

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, MARCH 9, 2004 – 9:30 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: Susan Latvala, Chairman; John Morroni, Vice-Chairman; Barbara Sheen Todd; Calvin D. Harris; and Karen Williams Seel.

Members Absent: None.

Members Late: Robert B. Stewart; and Kenneth T. Welch.

Members Excused: None.

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

INVOCATION: Commissioner Morroni.

PLEDGE OF ALLEGIANCE: Commissioner Todd.

PRESENTATIONS AND AWARDS

1. Presentation to the Board by Commissioner Todd of a proclamation from Governor Bush recognizing the award that the Pinellas County Environmental Foundation received from the Council for Sustainable Florida in the Model Government Category.
2. Proclamation designating May 2 through May 8, 2004, as National Drinking Water Week accepted by Vestina Ford, Utilities Public Relations Specialist.
3. Proclamation designating March 2004 as Purchasing Month accepted by Joseph Lauro, Director of Purchasing; and Deborah Dawson, Tim Shoby and Gus Gonzalez, Purchasing Operations Managers.

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At this time, 9:42 A.M., Commissioner Stewart entered the meeting.

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4. Button Guard Pilot Program overview by Lori Buck, Public Education Coordinator, Emergency Medical Services (EMS), designed to reduce number of accidental 9-1-1 calls on cell phones.

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At this time, 9:43 A.M., Commissioner Welch entered the meeting.

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CITIZENS TO BE HEARD

H. Patrick Wheeler, Palm Harbor, parking meters at the Courthouse.

Stan Mioduszewski, Seminole, 12:00 Midnight/2:00 A.M. ban on alcoholic package sales.

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

SCHEDULED PUBLIC HEARINGS – COUNTYWIDE PLANNING AUTHORITY

1a Ordinance No. 04-15 adopted approving Case No. CW 04-7, the proposal by the City of South Pasadena to amend the Countywide Future Land Use Plan from commercial general to residential low medium, re 0.9 acre located on the southwest corner of Pasadena Avenue and Sun Island Drive South (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

1b Ordinance No. 04-16 adopted approving Case No. CW 04-10, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from residential urban to commercial general, re 0.2 acre located on the north side of 56th Avenue North, 118 feet west of 34th Street North (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

1c Ordinance No. 04-16 adopted approving Case No. CW 04-12, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from commercial general to

residential medium, re .08 acre located on the east side of 83rd Street North, 158 feet north of Park Boulevard North (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 2a Ordinance No. 04-17 adopted approving Case No. CW 04-8, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from industrial limited to commercial general, re 1.5 acres located on the southeast corner of South Ft. Harrison Avenue and Jeffords Street (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 2b Ordinance No. 04-17 adopted approving Case No. CW 04-9, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from residential low medium to commercial general, re 1.3 acres located on the south side of Gulf to Bay Boulevard, approximately 850 feet east of Belcher Road (regular amendment). Pinellas Planning Council recommended approval with the additional stipulation to apply concurrency management procedures to the site and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 2c Ordinance No. 04-16 adopted approving Case No. CW 04-11, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from residential/office general and residential urban to commercial general, re 1.5 acres located on the southeast corner of 54th Avenue North and 35th Way North (regular amendment). Pinellas Planning Council recommended approval with the additional stipulations to provide sufficient landscaping and buffering and to apply concurrency procedures to the site and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

SCHEDULED PUBLIC HEARINGS – WATER AND NAVIGATION AUTHORITY

- # 3 Dredge and fill application No. D/F-1461 (Revised), Pirate’s Cove Marina, Robert H. Smith, 2400 Bayshore Boulevard, Dunedin (Curlew Creek), approved; no correspondence has been received; no citizens appeared to be heard; the biological report has been filed as part of the record; and approval is subject to the following condition:

Floating turbidity curtains must be placed around the dredge areas. The applicant or contractor must take immediate corrective action should turbidity problems occur outside of the dredge or spoil area.

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

- # 4 Dredge and fill application No. D/F-1488, City of Safety Harbor, Safety Harbor Marina, South Boulevard, Safety Harbor (Old Tampa Bay), approved; no correspondence has been received; no citizens appeared to be heard; the biological report has been filed as part of the record; and approval is subject to the following condition:

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

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

- # 5 Commercial dock application No. CA33783-03, Fresco’s Ristorante, 300 Second Avenue N.E., St. Petersburg (Tampa Bay), approved; no correspondence has been received; no citizens appeared to be heard; and the biological report has been filed as part of the record.

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

SCHEDULED PUBLIC HEARINGS – BCC

- # 6 Tax Equity Fiscal Responsibility Act (TEFRA) public hearing held and Resolution No. 04-25 adopted approving the issuance of not to exceed \$50,000,000 Pinellas County Health Facilities Authority Hospital Facilities Refunding Revenue and Revenue Bonds (Bayfront Obligated Group Projects), Series 2004, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended; providing certain other matters in

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connection therewith; waiving the indigent care fee; and providing an effective date. No correspondence has been received. No citizens appeared to be heard.

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

- # 7 Resolution No. 04-26 adopted designating the Young-Rainey STAR Center as a Brownfield area and identifying the person responsible for Brownfield Site Rehabilitation for the purposes of economic development and environmental rehabilitation; authorizing the County Administrator to notify the Department of Environmental Protection of said designation; and providing an effective date. No correspondence has been received. No citizens appeared to be heard.

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

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At this time, 10:06 A.M., Commissioner Stewart left the meeting.

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- # 8 Resolution No. 04-27 adopted granting petition of The Roger G. Ormerod Revocable Trust Agreement of 1988 and Roger G. and Jacqueline J. Ormerod, Co-Trustees, to vacate the west 3.0 feet, less the north 5.0 feet thereof, of the east 10.0-foot wide drainage and utility easement on Lot 64, Wilshire Estates, located in the southwest quarter of Section 19, Township 28 South, Range 16 East. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted and the Clerk be authorized to record the resolution. No correspondence has been received. No citizens appeared to be heard.

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

- # 9 Resolution No. 04-28 adopted granting petition of the First Baptist Church of Indian Rocks, Inc., to vacate a 15.0-foot wide right-of-way lying south of and adjacent to the south line of Lot 15 and a portion of Lot 16, Pinellas Groves, located in the southeast quarter of Section 8, Township 30 South, Range 15 East. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the

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public hearing. Staff recommended the vacation be granted and the Clerk be authorized to record the resolution. No correspondence has been received. No citizens appeared to be heard.

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

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At this time, 10:07 A.M., Commissioner Stewart returned to the meeting.

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#10 Resolution No. 04-29 adopted granting petition of Dorothy Starke to vacate the west 3.0 feet of the east 5.0 feet of the west 15.0-foot wide platted utility easement of the north 33.0 feet of the south 72.5 feet; also the north 3.0 feet of the south 72.5 feet of the east 2.0 feet of the west 15.0-foot wide platted utility easement on Lot 22, Block 3, Yacht Club Estates, Unit II, located in the southeast quarter of Section 18, Township 30 South, Range 15 East. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted and the Clerk be authorized to record the resolution. No correspondence has been received. No citizens appeared to be heard.

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

#11 Resolution No. 04-30 adopted granting petition of Michael R. and Mary M. McKelvey to vacate a portion of the northwesterly platted 5.0-foot wide drainage and utility easement, more particularly described as the southeasterly 2.5 feet, m.o.l., less the northerly 15.10 feet and less the southerly 35.0 feet of the northwesterly 5.0 feet of Lot 108, Canterbury Chase, Unit 2, located in the northwest quarter of Section 33, Township 30 South, Range 15 East. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted and the Clerk be authorized to record the resolution. No correspondence has been received. No citizens appeared to be heard.

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

#12 Resolution No. 04-31 adopted and public hearing held confirming and approving the preliminary (second) (final) assessment roll for paving and drainage improvements to

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118th Avenue North from Belcher Road west approximately 3,585 feet (project accepted as complete on July 1, 2003; total final assessment cost, \$913,534.39). Interested property owners were notified as to the date of the public hearing. Staff recommended approval. No correspondence has been received. No citizens appeared to be heard.

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

- #13 Ordinance No. 04-18 adopted amending the Pinellas County Code relating to residential use buffer distances and solid waste disposal facilities (second public hearing). One e-mail message has been received.

Senior Assistant County Attorney Donald S. Crowell indicated that buffer zones were not addressed in the changes to the industrial limited classification in Ordinance No. 04-5 as adopted on January 6, 2004; that Ordinance No. 04-18 will regulate the setback distances of residential uses from a county-owned solid waste disposal facility; and that the ordinance relates to the existing solid waste facilities; whereupon, he suggested changes to the wording of the draft ordinance.

In response to query by Commissioner Todd, Attorney Crowell indicated that the ordinance will not affect existing residences within the proposed 2,000-foot buffer zone.

Director of Utilities Pick Talley noted that the City of Pinellas Park opposes the proposed ordinance; and cited letters of support for the ordinance from the Cities of Clearwater, Dunedin and Tarpon Springs and from Onyx Waste Services, Inc., copies of which have been filed and made a part of the record. He indicated that the City of St. Petersburg has requested that future expansion into the Bridgeway Acres landfill on the east side of 28th Street be limited to a height of 50 feet; whereupon, County Attorney Susan H. Churuti indicated that disagreement exists with the City of St. Petersburg regarding jurisdiction concerning the height restriction.

County Administrator Stephen M. Spratt emphasized that the proposed ordinance does not prevent the Board from granting a variance request to permit residential development closer than 2,000 feet to the landfill areas.

Dr. Marc J. Rogoff, University of South Florida, provided input regarding closings of other landfill sites due to public complaint; whereupon, Commissioner Welch indicated that some of the complaints were in response to improper waste handling.

Comments by Robert Brumback, Director, Technical Management Committee, in support; and Thomas L. Shevlin, City of Pinellas Park; Henry Ehrman, representing The

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Lakes subdivision; Al Galbraith, City of St. Petersburg; Andrea Zelman, representing Home Shopping Network; Julia Cole, representing Echelon Development and Jabil Circuit; David Goodwin, City of St. Petersburg; Timothy A. Johnson, Esquire; and Grady Pridgen, developer, in opposition, were noted.

At the request of County Attorney Susan H. Churuti and Chairman Latvala, Mr. Johnson read from Ordinance No. 04-5 as follows: "Criteria used to determine an acceptable, integrated industrial/mixed use project that includes residential use shall include: . . . An appropriate buffer in and between the residential component of the master planned industrial/mixed use project and adjoining plan categories or uses . . . This buffer requirement will consider the following: the nature and characteristics of the adjoining non-residential use(s), including noise, air . . . and visual operation characteristics," read landfill, "the distance from and elevation of the adjoining non-residential use," read landfill, "including the intervening land form . . ."; whereupon, Attorney Crowell countered that Ordinance 04-5 does not say "read landfill"; and that the facility is of large importance and needs to be considered.

Following further discussion, Chief Assistant County Attorney James L. Bennett recommended specific language changes incorporating comments from the members and Ms. Cole.

Motion	-	Commissioner Stewart
Second	-	Commissioner Todd
Vote	-	5 – 2 (Commissioners Harris and Welch dissenting)
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At the direction of the Chairman, there being no objection, the meeting was recessed at 12:40 P.M. Chairman Latvala reconvened the meeting at 1:40 P.M. with Commissioners Morroni, Todd and Seel in attendance.

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CONSENT AGENDA ITEMS NOS. 14 THROUGH 26 – APPROVED

Motion	-	Commissioner Seel
Second	-	Commissioner Morroni
Vote	-	4 – 0

#14 Minutes of regular meeting of February 3, 2004.

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#15 Reports received for filing:

- a. Clerk of the Circuit Court Financial Statements for Year Ended September 30, 2003 Revised, with independent auditors' report thereon.
- b. Foreign-Trade Zone No. 193 Annual Report for fiscal year ended September 30, 2003.
- c. Tampa Bay Water Annual Financial Report and audited financial statements for fiscal year ended September 30, 2003.
- d. Dock Fees Report for the month of January 2004.
- e. Quarterly Report of Routine Dock Permits issued from October 1, 2003 through December 31, 2003.
- f. Housing Finance Authority of Pinellas County Independent Auditor's Reports, Financial Statements, and Required Supplementary Information for year ended September 30, 2003.

#16 Approvals received for filing:

- a. General – none.
- b. Vouchers and Bills Paid – Period of February 2 through February 20, 2004.
 - Payroll Journal Expenditures
 - Payroll Journal page numbers 1 through 2690
 - Payroll checks numbered 514520 through 515000

 - Imprest Fund Expenditures
 - Manual checks numbered 686599 through 686606
 - System checks numbered 719231 through 722414

 - Wire Transfers numbered 002626 through 002748

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

- a. Correspondence from the City of Pinellas Park regarding two ordinances voluntarily annexing certain property with public hearings held February 26, 2004; and three ordinances voluntarily annexing certain property with public hearings to be held March 11, 2004.

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- b. City of St. Petersburg Ordinance No. 646-G, effective February 5, 2004, annexing certain property known as Weedon Island Preserve North or Gateway Preserve.
 - c. City of Seminole Ordinances Nos. 41-2003 through 59-2003 adopted January 27, 2004, voluntarily annexing certain property.
 - d. U.S. Department of Homeland Security, United States Coast Guard Public Notice (4-04) regarding application for approval of location and plans for replacement of dual bridges at John's Pass between Treasure Island and Madeira Beach.
 - e. Notice from Department of the Army regarding change in Administration policy regarding funding of beach renourishment projects.
 - f. Barrier Islands Government Council (BIG-C) minutes of meeting of December 10, 2003 and agenda for meeting of January 28, 2004.
 - g. City of St. Pete Beach Resolution No. 2004-03 adopted February 10, 2004, supporting the Pinellas Planning Council (PPC) and opposing any proposal that would abolish or weaken it as currently constituted under state law.
 - h. Manatee County Board of County Commissioners Resolution No. R-03-278 adopted October 28, 2003 supporting Local Sources First policy pertaining to Florida's water resources.
- #18 Subdivision Plats, Deeds and Sureties:
- a. Somerset Lakes Estates – funds accepted as maintenance surety.
 - b. Disanto Medical Center – maintenance surety funds released.
- #19 Bid of Steve's Excavating and Paving, Inc. awarded for Oakadia Drive pipe replacement in the amount of \$159,744.83 (P.I.D. No. 000981; Bid No. 034-286-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.
- #20 Resolution No. 04-32 adopted designating April 2004 as Water Conservation Month in Pinellas County.
- #21 Utility Work Agreement with Florida Department of Transportation (FDOT) for Curlew Road from Keene Road (County Road 1) to Fisher Road (Project No. 653-992710-0189) for relocation of Pinellas County Utilities' facilities at an estimated cost of \$450,000.00; Chairman authorized to execute the agreement.

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- #22 Bids of Rocha Controls and Performance Technical Services, Inc. awarded for instrumentation, control and monitoring systems repair, maintenance and training services for an annual estimated total expenditure not to exceed \$125,000.00 (24-month contracts for a total estimated expenditure not to exceed \$250,000.00 and two additional 12-month options of renewal at the same prices, terms and conditions, subject to availability of funds and County Administrator approval) (Contract No. 034-21-B); Chairman authorized to sign agreements after proper execution by the contractors and written approval as to form by the Office of the County Attorney.
- #23 Ranking of firms to provide consulting engineering services for site water management study at Bridgeway Acres Landfill as follows:
1. CH₂M/WCG Joint Venture
 2. SCS Engineers
 3. HSA Engineers and Scientists
- Staff authorized to negotiate a contract with the Selection Advisory Committee's number one ranked firm for Board approval (Project No. 999-999999-1718).
- #24 Change Order No. 2 (final) to contract with Rowland, Inc. for the City of Madeira Beach reclaimed water distribution system project (Project No. 733-941814-1123) (Bid No. 001-0989-C) decreases the contract by \$1,670,364.35 and releases retainage in the amount of \$556,587.32 for a revised total of \$11,189,231.48; contract substantially completed as of October 1, 2003; Chairman is authorized to sign and the Clerk to attest.
- #25 Lot clearing Resolution No. 04-33 assessing liens against lands cleared pursuant to Chapter 78-599, Laws of Florida and County Code Chapter 58, Article IX, Section 338 (Environmental Management).
- #26 Budget amendment No. 5 was filed and made a part of the record (Management and Budget).
- #27 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court) – None.

REGULAR AGENDA

- #28 Resolution No. 04-34 adopted authorizing execution of a County Incentive Grant Program Agreement between the Florida Department of Transportation (FDOT) and Pinellas County for FDOT to contribute funds in the amount of \$329,506.00 for the construction of Nebraska Avenue, U.S. 19 to Belcher Road, improvement project (CIP No. 922201).

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Motion - Commissioner Todd
Second - Commissioner Morrone
Vote - 4 - 0

- #29 Interlocal Agreement between Pinellas County and the City of Safety Harbor for pedestrian improvements on State Road 590 at Philippe Park authorizing financial assistance from the County to the City for 50 percent of all actual construction costs up to an amount not to exceed \$150,000.00 (CIP No. 974) approved for execution.

Motion - Commissioner Morrone
Second - Commissioner Todd
Vote - 4 - 0

- #30 Cooperative Funding Agreement Between the Southwest Florida Water Management District (SWFWMD) and Pinellas County for the Roosevelt Creek Watershed Management Program (L068) providing additional revenue to the County in the amount of \$200,000.00 (CIP No. 921920), approved for execution.

Motion - Commissioner Morrone
Second - Commissioner Todd
Vote - 4 - 0

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At this time, 1:41 P.M., Commissioner Welch returned to the meeting.

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- #31 Bid of Pneumatic Concrete Company, Inc. for repairs to Tierra Verde Bridges and Fort DeSoto Gulf Pier (rebid) accepted for an expenditure in the amount of \$755,930.22 (PID Nos. 922381 and 922157/Bid No. 034-231-C); Chairman authorized to sign and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

Motion - Commissioner Morrone
Second - Commissioner Seel
Vote - 5 - 0

- #32 Change Order No. 1 to Contract No. 000988 with Pepper Contracting Services, Inc. for the construction of railroad crossing improvements (various locations) approved for execution, increasing the contract by \$115,100.00 (new total contract, \$1,293,673.57) (Bid No. 023-798-C).

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Motion - Commissioner Seel
Second - Commissioner Welch
Vote - 5 - 0

- #33 Change Order No. 1 (final) to Contract No. 922328 with Keystone Excavators, Inc. for the construction of Savona Drive, Snug Harbor Road to San Martin Boulevard, (Bid No. 023-83-C) approved for execution, increasing the contract by \$1,083.89 (new total contract, \$505,788.27); and accepting contract as complete as of August 8, 2003.

Motion - Commissioner Morrone
Second - Commissioner Seel
Vote - 5 - 0

- #34 Change Order No. 1 to Contract No. 922489 with Sunset Underground Construction, Inc. for the construction of Joe's Creek Erosion Control project (Bid No. 023-249-C) approved for execution, increasing the contract by \$57,194.60 (new total contract, \$313,212.60).

Motion - Commissioner Morrone
Second - Commissioner Todd
Vote - 5 - 0

- #35 Amendment No. 2 to Agreement for Consultant Services for Environmental Planting, Maintenance, and Monitoring Services with Scheda Ecological Associates, Inc. for Belcher Road Phase I, Curlew Road to Tampa Road (PID No. 106152/CIP No. 921773), approved for execution, increasing the contract by \$8,745.00 with a contingency services fee of \$1,000.00 (new total contract, \$144,711.13); and extending the contract time to December 31, 2004.

Motion - Commissioner Seel
Second - Commissioner Welch
Vote - 5 - 0

- #36 Amendment No. 5 to professional architectural services agreement dated December 24, 1997, with Mason Blau and Associates, Inc. for the St. Petersburg Judicial Building Plaza Level Deck, increasing the contract by \$25,594.00 (revised total contract, \$569,090.00) approved for execution.

Motion - Commissioner Morrone
Second - Commissioner Welch
Vote - 5 - 0

- #37 Issuance of County Deed for transfer of remainder of Parcel 043, acquired for right-of-way for the Keene Road Phase 1B project, Drew Street to Sunset Point Road, (CIP No. 920491) to the City of Clearwater, approved for execution.

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Motion - Commissioner Seel
Second - Commissioner Welch
Vote - Vote 5 - 0

- #38 Offer to Sell by Claudette Clement for acquisition of an unimproved lot lying adjacent to the Keystone Road, U.S. 19 to East Lake Road, Capital Improvement Project (PID No. 920522) approved for execution; for a sum of \$399,900.00 plus closing costs and appraisal fee in the amounts of \$2,424.50 and \$1,800.00, respectively (total estimated expenditure, \$404,124.50).

Motion - Commissioner Morrone
Second - Commissioner Todd
Vote - Vote 5 - 0

- #39 Contract for Sale and Purchase between Lutheran Church of the Palms, Inc. and Pinellas County for acquisition of a 17-foot wide strip to be utilized in support of the Nebraska Avenue at Riviere Road Capital Improvement Project (PID No. 922201), approved for execution with authorization for issuance of checks in the amounts of \$130,000.00 to Lutheran Church of the Palms, Inc. and \$1,075.00 to Somers Title Company.

Motion - Commissioner Morrone
Second - Commissioner Welch
Vote - 5 - 0

- #40 Deed accepted from Gardner Trust donating environmentally sensitive land to Pinellas County located on U.S. Highway 19 at the Anclote River (Parcel No. 06/27/16/89388/000/0465).

Motion - Commissioner Seel
Second - Commissioner Morrone
Vote - 5 - 0

- #41 Amendments to Pinellas County Street Lighting Districts Policy and Procedures for creation and establishment of districts, approved. At the request of Commissioner Morrone, Public Works Director of Operations Charles R. Norwood presented an overview of the amendments.

Motion - Commissioner Welch
Second - Commissioner Morrone
Vote - 5 - 0

- #42 Resolution No. 04-35 adopted reestablishing the date of initiation of reclaimed water billings for East Lake Woodlands Country Club to June 1, 2004.

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Motion - Commissioner Welch
Second - Commissioner Morroni
Vote - 5 - 0

- #43 Agreement by and between Pinellas County and the Wells Fargo Bank Minnesota, National Association, formerly known as Norwest Bank Minnesota, National Association, as Trustee, in trust for holders of Credit Suisse First Boston Mortgage Securities Corp. Commercial Pass-Through Certificates, Series 1988-FL2, d/b/a Tides Golf Club for Supply and For the Use of Excess Reclaimed Water for the Tides Golf Course for a ten-year term from the effective date with an automatic extension for one additional ten-year term; with one five-year extension (unless either party objects) not to exceed a total of 25 years (approximate monthly revenue of \$1,125.00, based on eight to nine months of service), approved for execution.

Responding to query by Commissioner Welch, Director of Contracts Management and Business Support Division of the Utilities Department Barbara Kuhl indicated that The Tides made a substantial contribution for the installation of the reclaimed water lines, which subsequently established the term of the agreement.

Motion - Commissioner Morroni
Second - Commissioner Seel
Vote - 5 - 0

- #44 First Amendment to Agreement Between the Southwest Florida Water Management District (SWFWMD) and Pinellas County for Pinellas County North Reclaimed Water System Storage (K421) extending the expiration date of December 31, 2003 to December 31, 2006, effective November 1, 2003, temporarily deferred.

Responding to query by Commissioner Seel, Director of Contracts Management and Business Support Division of the Utilities Department Barbara Kuhl indicated that the information with regard to the term lengths of the agreements with the Cities of Clearwater and Oldsmar could be supplied at a later date.

Motion - Commissioner Morroni
Second - Commissioner Seel
Vote - 5 - 0

- #45 Second Amendment to Agreement between the Southwest Florida Water Management District (SWFWMD) and Pinellas County for the North Pinellas Reuse Interconnections (F028), approved for execution, extending the expiration date of December 31, 2003 to December 31, 2006 effective December 31, 2003.

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Motion - Commissioner Welch
Second - Commissioner Seel
Vote - 5 - 0

Commissioner Seel indicated that she would like to receive the same information on this item as requested for Item No. 44.

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At this time, 1:50 P.M., Commissioner Stewart returned to the meeting.

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#46 Amendment No. 1 to the Agreement for Consultant Services for Belleair Beach and Belleair Shores Reclaimed Water Transmission and Distribution System with George F. Young, Inc. (Project No. 733-941814-1150) increasing the contract by \$146,148.00 (revised total contract, \$314,954.00) approved for execution.

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

#47 Amendment No. 1 to Agreement for Consultant Services for Welch Causeway (S.R. 666) 24-inch and 16-inch Subaqueous Water Main Replacements (Project No. 623-915513-1489) with Cumbe & Fair, Inc. increasing the original contract by \$60,753.00 (revised agreement amount, \$117,123.00), approved for execution.

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

#48 Amendment No. 3 to the Engineering Agreement for Consulting Services, Indian Shores/Indian Rocks Beach Reclaimed Water Transmission and Distribution System with McKim & Creed, P.A. (Project No. 733-941814-1149) increasing the contract amount by \$171,587.00 (revised contract total, \$745,677.00), approved for execution.

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

#49 Agreement for Engineering Services for Logan Pump Station Modifications with Camp Dresser & McKee Inc. (PID No. 664-133113-1627) in the amount of \$957,982.00, approved for execution.

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

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At this time, 1:52 P.M., Commissioner Harris returned to the meeting.

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- #50 Authorization granted for County Administrator to execute a National Flood Insurance Act of 1968 Section 1316 Declaration for one property in violation of the Flood Damage Prevention Article Section 170-105(A) of the Pinellas County Code as listed in the agenda memorandum dated March 9, 2004; authorization to request that the Federal Emergency Management Agency (FEMA) deny the availability of flood insurance coverage pursuant to the provisions of Section 1316 of the National Flood Insurance Act of 1968, as amended (Building).

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

- #51 Chairman authorized to sign a letter terminating a Specific Performance Agreement with Pinellas Homestead Project, Inc. (Contract No. SH-H03-PHP); Chairman authorized to sign and Clerk to attest a Specific Performance Agreement with Homes for Independence, Inc. for owner occupied rehabilitation of single-family residential structures and manufactured housing in the amount of \$1,000,000.00 (Contract No. SH-H03-HFI) (Community Development).

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

- #52 Resolution No. 04-36 adopted approving the updated rules of the Housing Finance Authority of Pinellas County, Florida (Housing Finance Authority).

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

- #53 Contract Renewal with the Palm Harbor Community Services District, a Municipal Services Taxing Unit (MSTU), for administration and operation of the district for Fiscal Year 2004, effective upon expiration of the initial term (September 30, 2003) and

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continuing through September 30, 2004, for a budgeted operating cost of \$1,573,270.00 approved for execution (County Administrator).

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

- #54 Authority granted to accept and use the Public Safety Interoperable Communications System equipment provided through the Department of Justice (DOJ)/Department of Homeland Security's (DHS) Project SAFECOM (DOJ to provide all equipment, installation, and training and pay recurring costs for the first year; annual recurring costs in the amount of \$5,700.00 after June 2005); Chairman authorized to sign Memorandum of Understanding (Emergency Communications).

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

- #55 Twentieth Amendment to Revised and Restated Lease Agreement with Community Service Foundation, Incorporated to delete one structure; County Administrator authorized to approve and execute future amendments deleting properties; Chairman authorized to sign and Clerk to attest; Commissioner Seel requested that the Board be kept apprised of all deletions (General Services).

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

- #56 Results Matrix for corporate sponsorships and naming rights discussed, and following consensus, the matrix was approved as amended. Commissioner Welch requested that website advertising not be deleted from the matrix until review by the Information Technology (IT) Board (General Services).

- #57 Analytica selected to provide consultant services for Human Services (Contract No. 034-216-P); staff authorized to initiate contract negotiations with said firm (Human Services).

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

- #58 Implementation and monitoring of the 2004 Recreation Grant and Reimbursement Program by the execution of performance based grant agreements and recreational reimbursement request forms through the coordination of the Park Department approved. In response to queries by Commissioners Stewart and Welch, Assistant County Administrator Jacob F. Stowers, III explained the use of Capital Improvement Project

(CIP) funds in various projects; County Administrator Stephen M. Spratt stated that allocated funds are subject to budget appropriations on a yearly basis; and Park and Recreation Operations Manager Kathy Swain indicated a \$250,000.00 increase to the Recreation Reimbursement Program budget (Park).

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

- #59 Interlocal Agreement for Creation of the Metropolitan Planning Organization between the Florida Department of Transportation, the County of Pinellas, the Cities of St. Petersburg, Clearwater, Largo, Dunedin, Pinellas Park, Oldsmar, Safety Harbor and Tarpon Springs and the Pinellas Suncoast Transit Authority approved (new expiration date of March 2009 established) (Planning).

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

- #60 Bid of Time Warner Telecom of Florida, L.P. on the basis of being the lowest responsive, responsible bid received meeting specifications for dedicated enterprise-wide Internet access services (Bid No. 034-122-B) for an estimated annual expenditure of \$87,000.00 (12-month contract with two additional 12-month options of renewal at the same prices, terms and conditions subject to availability of funds and County Administrator approval for an estimated 36-month expenditure not to exceed \$261,000.00); bid of XO Communications rejected on the basis of not meeting specifications; Chairman authorized to sign agreement and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney (Purchasing/Information Technology).

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

- #61 Other Administrative Matters

- a. Extension of lease with Apostolu Food Service, Inc. for concessionaire services at Fort DeSoto Park approved by consensus of the members for a period of nine months (through June 30, 2005), with option to extend an additional 90 days.

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

- a. GMAC Mortgage Corporation versus Willis Reese, III, et al, Circuit Civil Case No. 04-586-CI-7 – Mortgage Foreclosure Involving a Community Development Mortgage.

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- b. The Leader Mortgage Company, LLC versus Colleen J. Mahoney, et al, Circuit Civil Case No. 04-87-CI-19 – Mortgage Foreclosure Involving a Subordinate Mortgage.
- c. Mortgage Electronic Registration Systems, Inc., et al versus Estate of Vivian E. Brown, Circuit Civil Case No. 04-701-CI-15 – Mortgage Foreclosure Involving a State Housing Initiative Partnership Mortgage.
- d. Mortgage Electronic Registration Systems, Inc. versus Christine L. Mathis, et al, Circuit Civil Case No. 04-893-CI-21 – Mortgage Foreclosure Involving a Community Development Subordinate Mortgage.
- e. Wachovia Bank versus Barbara A. Clark, Circuit Civil Case No. 04-589-CI-19 – Mortgage Foreclosure Involving a Welfare Lien.
- f. James E. Landry versus Pinellas County, Circuit Civil Case No. 04-737-CI-21 – Action Involving an Allegation of Negligence Resulting in Personal Injuries as a Result of a Trip and Fall Incident.
- g. Lillie McCoy versus Pinellas County, Circuit Civil Case No. 04-888-CI-11 – Action Involving Allegations of Violations of the Florida Civil Rights Act, Florida Statutes Chapter 760 and the Florida Workers’ Compensation Act, Florida Statutes Chapter 440; authorization granted for outside counsel firm of Ford & Harrison, LLP to defend the County in the matter.
- h. Thomas McHale versus Everett S. Rice, as Sheriff of Pinellas County, Circuit Civil Case No. 04-431-CI-20 – Action Involving Allegations of Personal Injuries While Incarcerated in the Pinellas County Jail.
- i. Robert T. Wagner versus Pinellas County, Circuit Civil Case No. 04-001255-CI-19 – Action Involving Allegation of Tortious Interference With a Contract.
 - Motion - Commissioner Welch
 - Second - Commissioner Stewart
 - Vote - 7-0

#63 County Attorney authorized to initiate litigation against:

- a. Aetna on behalf of Emergency Medical Services (EMS) for unpaid ambulance bills; complaint to be filed with Department of Financial Services.
- b(1). Estate of Ermagene Verge Dorsey on behalf of Sunstar for unpaid ambulance bills in the amount of \$1,212.69.
- b(2). Estate of Kathleen A. Surdi on behalf of Sunstar for unpaid ambulance bills in the amount of \$443.54.
 - Motion - Commissioner Welch
 - Second - Commissioner Stewart
 - Vote - 7-0

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#64 Approval granted for Revised Exhibit "A" to Special Counsel Contract with de la Parte, & Gilbert, P.A., for special counsel services relating to administrative, environmental, legislative, solid waste, water and wastewater matters, effective December 1, 2003.

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

#65 Approval granted for Revised Appendix "A" to Special Counsel Contract with Ford & Harrison, LLP, for special counsel services provided to the County for litigation and administrative proceedings involving labor and employment issues, effective upon Board approval; revision is retroactive to December 1, 2003 for services rendered by Patricia G. Griffith.

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

#66 Request for reimbursement of taxable defense costs totaling \$1,752.70 re State versus Braxton Allen Glenn, Case No. CRC02-09861CFANO approved; certify payment to Braxton Allen Glenn for costs incurred in the defense of his criminal charge.

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

#67 Authorization granted to advertise a public hearing to be held on April 13, 2004 at 9:30 A.M. for adoption of a proposed ordinance amending Pinellas County Code Chapter 90, by adding Section 90-36 relating to resident Parks Department employees.

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

#68 Administrative Law Judge Services Contract with the State of Florida, Division of Administrative Hearings, for provision of an Administrative Law Judge for the conduct of administrative hearings in complaints of discrimination in employment, housing and public accommodations under the County's Human Rights Ordinance (agreement effective from the date of execution until October 1, 2004 at the hourly rate of \$129.00; 12-month agreement with three additional 12-month options of renewal) (Contract No. C-021) approved for execution.

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

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#69 Agreement Readopting, Amending and Extending the Tolling of Certain Water Quality Standards by and among Tampa Bay Water, Pinellas County, Hillsborough County, Pasco County, City of Tampa, City of St. Petersburg and the City of New Port Richey (all agreement terms extended until January 1, 2005); Chairman authorized to sign and Clerk to attest.

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

#70 Authorization granted for settlement with the United States Department of Labor (USDOL) re a claim for disallowed costs arising from an audit of the Welfare to Work Grant Program in the amount of \$78,755.00 (USDOL Audit No. 04 02 002 03 386); Chairman authorized to sign agreement.

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

#71 Authorization granted for settlement of the challenge to the Water Resource Implementation Rule, Chapter 62-40, Florida Administrative Code (F.A.C.) as outlined in the Settlement Agreement attached to the County Attorney's memorandum dated March 9, 2004.

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

#72 Authorization granted for settlement of the claim of Suzanne Landsiedel versus Pinellas County Government, Workers' Compensation OJCC Case No. 01-000269SPT.

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

#73 County Attorney Miscellaneous

a. Offer of settlement rejected in case re Calkins versus Pinellas County, Civil Action 8:02CV2076-T-23TGW.

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

#74 Sitting as the Industrial Development Authority d/b/a Economic Development Authority, the Board approved for execution Amendment 1 to Lease Agreement between the Pinellas County Economic Development Authority and S. M. Stoller Corporation at the

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Young-Rainey STAR Center amending Section 8, Maintenance and Services, to include the holiday shutdown scheduled every three years; acknowledging receipt of 30 days notice from the lessor to relocate the tenant, increasing the rental space by 12 square feet (total of 1,775 square feet at a monthly rental rate of \$1,767.89 including sales tax); and extends the lease agreement for an additional year at the same terms and conditions (effective December 1, 2003 through November 30, 2004) (STAR Center to pay moving costs associated with telecommunications, which will not exceed \$1,000.00).

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

- #75 Sitting as the Industrial Development Authority d/b/a Economic Development Authority, the Board approved for execution Amendment 1 to Lease Agreement between Pinellas County Economic Development Authority and the University of South Florida at the Young-Rainey STAR Center for an additional two-year period effective May 1, 2004 through April 30, 2006 with a monthly rental rate of \$119.18 for 210 square feet of space (rental rate increased by six percent; utilities to be billed separately); Section 9, Maintenance and Services, is amended to include the holiday shutdown scheduled every three years.

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

- #76 County Administrator Reports
a. PowerPoint presentation re *Fiscal Year 2005 Budget Forecast & Overview*.

- #77 Commissioner Welch related a request by the WorkNet Board for a preferred rate for lease space at the Epicenter. During discussion regarding the Administrative Entity function and WorkNet's request for Fiscal Agent designation, Commissioner Stewart suggested that WorkNet representatives approach the members with a request for delegation of certain Fiscal Agent responsibilities; and Commissioner Seel requested information pertaining to the amount of rent subsidy provided by other counties to Workforce Boards' Administrative Entities.

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

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#78 County Commission Miscellaneous

- a. Commissioner Welch - received consensus to forward a letter to the legislative delegation expressing opposition to the proposed fireworks legislation.
- b. Commissioner Seel - congratulated St. Petersburg for being chosen a livable city, and Clearwater for receiving the Sports Illustrated award for top city supporting athletes; attended opening ceremony for the new Pinellas Trail markers.
- c. Commissioner Harris - announced upcoming trip to Tallahassee with Commissioner Morrone and Youth Advisory Committee; water conservation tip.
- d. Commissioner Morrone - requested that Mr. Spratt address military aircraft activity at St. Petersburg-Clearwater International Airport on March 6, 2004. Mr. Spratt related that information re the military operation would be forthcoming; and that a new staff position has been created to follow-up with airport noise complaints.

#79 Meeting adjourned at 4:00 P.M.

Chairman

ATTEST: KARLEEN F. De BLAKER, CLERK

By _____
Deputy Clerk