

Clearwater, Florida, March 4, 2003

The Board of County Commissioners in and for the County of Pinellas met in regular session in the County Commission Assembly Room, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, at 9:37 A.M. on this date with the following members present: Karen Williams Seel, Chairman; Susan Latvala, Vice-Chairman; Barbara Sheen Todd; Robert B. Stewart; Calvin D. Harris; John Morroni; and Kenneth T. Welch.

Absent: None.

Also present: Susan H. Churuti, County Attorney; Stephen M. Spratt, County Administrator; Linda R. Reed, Deputy Clerk; and Dawn Rubio, Board Reporter.

Monsignor Michael Devine from St. Brendan Catholic Church, Clearwater, pronounced the Invocation which was followed by the Pledge of Allegiance to the Flag led by Commissioner Todd.

A G E N D A

INVOCATION

PLEDGE OF ALLEGIANCE to the Flag of the United States of America

PRESENTATIONS & AWARDS

A. CITIZENS TO BE HEARD

Any Person Wishing to Speak at this Time (Excluding Issues on the Agenda or Previously Acted on by the BCC) Must Have a Card Filled Out and Turned in to Staff at the Administrative Table Located at the Front of the Board Room.

B. SCHEDULED PUBLIC HEARINGS

The Procedure Used by the Board of County Commissioners in Conducting Public Hearings is to Have a Staff Presentation Followed by the Applicant Presenting the Specific Proposal. The Board Will Then Hear Comments From the Proponents Followed by Comments From the Opponents and a Staff Summary. The Applicant Will Then be Given an Opportunity to Close and the Board of County Commissioners Will Decide on the Matter. Please Refer to the Back of Your Agenda Copy for More Details on Guidelines for Time Limitations and Opportunities to Speak.

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COUNTYWIDE PLANNING AUTHORITY

Consideration of the Following Proposals to Amend the Adopted Countywide Future Land Use Plan:

SUBTHRESHOLD AMENDMENTS

1. a. Case #CW 03-13 – St. Petersburg.
Location – 0.72 Acre Located on the West Side of 4th Street South between 23rd Avenue South and 24th Avenue South. Amendment from Residential Medium to Residential/Office General.
- b. Case #CW 03-17 - Pinellas County.
Location - 0.15 Acre Located on the West Side of Daniel Street, 60 Feet South of Charles Avenue. Amendment from Residential Urban to Residential/Office General.
- c. Case #CW 03-18 - Pinellas County.
Location - 0.25 Acre Located on the North Side of 68th Avenue North, 317 Feet West of 66th Street North. Amendment from Residential Urban to Commercial General.

REGULAR AMENDMENTS

2. a. Case #CW 03-12 – St. Petersburg.
Location - 1.45 Acres Located on the South Side of 9th Avenue North, between Martin Luther King/9th Street North and 10th Street North. Amendment from Commercial General and Residential/Office General, with Activity Center/Primary to Residential/Office/Retail, with Activity Center/Primary.
- b. Case #CW 03-14 – Pinellas Park.
Location – 4.40 Acres Located on the East Side of 66th Street North and North Side of 118th Avenue North. Amendment from Industrial Limited to Commercial General (As Revised).
- c. Case #CW 03-15 – Clearwater.
Location - 5.60 Acres Located on the East Side of South Fort Harrison Avenue and North Side of “A” Street. Amendment from Industrial Limited to Institutional.
- d. Case #CW 03-16 – Clearwater.
Location - 9.22 Acres Located 410 Feet South of Drew Street, East Side of Bayview Avenue (520 Feet West of McMullen Booth Road). Amendment from Residential Low Medium and Residential Urban to Institutional.

SCHEDULED PUBLIC HEARINGS – BCC

3. Petition to Vacate Submitted by Martin Ziesman, Jamal Qandil and Ishaq Abu-Ayyash for a 6.0 Foot by 51.33 Foot by 4.22 Foot by 94.38 Foot by 1.85 Foot by 145.71 Foot Portion of a 6.0 Foot Utility Easement on Lots 1 through 4, Ken-Tre Addition to Pinellas Park, Florida, Located in the Southeast 1/4 of Section 31, Township 30 South, Range 16 East.
4. Proposed Settlement Agreement with Clear Channel Outdoor, Inc. and Sunus Corporation (First Public Hearing).

C. CONSENT AGENDA

CLERK OF THE CIRCUIT COURT

5. Approval of Minutes - Regular Meeting Held on February 4, 2003.

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6. Reports:
 - a. Juvenile Welfare Board Financial Statements for Fiscal Year Ending September 30, 2002, with Independent Auditors' Report Prepared by KPMG, LLP, Together with the State of Florida Annual Local Government Financial Report for Fiscal Year 2001-2002.
 - b. Housing Finance Authority of Pinellas County Report Submitted by Rodney S. Fischer, Chairman, Together with First-Time Homebuyers – 2002 Map, Balance Sheet as of December 31, 2002 and 2002-2003 Budget Adopted July 9, 2002.
 - c. Dock Fee Report for Month of January 2003.
 - d. Annual Financial Report and the Audited Financial Statements of Tampa Bay Water, a Regional Water Supply Authority, for the Fiscal Year Ending September 30, 2002.
7. Other Approvals:
 - a. General – None.
 - b. Vouchers and Bills Paid.
8. Miscellaneous Items to be Received for Filing:
 - a. City of Largo Notice of Annexation Hearings Regarding Ordinances Nos. 2003-49 through 2003-51 Held February 18, 2003.
 - b. Correspondence from the City of Pinellas Park Regarding One Ordinance Voluntarily Annexing Certain Property, Public Hearing Held February 27, 2003.
 - c. City of Safety Harbor Notice of Proposed Annexation Regarding Ordinance No. 2003-01, Public Hearing Held February 17, 2003.

COUNTY ADMINISTRATOR

Public Works

9. Approval to Release and Accept Sureties and to Accept and Record Deeds and Guarantees.
10. Approval of an Award of Bid for Joe's Creek Erosion Control.

Utilities

11. Approval of Award of Bids:
 - a. Old Oakhurst Road/Seminole Area Reclaimed Water Distribution System – Phase IB.
 - b. Sulfur Dioxide, Technical Grade.

Other Departments

12. Adoption of a Resolution for Assessment of Liens against Lands Cleared (Environmental Management).
13. Approval of Budget Amendments Nos. 9 – 12 for Fiscal Year 2003 (Management and Budget).

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D. REGULAR AGENDA

14. Items for Discussion from Consent Agenda (County Administrator and Clerk of Circuit Court).

COUNTY ADMINISTRATOR

Public Works

15. Approval of the Installation of Three Speed Humps on Ulelah Avenue and Moss Rose Avenue between Palm Harbor Boulevard and Sage Road.
16. Approval of the Installation of Two Speed Humps on Gardenia Drive between Pelican Lane and Gerbera Avenue.
17. Adoption of a Resolution and Execution of a Locally Funded Agreement with the Florida Department of Transportation for the 118th Avenue Connector Study.
18. Approval of Change Order No. 2 (Final) for Alligator Creek Channel "A" Detention Area at Logan Street.

Utilities

19. Approval of an Award of Bid for Pipers Meadow/Arbor Glen Reclaimed Water Distribution System.
20. Approval of the Ranking of Firms and Authorization for Staff to Negotiate a Contract for Program Management Services for the Galvanized Pipe Replacement Program.
21. Approval of the Ranking of Firms and Authorization for Staff to Negotiate a Contract for Professional Engineering/Consulting Services for the Galvanized Pipe Replacement Program.

Other Departments

22. Adoption of a Resolution Supporting the Issuance of Tax-Exempt Bonds through the Pinellas County Housing Finance Authority for Non-profit Ownership of Manufactured Home Communities (Community Development/Housing Finance Authority).
23. Adoption of a Resolution Regarding the Governor's Budget Recommendations (County Administrator).
24. Approval of a Sole Source Purchase of 800 Megahertz Radio Communication Equipment and Accessories (Emergency Communications/9-1-1).
25. Approval of a First Amendment to the 501 Building Lease Agreement with Fowler White Boggs Banker, P.A. (General Services).
26. Approval of Acceptance of Final Completion and Release of Retainage Monies for the Construction Management Agreement, Weedon Island Preserve Education Center, Phase 1 (General Services).
27. Approval of an Exchange of County-Owned Property for Property Owned by Roy Shaffer, Jr. (General Services).
28. Approval of a Legal Aid Services Agreement with Gulfcoast Legal Services, Inc. (Justice Coordination).
29. Adoption of a Resolution Supplementing the Fiscal Year 2003 General Fund Budget for Project HOPE (Management and Budget).

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30. Approval of Amendment No. 1 to the Contract for Pharmacy Services with Albertsons, Inc. (Social Services).
31. Other Administrative Matters.

COUNTY ATTORNEY

32. Authority for County Attorney to Defend:
 - a. Bank of America v. James T. Murray, et al - Circuit Civil Case No. 03-722-CI-8 - Mortgage Foreclosure Involving Judgments for Attorney Fees and Costs.
 - b. Chase Manhattan Mortgage Corporation, etc. v. Sean Michael Davis, et al - Circuit Civil Case No. 03-792-CI-7 - Mortgage Foreclosure Involving a Street Lighting Lien.
 - c. First Nationwide Mortgage Corporation v. Annie Daniels, etc., et al - Circuit Civil Case No. 03-853-CI-8 - Mortgage Foreclosure Involving Judgments for Attorney Fees and Costs.
 - d. Mortgage Electronic Registration v. Nancy C. Marushia, etc., et al - Circuit Civil Case No. 02-6704-CI-11 - Mortgage Foreclosure Involving Judgments for Attorney Fees and Costs and a Judgment for Fine and Costs.
 - e. Wells Fargo Bank Minnesota, etc. v. Ann Marie Smith, et al - Circuit Civil Case No. 03-711-CI-7 - Mortgage Foreclosure Involving a Street Lighting Lien.
 - f. Amanda M. Goetz v. Pinellas County Sheriff's Department, Pinellas County Sheriff's Deputy Joseph Gerretz, in His Official Capacity, and Operation PAR, Inc. - Circuit Civil Case No. 02-8948-CI-11 – Claim No. 99-67240 - Allegations of False Imprisonment, Infliction of Severe Emotional Distress and Unreasonable Search and Seizure.
33. Authority for County Attorney to Pursue an Administrative Appeal of Audit Findings in the Case of Agency for Workforce Innovation v. Pinellas County Board of County Commissioners – Case No. DOAH-03-0220.
34. Approval of a Settlement Agreement and Mutual Release with Clark Hunt Construction - Circuit Civil Case No. 02-7728-CI-7.
35. Approval of a Rejection of a Proposal for Settlement in the Case of ACS State & Local Solutions, Inc., f/k/a Lockheed Martin IMS Corporation v. the Pinellas Wages Coalition, et al - Circuit Civil Case No. 01-9324-CI-21.
36. Approval of a Recommendation of Settlement in the Case of Pinellas County v. Garcia Enterprises of Tampa, Inc., et al – Circuit Civil Case No. 00-000441-CI-21.
37. Approval of a Recommendation of Settlement in the Case of Roy Clark v. Pinellas County Government – Workers' Compensation OJCC No. 02-01136SPT.
38. Miscellaneous.

E. AUTHORITIES

ECONOMIC DEVELOPMENT AUTHORITY

39. Approval of a Sole Source Contract for Annual Test and Inspection with Continued Maintenance and Repair of a Fire System for the Young – Rainey STAR Center.

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EMERGENCY MEDICAL SERVICES AUTHORITY

40. Approval of the Ranking of Firms and Authorization for Staff to Negotiate a Contract for Emergency Medical Services Billing Software.

F. COUNTY ADMINISTRATOR REPORTS

41. Update from Tampa Bay Water.

G. COUNTY COMMISSION

42. Approval of an Appointment to the Historical Commission.
43. Approval of a 1906 Committee Interlocal Agreement.
44. Report Regarding the Florida Association of Counties Urban Caucus.
45. Miscellaneous.

ADJOURNMENT

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PROCLAMATION DECLARING MARCH AS AMERICAN RED CROSS MONTH

Chairman Seel presented a proclamation declaring March as American Red Cross Month to Diane Schmidt, Branch Manager, South Pinellas Branch of the Tampa Bay Chapter of the American Red Cross.

SAFE DRIVER AWARDS

Chairman Seel presented a Safe Driver Award to Robert D. Hollingsworth, Facility Manager, General Services, for 20 years of safe driving; and announced the recognition of the following Pinellas County employees:

Leon Van Bibber, Director, Fleet Management, 20 years of safe driving
James M. Aggeles, Equipment Acquisition Specialist, Fleet Management, 20 years of safe driving
Harry J. Wood, Jr., Certified Auto Body Mechanic, Fleet Management, 20 years of safe driving
Joseph M. Steg, Parts Manager, Fleet Management, 20 years of safe driving

CITIZENS TO BE HEARD

Scott Fisher, Palm Harbor, expressed concern regarding equal and uniform application of code enforcement.

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Jo-An Totty, Palm Harbor, related a safety hazard in downtown Palm Harbor due to the number of parked cars at office buildings.

Richard Schauseil, Oldsmar, requested that horse trail enthusiasts be notified of meetings that involve horse trails in preserve areas.

Floyd Irwin, New Port Richey, read Scriptural passages.

John Schestag, Ozona, presented a request for an internal audit of certain County entities; whereupon, at the Chairman's request, County Attorney Susan H. Churuti explained that the Board's authority over the Sheriff's Office is limited to budgetary matters; and presented a list of local, state and federal law enforcement oversight agencies.

1a CASE #CW 03-13, PROPOSAL BY THE CITY OF ST. PETERSBURG TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL MEDIUM TO RESIDENTIAL/OFFICE GENERAL (SUBTHRESHOLD AMENDMENT) - APPROVED; ORDINANCE NO. 03-13 ADOPTED

Chairman Seel noted for the record that the Board is now sitting as the Countywide Planning Authority.

Pursuant to legal notice published in the February 2, 2003 issue of the Pinellas edition of The Tampa Tribune as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Case #CW 03-13, a proposal by the City of St. Petersburg to amend the land use designation on the Countywide Future Land Use Plan from residential medium to residential/office general, re 0.72 acre located on the west side of 4th Street South between 23rd Avenue South and 24th Avenue South (subthreshold amendment). Deputy Clerk Linda R. Reed reported that no correspondence relative to the application has been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt stated that the Pinellas Planning Council (PPC) recommends approval of the proposal; and that staff concurs with the PPC recommendation.

No one appeared in response to the Chairman's call for persons wishing to be heard.

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Commissioner Latvala moved, seconded by Commissioner Welch, that Ordinance No. 03-13 approving Case #CW 03-13 be adopted. Upon roll call, the vote was:

Ayes: Seel, Latvala, Todd, Stewart, Harris, Morroni and Welch.

Nays: None.

Absent and not voting: None.

1b CASE #CW 03-17, PROPOSAL BY PINELLAS COUNTY TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL URBAN TO RESIDENTIAL/OFFICE GENERAL (SUBTHRESHOLD AMENDMENT) - APPROVED; ORDINANCE NO. 03-14 ADOPTED

Chairman Seel noted for the record that the Board is now sitting as the Countywide Planning Authority.

Pursuant to legal notice published in the February 2, 2003 issue of the Pinellas edition of The Tampa Tribune as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Case #CW 03-17, a proposal by Pinellas County to amend the land use designation on the Countywide Future Land Use Plan from residential urban to residential/office general, re 0.15 acre located on the west side of Daniel Street 60 feet south of Charles Avenue (subthreshold amendment). Deputy Clerk Linda R. Reed reported that no correspondence relative to the application has been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt stated that the Pinellas Planning Council (PPC) recommends approval of the proposal; and that staff concurs with the PPC recommendation.

No one appeared in response to the Chairman's call for persons wishing to be heard.

Commissioner Latvala moved, seconded by Commissioner Welch, that Ordinance No. 03-14 approving Case #CW 03-17 be adopted. Upon roll call, the vote was:

Ayes: Seel, Latvala, Todd, Stewart, Harris, Morroni and Welch.

Nays: None.

Absent and not voting: None.

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1c CASE #CW 03-18, PROPOSAL BY PINELLAS COUNTY TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL URBAN TO COMMERCIAL GENERAL (SUBTHRESHOLD AMENDMENT) - APPROVED; ORDINANCE NO. 03-14 ADOPTED

Chairman Seel noted for the record that the Board is now sitting as the Countywide Planning Authority.

Pursuant to legal notice published in the February 2, 2003 issue of the Pinellas edition of The Tampa Tribune as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Case #CW 03-18, a proposal by Pinellas County to amend the land use designation on the Countywide Future Land Use Plan from residential urban to commercial general, re 0.25 acre located on the north side of 68th Avenue North, 317 feet west of 66th Street North (subthreshold amendment). Deputy Clerk Linda R. Reed reported that no correspondence relative to the application has been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt stated that the Pinellas Planning Council (PPC) recommends approval of the proposal; and that staff concurs with the PPC recommendation.

No one appeared in response to the Chairman's call for persons wishing to be heard.

Commissioner Latvala moved, seconded by Commissioner Welch, that Ordinance No. 03-14 approving Case #CW 03-18 be adopted. Upon roll call, the vote was:

Ayes: Seel, Latvala, Todd, Stewart, Harris, Morroni and Welch.

Nays: None.

Absent and not voting: None.

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2a CASE #CW 03-12, PROPOSAL BY THE CITY OF ST. PETERSBURG TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM COMMERCIAL GENERAL AND RESIDENTIAL/OFFICE GENERAL, ACTIVITY CENTER/PRIMARY TO RESIDENTIAL/OFFICE/RETAIL, ACTIVITY CENTER/PRIMARY (REGULAR AMENDMENT) - APPROVED; ORDINANCE NO. 03-13 ADOPTED

Chairman Seel noted for the record that the Board is now sitting as the Countywide Planning Authority.

Pursuant to legal notice published in the February 2, 2003 issue of the Pinellas edition of The Tampa Tribune as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Case #CW 03-12, a proposal by the City of St. Petersburg to amend the land use designation on the Countywide Future Land Use Plan from commercial general and residential/office general, activity center/primary to residential/office/retail, activity center/primary, re 1.45 acres located on the south side of 9th Avenue North between Martin Luther King/9th Street North and 10th Street North (regular amendment). Deputy Clerk Linda R. Reed reported that no correspondence relative to the application has been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt stated that the Pinellas Planning Council (PPC) recommends approval of the proposal; and that staff concurs with the PPC recommendation.

No one appeared in response to the Chairman's call for persons wishing to be heard.

Commissioner Todd moved, seconded by Commissioner Latvala, that Ordinance No. 03-13 approving Case #CW 03-12 be adopted. Upon roll call, the vote was:

Ayes: Seel, Latvala, Todd, Stewart, Harris, Morroni and Welch.

Nays: None.

Absent and not voting: None.

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2b CASE #CW 03-14, PROPOSAL BY CITY OF PINELLAS PARK TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM INDUSTRIAL LIMITED TO COMMERCIAL GENERAL (AS REVISED) (REGULAR AMENDMENT) - APPROVED; ORDINANCE NO. 03-15 ADOPTED

Chairman Seel noted for the record that the Board is now sitting as the Countywide Planning Authority.

Pursuant to legal notice published in the February 2, 2003 issue of the Pinellas edition of The Tampa Tribune as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Case #CW 03-14, a proposal by the City of Pinellas Park to amend the land use designation on the Countywide Future Land Use Plan from industrial limited to commercial general, re 4.40 acres (revised as set forth in the Addendum) located on the east side of 66th Street North and the north side of 118th Avenue North (regular amendment). Deputy Clerk Linda R. Reed reported that no correspondence relative to the application has been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt stated that the Pinellas Planning Council (PPC) recommends approval of the proposal; and that staff concurs with the PPC recommendation.

No one appeared in response to the Chairman's call for persons wishing to be heard.

Commissioner Latvala moved, seconded by Commissioner Welch, that Ordinance No. 03-15 approving Case #CW 03-14 be adopted. Upon roll call, the vote was:

Ayes: Seel, Latvala, Todd, Stewart, Harris, Morroni and Welch.

Nays: None.

Absent and not voting: None.

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2c CASE #CW 03-15, PROPOSAL BY CITY OF CLEARWATER TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM INDUSTRIAL LIMITED TO INSTITUTIONAL (REGULAR AMENDMENT) - APPROVED; ORDINANCE NO. 03-16 ADOPTED

Chairman Seel noted for the record that the Board is now sitting as the Countywide Planning Authority.

Pursuant to legal notice published in the February 2, 2003 issue of the Pinellas edition of The Tampa Tribune as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Case #CW 03-15, a proposal by the City of Clearwater to amend the land use designation on the Countywide Future Land Use Plan from industrial limited to institutional, re 5.60 acres located on the east side of South Ft. Harrison Avenue and the north side of "A" Street (regular amendment). Deputy Clerk Linda R. Reed reported that no correspondence relative to the application has been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt stated that the Pinellas Planning Council (PPC) recommends approval of the proposal; and that staff concurs with the PPC recommendation.

No one appeared in response to the Chairman's call for persons wishing to be heard.

Commissioner Latvala moved, seconded by Commissioner Harris, that Ordinance No. 03-16 approving Case #CW 03-15 be adopted. Upon roll call, the vote was:

Ayes: Seel, Latvala, Todd, Stewart, Harris, Morroni and Welch.

Nays: None.

Absent and not voting: None.

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2d CASE #CW 03-16, PROPOSAL BY CITY OF CLEARWATER TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL LOW MEDIUM AND RESIDENTIAL URBAN TO INSTITUTIONAL (REGULAR AMENDMENT) - APPROVED; ORDINANCE NO. 03-16 ADOPTED

Chairman Seel noted for the record that the Board is now sitting as the Countywide Planning Authority.

Pursuant to legal notice published in the February 2, 2003 issue of the Pinellas edition of The Tampa Tribune as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Case #CW 03-16, a proposal by the City of Clearwater to amend the land use designation on the Countywide Future Land Use Plan from residential low medium and residential urban to institutional, re 9.22 acres located 410 feet south of Drew Street on the east side of Bayview Avenue (520 feet west of McMullen Booth Road) (regular amendment). Deputy Clerk Linda R. Reed reported that no correspondence relative to the application has been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt stated that the Pinellas Planning Council (PPC) recommends approval of the proposal; and that staff concurs with the PPC recommendation.

No one appeared in response to the Chairman's call for persons wishing to be heard.

Commissioner Latvala moved, seconded by Commissioner Todd, that Ordinance No. 03-16 approving Case #CW 03-16 be adopted. Upon roll call, the vote was:

Ayes: Seel, Latvala, Todd, Stewart, Harris, Morroni and Welch.

Nays: None.

Absent and not voting: None.

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At this time, 10:15 A.M., Commissioner Morroni, left the meeting.

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3 PETITION OF MARTIN ZIESMAN, JAMAL QANDIL AND ISHAQ ABU-AYYASH TO VACATE A PORTION OF A 6.0-FOOT UTILITY EASEMENT ON LOTS 1 THROUGH 4, KEN-TRE ADDITION TO PINELLAS PARK, FLORIDA, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 30 SOUTH, RANGE 16 EAST - TEMPORARILY DEFERRED

Pursuant to legal notice published in the February 14, 2003 issue of the Tampa Bay Review as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the petition of Martin Ziesman, Jamal Qandil and Ishaq Abu-Ayyash to vacate a portion of a 6.0-foot utility easement on lots 1 through 4, KEN-TRE Addition to Pinellas Park, Florida, as recorded in Plat Book 15, Page 21, located in the southeast quarter of Section 31, Township 30 South, Range 16 East.

Deputy Clerk Linda R. Reed reported that letters of no objection have been received from the following:

Pinellas County Utilities
City of St. Petersburg
Florida Power Corporation
Verizon Florida, Inc.
Verizon Media Ventures, Inc.
Time Warner Corporation

She indicated that all interested property owners have been notified as to the date of the public hearing; that no correspondence in objection to the petition has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt stated that staff recommends the vacation be granted.

Using a locator map and aerial photographs, Director of Public Works J. Keith Wicks gave a presentation on the vacation request.

In response to the Chairman's call for persons in opposition to the request, Debra and Robert Calcagni appeared and being duly sworn, stated their concerns relative to the potential disruption of phone and utility services.

No one appeared in response to the Chairman's call for the applicant; whereupon, Commissioner Welch moved, seconded by Commissioner Todd and carried, that the item be continued.

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At this time, 10:25 A.M., Commissioner Morroni returned to the meeting.

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4 CONSIDERATION OF PROPOSED ORDINANCE AUTHORIZING THE CHAIRMAN TO EXECUTE SETTLEMENT AGREEMENTS WITH CLEAR CHANNEL OUTDOOR, INC. AND SUNUS CORPORATION REGARDING BILLBOARD LITIGATION; SECOND HEARING TO BE HELD MARCH 18, 2003

Pursuant to legal notice published in the February 22, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on a proposed ordinance authorizing the Chairman to execute settlement agreements with Clear Channel Outdoor, Inc. and Sunus Corporation regarding billboard litigation. Deputy Clerk Linda R. Reed reported that no correspondence has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt recommended that the Board receive public testimony on the proposed ordinance authorizing the Chairman to execute settlement agreements; whereupon, Chief Assistant County Attorney James L. Bennett gave a presentation outlining the provisions of the settlement.

In response to the Chairman's call for persons wishing to be heard, the following persons appeared and being duly sworn, voiced their views:

David Campbell, Clearwater
Bill Zeno, Clearwater
Sandy Currie, Clearwater
Bill Cumming, Pinellas County
Bill Jonson, Clearwater
Charlie Rutz, Clearwater

No one else appeared in response to the Chairman's call for persons wishing to be heard; whereupon, she directed the public hearing be closed.

Chairman Seel advised that the second hearing will take place on March 18, 2003, at which time final action will be taken by the Board.

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CONSENT AGENDA ITEMS NOS. 5 THROUGH 13 - APPROVED

Upon presentation by Chairman Seel, Commissioner Harris moved, seconded by Commissioner Latvala and carried, that the consent agenda, consisting of Items Nos. 5 through 13, be approved as follows:

5 APPROVAL OF MINUTES

Minutes of regular meeting of February 4, 2003.

6 REPORTS RECEIVED FOR FILING

- a. Juvenile Welfare Board Financial Statements for fiscal year ending September 30, 2002, with Independent Auditors' Report prepared by KPMG, LLP, together with the State of Florida Annual Local Government Financial Report for fiscal year 2001-2002.
- b. Housing Finance Authority of Pinellas County Report submitted by Rodney S. Fischer, Chairman, together with First-Time Homebuyers - 2002 Map, Balance Sheet as of December 31, 2002 and 2002-2003 Budget adopted July 9, 2002.
- c. Dock Fee Report for Month of January 2003.
- d. Annual Financial Report and the Audited Financial Statements of Tampa Bay Water, A Regional Water Supply Authority, for the fiscal year ending September 30, 2002.

7 OTHER APPROVALS

- a. General - None
- b. Vouchers and Bills Paid
 - (1) Checks released for the period from January 27, 2003 through February 7, 2003, as follows:

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Payroll Journal Expenditures
Payroll Journal page numbers 1 through 2680
Payroll checks numbered 500242 through 500806

Imprest Fund Expenditures
Manual checks numbered 685939 through 685962
System checks numbered 668259 through 670201

Wire Transfers numbered 852 through 919

8 MISCELLANEOUS ITEMS RECEIVED

- a. City of Largo Notice of Annexation Hearings re Ordinances Nos. 2003-49 through 2003-51 held February 18, 2003.
- b. Correspondence from the City of Pinellas Park re one ordinance voluntarily annexing certain property; public hearing held February 27, 2003.
- c. City of Safety Harbor Notice of Proposed Annexation re Ordinance No. 2003-01; public hearing held February 17, 2003.

9 SURETIES, DEEDS AND GUARANTEES

- a. Bayou Overlook
 1. Letter of Credit No. SM201957W accepted in the amount of \$18,815.83 as maintenance surety.
 2. Release of Completion Bond No. 9335930 in the amount of \$30,000.00 to Florida First Development Corporation, 4437 Park Boulevard, Pinellas Park, FL 33781.
 3. Sidewalk Guarantee accepted for recording.

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- b. West Breeze Estates (f/k/a Tarpon Breeze Estates)
 - 1. Release of Completion Bond No. B21853787 in the amount of \$66,644.05 to Central Suburban, Inc., 935 Manor Drive N.E., Spring Lake Park, MN 55432-1255.

- c. Riverside Apartments
 - 1. Release of Completion Bond No. K06546626 in the amount of \$17,264.50 to Sandspur Housing Partners, Ltd., 1551 Sandspur Road, Maitland, FL 32751.

- d. Cypress Knoll
 - 1. Release of Completion Bond No. 929260102 in the amount of \$6,768.00 to Rottlund Homes of Florida, Inc., 2623 McCormick Drive, Suite 102, Clearwater, FL 33759.

- e. Bond Yacht Sales
 - 1. Funds released in the amount of \$19,563.34 to Norman and Brenda Bond, 500 Trinity Lane North, No. 1201, St. Petersburg, FL 33716.

- f. Home Depot USA at Seminole and Park
 - 1. Release of Completion Bond No. 17-56-18 in the amount of \$53,079.13 to Home Depot USA, Inc., 10550 Park Boulevard, Seminole, FL 33772.

- g. Florida Commercial Contractors
 - 1. Funds released in the amount of \$5,000.00 to Florida Commercial Contractors, 179 Shore Drive, Palm Harbor, FL 34686, Attn: Robert Butler.

- h. Meadowlawn Middle School
 - 1. Release of Completion Bond No. 447-418-123 in the amount of \$20,000.00 to Ajax Building Corporation, 5625 West Waters Avenue, Suite E, Tampa, FL 33634.

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- i. Case Atlantic Company
 - 1. Release of Completion Bond No. 384285 in the amount of \$16,570.40 to Case Atlantic Company, 13065 40th Street North, Clearwater, FL 33762.

- j. Pinch A Penny, Inc.
 - 1. Funds released in the amount of \$22,534.00 to Pinch A Penny, Inc., 14480 62nd Street North, Clearwater, FL 33760.

- k. Thomas Quartetti
 - 1. Partial Release of Mortgage and Original Warranty Deed accepted for recording.

- l. Breaktime Plaza
 - 1. Release of Maintenance Bond No. CANF000333PP in the amount of \$2,200.00 to Laeqali and Associates, 602 Oconee Avenue, Tampa, FL 33606.

- m. Anthony T. Tocco
 - 1. Quit Claim Deed accepted for recording.

- n. Hercules Hydraulics, Inc.
 - 1. Release of Letter of Credit No. 3024718 in the amount of \$5,600.00 to Hercules Hydraulics, Inc., 1016 North Belcher Road, Clearwater, FL 33765.

- o. Ditek Center
 - 1. Release of Letter of Credit No. 2000155001 in the amount of \$6,858.50 to Haydon-Rubin Development, Inc., 1501 Roosevelt Boulevard, Suite 112, Clearwater, FL 33760.

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#10 BID OF SUNSET UNDERGROUND CONSTRUCTION, INC. FOR JOE'S CREEK EROSION CONTROL (P.I.D. NO. 922489) (BID NO. 023-249-C)

Bid of Sunset Underground Construction, Inc. on the basis of being the lowest responsive, responsible bid received meeting specifications, for an estimated total expenditure in the amount of \$256,018.00; Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

#11 AWARD OF BIDS

- a. Bid of A & L Underground, Inc. on the basis of being the lowest responsive, responsible bid received meeting specifications, for the Old Oakhurst Road/Seminole Area Reclaimed Water Distribution System - Phase 1B for an estimated total expenditure in the amount of \$1,361,742.50 (Bid No. 023-214-C); Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney.
- b. Bid of Allied Universal Corporation on the basis of being the lowest responsive, responsible bid received meeting specifications, for sulfur dioxide, technical grade for an estimated annual expenditure not to exceed \$71,988.80 (Re-bid) (Contract No. 023-284-B).

#12 LOT CLEARING RESOLUTION

Resolution No. 03-38 assessing liens against lands cleared in Pinellas County pursuant to Chapter 78-599, Laws of Florida, and Pinellas County Code Chapter 58, Article IX, Section 338, directing that this resolution be filed in the public records office of the Clerk of the Circuit Court of Pinellas County, Florida.

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#13 BUDGET AMENDMENTS NOS. 9 THROUGH 12, FY2003

Copies of Budget Amendments Nos. 9 through 12, FY2003, were filed and made a part of the minutes.

#14 ITEMS FOR DISCUSSION FROM CONSENT AGENDA (COUNTY ADMINISTRATOR AND CLERK OF CIRCUIT COURT) - NONE

#15 INSTALLATION OF THREE SPEED HUMPS ON ULELAH AVENUE AND MOSS ROSE AVENUE BETWEEN PALM HARBOR BOULEVARD (U.S. HIGHWAY ALTERNATE 19) AND SAGE ROAD - APPROVED

County Administrator Stephen M. Spratt recommended approval of the installation of three speed humps on Ulelah Avenue and Moss Rose Avenue between Palm Harbor Boulevard (U.S. Highway Alternate 19) and Sage Road, in accordance with the Residential Traffic Management Program adopted pursuant to Resolution No. 97-297, dated October 14, 1997, and revised June 4, 2002.

Following discussion, Commissioner Latvala moved, seconded by Commissioner Todd and carried, that the recommendation of the County Administrator be approved.

#16 INSTALLATION OF TWO SPEED HUMPS ON GARDENIA DRIVE BETWEEN PELICAN LANE AND GERBERA AVENUE - APPROVED

County Administrator Stephen M. Spratt recommended approval of the installation of two speed humps on Gardenia Drive between Pelican Lane and Gerbera Avenue, in accordance with the Residential Traffic Management Program adopted pursuant to Resolution No. 97-297, dated October 14, 1997, and revised June 4, 2002.

Following discussion, Commissioner Latvala moved, seconded by Commissioner Todd and carried, that the recommendation of the County Administrator be approved.

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#17 RESOLUTION NO. 03-39 ADOPTED AUTHORIZING EXECUTION OF A
LOCALLY FUNDED AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF
TRANSPORTATION (FDOT) AND PINELLAS COUNTY FOR FDOT TO
UNDERTAKE THE 118TH AVENUE CONNECTOR STUDY; STAFF AUTHORIZED
TO EXECUTE EXHIBIT "B" MEMORANDUM OF AGREEMENT ESTABLISHING
A PROJECT ESCROW ACCOUNT

County Administrator Stephen M. Spratt recommended adoption of a resolution authorizing execution of a Locally Funded Agreement between the FDOT and the County for the 118th Avenue Connector Study; and further recommended that staff be authorized to execute Exhibit "B" Memorandum of Agreement establishing a project escrow account in the amount of \$165,000.00.

In response to query by Commissioner Stewart, Planning Director Brian K. Smith advised that the study should take approximately one year; that its purpose is to determine the feasibility of designing the connector as an expressway; and that it will not negatively impact other projects.

Thereupon, in response to comments by Commissioner Todd, Administrator Spratt agreed to present an update on the Penny for Pinellas projects; and Chairman Seel suggested that the matter be addressed at the March budget session.

Commissioner Todd moved, seconded by Commissioner Welch, that Resolution No. 03-39 be adopted as recommended by the County Administrator with authorization for staff to execute Exhibit "B." Upon roll call, the vote was:

Ayes: Seel, Latvala, Todd, Stewart, Harris, Morroni and Welch.

Nays: None.

Absent and not voting: None.

#41a UPDATE FROM TAMPA BAY WATER

Deviating from the agenda, Chairman Seel requested an update on Tampa Bay Water projects; whereupon, Jerry L. Maxwell, General Manager, Tampa Bay Water (TBW) presented the Master Water Plan Update, a copy of which has been filed and made a part of the record. He indicated that most Configuration I projects are at or near completion; that Configuration II goals of environmental and permitting requirements are

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being met; that Configuration III goals include minimizing rate impacts; and that the TBW Board will choose projects from the Configuration III list later in the year.

Tampa Bay Water Project Manager Mike Coates reviewed the proposed Mid-Pinellas Brackish Water Desalination project; indicated that the project could be completed by 2007 at an estimated cost of \$27,000,000.00; described the benefits of a reverse osmosis desalination process; and related that citizen concerns are being addressed through public meetings, newsletters, surveys and the TBW web page. He added that the project would be the first brackish water desalination facility in the three-county area; that it is cost effective and drought resistant and will keep down the overall cost of water.

* * * *

At this time, 11:35 A.M., Commissioner Todd left the meeting.

* * * *

In response to query by Commissioner Welch, Mr. Maxwell indicated that Configuration I project costs are recoverable through TBW's wholesale rates; that the seawater desalination annual operating costs are estimated to be \$14,000,000.00 and will significantly impact water rates; and that the Alafia River Pump Station has a high capital cost but a very low operating cost; whereupon, Chairman Seel requested a map showing the location of four test wells for the proposed brackish water desalination facility.

#18 CONTRACT NO. 1171 WITH CLARK HUNT CONSTRUCTION, INC. FOR THE CONSTRUCTION OF ALLIGATOR CREEK CHANNEL "A" DETENTION AREA AT LOGAN STREET ACCEPTED AS COMPLETE; CHANGE ORDER NO. 2 (FINAL) (BID NO. 990-0954-C) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended that Contract No. 1171 with Clark Hunt Construction, Inc. for the construction of Alligator Creek Channel "A" Detention Area at Logan Street be accepted as complete as of October 30, 2001; and further recommended that Change Order No. 2 (Final), decreasing the contract by \$253,502.34 (new total contract, \$1,412,444.06) be approved with assessment of

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liquidated damages waived due to the additional items of work added to the contract by the County for safety, maintenance, and off-site drainage considerations.

Commissioner Harris moved, seconded by Commissioner Latvala and carried, that the recommendations of the County Administrator be approved.

- #19 BID OF KAMMINGA & ROODVOETS FOR THE PIPERS MEADOW/ARBOR GLEN RECLAIMED WATER DISTRIBUTION SYSTEM (BID NO. 023-215-C) - ACCEPTED; BID OF SUNSET UNDERGROUND CONSTRUCTION, INC. - REJECTED; CHAIRMAN AUTHORIZED TO SIGN AGREEMENT AFTER PROPER EXECUTION BY CONTRACTOR AND WRITTEN APPROVAL AS TO FORM BY OFFICE OF THE COUNTY ATTORNEY

Legal notice having been published and publisher's affidavit filed with the Clerk, County Administrator Stephen M. Spratt recommended that the bid of Kamminga & Roodvoets for the Pipers Meadow/Arbor Glen Reclaimed Water Distribution System be accepted on the basis of being the lowest responsive, responsible bid received meeting specifications for an estimated total expenditure in the amount of \$1,192,869,00; that the bid of Sunset Underground Construction, Inc. be rejected as being nonresponsive; and further recommended that the Chairman be authorized to sign the agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

Commissioner Welch moved, seconded by Commissioner Latvala and carried, that the recommendations of the County Administrator be approved.

- #20 CH2M HILL SELECTED TO PROVIDE PROGRAM MANAGEMENT SERVICES FOR THE GALVANIZED PIPE REPLACEMENT PROGRAM (PROJECT NO. 653-901814-1619); STAFF AUTHORIZED TO INITIATE CONTRACT NEGOTIATIONS WITH SAID FIRM

County Administrator Stephen M. Spratt recommended that the Board approve the Selection Advisory Committee's ranking of the firms most qualified to provide program management services for the galvanized pipe replacement program (Project No. 653-901814-1619) as follows:

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1. CH2M Hill
2. Jacobs Civil, Inc.
3. Construction Dynamics Group
4. Washington Group International, Inc.

He further recommended that staff be authorized to initiate contract negotiations with the number one ranked firm, CH2M Hill, and to finalize a contract with said firm for Board approval.

Following discussion and input by Director of Utilities Pick Talley, Commissioner Latvala moved, seconded by Commissioner Morroni and carried, that the recommendations of the County Administrator be approved.

#21 BOYLE ENGINEERING; KING ENGINEERING; JONES, EDMUNDS & ASSOCIATES; McKIM & CREED; AND TAMPA BAY ENGINEERING (TBE) SELECTED TO PROVIDE PROFESSIONAL ENGINEERING/CONSULTING SERVICES FOR THE GALVANIZED PIPE REPLACEMENT PROGRAM (PROJECT NO. 653-901814-1619); STAFF AUTHORIZED TO INITIATE CONTRACT NEGOTIATIONS WITH SAID FIRMS

County Administrator Stephen M. Spratt recommended that the Board approve the Selection Advisory Committee's ranking of the firms most qualified to provide professional engineering/consulting services for the galvanized pipe replacement program (Project No. 653-901814-1619) as follows:

1. Boyle Engineering
2. King Engineering
3. Jones, Edmunds & Associates
4. McKim & Creed
5. Tampa Bay Engineering (TBE)

He further recommended that staff be authorized to initiate contract negotiations with each of the top five firms and to finalize contracts with said firms for Board approval.

Responding to query by Commissioner Stewart, Director of Utilities Pick Talley explained that five consulting firms are being utilized in order to complete the work within the County's time frame; whereupon, Commissioner Harris moved, seconded

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by Commissioner Morroni and carried, that the recommendations of the County Administrator be approved.

#22 RESOLUTION NO. 03-40 ADOPTED SUPPORTING THE ISSUANCE OF TAX-EXEMPT BONDS THROUGH THE HOUSING FINANCE AUTHORITY OF PINELLAS COUNTY, FLORIDA FOR NONPROFIT OWNERSHIP OF MANUFACTURED HOME COMMUNITIES WITHIN PINELLAS COUNTY, FLORIDA

County Administrator Stephen M. Spratt recommended adoption of a resolution supporting the issuance of tax-exempt bonds through the Housing Finance Authority of Pinellas County for nonprofit ownership of manufactured home communities within Pinellas County.

Commissioner Latvala moved, seconded by Commissioner Welch, that Resolution No. 03-40 be adopted as recommended by the County Administrator.

* * * *

At this time, 11:56 A.M., Commissioner Todd returned to the meeting.

* * * *

In response to query by Commissioner Stewart, Director of Community Development Darlene Kalada advised that the communities need not be in the unincorporated area; and that the program will be coordinated with local governments where applicable.

Chairman Seel pointed out that this is a preliminary proposal for IRS approval; and that the property will not be taken off the tax roles.

Upon roll call, the vote was:

Ayes: Seel, Latvala, Todd, Stewart, Harris, Morroni and Welch.

Nays: None.

Absent and not voting: None.

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#23 RESOLUTION NO. 03-41 ADOPTED AS AMENDED REGARDING THE GOVERNOR'S 2003-04 BUDGET PROPOSAL

County Administrator Stephen M. Spratt recommended adoption of a resolution regarding the Governor's 2003-04 Budget Proposal.

Commissioner Latvala moved, seconded by Commissioner Welch, that Resolution No. 03-41 be adopted as recommended by the County Administrator.

After discussion and consensus that the resolution should be more strongly worded, Commissioner Latvala moved, seconded by Commissioner Stewart, that the resolution be adopted as amended. Upon roll call, the vote was:

Ayes: Seel, Latvala, Todd, Stewart, Harris, Morroni and Welch.

Nays: None.

Absent and not voting: None.

#24 NONCOMPETITIVE PURCHASE OF RADIO COMMUNICATION EQUIPMENT COMPATIBLE WITH THE 800-MEGAHERTZ (MHz) INTERGOVERNMENTAL RADIO COMMUNICATION SYSTEM FROM MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC. (CONTRACT NO. 023-344-N) - APPROVED

County Administrator Stephen M. Spratt recommended approval of the noncompetitive purchase of radio communications equipment compatible with the 800-MHz Intergovernmental Radio Communication System on a sole source basis from Motorola Communications and Electronics, Inc. for an estimated annual expenditure in the amount of \$500,000.00 (pricing schedule in effect from February 6, 2003, through February 7, 2004).

Following discussion and input by Radio Systems Manager Pamela J. Montanari, Commissioner Morroni moved, seconded by Commissioner Welch and carried, that the recommendation of the County Administrator be approved; whereupon, Mr. Spratt assured the Board that staff will consider all opportunities to maximize competition on future contracts.

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#25 FIRST AMENDMENT TO 501 BUILDING LEASE AGREEMENT WITH FOWLER WHITE BOGGS BANKER, P.A. - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of the first amendment to the lease agreement with Fowler White Boggs Banker, P.A. for the 8th and 9th floors of the 501 Building in St. Petersburg

Commissioner Todd moved, seconded by Commissioner Welch and carried, that the recommendation of the County Administrator be approved.

#26 CONSTRUCTION MANAGEMENT AGREEMENT WITH PETER R. BROWN CONSTRUCTION, INC. FOR WEEDON ISLAND PRESERVE EDUCATION CENTER - PHASE I ACCEPTED AS COMPLETE; AUTHORIZATION GRANTED FOR RELEASE OF RETAINAGE MONIES

County Administrator Stephen M. Spratt recommended that the Construction Management Agreement with Peter R. Brown Construction, Inc. for the Weedon Island Preserve Education Center - Phase I be accepted as complete as of December 31, 2002; and that the Board authorize release of retainage monies in the amount of \$212,179.81 to the aforesaid firm.

Commissioner Harris moved, seconded by Commissioner Todd and carried, that the recommendation of the County Administrator be approved.

#27 EXCHANGE AGREEMENT RE PINELLAS COUNTY-OWNED PROPERTY FOR PROPERTY OWNED BY ROY SHAFFER, JR. - APPROVED FOR EXECUTION WITH AUTHORIZATION FOR CHAIRMAN TO EXECUTE COUNTY DEED CONVEYING SAID PROPERTY WITH WAIVER OF MINERAL RIGHTS

County Administrator Stephen M. Spratt recommended approval of an agreement for the exchange of County-owned property for property owned by Roy Shaffer, Jr. and additional payment by Pinellas County in the amount of \$774,500, with authorization for the Chairman to execute the County deed conveying said property with waiver of mineral rights.

Commissioner Welch moved, seconded by Commissioner Latvala, that the recommendation of the County Administrator be approved.

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In response to query by Commissioner Latvala and following input by Real Estate Manager Ellyn Kadel regarding the Brooker/Anclothe Corridor, Administrator Spratt indicated that he would provide a funding update to the Board.

Upon call for the vote, the motion carried unanimously.

#28 LEGAL AID SERVICES AGREEMENT WITH GULFCOAST LEGAL SERVICES, INC. - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a Legal Aid Services Agreement with Gulfcoast Legal Services, Inc., having an effective date of January 1, 2003, and continuing through September 30, 2003, with the option of extension for up to one additional year.

Following discussion, Commissioner Harris moved, seconded by Commissioner Latvala and carried, that the recommendation of the County Administrator be approved.

#29 RESOLUTION NO. 03-42 ADOPTED SUPPLEMENTING THE FY03 GENERAL FUND BUDGET (JUSTICE COORDINATION) FOR PROJECT HOPE

County Administrator Stephen M. Spratt recommended adoption of a resolution appropriating earmarked receipts for a particular purpose in the FY03 General Fund Budget.

Commissioner Latvala moved, seconded by Commissioner Welch, that Resolution No. 03-42 be adopted as recommended by the County Administrator. Upon roll call, the vote was:

Ayes: Seel, Latvala, Todd, Stewart, Harris, Morroni and Welch.

Nays: None.

Absent and not voting: None.

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#30 AMENDMENT NO. 1 TO PHARMACY SERVICES AGREEMENT BETWEEN PINELLAS COUNTY AND ALBERTSON'S, INC. (CONTRACT NO. 001-0325-P) - APPROVED; CHAIRMAN AUTHORIZED TO SIGN AND CLERK TO ATTEST AFTER PROPER EXECUTION BY CONTRACTOR

County Administrator Stephen M. Spratt recommended approval of Amendment No. 1 to the Pharmacy Services Agreement, in the amount of \$1,800,000.00, with Albertson's, Inc. (contract extended through April 26, 2003; compensation provided through the Upper Payment Limit Agreement Revolving Fund administered by Bayfront Medical Center); and further recommended that the Chairman be authorized to sign the agreement and the Clerk to attest after proper execution by the contractor.

Commissioner Latvala moved, seconded by Commissioner Welch and carried, that the recommendations of the County Administrator be approved.

#31 OTHER ADMINISTRATIVE MATTERS - NONE

#32 COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST

Pursuant to the request of County Attorney Susan H. Churuti, Commissioner Morroni moved, seconded by Commissioner Latvala and carried, that the County Attorney be authorized to defend the County's interest in the following suits:

- a. Bank of America versus James T. Murray, et al., Circuit Civil Case No. 03-722-CI-8 - Mortgage Foreclosure Involving Judgments for Attorney Fees and Costs.
- b. Chase Manhattan Mortgage Corporation, etc. versus Sean Michael Davis, et al., Circuit Civil Case No. 03-792-CI-7 - Mortgage Foreclosure Involving a Street Lighting Lien.
- c. First Nationwide Mortgage Corporation versus Annie Daniels, etc., et al., - Circuit Civil Case No. 03-853-CI-8 - Mortgage Foreclosure Involving Judgments for Attorney Fees and Costs.

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- d. Mortgage Electronic Registration versus Nancy C. Marushia, etc., et al., Circuit Civil Case No. 02-6704-CI-11 - Mortgage Foreclosure Involving Judgments for Attorney Fees and Costs and Fine and Costs.
- e. Wells Fargo Bank Minnesota, etc. versus Ann Marie Smith, et al., Circuit Civil Case No. 03-711-CI-7 - Mortgage Foreclosure Involving a Street Lighting Lien.
- f. Amanda M. Goetz versus Pinellas County Sheriff's Department, Pinellas County Sheriff's Deputy Joseph Gerretz, in his Official Capacity, and Operation PAR, Inc., Circuit Civil Case No. 02-8948-CI-11 - Claim No. 99-67240 - Allegations of False Imprisonment, Infliction of Severe Emotional Distress and Unreasonable Search and Seizure.

#33 COUNTY ATTORNEY AUTHORIZED TO PURSUE ADMINISTRATIVE APPEAL OF AUDIT FINDINGS IN THE CASE OF AGENCY FOR WORKFORCE INNOVATION VERSUS PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS, CASE NO. DOAH-03-0220

Pursuant to the request of County Attorney Susan H. Churuti, Commissioner Welch moved, seconded by Commissioner Todd, that the County Attorney be authorized to pursue an administrative appeal of audit findings in the case of Agency for Workforce Innovation versus Pinellas County Board of County Commissioners, Case No. DOAH-03-0220.

Responding to queries by the members, Attorney Churuti advised that the appeal must be filed to preserve the County's rights under the statute of limitations although negotiation is continuing with the Agency; and that the County should be able to recover at least a portion of the \$508,292.00 which has been disallowed.

Upon call for the vote, the motion carried unanimously.

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#34 SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH CLARK HUNT CONSTRUCTION, INC., CIRCUIT CIVIL CASE NO. 02-7128-CI-007 - APPROVED FOR EXECUTION

County Attorney Susan H. Churuti recommended approval of a Settlement Agreement and Mutual Release with Clark Hunt Construction, Inc., Circuit Civil Case No. 02-7128-CI-007, re the Alligator Creek Channel "A" Detention Area Project.

Commissioner Morroni moved, seconded by Commissioner Latvala and carried, that the recommendation of the County Attorney be approved.

#35 PROPOSAL FOR SETTLEMENT REJECTED IN CASE RE ACS STATE AND LOCAL SOLUTIONS, INC., F/K/A LOCKHEED MARTIN IMS CORPORATION VERSUS THE PINELLAS WAGES COALITION, ET AL., CASE NO. 01-9324-CI-21

County Attorney Susan H. Churuti recommended that the proposal for settlement be denied re ACS State and Local Solutions, Inc., f/k/a Lockheed Martin IMS Corporation versus The Pinellas Wages Coalition, et al., Case No. 01-9324-CI-21.

Following discussion, Commissioner Welch moved, seconded by Commissioner Latvala and carried, that the recommendation of the County Attorney be approved.

#36 AUTHORIZATION GRANTED FOR SETTLEMENT OF THE SUIT RE PINELLAS COUNTY VERSUS GARCIA ENTERPRISES OF TAMPA, INC., ET AL., CIRCUIT CIVIL CASE NO. 00-000441-CI-21, POND 8 AND RIGHT-OF-WAY PARCEL (TAMPA BAY DOWNS)

County Attorney Susan H. Churuti recommended that authorization be granted for settlement of the suit re Pinellas County versus Garcia Enterprises of Tampa, Inc., et al., Circuit Civil Case No. 00-000441-CI-21, Pond 8 and Right-of-Way Parcel (Tampa Bay Downs), as outlined in her confidential memorandum to the Board dated March 4, 2003.

Commissioner Latvala moved, seconded by Commissioner Welch and carried, that the recommendation of the County Attorney be approved.

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#37 AUTHORIZATION GRANTED FOR SETTLEMENT IN CLAIM OF ROY CLARK
VERSUS PINELLAS COUNTY GOVERNMENT - WORKERS' COMPENSATION
OJCC NO. 02-011936SPT

County Attorney Susan H. Churuti recommended that authorization be granted for settlement in the claim of Roy Clark versus Pinellas County Government, Workers' Compensation OJCC No. 02-011936SPT, as outlined in her confidential memorandum to the Board dated March 4, 2003.

Commissioner Morroni moved, seconded by Commissioner Latvala and carried, that the recommendation of the County Attorney be approved.

#38 COUNTY ATTORNEY MISCELLANEOUS

County Attorney Susan H. Churuti indicated that there are no miscellaneous matters to be presented this date.

#39 NONCOMPETITIVE PURCHASE FROM SIEMENS FIRE SAFETY, A DIVISION OF
SIEMENS BUILDING TECHNOLOGIES, INC., FOR ANNUAL TEST AND
INSPECTION WITH CONTINUED MAINTENANCE AND REPAIR OF FIRE
SYSTEM FOR THE YOUNG-RAINEY STAR CENTER (CONTRACT NO. 023-
277-N)

County Administrator Stephen M. Spratt recommended approval of the noncompetitive purchase from Siemens Fire Safety, a Division of Siemens Building Technologies, Inc., for the annual test and inspection with continued maintenance and repair of a fire system for the Young-Rainey STAR Center on a sole source basis for an estimated annual expenditure not to exceed \$27,417.00 (estimated five-year expenditure not to exceed \$137,085.00) for a five-year contract effective February 1, 2003 without an option of renewal and allowing for a fixed annual price adjustment of three percent.

Commissioner Todd moved, seconded by Commissioner Latvala and carried, that the recommendation of the County Administrator be approved.

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#40 PINPOINT TECHNOLOGIES SELECTED TO PROVIDE EMERGENCY MEDICAL SERVICES BILLING SOFTWARE (BID NO. 023-234-P); STAFF AUTHORIZED TO INITIATE CONTRACT NEGOTIATIONS WITH SAID FIRM

County Administrator Stephen M. Spratt recommended that the Board approve the evaluation team's ranking of the firms most qualified to provide Emergency Medical Services billing software in order to upgrade ambulance billing requirements to meet the federally mandated Health Insurance Portability and Accountability Act (HIPAA) for October 2003 (Bid No. 023-234-P) as follows:

1. Pinpoint Technologies
2. Sweet, An Ortivus Company
3. Acadian Ambulance

He further recommended that staff be authorized to initiate contract negotiations with the number one ranked firm, Pinpoint Technologies, and to finalize a contract with said firm for Board approval.

Commissioner Todd moved, seconded by Commissioner Latvala, that the recommendations of the County Administrator be approved.

In response to query by Commissioner Welch, C. T. "Chuck" Kearns, Director of Emergency Medical Services and Fire Administration, indicated that the top-ranked firm had proposed different payment terms and add-ons to the software packages; that the software is Oracle compatible but will require additional programming, whether in-house or by the vendor; and that negotiations will include both issues.

* * * *

At this time, 12:22 P.M., Commissioner Stewart left the meeting.

* * * *

In response to query by Chairman Seel, Mr. Kearns indicated that the top-ranked firm seems to be capable of managing the high volume of billing services.

Upon call for the vote, the motion carried unanimously.

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* * * *

At this time, 12:25 P.M., Commissioner Stewart returned to the meeting.

* * * *

#41b WORKNET UPDATE

Referring to a letter dated February 28, 2003 in which Workforce Florida, Inc., (WFI) objects to the current administrative structure of WorkNet Pinellas, a copy of which has been filed and made a part of the record, County Administrator Stephen M. Spratt indicated that WFI has outlined three options regarding the hiring and firing of the WorkNet Executive Director; that he will recommend the third option at the next WorkNet Board meeting; and that the change is needed in order for WorkNet to be rechartered by WFI.

Following discussion, Commissioner Stewart indicated that he would like an open discussion regarding whether the County should continue to serve as the administrative entity; whereupon, Commissioner Welch related that the WorkNet Board will meet on March 19 for further discussion.

#44 REPORT RE FLORIDA ASSOCIATION OF COUNTIES (FAC) URBAN CAUCUS

Deviating from the agenda, County Administrator Stephen M. Spratt indicated that in coordination with the Florida Association of Counties' Legislative Day Large Urban County Caucus to be held March 26, 2003, Pinellas County has been requested to submit the top three issues of concern; whereupon, he related that he had prioritized five issues as indicated in his memorandum of March 4, a copy of which has been filed and made a part of the record.

Discussion ensued in which Commissioners Stewart and Todd suggested that the five issues are equally important; whereupon, Mr. Spratt agreed to submit all five issues for the FAC agenda.

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#42 APPOINTMENT OF ROBERT N. RAY TO THE HISTORICAL COMMISSION - APPROVED

Upon motion by Commissioner Harris, seconded by Commissioner Latvala and carried, the appointment of Robert N. Ray to the Historical Commission for a term expiring December 31, 2003 was approved.

#43 INTERLOCAL AGREEMENT WITH THE CITIES OF CLEARWATER, DUNEDIN, GULFPORT, LARGO, MADEIRA BEACH, OLDSMAR, PINELLAS PARK, SAFETY HARBOR, SEMINOLE, ST. PETERSBURG, ST. PETE BEACH AND TARPON SPRINGS AND THE SCHOOL BOARD IN RESPONSE TO THE REQUIREMENTS OF SENATE BILL 1906 - APPROVED

Chairman Seel recommended approval of an Interlocal Agreement with the Cities of Clearwater, Dunedin, Gulfport, Largo, Madeira Beach, Oldsmar, Pinellas Park, Safety Harbor, Seminole, St. Petersburg, St. Pete Beach and Tarpon Springs and the School Board to establish jointly the specific ways in which the plans and processes of the district school board and local governments are to be coordinated in response to the requirements of Senate Bill 1906.

Commissioner Todd moved, seconded by Commissioner Latvala and carried, that the recommendation of the Chairman be approved.

#45a COMMISSIONER MORRONI RE BIDDING PROCESS

In response to query by Commissioner Morroni, Chairman Seel indicated that bid preference is not given to local firms nor is it recommended by the County Attorney and County Administrator; whereupon, Mr. Spratt alluded to various problems that can occur within a preferred bidder process; and indicated that he will issue a report based upon his findings.

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#45b COMMISSIONER HARRIS RE VARIOUS MATTERS

Commissioner Harris offered a water conservation tip regarding the use of reclaimed water, xeriscape techniques and mulch; and related that he and Commissioner Morroni will accompany the Youth Advisory Committee to Tallahassee on March 11.

#45c COMMISSIONER LATVALA RE CODE ENFORCEMENT POLICY

Commissioner Latvala requested a review of Pinellas County policies to determine if the issue of code enforcement needs to be addressed, particularly in the Palm Harbor area; whereupon, County Administrator Stephen M. Spratt indicated that he is working on the creation of a code enforcement task force to review uniform application and enforcement.

Thereupon, Chairman Seel requested consensus regarding the establishment of a task force; and no objections were noted.

#45d CHAIRMAN SEEL RE VARIOUS MATTERS

Chairman Seel indicated that she will issue a report on her visit to the National Association of Counties (NACo) in Washington, D.C.; encouraged the Tourist Development Council (TDC) to continue the water CHAMPS program with participating hotels and restaurants; thanked Volunteer Services Manager Tim Closterman and his staff for coordinating the Employee Volunteer Fair on January 30; related that the Pinellas Citizens University class will be held April 24; and requested that Assistant County Administrator D. Gay Lancaster continue to work with the Coalition for the Homeless.

#45e COMMISSIONER TODD RE VARIOUS MATTERS

Commissioner Todd announced that the Tampa Bay Regional Planning Council (TBRPC) will hold its regional awards luncheon on March 10 at the Belleview Biltmore; and indicated that additional issues relating to the homeless situation should be addressed.

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#45f COMMISSIONER WELCH RE FCAT EXAMS

Commissioner Welch extended best wishes to Pinellas County students who are taking the Florida Comprehensive Assessment Test (FCAT) today.

* * * *

Upon direction of the Chairman, there being no objection, the meeting was adjourned at 1:05 P.M.

Chairman

ATTEST: KARLEEN F. De BLAKER, CLERK

By _____
Deputy Clerk