calling for an election on November 2, 2004, pursuant to Pinellas County School Board's action seeking voter approval of an additional one-half mill ad valorem tax for a four-year period.

In response to queries by the members, Attorney Churuti advised that the Board's approval of the Pinellas County School Board's action is pursuant to a general statutory requirement; and that the School Board has chosen to utilize a state local tax option.

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

- #55 County Attorney Miscellaneous – None.

- #56 Sitting as the Countywide Planning Authority the Board accepted the annual countywide plan map adjustments.

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

- #57 Sitting as the Countywide Planning Authority the Board approved the minor plan change No. 04-1 to *Beach by Design* from the City of Clearwater.

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

Responding to query by Commissioner Seel, Gina Clayton, City of Clearwater, stated that the city is processing an amendment to its comprehensive plan that reflects the change and identifies where the density pool can be used pending Department of Community Affairs approval.

- #58 Sitting as the Industrial Development Authority d/b/a Economic Development Authority, the Board approved for execution a lease agreement between Pinellas County Economic Development Authority and Liquidmetal Technologies, Inc. at the Young-Rainey STAR Center for a five-year period commencing on October 1, 2004, with two one-year renewal options, and sublease to Florida Custom Mold (FCM); rent for the term per

month is \$7,840.63 including sales tax for 13,027 square feet of space with a tenant improvement allowance not to exceed \$65,135.00.

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

- #59 Sitting as the Industrial Development Authority d/b/a the Economic Development Authority, the Board approved the award of bid to Caladesi Construction Company for the Young-Rainey STAR Center Building 300 Renovation for a total estimated expenditure in the amount of \$348,743.00; Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the County Attorney.

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

- #60 Sitting as the Emergency Medical Services Authority, the Board denied the bid protest of American Medical Response (AMR); Chairman authorized to forward notification of denial (RFP No. 034-283-P).

David Schrader, president and owner of the Polaris Group, an international emergency medical services and public safety consulting company, presented an overview of the request for proposals process; and in response to queries by the board members offered expert opinion as to the selection of the evaluation committee, past projects, and the overall process. Alluding to comments by the board members, Administrator Spratt indicated that a proposal with regard to improving and fine-tuning the procurement process is forthcoming.

Following discussion, Nathan Hightower, counsel for AMR, expressed objection with regard to the process utilized in addressing the protest.

Motion - Commissioner Morrone
Second - Commissioner Seel
Vote - 5 - 2 (Commissioners Stewart and Harris
dissenting)

- #61 County Administrator Reports – None.

#62 County Commission Miscellaneous

- a. Commissioner Welch
 - b. Commissioner Stewart
 - c. Commissioner Seel
 - d. Commissioner Harris
 - e. Commissioner Todd
 - f. Commissioner Morroni
 - g. Chairman Latvala
- WorkNet Pinellas receives three awards.
Update with regard to status of Job Corp site and its location in Pinellas County; American Heart Walk in Tampa on November 6.
Request update re Palm Harbor District road improvements public meeting; discussion re Coachman fundamental middle school buses, recreation partnership with City of Clearwater, and Florida Gulfcoast Art Museum.
First meeting of Youth Advisory Committee; water conservation tip re over-watering of lawns.
National Association of Counties (NACo) update; distributed materials re active living leadership and affordable housing.
Reported on meetings with Mayors Arbutine and Radcliffe.
Commr. Welch moved, seconded by Commr. Seel and carried that Commr. Morroni's appointment to the Canvassing Board for the August 31 primary election be approved; discussion re candidates' forum on Channel 18; directed Communications' Director Marcia Crowley to poll local TV stations re competition; and County Attorney Churuti to report on legal implications.

#63 Meeting adjourned at 4:15 P.M.

Chairman

ATTEST: KARLEEN F. De BLAKER, CLERK

By: _____
Deputy Clerk