

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, AUGUST 18, 2009 – 2:59 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

Others Present: James L. Bennett, County Attorney; Mark S. Woodard, Assistant County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Michael P. Schmidt and Arlene J. Kennare, Deputy Clerks.

INVOCATION: Pastor Douglas Poole, Cypress Meadows Community Church, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Brickfield.

PRESENTATIONS AND AWARDS: None.

CITIZENS TO BE HEARD

Ray Temchus, Tarpon Springs, re Friendship Trail
Alan Snel, Tampa, re Friendship Trail
Dorothy Jessup, Clearwater, re Friendship Trail Bridge
Frank Miller, Tampa, re Friendship Trail Bridge
Richard Ehring, Tampa, re Friendship Trail
Captain Tom Bryan, Tampa, re Friendship Trail
Joe Paige, Clearwater, re Friendship Trail
Greg Pound, Largo, re Pinellas families
Mark Klutho, Largo, re stupidity and waste

CONSENT AGENDA ITEMS NOS. 1 THROUGH 12 – APPROVED, WITH THE EXCEPTION OF ITEM NO. 7, WHICH WAS CONSIDERED UNDER ITEM NO. 13.

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

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

2 Reports received for filing:

- a. Report of Expenses Incurred Under Incentives, Awards, and Recruitment Ordinance for the Quarter ended March 31, 2009.
- b. Pinellas County Quarterly Donation Listing of \$500.00 and Greater for the period of April 1 through June 30, 2009.
- c. Public Risk Management of Florida Intergovernmental Cooperative Agreement for the City of Treasure Island for the provision of insurance, together with an Affidavit of Authenticity.

3 Vouchers and Bills Paid – Periods June 29 through July 6, 2009, July 7 through July 10, 2009, and July 13 through July 17, 2009.

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2388

Payroll checks numbered 563321 through 563529

Imprest Fund Expenditures

Manual checks numbered 751581 through 751608

System checks numbered 971026 through 972848

ACH Transfers numbered 2809 through 2950

Wire Transfers numbered 011014 through 011034

4 Miscellaneous items received for filing:

- a. City of Pinellas Park Notice of Public Hearing regarding Ordinance No. 3693 annexing certain property held August 11, 2009.
- b. City of Seminole Notice of Public Hearing to be held August 25, 2009 regarding Ordinances Nos. 23-2009 through 25-2009, voluntarily annexing certain property.
- c. Correspondence from City of St. Pete Beach supporting the ongoing operations and funding of the Pinellas Planning Council.
- d. City of Tarpon Springs Resolution No. 2009-29 opposing fees at Fred Howard Park adopted July 21, 2009.
- e. Pinellas Park Water Management District minutes of Regular Authority Meeting No. 9 dated June 18, 2009.

5 Installation of three speed humps on Terrace Road from 125 feet east of the centerline of Hillcrest Street to U.S. Alternate Highway 19 (South Pinellas Avenue/State Road 595) approved in accordance with the Residential Traffic Management program adopted

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pursuant to Resolution No. 97-291 dated October 14, 1997 and revised June 4, 2002 and June 7, 2005.

- # 6 Change Order No. 2 to the agreement with David Nelson Construction Co. for Walsingham Road Sidewalks and Walsingham Road – 119th Street/Old Ridge Road (Bid No. 078-0508-C; PID Nos. 940 and 922518) approved increasing the agreement amount by \$279,910.25 (revised total agreement, \$3,761,549.94) and extending the contract by 60 days; Chairman authorized to sign and the Clerk to attest.
- # 7 See Item No. 13.
- # 8 Bid for North Pinellas Reclaimed Water Pump Station Rehabilitation (Project No. 1816; Bid No. 089-0443-C) in the amount of \$1,039,922.00 awarded to Wharton-Smith, Inc., a prequalified contractor, 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 DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR – RECEIVED FOR FILING (COUNTY ADMINISTRATOR)

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Airport	Airline Operating Permit with Sunwing Airlines, Inc. for Charter Service Flights	\$80,097.00 total estimated annual revenue	7.6.09
Community Development	Release of Lien with Community Service Foundation	Lien is paid in full.	6.30.09
County Administrator	Agreement with Pinellas County, o/b/o the Unified Personnel System, and the Juvenile Welfare Board for Human Resources Services	\$100,000.00 revenue	7.10.09
County Administrator	Correspondence to the Florida Department of Environmental Protection Authorizing Signees for Pinellas County Utilities' Applications for Miscellaneous Permits and Certifications	N/A	7.15.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
County Administrator	Correspondence with the Florida Department of Transportation for the County Incentive Grant Program Agreement for McMullen Booth Road at Drew Street	N/A – time only extension to December 31, 2010	7.10.09
County Attorney	Memorandum of Authorization for a Stipulated Final Judgment with Pinellas County and Allan K. Olsen for the Keystone Road Project	\$191,000.00	7.15.09
Culture, Education and Leisure	Interlocal Agreement with the City of St. Petersburg for Maintenance of the Fred Marquis Pinellas Trail – St. Petersburg Extension	\$20,000.00 annual	7.30.09
Environmental Management	Assistance Amendment No. 3 with the U.S. Environmental Protection Agency for the Air Pollution Control Support Program	\$51,427.00 increase in award funding	7.13.09
Environmental Management	Cooperative Agreement with the U.S. Department of Homeland Security for the BioWatch Program: Field Operations and Sample Collection Activities	\$205,372.00 revenue, no County match	7.7.09
Fleet Management	Amendment No. 1 to the Standard Written Agreement with the Florida Department of Transportation for Routine Vehicle Maintenance Services	\$40,000.00 decrease in funding	7.13.09
Human Resources	Letter of Agreement with Florida State University for Certified Public Manager Training Program, Levels 1 through 3	\$19,500.00	8.4.09
Justice and Consumer Services	(a) Grant application with the Office of the Attorney General, Crime Stoppers Trust Fund for the Crime Stoppers of Pinellas County, Inc. Program; and (b) Funding Agreement with Suncoast Center, Inc., d/b/a Help A Child, for Medical Assessments of Children Who Are Alleged Victims of Abuse or Neglect	(a) \$284,774.00 requested funds, no County match; and (b) \$100,000.00	8.3.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Justice and Consumer Services	Edward Byrne Memorial Justice Assistance Grant Award with the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for the 2009 Pinellas County Justice Assistance Program	\$3,129,032.00, no match; ratification item filed on August 18, 2009, BCC Consent Agenda	6.22.09
Public Works	Release of Funds Held as Completion Surety for: (a) Daniel Street Overflow Parking; and (b) Shannon Wren Driveway Removal	(a-b) N/A	8.3.09
Public Works	Release of Funds Held as Completion Surety with Patrick Hickey for Hickey Office Improvements	N/A	7.8.09
Real Estate Management	(a) Subordination Agreement with Florida Power Corporation, d/b/a Progress Energy Florida, Inc., for Park Street/Starkey Road Project from Tyrone Boulevard to Bryan Dairy Road; and (b) Contract for Sale and Purchase with U.S. Home Corporation for Keystone Road Project from U.S. 19 to East Lake Road	(a) N/A; and (b) \$16,325.00 total estimated cost	7.30.09
Real Estate Management	(a) Access and Use License with YMCA of the Suncoast, Inc., for a Mobile Visitation Bus at the YMCA Ridgecrest Branch; and (b) Wall Easement and Maintenance Agreement with Bardmoor North Property Owners' Association, Inc. for the Bryan Dairy Road Project from Starkey Road to 72 nd Street North	(a) \$60,000.00, paid by Sheriff through a federal grant, no County match (b) N/A	7.22.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Real Estate Management	(a) Amendment No. 20 to Lease Agreement with Raytheon Company for Space at the Young – Rainey STAR Center, Effective July 1, 2009; and	(a) \$220,853.21 total monthly rental revenue; and	7.16.09
	(b) Sidewalk, Drainage and Utility Easement with the State of Florida Department of Transportation for State Road 590 Project Improvements from Cardinal Drive to Lawrence Drive	(b) N/A	
Real Estate Management	(a) Sidewalk Easement with GMK Development of Pinellas LLC;	(a-c) N/A	7.8.09
	(b) Drainage and Utility Easement with DWB Enterprises, Inc.; and		
	(c) Drainage Maintenance Easement with Eric B. and Leelawati Amnay		
Real Estate Management	Sovereignty Submerged Lands Easement for the Keystone Road Improvement Project from U.S. 19 to East Lake Road	N/A	6.11.09
Utilities	Change Order No. 1 Final, Acceptance of the Agreement as Complete, and Release of Retainage with:		7.8.09
	(a) T.L.C. Diversified, Inc. for Pump Station Rehabilitations, Group 3 – Pump Stations Nos. 353, 394, and 396; and	(a) \$31,460.00 decrease in total agreement amount	
	(b) Dallas 1 Corporation for Pump Station Replacements Group 2 – Pump Stations Nos. 082 and 088	(b) \$28,330.00 decrease in total agreement amount	

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Utilities	Change Order No. 1 Final, Acceptance of the Agreement as Complete, and Release of Retainage with Westra Construction Corp for North County Phase 2A, Part 2 Reclaimed Water Distribution System Palm Harbor/Crystal Beach	\$338,211,61 decrease in total agreement amount	7.6.09
Utilities	Payment Request Summary Form with the Florida Department of Environmental Protection for the Innovative Waste Reduction and Recycling Grant for the Period Ending June 30, 2009	\$26,687.34 requested funds, plus \$15,440.00 County match	6.24.09

- #10 Approval of Ratification of the Recovery Act: Edward Byrne Memorial Justice Assistance Grant Formula Program Award for the Pinellas County Justice Assistance Project 2009 (Award No. 2009-SB-B9-1311) in the amount of \$3,129,032.00 (Project period: March 1, 2009 to February 28, 2013) (Justice and Consumer Services).
- #11 Addendum No. 2 to the Contract for Law Enforcement Services between the City of Belleair Beach, Jim Coats as Sheriff of Pinellas County, and Pinellas County approved renewing the agreement for a period of one year commencing October 1, 2009 and concluding September 30, 2010; the City to pay the County the sum of \$414,628.56 in monthly installments beginning October 1, 2009; Chairman authorized to execute the Addendum (Justice and Consumer Services).
- #12a Declaration of miscellaneous County-owned equipment as surplus approved and authorization granted for liquidation of same through public auction conducted by Tampa Machinery Auction and GovDeals.com; distribution of proceeds from vehicles sold from Governmental Funds to the Fleet Internal Service Fund to offset the replacement cost of future vehicles approved (Real Estate Management/Fleet Management).
- #12b Declaration of two County-owned vehicles (Assets Nos. 108165 and 91200) as surplus and authorization for sale of same to the Pinellas County Sheriff's Office for a lump sum of \$19,206.00 approved; distribution of proceeds of the sale from Governmental Funds to the Fleet Internal Service Fund to offset the replacement cost of future vehicles approved (Real Estate Management/Fleet Management).

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

#7 Amendment No. 6 to Agreement for Consultant Services with URS Corporation Southern for Park Street/Starkey Road (County Road 1) from Tyrone Boulevard to Bryan Dairy Road improvement project (PID Nos. 864 and 865) with no increase in contract amount approved for execution; Chairman authorized to sign and the Clerk to attest.

In response to queries by Commissioner Seel, Director of Public Works and Transportation Peter J. Yauch provided background information relating to major and minor modifications within the change order, and reported that due to funding and scheduling issues, it has become necessary to transfer a portion of the Starkey Road plans to the Bryan Dairy Road plans, and discussion ensued.

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

#14 Addendum No. 4 to Interlocal Agreement with the Pinellas County Sheriff's Office for law enforcement coverage at the St. Petersburg-Clearwater International Airport for the period from October 1, 2009 through September 30, 2010, in the amount of \$613,818.15, representing an increase of \$30,069.14 approved; Chairman authorized to execute and the Clerk to attest.

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

#15 Resolution No. 09-101 adopted amending the 2009-10, 2010-11, and 2011-12 State Housing Initiatives Partnership (SHIP) Program local housing assistance plan for submission to the Florida Housing Finance Corporation for the purpose of establishing a new plan strategy (Community Development).

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

#16 Final negotiated contract with Janicki Environmental, Inc., for development of a Conservation Management Plan for Clearwater Harbor and St. Joseph Sound (total funding, \$560,000.00; total local Penny funds, \$17,760.00) and an optional engagement with Janicki for a sediment management plan during the term of the contract pending available funding approved (Contract No. 089-0222-P); Chairman authorized to sign and

the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney (Environmental Management).

In response to queries by the members, Director of Environmental Management William M. Davis defined the term Total Maximum Daily Load (TMDL), and indicated that TMDL originates with the Clean Water Act and refers to a calculation of the maximum amount of a pollutant a body of water can receive and still safely meet water quality standards. Mr. Davis reported that political entities are responsible for surface water runoff into streams, bays, and other bodies of water; and that the Environmental Protection Agency (EPA) and the Department of Environmental Protection (DEP) are set to provide Pinellas County with load allocation numbers regarding pollutant levels in St. Joseph Sound and Clearwater Harbor; whereupon, he expressed his concerns regarding the County trying to achieve the mandatory, though potentially inaccurate, load allocation numbers.

Thereupon, Mr. Davis discussed funding of the project, and reported that its costs will be divided among the County, the cities, and other related jurisdictions; that the Conservation Management Plan will identify the projects which are necessary to attain the pollution load reductions; and that the estimated cost for an optional Sediment Management Plan is \$38,200.00 and will only be implemented if the necessary funding can be obtained.

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

- #17 Amendment No. 1 to the Interlocal Agreement between Pinellas County and the Pinellas County Health Department, revising Section 2(a) of the agreement, removing the loan provisions and identifying the Health Department's annual allocation as the sole source of funding for the property acquisition approved. The source of funding for the purchase of the property at closing will be the Health Department Special Revenue Fund (0202). The total purchase price will not exceed \$5,000,000.00 (Companion Item No. 18) (Health and Human Services).

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

- #18 Contract for sale and purchase with Suntasia Properties, Inc., by and through its duly appointed receiver Robb Evans and Robb Evans & Associates LLC for acquisition of real property located at 8751 Ulmerton Road, Largo, to serve as the administrative offices for the Pinellas County Health Department in the amount of \$4,100,000.00 approved.

Authorization granted for issuance of a wire transfer to Title Depot, Inc., in the amount of \$4,100,298.50 (property cost, \$4,100,000.00; closing costs, \$298.50) at closing; Chairman authorized to sign and the Clerk to attest (Companion Item No. 17) (Real Estate Management).

Motion - Commissioner Morroni
Second - Commissioner Seel

In response to queries by Commissioner Seel, Mr. Woodard related that Pinellas County Government is bound by Florida Statute to provide funding to the Pinellas County Health Department through a local property tax levy; that while the Health Department is not permitted to engage in property acquisitions, the County can perform such actions on its behalf; and that relocating administrative personnel to the Largo facility will afford the Clearwater location sufficient space to provide direct care to its target population; whereupon, Mr. Woodard related that delinquent taxes will be collected and paid at the time of closing; that the County will retain title to the property; and that the Health Department will be responsible for all maintenance.

Upon call for the vote, the motion carried unanimously.

Vote - 7 - 0

#19 Amendment No. 2 to the Pinellas County Health Care Services Plan Interlocal Agreement with the State of Florida, Department of Health, Pinellas County Health Department approved for execution, providing for an estimated increase in expenditures in the amount of \$600,000.00 (Health and Human Services).

Motion - Commissioner Latvala
Second - Commissioner Seel

Responding to query by Commissioner Welch, Director of Health and Human Services Maureen A. Freaney related that the increase in the number of encounters with the Health Department is the result of the need for participants to have immediate access to a health care professional; and that this is more easily accomplished through the Health Department.

Vote - 7 - 0

#20 Federally-funded Subgrant Agreement with the State of Florida, Division of Emergency Management, for the Public Safety Interoperable Communications Grant (Contract No. 09-DS-31-08-62-01; CFDA No. 11.555) approved; grant funds in the amount of \$913,600.00 to be received; County to provide a 25 percent match in the amount of \$228,400.00; funds are specifically allocated for equipment and services for three 700 megahertz P25 channels. Chairman authorized to execute and the Clerk to attest after

written approval as to form by the Office of the County Attorney (Public Safety Services).

Motion - Commissioner Seel
Second - Commissioner Latvala

Responding to queries by Commissioner Welch, Safety Services/Radio and Data Systems Manager Pamela J. Montanari indicated that 700 and 800 megahertz are compatible, contiguous frequencies; that P25 technology is the standard established through Homeland Security; that it is an IP-based system which allows different systems to communicate with one another; and that all County agencies are transitioning to P25 capable radios as they continue to replace their existing equipment.

Vote - 7 – 0

- #21 Final negotiated contract for fire protection services, Tierra Verde, with Lealman Special Fire Control District (RFP No. 089-0356-P) approved in the amount of \$1,081,700.00, plus \$39,528.00 for vehicle maintenance, utilities, and fuel costs; agreement is for an initial period of five years, with one five-year option of renewal through a written mutual agreement between Lealman and the Board; Chairman authorized to execute and the Clerk to attest (Public Safety Services/Purchasing).

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

- #22 Other Administrative Matters:

Staff recommendation not to pursue the findings of the Friendship Trail Bridge Oversight Committee regarding the funding of repairs to the trail bridge approved.

Assistant County Administrator Mark S. Woodard indicated that staff's recommendation not to pursue the findings of the oversight committee's report is based upon the lack of sustainability and the lack of available funding; that various engineering analyses indicate that the bridge is at the end of its lifespan; that the proposed rehabilitation would cost approximately \$15 million; and that the county does not have funding available. He related that staff and the county's federal lobbyists have each performed an analysis of the criteria for the federal Transportation Investment Generating Economic Recovery (TIGER) grants; and that the conclusion in each case was that the project may not qualify, and if it did, it would probably receive a low ranking.

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Responding to queries by Commissioner Welch, Director of Public Works and Transportation Peter J. Yauch related that both Pinellas and Hillsborough County have set aside approximately \$2 million for bridge repair; that the costs to repair the bridge would be \$7 million for immediate repairs, \$4 million in repairs over the next ten years, and \$4 million in contingency funds needed for unforeseen circumstances; whereupon, Mr. Yauch related that the original analysis was performed by a consultant hired by Hillsborough County together with an expert from Tallahassee; and that the engineering analysis is accurate. He indicated that future repairs could not be covered by grant funds, since there is an end date for their expenditure; that there is some uncertainty with regard to engineering costs; and that TIGER grant funds must be used for transportation or transportation infrastructure projects.

Responding to query by Commissioner Bostock, Chairman Harris related that the oversight committee was created in partnership with Hillsborough County through an interlocal agreement; and that it consists of elected officials and private citizens. Chairman Harris noted that the project appeared to meet the necessary TIGER requirements; that the committee is not tied to a particular type of grant; and that the committee's concern was whether or not monies in the form of a grant could be found for the project; whereupon, Mr. Yauch provided information with regard to the process staff uses to determine whether a grant is appropriate for a particular project; and responding to query by Commissioner Welch, indicated that the proposed replacement of the other Gandy spans is at least 25 years away.

Commissioner Welch expressed his concerns regarding the effect this project could have on the county's proposed budget; and noted that Penny for Pinellas funding is down 25 percent; that other projects which had been priorities have been delayed; and that if the county received federal funding for this project for an additional ten years, he could support it. He related that if the county does not receive grant funding, the bridge will have to be demolished at a cost of approximately \$13 million; and that only a total of \$4 million has been set aside; whereupon, Mr. Yauch related that no date has been set for the demolition of the bridge; that the bridge has reached the end of its normal lifespan; and that the intrusion of salt water into the concrete has caused irreparable damage. Commissioner Bostock indicated that she does not believe the project fits within the county's budget; and that applying for a TIGER grant for the bridge may have a negative impact upon any other TIGER grant application submitted by Pinellas or Hillsborough Counties.

Commissioner Morroni provided details of the acquisition of the bridge from the Florida Department of Transportation; whereupon, he moved that staff's recommendation not to pursue the findings of the oversight committee be accepted.

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Commissioner Morroni noted his disappointment with regard to the lack of financial support from citizens for the upkeep of the bridge; and provided figures relative to donations made by the public during the last several years; and Commissioner Seel concurred, noting that when the bridge opened, the citizens backing the project indicated that they would raise funds to maintain it, but they did not. She stated that the board should be thinking ahead and making decisions that will do no harm to future commissions; and discussion ensued wherein Commissioner Latvala concurred with Commissioner Seel's earlier comments; and stated that the project should not move forward. Commissioner Welch related that since the county has already spent \$9 million on the bridge, and funding for demolition is not in the proposed budget, he would support seeking federal funding to extend the life of the bridge for an additional ten years; and that he would support a fee for use of the bridge; whereupon, Chairman Harris stated that he does not support fees for recreational activities; and Executive Director of the Friendship Trail Corporation Frank Miller provided input.

Responding to inquiry by Commissioner Latvala, Chairman Harris stated that staff should be given at least until the deadline for submission of the TIGER grant request to investigate alternate grant funding and prepare a business plan; whereupon, Commissioner Latvala seconded Commissioner Morroni's motion to accept staff's recommendation. Following discussion, Commissioner Seel called the question; and upon call for the vote, the motion to accept staff's recommendation carried unanimously.

Chairman Harris indicated that the next step would be to direct the oversight committee to determine whether there are alternate funding sources for maintenance of the bridge and to prepare a business plan to sustain its operation over time; whereupon, Commissioner Bostock indicated that she will support a business plan to sustain the bridge privately.

Following discussion, Commissioner Welch moved, seconded by Commissioner Seel, to direct the oversight committee to investigate other funding sources and to prepare two business plans, one to sustain the bridge, and one to demolish it. Discussion ensued wherein Commissioner Brickfield indicated that information regarding revenues that could be raised via user fees based on 600,000 visitors to the bridge annually should be included in the committee's report.

Responding to Mr. Woodard's request for a date certain for the oversight committee to complete its work, Commissioner Welch amended his motion to indicate that the report and business plans should be completed within 90 days, and no objections were noted.

Thereupon, upon call for the vote, the motion, as amended, carried unanimously.

#23 County Attorney Miscellaneous:

Settlement approved in the case of Tony B. Wightman versus Pinellas County Board of County Commissioners – Circuit Civil Case No. 08-000011-CI-19 in accordance with the confidential memorandum from County Attorney James L. Bennett dated August 18, 2009.

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

#24 Ranking of firms and authorization for staff to negotiate an agreement for Board approval with the No. 1 ranked firm, Bright House Networks, d/b/a Bright House Networks, LLC, for Metro Ethernet/Wide Area Network Services (RFP No. 089-0339-P) approved as follows:

1. Bright House Networks, d/b/a Bright House Networks, LLC.
2. Verizon Florida, LLC d/b/a Verizon Business Services.
3. FPL FiberNet LLC.
4. TW Telecom Holdings Inc.

Projected 60-month recurring charge estimated at \$1,281,000.00; ongoing annual cost estimated at \$256,200.00.

Motion	-	Commissioner Welch
Second	-	Commissioner Latvala

Responding to queries by Commissioner Seel, Mr. Woodard indicated that there are portions of the County’s Intelligent Transportation System (ITS) that could benefit from the enhancement; that it probably would improve Wi-Fi access to various points on the County’s wide area network; and that this improvement is not intended to address Voice over Internet Protocol.

Business Technology Services (BTS) Senior Manager Jeff S. Rohrs related that this enhancement is the convergence of voice and data circuits into a single network which will affect the five-digit voice dialing, the County computer data connectivity, and the wireless connectivity; that this improvement will also result in a cost savings of approximately \$400,000.00 annually; and that the more infrastructure the County gets into the ground, the less it will pay for recurring costs; whereupon, Director of Public Works and Transportation Peter J. Yauch provided additional information and noted that Public Works is working closely with BTS on the latest technology that is appropriate for the Advanced Traffic Management System (ATMS).

Mr. Rohrs indicated that 32 locations throughout the County will be covered by the network; that some Utilities locations and those covered by Emergency Communications will not; and that the Pinellas County School Board and the municipalities have indicated that they would be interested in the system once the County is able to expand the number of facilities in the ground; whereupon, Mr. Yauch related that the ultimate plan is to have a ring that encircles the County that is redundant and branches off; but that traffic control and not the ring is the first priority of the ATMS project.

Vote - 7 – 0

#25 Ranking of firms and authorization for staff to negotiate an agreement for Board approval with the No. 1 ranked firm, Applications Software Technology Corporation, d/b/a AST Corporation, for implementation software services of the Oracle E-Business Suite (Contract No. 089-0255-P Re-Bid) approved as follows:

1. Applications Software Technologies Corporation.
2. Oracle USA, Inc.
3. Ciber, Inc.
4. Hitachi Consulting.

Motion - Commissioner Welch
Second - Commissioner Bostock

Responding to query by Commissioner Brickfield, Mr. Woodard related that if staff is unable to achieve its goal deliverables with the top-ranked firm, it would move to the second-ranked firm.

Vote - 7 – 0

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At this time, 4:40 P.M., Commissioner Welch left the meeting.

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#26 Sitting as the Fire Protection Authority, the Board approved the one-year extension of the Fire Protection Services Agreement with the Cities of Belleair Bluffs, Clearwater, Dunedin, Largo, Pinellas Park, Seminole, South Pasadena, Safety Harbor, St. Petersburg, and Tarpon Springs (Belleair Bluffs Agreement contingent upon the September 1, 2009 referendum); Chairman authorized to sign and the Clerk to attest.

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

#27 Health and Human Services Coordinating Council (HHSCC) Update.

HHSCC Executive Director Denise Groesbeck conducted a PowerPoint presentation titled *Health and Human Services Coordinating Council – Working Together for a Better Pinellas*, a copy of which has been filed and made a part of the record, and noted that the HHSCC grew out of a series of needs assessments and focus groups that occurred in the community in 2004 and 2005; that the result of that work was a consensus decision that human services were fragmented at both the funding and the service level; that there was a need for a coordinating council to bring all the diverse groups together; and that in June 2006 the Juvenile Welfare Board (JWB) and Pinellas County entered into an interlocal agreement to create the HHSCC.

Ms. Groesbeck indicated that the structure of the HHSCC is designed to facilitate collaborative planning and consensual problem solving; that the Policy Board is made up of members of the BCC, the JWB, and the Sheriff; and that it is responsible for general guidance to the HHSCC. She noted that the Administrative Forum provides an institutional perspective; that there are four networks included in the original interlocal agreement, Disaster Recovery, Low Income Housing, Health and Behavioral Health, and the Homeless Leadership Network; and that the chairperson of each of the Networks sits on the Administrative Forum to facilitate cross-system planning.

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At this time, 4:48 P.M., Commissioner Welch returned to the meeting.

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Ms. Groesbeck related that there is now a much better understanding of how the component parts of the County's health and human services system operates; and that there is focused discussion in areas of common interests and identified needs; whereupon, she provided detailed information on the focus, mission, and activities of each of the Networks, the Administrative Forum, and the Policy Board.

Responding to queries by Commissioner Welch, Ms. Groesbeck related that regardless of the future of national health care reform, the need to develop an improved health care system and to identify issues which will lead to better services for Pinellas County citizens remains; and indicated that she will provide additional information with respect to the health care reform bills as they relate to mental health and substance abuse; whereupon, Commissioner Seel commented that if the bills do pass, there will probably be opportunities for receipt of grant dollars; and that if the County has a model in place, it will be well positioned to compete for those dollars.

#28a WorkNet Pinellas Workforce Services Plan 2009-2010 approved.

WorkNet Pinellas Director of Planning and Development Jerome Salatino submitted the *WorkNet Pinellas, Inc. Workforce Services Plan 2009-2010*, a copy of which has been filed and made a part of the record. Mr. Salatino related that while the State of Florida's two-year reporting cycle ended in June 2009, it has petitioned the United States Department of Labor to continue the WorkNet Pinellas Plan through 2010; and that the plan has been approved by the BCC and the State, with the exception of the items relating to the American Recovery and Reinvestment Act (ARRA) contained in the report presented today. He provided information on the uses of the ARRA funds; noted that these funds must be expended by June 2010; and responded to queries by the members; whereupon, he requested approval of the Plan.

Responding to query by Commissioner Bostock, Chairman Harris related that the BCC appoints the members of the WorkNet Pinellas Board of Directors; and that anything to be submitted to the State of Florida by the Board of Directors must be approved by the BCC as the governmental body of the County; whereupon, Assistant County Administrator Elithia V. Stanfield related that in the past this item has always been presented as a report in accordance with the interlocal agreement between the County and WorkNet Pinellas; and that the approval is a formality. Commissioner Bostock noted that the item is presented on the agenda as a report, not as an action item; that if she had known a vote for approval was going to be requested, she would have read it more thoroughly; and that under these circumstances, she will not be able to support a motion to approve the report; and discussion ensued wherein Mr. Woodard noted that in the future the report can be placed on the agenda as an action item.

Motion	-	Commissioner Brickfield
Second	-	Commissioner Latvala
Vote	-	6 – 1 (Commissioner Bostock dissenting)

Mr. Woodard noted that two additional reports will be presented by Assistant County Administrator James A. Dates.

#28b Mr. Dates provided a brief report on the anticipated paths of Tropical Storms Ana and Bill; and noted that the County is in its standard operating mode; that no alerts have been issued; and that staff will continue to monitor the paths of the storms.

#28c Mr. Dates provided a brief overview of the situation relating to fire protection services in Belleair Bluffs; noted that the loss of funding from the Town of Belleair will cause an increase in the millage rate from .85 to 2.64 in the unincorporated area; and related that if the September 1, 2009 referendum is approved, there will be a more modest millage rate increase to 1.5. He noted that for the past two years the County has requested that Belleair Bluffs become self-sufficient in terms of Emergency Medical Services (EMS), but only one paramedic has been trained; and confirmed that there will be continuing emergency medical services in Belleair Bluffs regardless of whether the referendum passes.

Responding to queries by Commissioner Brickfield, Mr. Dates indicated that there is currently an advanced life support engine in Belleair Bluffs, with Largo providing the paramedic; that it would be possible to bid the services out for next year, which was one of the reasons for only extending the current fire service contracts for one year; and that Pinellas Suncoast Fire District was not considered as it is one of the County's more expensive providers because its EMS costs are higher than in other areas.

#29 Appointments and Reappointments to the Pinellas County Economic Development Council, as delineated in the Board memorandum dated August 18, 2009, for a two-year term ending July 2011, approved.

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

#30 Appointment of Wengay Newton, David Fries, Roland Feijoo, and Aundre A. Green to the WorkNet Pinellas Board of Directors to serve for the term of August 2009 through June 30, 2011, approved.

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

#31 County Commission Miscellaneous:

- a. Commissioner Brickfield suggested that the name of the individual designated to handle public records requests in each department be provided on the department website; Mr. Woodard noted that staff will look into the matter and report back to the Board.
- b. Chairman Harris provided a water conservation tip.

* * * *

At this time, 5:21 P.M., the meeting was recessed and reconvened at 6:29 P.M. with all members present, with the exception of Commissioner Seel.

* * * *

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

SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS (BCC)

#32 Commercial Dock Application No. CD39706-09 submitted by Ed Spaeth/Turtle Cove Group, LLC, 803 and 815 Roosevelt Boulevard, Tarpon Springs (Tarpon Bayou) approved; one letter in support of the application has been received; the biological report has been filed as part of the record; no citizens appeared to be heard; and approval is subject to the following conditions:

1. The applicant must submit a hurricane plan for the marina to the Department of Environmental Management prior to permit issuance.
2. The applicant may begin construction during the appeal period at their own risk. Should an appeal be received during the 30-day appeal period, the applicant is advised that it may result in a rehearing of the application and possible revocation of the permit pursuant to the appeal procedures in Section 166-288 of the Pinellas County Code.

Assistant County Administrator Mark S. Woodard related that an amendment to the application had been received changing the length of the floating dock between slips seven and eight on the dock layout from 36 to 29 feet in order to comply with the 25 percent rule.

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

#33 Resolution No. 09-102 adopted granting petition of Pinellas County to vacate an unopened portion of right-of-way on Heron Place between Tern Lane and the eastern edge of Roosevelt Creek in the Sound West Unit 1 Subdivision; filing fee in the amount of \$550.00 waived; authorization granted for Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified

as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

Commissioner Morrone noted for the record that he resides on Heron Place, but no conflict of interest exists.

* * * *

At this time, 6:32 P.M., Commissioner Seel entered the meeting.

* * * *

Responding to query by Commissioner Welch, Director of Public Works and Transportation Peter J. Yauch indicated that during a meeting regarding the possible redevelopment of the Airco property, citizens requested this vacation to ensure that Heron Place will not be used for access into any areas of Airco that are redeveloped.

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

#34 Resolution No. 09-103 adopted granting petition of Kathryn C. Spiegel and Louis A. Spiegel, III to vacate a portion of a utility and drainage easement on Lot 116, Sound West Unit 2 Subdivision; authorization granted for Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

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

#35 Resolution No. 09-104 adopted granting petition of Pinellas County to vacate tracts 1, 2, 7, 8, 9, 10, 15, and 16 in the Northeast and Southeast One-Quarter of Section 12, Township 27 South, Range 16 East, Keystone Park Colony Subdivision, together with all the platted right-of-way abutting said tracts; filing fee in the amount of \$550.00 waived; authorization granted for Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

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

#36 Resolution No. 09-105 adopted granting petition of Matthew L. Moskalczyk and Kathleen M. Moskalczyk to vacate a portion of Casa Vista Drive, reserving a utility, drainage, and access easement in the Lake Highlands Estates Subdivision; authorization granted for Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

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

Assistant County Administrator Woodard related that due to a scrivener's error in the published legal notice for Agenda Items Nos. 37a through 37i, these items will be temporarily deferred to the meeting of October 20, 2009.

#37a Application of GIB Properties, LLC through Steven A. Williamson, Esquire, for a modification to a previously approved development agreement to allow an increase in the number of beds from 32 to 34, and a variance to allow nine parking spaces where 34 are required in a building not to exceed 50 feet in height (Z/LU-1-10-07), re a parcel of land containing approximately 1.56 acres located on the southwest corner of Park Boulevard and 128th Street, Seminole (street address: 7770 128th Street North) temporarily deferred to the meeting of October 20, 2009.

#37b Application of Glenn and Joanne Duncan through Dean R. Hall for a conditional use to allow a wholesale plant nursery as an agricultural use in an A-E zoning district (CU-1-7-09), re two parcels of land containing approximately 2.1 acres located on the south side of 46th Avenue North and north of 44th Avenue North and lying 135 feet west of 79th Way North, St. Petersburg temporarily deferred to the meeting of October 20, 2009.

#37c Application of Gerald C. Hubbell, Gerald B. Hubbell, and Stella Hubbell for a change of zoning from R-3, Single Family Residential, to M-1, Light Manufacturing and Industry (Z-2-7-09), re three parcels of land containing approximately 0.84 acre located on the east side of Faxton Street and lying 700 feet south of Ulmerton Road, Clearwater temporarily deferred to the meeting of October 20, 2009.

#37d Application of the Pinellas County Board of County Commissioners through Pinellas County Community Development for a change of zoning from C-1, Neighborhood Commercial, and RM-15, Residential, Multiple Family, 15 units per acre, to A-E, Agricultural Estate Residential, and a change in land use designation from Commercial General to Recreation/Open Space (Z/LU-3-7-09), re nine parcels of land totaling

approximately 0.90 acre located on the southwest corner of Ulmerton Road and 119th Street North, Largo, temporarily deferred to the meeting of October 20, 2009.

- #37e Application of Lighthouse Church Jesus Christ Apostolic Faith Church through Pinellas County Community Development for a change of zoning from R-4, One, Two and Three Family Residential, to R-3, Single Family Residential, and a change in land use designation from Residential Low to Institutional (Z/LU-4-7-09), re a zone change on a parcel totaling approximately 0.46 acre and a land use change on a portion of the parcel totaling approximately 0.16 acre located on the west side of Jackson Street, 100 feet north of 132nd Avenue North, Largo (street address: 13224 125th Street North) temporarily deferred to the meeting of October 20, 2009.
- #37f Application of Mount Olive Missionary Baptist through Pinellas County Community Development for a change of zoning from R-4, One, Two, and Three Family Residential, to R-3, Single Family Residential, and a change in land use designation from Residential Low to Institutional (Z/LU-5-7-09), re a parcel containing approximately 1.14 acres and a land use change on 0.60 acre of the same parcel located on the northeast corner of Pine Street SW and 132nd Avenue North, Largo (street address: 13207 Pine Street North) temporarily deferred to the meeting of October 20, 2009.
- #37g Application of St. Mary's Missionary Baptist Church through Pinellas County Board of County Commissioners c/o Pinellas County Community Development for a change of zoning from R-3, Single Family Residential, and C-2, General Retail Commercial and Limited Services, to R-3, Single Family Residential (Z-6-7-09), re a zone change on a 0.08 acre portion of a 0.6 acre parcel located on the southwest corner of Crosby Street and 12th Street SW, Largo (street address: 2104 12th Street SW) temporarily deferred to the meeting of October 20, 2009.
- #37h Application of Friends of Ridgecrest, Inc. through Pinellas County Community Development for a change of zoning from C-2, General Retail Commercial and Limited Services, and R-4, One, Two, and Three Family Residential, to R-3, Single Family Residential, and a change in land use designation from Residential Low to Institutional (Z/LU-7-7-09), re a zone change on two lots (0.24 acre and 0.17 acre) totaling approximately 0.41 acre and a land use change on the 0.17 acre lot located on the east side of 119th Street North lying 50 feet north of Oak Street, Largo (street address: 2253 119th Street North) temporarily deferred to the meeting of October 20, 2009.
- #37i Application of Eddie and Annette Bie for a conditional use to allow a full-service equine facility to include boarding, raising, breeding, training, selling and riding lessons (CU-8-7-09), re a parcel of land containing approximately 2.39 acres located on the west side of

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Donegan Road lying north of 16th Avenue Southeast, Largo (street address: 1200 Donegan Road) temporarily deferred to the meeting of October 20, 2009.

- #38 Presentation of the findings of the draft Preliminary Engineering Report for Sunset Point Road – U.S. Alternate Highway 19 (Edgewater Drive) to East of Keene Road.

Director of Public Works and Transportation Peter J. Yauch presented the draft engineering report for Sunset Point Road – U.S. Alternate Highway 19 (Edgewater Drive) to East of Keene Road, a copy of which has been filed and made a part of the record. Mr. Yauch noted that due to the decrease in Penny for Pinellas revenue, the project could be delayed past 2020; that public meetings have been held to obtain input from citizens; that today's meeting will provide the opportunity for citizens to make their comments on the record; and that staff is requesting the Board's approval.

Responding to query by Chairman Harris with respect to the shelf-life of the report, Mr. Yauch indicated that it would define what has been done so far; that there would have to be some traffic estimates completed when the project starts; and that should the economy turn around, the project could be moved up; whereupon, Mr. Yauch introduced Marty Morlan, P.E., Senior Project Manager and Principal from American Consulting Engineers of Florida, LLC.

Mr. Morlan conducted a PowerPoint presentation titled *Sunset Point Road (C.R. 576) from U.S. Alternate 19 (Edgewater Drive) to Keene Road*, a copy of which has been filed and made a part of the record. He provided a detailed description of the corridor, noting that it passes through the City of Clearwater and a small portion of unincorporated Pinellas County; and related that for purposes of the report, the road has been broken into three segments; whereupon, he described the characteristics of each segment.

Mr. Morlan described the recommended improvements for each of the three segments, as well as various additional improvements suggested in the report, including the drainage issues and the replacement of the bridge at Spring Branch with a dual concrete box culvert.

He noted that the total projected cost of the improvements will be approximately \$11 million, including right-of-way costs estimated at \$900,000; that these costs are based on last year's prices; and that construction costs have been dropping, which could cause them to be less than anticipated.

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In response to the Chairman's call for citizens wishing to be heard, the following individuals offered comments and expressed their concerns:

Karen Sandini, Clearwater
Linda Spencer, Clearwater
Merle Brann, Clearwater
Ellen Hess, Clearwater
Lauren Pollack, Clearwater
Robert Lux, Clearwater
Vasilios Lambrianakos, Clearwater
Dan Eckle, Clearwater
Charla Chop, Clearwater
Robert O'Connell, Dunedin
Tony Hinton, Clearwater
Bill Jonson, Clearwater
Greg Sherry, Clearwater
Chris Boule, Clearwater
Leah Walters, Clearwater
Jeremy Georgapulos, Clearwater
Leia Shanyfelt, Clearwater

Responding to the comments and concerns of the citizens, Commissioner Seel related that the current study and the plan it produced will be applicable in the future; and that the monies spent on the study have not been wasted, since the only thing that might change would be the volume of traffic which could easily be adjusted in the study. She noted that the citizens have raised issues that are problematic for the neighborhood, including the construction of a center lane from Highland Avenue to Keene Road; that a five-foot sidewalk at Edgewater Drive is sufficient; and that sidewalks and drainage throughout the project are important.

In response to query by Commissioner Seel, Mr. Yauch indicated that if the project is not started in the next five years, it would need to be rescheduled within the County's pavement program; and that it might be possible to add sidewalks using existing available funding; and Chairman Harris and Commissioner Bostock provided additional comments; whereupon, responding to query by Commissioner Bostock, Commissioner Seel related that no action is required today unless the Board directs that the plan should move forward; and that the public hearing is being held because the engineering firm has heard some concerns from the citizens which needed to be heard by the Board.

In response to query by Commissioner Latvala, Mr. Yauch indicated that staff can examine key areas of improvement which can be implemented at very low cost, including safety improvements, and provide a report to the members; that drainage mitigation can be very expensive; and that it is his hope that a master plan for the future of the corridor will evolve; whereupon, Commissioner Latvala indicated that it is important that money not be spent twice.

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Responding to queries by Commissioner Brickfield, Mr. Yauch related that the bridge over Spring Branch is an old arch bridge; that the presence of salt is a major factor in the lifespan of a bridge; and that this type of bridge tends to last since it is massive and made of concrete and there is no exposure to salt.

Mr. Woodard requested that the Board provide direction on the Preliminary Engineering Report so that staff can take it into account when designing other improvements; noted that staff can review the measures involving sidewalks and other safety issues which could be implemented quickly and at less cost; and indicated that the priority ranking within the annual resurfacing and sidewalk programs would be examined; whereupon, Commissioner Latvala stated that the program before them is over-engineered; that only the minimum amount of right-of-way should be taken for the project; and that safety and drainage improvements should be the immediate priorities; and Commissioner Bostock concurred, noting that these issues should be addressed in a manner compatible with future designs.

Responding to query by Commissioner Welch, Mr. Woodard related that Penny for Pinellas collections are monitored on a monthly basis; that the County is currently in a 25 percent downtrend mode; and that mid and longer term projections show that trend carrying into the upcoming Penny Program. He indicated that a robust recovery impacting taxable sales could cause the Penny to recover before the County's other revenue streams; and that the County could then be in a position to advance this and other projects in the program; whereupon, Mr. Yauch noted that since construction costs appear to be decreasing, it is possible that projects such as Keystone Road and Bryan Dairy Road could come in slightly under budget, freeing up funds to help advance the rest of the Capital Improvement Program.

#39 Meeting adjourned at 7:51 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk