

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, DECEMBER 16, 2008 – 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; Robert S. LaSala, County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Arlene Smitke and Michael P. Schmidt, Deputy Clerks.

INVOCATION: Pastor Steve Lambert, First Assembly of God Church, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Bostock.

PRESENTATIONS AND AWARDS:

1. Presentation of the Information Technology Vision/Impact/Progress Award by Paul Alexander, Director, Business Technology Services.
2. Youth Advisory Committee Presentation by Parth Desai, Chairman.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 9 APPROVED (ITEMS NOS. 10 AND 11 CONSIDERED UNDER ITEM NO. 12).

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

1 Minutes of regular meetings of October 21 and November 4, 2008 approved.

2 Reports received for filing:

- a. State of Florida Constitutional Officer Financial Report for 2007-2008 – Pinellas County Clerk of the Circuit Court.
- b. State of Florida Constitutional Officer Financial Report for 2007-2008 – Pinellas County Tax Collector.
- c. Internal Audit Division, Clerk of the Circuit Court, Report No. 2008-13 dated November 19, 2008 – Audit of Airco Golf Operations, together with the Audit Watch.

- d. FDOT Permit Application Signature Update Dated November 4, 2008 pursuant to Pinellas County Resolution No. 94-52.
- e. Tampa Bay Water Fiscal Year 2009 Annual Budget.
- f. Pinellas County License Board for Children's Centers and Family Day Care Homes Resolution No. 08-03 effective November 5, 2008, amending the budget for Fiscal Year 2007-2008.

3 Vouchers and Bills Paid - Period of November 3 through November 14, 2008:

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2464

Payroll checks numbered 559740 through 559957

Imprest Fund Expenditures

Manual checks numbered 751529 through 751532

System checks numbered 946293 through 947607

ACH Transfers numbered 1277 through 1373

Wire Transfers numbered 010783 through 010796

4 Miscellaneous items received for filing:

- a. City of Pinellas Park Notice of Public Hearings re Ordinances Nos. 3657 and 3659 to be held January 8, 2009, annexing certain property.
- b. Eastlake Oaks Community Development District minutes of the meeting held August 14, 2008.
- c. Public Official Bonds for Pinellas Suncoast Fire & Rescue District Commissioners John J. Todia, Daniel R. Madura, and Linda Snook.

5 Joint Project Agreement with Peoples Gas System (PGS) for Utility Installation by Roadway Contractor for the Park Street/Starkey Road from Tyrone Boulevard to 84th Lane North project (PID No. 864) approved providing for PGS funding in the amount of \$307,321.88 (\$292,687.50 for preliminary utility work and \$14,634.38 for County construction/contract administration costs) with no cost to the County. Chairman authorized to sign the Agreement and the Clerk to attest.

December 16, 2008

6 DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR – RECEIVED FOR FILING (COUNTY ADMINISTRATION)

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Community Development	Specific Performance Agreement and Land Use Restriction Agreement with Gulf Coast Jewish Family Services, Inc. for Gulf Coast Community Care Rehabilitation	\$30,000.00 Community Development Block Grant funds	11.20.08
Community Development	Satisfaction of Mortgage with Dawn L. Barclay	Lien is paid in full.	10.29.08
Community Development	Letter to the United States Environmental Protection Agency for a County-Wide Assessment Coalition Grant on Behalf of Pinellas County, Largo, Tarpon Springs and St. Pete Beach for Assessments of Potentially Contaminated Sites	\$1,000,000.00 requested revenue, no match	10.24.08
Community Development	(a) Satisfaction of Deferred Payment Mortgage with Jeannine C. Hagan, as to a Life Estate Interest and Laura A. Mast; and (b) Satisfaction of Mortgage with Gail P. Karnege	(a-b) All liens are paid in full.	10.21.08
Community Development	Satisfaction of Mortgage with Jessie M. Davis	Lien is paid in full.	10.10.08
Convention & Visitors Bureau	Tourism Promotion Agreements with: (a) World Triathlon Corporation for the Ironman World Championship 70.3; (b) Tampa Bay Bowl Association, Inc. for the Outback Bowl; and (c) ESPN Regional Television, Inc. for the St. Petersburg Bowl	(a) \$100,000.00; (b) \$110,000.00; and (c) \$175,000.00	10.31.08
Convention & Visitors Bureau	Grant Agreements with Florida Sports Foundation for Marketing Support for: (a) Clearwater Wheelchair Basketball Classic; and (b) 2008 Ironman World Championship 70.3	(a) \$1,000.00 revenue, pass-through funds; and (b) \$30,000.00 revenue, pass-through funds	9.12.08

December 16, 2008

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Culture, Education, and Leisure	2010 Cooperative Funding Initiative Application Forms with the Southwest Florida Water Management District (SWFWMD) for: (a) Fort DeSoto Ecological Enhancement/Recirculation Project No. 2; (b) Pinellas Trail Natural Area Habitat Restoration, Phase II; and (c) Pinellas Extension Florida Yards and Neighborhood Program	(a) \$500,000.00 requested funds, plus equal County match; (b) \$50,000.00 requested funds, plus equal County match; and (c) \$59,000.00 requested funds, plus equal County match	11.6.08
Culture, Education, and Leisure	Agreement for Electric Services at Eagle Lake Park with Progress Energy for: (a) Removal of Poles and Transformers and Installation of Underground Primary and Pad Mount Transformers; and (b) Installation of Service to Feed Restrooms and Lift Stations	(a) \$18,847.60; and (b) \$3,260.36	10.31.08
Culture, Education and Leisure	Agreement with The Martin Luther King, Jr. Holiday & Legacy Association, Inc. for the 2009 Martin Luther King, Jr. Commemorative Celebration	\$100,000.00	10.24.08
Culture, Education and Leisure	Historical Museums Grant Award Agreement with State of Florida, Department of State, Division of Historical Resources for the Operating Budget and Enhancement to Heritage Village	\$13,248.00 revenue, plus equal in-kind County match	9.12.08
Culture, Education and Leisure	Grant Agreement with U.S. Department of the Interior, National Park Service for Restoration of the Fort at Ft. DeSoto Park	\$246,000.00 grant revenue, plus \$125,000.00 County match, plus \$139,131.00 Florida Department of Environmental Protection grant revenue	7.29.08

December 16, 2008

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Economic Development	Amendment to Business Assistance Partnership Agreement (BAPA) with Largo/Mid-Pinellas Chamber of Commerce, Inc. and the City of Largo (City) for Outreach Efforts to Assist Local Businesses	\$21,000.00, plus equal City match	11.24.08
Economic Development	Amendment to BAPA with the Greater Seminole Area Chamber of Commerce, Inc., and the City of Seminole (City) for Assistance to Local Businesses	\$20,000.00, plus equal City match	11.17.08
Economic Development	Primary Partner Memorandum of Understanding with Enterprise Florida, Inc. for Definition of General Areas of Responsibility between Organizations	N/A	10.24.08
Economic Development	Agreement to Extend Joint Project Agreement with the U.S. and Foreign Commercial Services International Trade Administration, U.S. Department of Commerce for the Promotion of U.S. Exports in Accordance with Section IX	\$24,500.00	9.26.08
Emergency Communications	Frequency Reconfiguration Agreement with the City of St. Petersburg and Nextel South Corp. for 800 MHZ Radio System	\$126,926.00 anticipated revenue	10.15.08
Emergency Management	Time Extension of the Interlocal Agreement with Tampa Bay Regional Planning Council for Services Related to the Update of the Pinellas County Local Mitigation Strategy	N/A – time only	11.12.08
Emergency Management	State-Funded Subgrant Agreement with State of Florida, Division of Emergency Management the Emergency Planning and Right-to-Know Act	\$15,626.00 anticipated revenue	8.18.08
Emergency Medical Services (EMS) and Fire Administration	EMS Hospital Communication Agreements for Equipment Located on Site with: (a) Bayfront Medical Center; (b) Bay Pines Veterans Affairs Healthcare System; and (c) Galen of Florida, Inc., d/b/a St. Petersburg General Hospital	(a-c) N/A	10.28.08
Environmental Management	2010 Cooperative Funding Initiative Application Form with Southwest Florida Water Management District for Lake Seminole Dredging Design and Permitting (Phase I)	\$750,000.00 requested funds, plus equal County match	11.10.08

December 16, 2008

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Environmental Management	Amendment No. 1 to the Agreement with the School Board of Pinellas County for School Bus Diesel Retrofits	\$150,000.00	11.6.08
Environmental Management	Short-Term Facility License (STFL) with Blake Alexander Shadle for a Photographic Art Display at Weedon Island Preserve Cultural and Natural History Center (Weedon)	\$50.00 estimated revenue	10.2.08
Environmental Management	STFLs for Use of Weedon with: (a) Dave Kandz for a St. Petersburg Audubon Society Meeting; (b) Danielle Van Hilliard for a Photographic Art Display; and (c) Debra Prewitt for a Juvenile Welfare Board Community Planning Department Staff Meeting	(a) N/A; (b) \$165.00 estimated revenue; and (c) N/A	9.29.08
Environmental Management	STFL with Craig Dziadus for Selling Carved Shell Pendants at Weedon	\$100.00 estimated revenue	9.15.08
Environmental Management	STFL with Colleen Mackin, Florida Gulf Coast Chapter, Inc. for Pervious Concrete Seminar at Brooker Creek Environmental Education Center (Brooker Creek)	\$520.00 revenue	9.10.08
Environmental Management	STFL with Cindy Adkison for a Wedding Ceremony and Reception at Brooker Creek	\$825.00 revenue	8.29.08
Environmental Management	STFL with Gary Cook, Senior Energy Efficiency Advisor, Progress Energy, Inc. for U.S. Green Building Coalition Meeting and Seminar at Weedon	N/A	8.26.08
Environmental Management	STFLs for Vendor Space at Weedon for the Flute Extravaganza with: (a) Allen Hollingshead; and (b) Barbara Rogers	(a) \$40.00 revenue; and (b) \$30.00 revenue	8.18.08
Environmental Management	STFLs for Vendor Space at Weedon for Flute Extravaganza with: (a) Craig Dziadus; (b) Utah Farris; (c) Craig Noss; (d) June Perry; (e) Lydia Swystun; (f) K. Takeda;	(a-d) \$40.00 estimated revenue each; (e) \$20.00 estimated revenue;	8.11.08

December 16, 2008

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
	(g) Chuck Theroux; and (h) Kay Welch	(f-g) \$40.00 estimated revenue each; and (h) \$20.00 estimated revenue	
Environmental Management	STFL with Phil Penne for Flute Extravaganza at Weedon	N/A	7.28.08
Environmental Management	STFLs with: (a) Kelly Adams for Overnight Accommodations at Pinellas County Biological Field Station; and (b) Scott Willis, Program Coordinator, Earth Force, Inc. for Suncoast Earth Force Teacher Workshop at Weedon	(a) \$180.00 revenue; and (b) N/A	7.21.08
Health & Human Services	Memo Delegating Signature Authority of Master Critical Care Letter of Agreements between Various Health Care Providers and the County to the Department Director for up to \$5,000.00 of Health Care Services to Indigent County Residents	N/A	11.20.08
Health & Human Services	Funding Agreement with Community Health Centers of Pinellas, Inc. and Letter of Agreement with the State of Florida, Agency for Health Care Administration for the Low Income Pool Program, Retroactive to July 1, 2008	\$81,085.00, plus \$100,000.00 Federal match	10.30.08
Health & Human Services	Funding Agreement with Community Health Centers of Pinellas, Inc. and Letter of Agreement with the State of Florida, Agency for Health Care Administration for Health Care Services for Medically Underserved County Residents, Retroactive to July 1, 2008	\$111,500.00, plus \$388,500.00 Federal/State match	10.6.08
Justice & Consumer Services	Progress Report for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program for the Period of June 30, 2008 through September 30, 2008	N/A	11.17.08

December 16, 2008

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Justice & Consumer Services	Edward Byrne Memorial Justice Assistance Grant Award with the Florida Department of Law Enforcement, Office of Criminal Justice Grants for the Sexual Predator and Offender Tracking Unit	\$25,000.00 revenue, no match	10.31.08
	Agreements with the Sheriff and the: (a) Town of Kenneth City for Forensic, Evidence and Property Storage (CAD); and (b) City of St. Pete Beach for Latents, Forensic, Evidence and Property Storage	(a) \$20,107.00 revenue; and (b) \$37,561.20 revenue	
Justice & Consumer Services	(a) Renewal of Interlocal Agreement with the Pinellas County Sheriff's (Sheriff) Office for Administrative Support to Aid the Offender Re-Entry Program; and (b) Traffic Law Enforcement Agreement with East Lake Woodlands Community Association, Inc., and Jim Coats, as Sheriff, for Traffic Control and Enforcement	(a) N/A; and (b) \$12,000.00 estimated annual revenue	10.24.08
Planning	Third Amendment to Interlocal Agreement with the Town of North Redington Beach for Planning Services	\$10,000.00 revenue	10.30.08
Public Works	(a) Fiscal Year 2010 Cooperative Funding Initiative Application Form with Southwest Florida Water Management District for Drainage Improvement for Pinellas Trail at 54 th Avenue; and (b) Pinellas County Temporary Waiver with the Greater Palm Harbor Area Chamber of Commerce for the 34 th Annual Palm Harbor Chamber of Commerce Fine Arts and Crafts Festival	(a) \$769,950.00 requested funds, plus equal County match; and (b) \$55.00 revenue for application fee	11.20.08
Public Works	Second Amendment to Agreement with SWFWMD and the City of Dunedin for Curlew Creek Channel "A" Off-Line Detention	N/A - time-only extension	10.31.08
Public Works	Pinellas County Temporary Waiver with GFWC Palm Harbor Junior Women's Club for the 12 th Annual Tastes of Palm Harbor Event	\$55.00 permit fee revenue	10.29.08

December 16, 2008

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Public Works	Contract for Sale and Purchase with Townhouse Restaurant, Incorporated for a Perpetual Right-of-Way Easement for Improvements to 46 th Avenue North from 80 th Street North to 62 nd Street North	\$8,000.00	9.19.08
Public Works	County Incentive Grant Program Agreement with State of Florida Department of Transportation for the Construction of Road Improvements on Park Boulevard from Starkey Road to Belcher Road	\$150,000.00	9.10.08
Real Estate Management	(a) Contract for Sale and Purchase with Norman F. and Marilyn L. Huber for the Belcher Road Project; and (b) Consent to Assignment and Assumption of Lease with Fowler White Boggs Banker, P.A. and Banker Lopez Gassler P.A. for Assignment of Existing 501 Building Lease Agreement	(a) \$3,380.00; and (b) \$27,460.36 monthly revenue	11.25.08
Real Estate Management	Modification and Assignment of Agricultural Lease with JP Morgan Chase Bank, N/A, f/k/a Morgan Guaranty Trust Company of New York, G. William Wilde, Jefferson Norman Powell, Jr., as Trustees of the H. George Wilde 1989 Trust and Tall Timber Cattle & Grove, Inc.	N/A	11.18.08
Real Estate Management	Memorandum for Payment to Harrod Properties, Inc. for STAR V Site Infrastructure Improvements at the Young-Rainey STAR Center	\$155,252.00	11.15.08
Real Estate Management	Contract for Sale and Purchase of Real Property with Dan and Joann K. Granger for Keystone Road Capital Improvement Project from U.S. 19 to East Lake Road	\$36,273.67	11.10.08
Real Estate Management	Agreement for Easement with Circle K Stores Inc. for 46 th Avenue North Project from 80 th Street North to 62 nd Street North	\$25,542.60	10.31.08
Real Estate Management	Written Request for Renewal of Property License Agreement with Alliant Techsystems, Inc. for Use of Property as a Test Range for Microwave Sensors and Seekers	\$11,530.70 quarterly revenue	10.27.08

December 16, 2008

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Real Estate Management	Drainage Maintenance Easement with William and Claudia Luyties	N/A	10.13.08
Real Estate Management	Sidewalk Easement with High Point Community Pride, Inc., f/k/a Highpoint Community Pride Association	N/A	10.6.08
Real Estate Management	Drainage Maintenance Easement with Larry J. and Anna B. Cotton	N/A	9.25.08
Real Estate Management	Drainage Easement with Serendipity Roc, Inc	N/A	9.24.08
Real Estate Management	Sidewalk Easement with Laurie A. and Michael L. Madson	N/A	8.4.08
Real Estate Management	Drainage Maintenance Easement with Ronald W. Sadler	N/A	7.14.08
Real Estate Management	Drainage Maintenance Easement with Ronald P. and Jeanette Cook	N/A	6.27.08
Real Estate Management	Drainage Maintenance Easement with David S. Butler	N/A	6.26.08
Real Estate Management	Drainage Easement with Anita Roesch and Kenneth M. Roesch, Jr.	N/A	6.4.08
Real Estate Management	Conservation Easement with The Trustee Company, Trustee for the Cyprus Drive Land Trust	N/A	1.9.08
Utilities	Change Order No. 1 Final, Acceptance of the Agreement as Complete, and Release of Retainage with Kamminga & Roodvoets, Inc. for City/County Reclaimed Water Interconnect Pipeline (Rebid)	\$423,960.37 decrease in original agreement	11.17.08
Utilities	Change Order No. 1 Final, Acceptance of the Agreement as Complete, and Release of Retainage with Rockdale Pipeline, Inc. for Pump Station No. 163 Force Main Replacement, Phase I	\$169,148.63 decrease in original agreement amount, plus time extension	11.14.08

December 16, 2008

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Utilities	Change Order No. 1 Final, Accepting the Agreement as Complete, and Releasing Retainage with Dallas 1 Corporation for South Cross Bayou Grit Chamber Structural Repair (Rebid)	\$10,110.00 decrease in original agreement amount, plus time extension	11.10.08
# 7	Resolution No. 08-217 adopted authorizing the acceptance of a donation from the City of Largo, Fire Rescue Department, of three EKG monitors (Emergency Medical Services and Fire Administration).		
# 8	Contracts for law enforcement services approved for the period from October 1, 2008 through September 30, 2009 for the following:		
	a.	Contract with the City of Madeira Beach in the amount of \$883,516.51 reflecting a 5.39 percent decrease in service costs.	
	b.	Contract with the City of Seminole in the amount of \$1,712,754.80 reflecting a 6.07 percent increase in service costs.	
	Chairman authorized to execute (Justice and Consumer Services).		
# 9	Fiscal Year 2008 Budget Amendment No. 20 was filed and made a part of the record (Management and Budget).		
#10	See Agenda Item No. 12.		
#11	See Agenda Item No. 12.		
#12	Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court):		
#10	Contract for Sale and Purchase with Claudia Burgess for acquisition of real property located at 8721 126th Avenue North, Largo, for the Starkey Road – Bryan Dairy Road to Ulmerton Road project (PID No. 922252) approved; authorization granted for issuance of a check in the amount of \$1,200,000.00 to Carpenter & Roscow, P.A. (total closing expenses, \$1,200,000.00; appraisal fees, \$4,200.00; title commitment, \$320.00; estimated asbestos survey and demolition costs, \$15,000.00; total estimated costs, \$1,219,520.00); structures declared as surplus and authorization granted for Public Works Department to demolish the		

structures and dispose of any personal property, as appropriate, in accordance with the law and established county policy; Chairman authorized to sign and the Clerk to attest (Real Estate Management/Public Works).

Responding to queries by Commissioner Seel, Real Property Manager James R. Meloy indicated that the County received appraisals on the property for \$1,400,000.00 and \$1,465,000.00; that the purchase price is the result of negotiations by staff and the current real estate market; that the property was not currently on the market, but had been for an extended period of time; that the County approached the owner after determining its need for the property for the project; that the owner's original asking price was over \$2,000,000.00; and that the entire parcel will be required for the project; whereupon, he agreed to provide Commissioner Seel with the Property Appraiser's value on the parcel.

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

- #11 Housing Finance Authority's Pinellas Community Housing Trust Fund Program Fiscal Year (FY) 2007/08 Third Quarter Report received for filing.

Responding to query by Commissioner Welch, Housing Finance Authority of Pinellas County Director Anthony M. Jones confirmed that the City of Clearwater has spent 37 percent of its FY 2006/07 allocation and none of its FY 2007/08 allocation. He indicated that there were a lot of false starts, with projects dropping out due to shifts in the market; and that the cutoff for allocation of the 2006/07 funding is December 2009; whereupon, he noted that the distribution of funds by all other entities is well ahead of schedule.

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

- #13 Authorization granted to advertise a public hearing to be held on February 3, 2009, regarding a proposed traffic flow change on Henry Lane from Crystal Beach Avenue to Ohio Avenue (PID No. 1440).

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

#14 Resolution No. 08-211 adopted approving the Transportation Regional Incentive Program Agreement for Advanced Traffic Management System/Intelligent Transportation System Improvements along Curlew Road (State Road 586) from Alternate U.S. Highway 19 to Tampa Road (State Road 584) (PID No. 1809) with the Florida Department of Transportation in the amount of \$2,625,000.00 (total project cost, \$5,250,000.00); Chairman authorized to sign and the Clerk to attest; authority granted for the Clerk to record the resolution.

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

#15 Agreements for Construction Engineering and Inspection (CEI) Professional Engineering Services approved for the top eight ranked firms, listed below, in an amount not to exceed \$6,000,000.00 per agreement (three-year initial contract term with one additional three-year option of renewal; total value for the initial term, \$48,000,000.00); Chairman authorized to execute the agreements and the Clerk to attest.

Consul-Tech Construction Management, Inc.
E.C. Driver & Associates, Inc.
HDR Construction Control Corporation
KCCS, Inc.
KCI Technologies, Inc.
MACTEC Engineering and Consulting, Inc.
Reynolds, Smith and Hills CS, Incorporated
URS Construction Services, Inc.

Commissioner Seel noted that none of the companies listed are located in Pinellas County; whereupon, Director of Public Works Peter J. Yauch indicated that requests for Statements of Interest were mailed to 205 prequalified consultants, 24 of which are located in Pinellas County; that a total of 16 responses were received, none of which are from Pinellas County companies; that most of the 24 are not in the primary business of CEI; and that CEI companies tend to be located near their biggest client, the Florida Department of Transportation, in Tampa. He provided statistical information regarding the use of Pinellas County consultants and indicated that he intends to contact two local companies regarding their failure to reply.

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

- #16 Contract with the State of Florida Department of Health for operation of the Pinellas County Health Department for Contract Year 2008-2009 approved, retroactive to October 1, 2008; County's appropriated responsibility not to exceed \$4,729,180.00 for Fiscal Year 2008-2009; Chairman authorized to execute and the Clerk to attest (Health and Human Services).

Motion - Commissioner Bostock
Second - Commissioner Welch

Responding to queries by the Board, Assistant County Administrator Elithia V. Stanfield indicated that the contract was received late due to uncertainties in the State budget; that amendments are anticipated following the Special Session of the Legislature; that the County's contribution should not be affected unless ad valorem dollars are less than anticipated; that the contract relates to the County's primary public health service, the medical home services contract being a separate \$4,000,000.00 contract; that fee increases were approved by the Board during its Fiscal Year 2009 budget session; and that there was no increase in the Health Department's millage rate for the current budget year. At the request of Commissioner Seel, she agreed to provide a breakdown of the Health Department's budget for the last and current budget years; whereupon, responding to Commissioner Brickfield, she listed various sources of locally collected fees, and agreed to provide additional information regarding the number of people served by the department.

Vote - 7 - 0

- #17 Contract for Sale and Purchase with William C. Moore for acquisition of real property located on Panama Key Island, within the Shell Key Preserve, as part of the Shell Key Preserve - Panama Key Addition project (PID No. 154) approved; authorization granted for issuance of a check or wire transfer in the amount of \$10,160.00 to Stewart Title Company (total closing expenses, \$10,000.00; title search fee, \$160.00; estimated asbestos survey and demolition costs, \$10,000.00; total estimated cost, \$20,160.00); Chairman authorized to sign and the Clerk to attest.

Structures declared as surplus and authorization granted for the Department of Environmental Management to demolish the structures and dispose of any personal property, as appropriate, in accordance with the law and established County policy; County Administrator authorized to sign Charitable Contributions Form No. 8283 (Real Estate Management/Environmental Management).

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

#18 Resolution No. 08-212 adopted determining the necessity to construct roadway and drainage improvements to Bryan Dairy Road from Starkey Road to 72nd Street North (PID No. 920588) and directing the condemnation of the necessary properties and property rights required for construction (total estimated property cost, \$2,000,000.00). Clerk authorized to record the resolution in the public records of Pinellas County (Real Estate Management/Public Works).

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

#19 Resolution No. 08-213 adopted declaring a portion of County-owned property as surplus and authorizing the exchange for a sidewalk and utilities easement on property owned by Circle K Stores, Inc. for the Starkey Road – 84th Lane to Bryan Dairy Road project (PID No. 865 [922253]); exchange agreement approved; Chairman authorized to sign the agreement and the County deed and the Clerk to attest; and Clerk authorized to record the resolution in the public records of Pinellas County.

Authorization granted for issuance of a check in the amount of \$27,061.24 to Gaylord Merlin Ludovici Diaz and Bain Trust Account (total closing expenses, \$27,061.24; appraisal fee, \$5,935.00; total estimated cost, \$32,996.24) (Real Estate Management/Public Works).

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

#20 Amendment No. 1 to the Design/Build Agreement with Hennessy Construction Services Corp. for the Public Works Emergency Responders Buildings – Phase 2 (PID No. 1477) in the amount of \$30,346,462.00 approved; Chairman authorized to sign and the Clerk to attest (Real Estate Management/Public Works).

Mr. LaSala related that the item had been deferred from the December 2, 2008 meeting; that the project has since been re-evaluated in light of lessons learned from the Jail Expansion project; and that staff continues to recommend the Design/Build approach to provide minimum risk to the County and the highest probability of project completion prior to the 2010 hurricane season; whereupon, responding to queries by Commissioner Seel, Hennessy Construction Services President Bronson Alexander indicated that he is supremely confident that the project can be completed within budget; and that his company is assuming all the risk.

In response to concern expressed by Commissioner Seel regarding funding, Mr. LaSala indicated that the staff will be reviewing Capital Improvement Program and Penny for Pinellas project funding during the first quarter of Calendar Year 2009; that the subject facility is a top-ranked project; and that he feels confident sufficient funding will be available; whereupon, Commissioner Seel requested that a work session be held in late January 2009, pending the outcome of the Special Session of the Legislature.

Responding to queries by Commissioners Brickfield and Welch, Director of Real Estate Management Paul S. Sacco indicated that the drawings have not been completed since the December 2 Board meeting; confirmed that the work to be completed does not impact the project scope; and expressed his confidence that the project can be completed within budget.

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

#21 Other Administrative Matters:

- a. Mr. LaSala noted that both the Chairman and Vice-Chairman will be unable to attend the work session scheduled for March 10, 2009; whereupon, it was the consensus of the members that the work session be cancelled.

- b. Director of Utilities Thomas T. Crandall reported that Pinellas County, along with other Tampa Bay Water customers, monitors proposed rule changes by the Southwest Florida Water Management District (SWFWMD); that a proposed amendment to Chapter 40D-22, Year-Round Conservation Measures, would require the County to submit draft ordinances to the District for review and approval, which could usurp the Board's Home Rule authority; and that staff strongly objects to the proposed provision; whereupon, he requested the Board's input and support in making the objection known to the District. Following discussion with input by Attorney Bennett, it was the consensus of the members that they are in support of staff's position of opposition to the proposed rule.

Mr. Crandall reported that Utilities has been asked by SWFWMD to distribute a flyer in its bills urging customers to skip a week of irrigation; and in response to query by Commissioner Seel, he provided a summary of the County's water conservation and enforcement efforts. Referring to the *Skip a Week* promotion, Commissioner Bostock suggested that the County coordinate with the other local governments and the School Board to forego irrigation at public facilities during

the same week and communicate to the public the total water savings resulting from the combined conservation effort.

- #22 County Attorney authorized to defend the County's interests:
- a. EverBank versus William Roski, et al. – Circuit Civil Case No. 08-17104-CI-021 – Mortgage Foreclosure Involving a Community Development Block Grant Mortgage.
 - b. First Horizon Home Loans versus Conroy A. Calvert, et al. – Circuit Civil Case No. 08-16555-CI-20 – Mortgage Foreclosure Involving a Subordinate Mortgage.
 - c. Mark Roesch versus Robert Binder, Rent to Own Leasing Co. Inc., John Lloyd, Stephen King and Lou Katz and Ken Burke, Clerk of Court, Pinellas County, Florida – Circuit Civil Case No. 08-016741-CI-020 – Tax Deed Sale.
 - d. Sandra Lee Snyder and Pinellas Grove's Hamlet Citizens Committee versus Pinellas County Board of County Commissioners – Division of Administrative Hearings Case No. 08-5834GM – Administrative Hearing (Bayside Affordable Housing Project).

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

- #23 County Attorney authorized to initiate litigation in the case of Pinellas County versus Richard J. Bergeron and Jenny Bergeron – Encroachment Upon County Property.

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

- #24 Amendment No. 2 to Prescription Service Agreement with Walgreens Health Initiatives, Inc. (WHI) (Contract No. 056-0243-P) approved; Chairman authorized to sign and the Clerk to attest.

Attorney Bennett related that the amendment modifies the term of the agreement to a calendar year timeframe to match the County Health Plan; that it creates a savings of approximately 12.5 percent, saving the County about \$1.1 million annually; and that the new structure will be implemented retroactively to October 1, 2008.

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

#25 Authorization granted for the filing of a Petition for Writ of Certiorari against the City of St. Petersburg appealing the municipal annexation in St. Petersburg Ordinance No. 867-G and Resolution No. 08-214 adopted initiating the Chapter 164 conflict resolution procedure regarding the annexations of parcels on Tierra Verde in St. Petersburg.

Attorney Bennett provided background information relating to Chapter 164 of the Florida Statutes, and related that Pinellas County and the City of St. Petersburg must attempt to resolve the disagreement between the two regarding the municipal annexation of properties on Tierra Verde before the County may file a Writ of Certiorari.

Thereupon, Commissioner Morroni moved, seconded by Commissioner Latvala, that the recommendation be approved.

Motion	-	Commissioner Morroni
Second	-	Commissioner Latvala

In response to queries by Commissioners Brickfield and Welch, Attorney Bennett reported that a group of citizens have retained legal counsel and filed a motion against the City of St. Petersburg and are not constrained by Chapter 164 and, if they desire, may proceed directly with a Writ of Certiorari against the City; whereupon, he reiterated that, unlike the citizens, the County is required to engage in talks with St. Petersburg prior to filing such a motion, and provided a timeline regarding the process.

Mr. Bennett explained that Pinellas County and St. Petersburg are in disagreement regarding the status of the annexation; and that since St. Petersburg considers the annexation complete, it wishes to begin providing services to the newly incorporated area; whereupon, following discussion, Mr. Bennett indicated that his office will let the Board know whether the Sheriff's Department or the St. Petersburg Police Department will provide police protection while the litigation is proceeding.

Thereupon, Mr. Bennett stated that the County will attempt to secure a stay from the court so that St. Petersburg will not be able to proceed with activities such as demolition of buildings or initiate a plan amendment for the duration of the discussions; and related that the first meeting between the two entities will take place January 15, 2009.

Upon call for the vote, the motion carried unanimously.

Vote	-	7 – 0
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#26 Offer of settlement and release with Willis Group Holdings Limited approved in the amount of \$181,440.14 relating to Pinellas County's participation in the Attorney General's settlement of an Insurance Commission matter; Chairman authorized to execute the release.

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

#27 Offer of settlement rejected in the case of James R. Cordell, Jr. and Kim L. Kaszuba versus Pinellas County, Circuit Civil Case No. 08-9079-CI-021, in accordance with the confidential memorandum from County Attorney James L. Bennett dated November 26, 2008.

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

#28 County Attorney Miscellaneous:

a. County Attorney authorized to defend the County's interests against the motion for a temporary injunction filed by Mathew Poling.

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

b. In response to queries by Commissioner Morroni regarding the proposed revisions to the Local Planning Agency (LPA) ordinance, Senior Assistant County Attorney David S. Sadowsky provided background information, and indicated that the LPA Board will require a four-person quorum; that the ordinance will provide for the inclusion of two alternate members; that the alternate members will be called individually should a regular member be unable to attend; and that provisions have been added regarding term limits and removal of members.

Thereupon, Commissioner Morroni stated his concern that the School Board select an individual with sufficient background to effectively serve on the LPA Board; whereupon, Attorney Sadowsky emphasized that the School Board has sole authority concerning its choice of appointment, and Planning Director Brian K. Smith noted the importance of the LPA to the School Board due to the School Element and the school concurrency provision. Commissioner Bostock suggested that even though the School Board members may select whichever candidate they desire, the BCC can offer suggestions to assist them in making an informed

decision, and Commissioner Morroni concurred; whereupon, Attorney Sadowsky stated that he would provide guidance to the School Board members regarding the selection of an appointee; and no objections were noted.

- #29 Sitting as the Countywide Planning Authority (CPA), the Board authorized public hearings to be held on January 6 and January 20, 2009, to consider a proposed Countywide Rule amendment to establish a Resource Management Overlay (RMO) map category.

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

- #30 Sitting as the Emergency Medical Services (EMS) Authority, the Board adopted Resolution No. 08-215 waiving the provisions of the Pinellas County Purchasing Ordinance, which will allow the EMS Authority the ability to negotiate new terms on a contract extension with Paramedics Plus, LLC.

In response to queries by Commissioners Brickfield and Seel, Assistant County Administrator James A. Dates, with input by Mr. LaSala, clarified the terms of the contract; specified that it provides for an initial five-year term and two, three-year extensions; indicated that efficiencies will be achieved by the consolidation of dispatch services; that Board approval is required to waive the provisions of the Purchasing Ordinance; and that the members retain the authority to approve extensions to the agreement.

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

- #31 Reappointment of June Cullen to the Housing Finance Authority Board for a four-year term expiring on February 1, 2013 approved.

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

- #32 County Administrator Reports – None.

#33 Individual Commissioner appointments to various boards and committees for Calendar Year 2009 approved.

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

#34 Appointments by the Board of County Commissioners as a whole to the East Lake Community Library Advisory Board, the Health Permits Board, the Pinellas Opportunity Council, Inc. Board of Directors, and the Public Art and Design Committee approved.

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

#35 County Commission Miscellaneous:
The Commissioners wished everyone a Merry Christmas and a great holiday season.

a. Commissioner Morroni Commissioner Morroni moved, seconded by Commissioner Brickfield and carried, that Patricia J. Bell be reappointed to the Social Action Funding Board. (Vote 7-0)

b. Commissioner Latvala provided information re enlarging posted signs that notice public hearings.

Commissioner Latvala moved, seconded by Commissioner Brickfield and carried, that India Welch be appointed to the Youth Advisory Committee for the term of December 16, 2008 through July 31, 2009.

provided information re the possibility of the County purchasing the U.S. Highway 19-Anclote River property (owned by Wal-Mart), noting that Wal-Mart is open to accepting an offer to purchase. Chairman Harris directed Administrator LaSala to transmit a letter to Wal-Mart stating potential interest, and no objections were noted.

- c. Commissioner Seel requested permission to send Congressmen Young and Bilirakis and Congresswoman Castor a letter asking them to support U.S. Highway 19 funding, and no objections were noted.
- d. Commissioner Welch noted that Chairman Harris was at Pinellas Hope providing breakfast to the residents.
- e. Commissioner Bostock noted her concerns re Agenda Item No. 2c and provided her viewpoint regarding audits.
- f. Chairman Harris provided water conservation tips.

* * * *

At this time, 4:32 P.M., the meeting was recessed and reconvened at 6:29 P.M. with all Commissioners in attendance except for Commissioner Morrioni.

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SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS (BCC)

#36 Resolution No. 08-216 adopted granting petition of Pinellas County to abandon a portion of a public road right-of-way at 2842 Keystone Road, Tarpon Springs; authority granted for Clerk to record the resolution. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received.

In response to queries by Commissioner Seel, Real Property Manager James R. Meloy referred to a map, pointed out the location of the site, and presented background information regarding the configuration of the parcel; whereupon, he clarified which section will be needed for the Keystone Road project, and assured Commissioner Seel that the portion to be abandoned will never be needed by the County.

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

#37 Ordinance No. 08-77 adopted amending the Pinellas County Comprehensive Plan regarding updates to the Capital Improvements Element. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Welch

In response to queries by Commissioner Welch, Planning Director Brian K. Smith provided background information regarding the Capital Improvements Element; and related that no requirement exists limiting the number of times it can be revised during the year; and that the updated Penny for Pinellas figures will be available in March 2009.

Vote - 6 – 0

#38 Ordinance No. 08-78 adopted amending Sections 134-258, 134-259, 134-260, and 134-261 of the Pinellas County Land Development Code establishing the Annual Concurrency Test Statement. No correspondence has been received. No citizens appeared to be heard (Companion Item No. 39).

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

#39 Ordinance No. 08-79 adopted amending Sections 134-221, 134-222, 134-223, 134-225, 134-226, 134-227, 134-229, 134-230, 134-231 and 134-232 of the Pinellas County Land Development Code regarding Concurrency Management. No correspondence has been received. No citizens appeared to be heard (Companion Item No. 38).

In response to queries by Commissioner Seel, Planning Director Brian K. Smith provided background information regarding Concurrency Management, relating that state law no longer allows the County to perform long-term concurrency on U.S. Highway 19, making it necessary for the Planning Department to search for an alternate method; whereupon, he indicated that the Florida Department of Transportation (FDOT) does not require a completed Concurrency Plan prior to its release of funding; and that the amendments will not affect funding for the U.S. Highway 19 project.

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

COUNTYWIDE PLANNING AUTHORITY (CPA) PUBLIC HEARINGS

#40 Ordinance No. 08-80 adopted approving Case No. 08-41, the proposal by the Town of Kenneth City to amend the Countywide Future Land Use Plan from Residential/Office General to Commercial General, re 1.5 acres m.o.l., located northwest of the intersection of 62nd Street North and 54th Avenue North (regular amendment). Pinellas Planning Council recommended approval of the proposal. Staff recommended denial of the proposal. No correspondence has been received.

Pinellas Planning Council (PPC) Executive Director David P. Healey referred to an aerial photograph, pointed out the location of the subject property and surrounding uses in the area, and presented historical background information. Mr. Healey indicated that the PPC staff and the Planners Advisory Committee had concerns with the proposed amendment and recommended denial; whereupon, he indicated that the PPC approved the amendment by a vote of 8 – 3 over staff’s recommendation to deny; and that a supermajority vote of the BCC would be required to overrule the PPC recommendation.

Director of Planning Brian K. Smith indicated that staff recommends denial of the proposed amendment because it will introduce commercial intrusion into an established residential neighborhood. He related that the Board of County Commissioners had denied a smaller request for Commercial General on the subject property in 2001; and that conditions have not changed substantially since that time to warrant approval of the expanded Commercial General request.

Todd Pressman, Pressman and Associates, Representative, provided background information relating to the request, and indicated that the Town of Kenneth City’s Planning Staff, Planning and Zoning Board, and Town Council had all voted unanimously for the amendment; whereupon, he referred to an aerial photograph and land use map and pointed out the location of the site.

During discussion and in response to queries by Commissioners Welch and Latvala, Mr. Pressman stated that the applicant, Dr. Jeffrey Hirschfield, would meet any requirements stipulated by the Town of Kenneth City relating to buffering between his property and the adjacent residences; whereupon, discussion ensued, with Commissioner Latvala noting that none of the neighbors have objected to the proposal; and that Kenneth City does not use development agreements as part of its development code.

In response to the Chairman's call for persons wishing to be heard, Muriel H. Whitman, Mayor of the Town of Kenneth City, expressed her support of the proposed amendment.

No one appeared in response to the Chairman's call for persons wishing to speak in opposition to the proposed amendment.

Thereupon, following discussion, Commissioner Seel moved, seconded by Commissioner Latvala and carried, that the amendment be approved.

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

- #41 Ordinance No. 08-81 adopted amending the Countywide Future Land Use Plan Rules to provide regulations addressing development agreements submitted in support of applications for amendments to the Countywide Future Land Use Plan Map. Staff recommended approval of the proposed ordinance. No correspondence has been received.

Pinellas Planning Council (PPC) Executive Director David P. Healey related that the proposed rule amendment outlines the requirements when a development agreement is submitted in concert with a request for a Plan Map Amendment; that there is no obligation for local governments to submit development agreements; and that there is a need for a definitive policy governing the process by which development agreements are submitted for consideration and then are subsequently changed. He indicated that the Countywide Planning Authority (CPA) sometimes relies on development agreements when making decisions on plan amendments; and that there should be an opportunity for the PPC to review any changes to a development agreement and to determine if those changes would necessitate reconsideration of the plan amendment by the CPA.

Al Galbraith, Assistant City Attorney, City of St. Petersburg, stated that the City is opposed to the proposed Rule amendment as it is the City's belief that the Special Act does not provide the PPC and the CPA with the authority to adopt the proposed amendment; and that the City believes that the amendment is contrary to the State Law that sets up the procedures by which development agreements can be approved.

Responding to the Chairman's request for individuals wishing to be heard, Mark P. Klutho, Largo, appeared and expressed his concerns.

In response to query by Commissioner Bostock, Attorney Bennett advised that the Countywide Planning Act gives the Board broad rule-making authority; that the amendment does not impinge on the authority of a local government to adopt development agreements; and that the Board has the authority to pass the ordinance; whereupon, in response to query by Commissioner Brickfield, Mr. Bennett indicated that currently under the Countywide Plan, the County has no mechanism to deal with changes in a development agreement or a failure of the development agreement to be implemented.

Thereupon, Commissioner Welch moved, seconded by Commissioner Seel, that the amendment be approved.

Motion - Commissioner Welch
Second - Commissioner Seel

Commissioner Welch related that the County does rely on development agreements to make land use changes that otherwise would not be made; that of all the municipalities, only St. Petersburg has shown opposition; and that approval of the amendment will provide for a standardized process.

Upon call for the vote, the motion carried unanimously.

Vote - 6 – 0

CITIZENS TO BE HEARD

- Lenore Faulkner, Madeira Beach, re Pinellas County Schools – Baldrige Quality 10 Years, Dropout Factory
- Floyd Irwin, New Port Richey, re Korean War veterans.
- Mark P. Klutho, Largo, re stupidity, waste.

#42 Meeting adjourned at 7:25 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk