

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, JUNE 15, 2004 – 3:03 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

Members Absent: None.

Members Late: None.

Members Excused: None.

Others Present: Susan H. Churuti, County Attorney; Stephen M. Spratt, County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Arlene Smitke and Carol J. Jones, Board Reporters.

INVOCATION: Commissioner Welch

PLEDGE OF ALLEGIANCE: Commissioner Seel

PRESENTATIONS

1. Presentation of awards to Drinking Water Week winners.
2. Presentation of the 2004 Horizon Award from the Association of General Contractors of Florida for the Brooker Creek Preserve Environmental Education Center by Alan Bomstein, President, Creative Contractors, Inc.
3. Youth Advisory Committee update by Chairman Daniel Holm.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 14 APPROVED WITH THE EXCEPTION OF ITEMS NOS. 10 AND 11, WHICH WERE DISCUSSED SEPARATELY (SEE ITEM NO. 15)

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

1 Minutes of the regular meeting of May 11, 2004.

2 Reports received for filing:

- a. Internal Audit Division, Clerk of the Circuit Court, Report No. 2004-07 dated May 13, 2004 – Audit of County Extension.
- b. Internal Audit Division, Clerk of the Circuit Court, Report No. 2004-08 dated May 20, 2004 – Follow-Up Review to Audit of Fleet Management.

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- c. Internal Audit Division, Clerk of the Circuit Court, Report No. 2004-09 dated May 20, 2004 - Follow-Up Review to Audit of Supplemental Compensation.

3 Approvals received for filing:

- a. General
Budget amendment No. CBA-1-04 was filed and made a part of the record.
- b. Vouchers and Bills Paid – Periods of April 29 through April 30 and May 10 through May 26, 2004.
Payroll Journal Expenditures
Payroll Journal page numbers 1 through 2713
Payroll checks numbered 517818 through 518283

Imprest Fund Expenditures
Replacement checks numbered 686639 to 686642, 686646 to 686649, 686664, 686672, 686676, and 686683 to 686684
Manual checks numbered 686647, 686650 to 686663, and 686665 to 686682
System checks numbered 732389 to 733014 and 734080 to 736686

Wire Transfers numbered 003070 to 003074 and 003128 to 003210

4 Miscellaneous items received for filing as noted on agenda:

- a. Florida Public Service Commission Notice of Hearing re review of Tampa Electric Company's 2004-2008 waterborne transportation contract with TECO Transport and associated benchmark held May 27, 2004 in Tallahassee.
- b. City of Clearwater Public Hearing Notice of Annexation, Land Use Plan and Zoning Atlas Amendments re Ordinances Nos. 7296-04 through 7301-04 to be held July 15, 2004.

5 Subdivision Plats and Sureties:

- a. Lone Palm Subdivision – plat approved; sidewalk guarantee accepted for recording.
- b. Terra Tech Enterprises Incorporated – completion bond released.
- c. Tastee Fresh Bakery – funds accepted as completion surety.
- d. MacDill Federal Credit Union – funds accepted as completion surety.

6 Bid of Keystone Excavators, Inc. awarded for construction of the Fred Marquis Pinellas Trail Northeast Extension (P.I.D. No. 922036, Bid No. 034-553-C) for an expenditure in the amount of \$841,720.35; Chairman authorized to sign agreement and the Clerk to

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attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

7 Ranking of firms to provide consultant services for Belcher Road 48-inch pipe replacement conceptual study (Project No. 621-401111-1732) approved as follows:

1. TBE Group, Inc.
2. Camp Dresser & McKee, Inc. (CDM)
3. McKim & Creed Engineers, PA

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

8 Ranking of firms to provide consultant services for Solid Waste Operations master wastewater pump station relocation (Project No. 814-824214-1685) approved as follows:

1. King Engineering Associates, Inc.
2. McKim & Creed Engineers, PA
3. URS Corporation Southern

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

9 Bid of Bay Area Window Cleaning, Inc. awarded for annual requirements of window cleaning (Contract No. 034-426-B) for an estimated 24-month expenditure not to exceed \$83,080.00 (24-month contract with one additional 24-month option for renewal at the same terms and conditions, subject to availability of funds and approval by the County Administrator; contract renewal will allow for price adjustments in an amount not to exceed five percent or that indicated by the Consumer Price Index [CPI] for All Urban Consumers, Not Seasonally Adjusted, for the 12 months prior to renewal, whichever is less); Chairman authorized to sign agreement and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney (General Services).

#10 See Item No. 15.

#11 See Item No. 15.

#12 Donation of two Hewlett-Packard laptop computers and one Canon color printer from the YWCA of Tampa Bay accepted (current estimated value, \$1,068.50); computers to be added to Health Department's fixed asset inventory; printer to be added to Health Department's non-fixed asset inventory (Purchasing/Health Department).

#13 One loading dock plate, Asset No. 90728, declared as surplus; authorization granted to remove item from Tax Collector's fixed asset inventory record (item to remain as a

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permanent fixture to building located at 8040 Bryan Dairy Road) (Purchasing/Tax Collector).

#14 Declaration of miscellaneous County-owned equipment as surplus and authorization for liquidation of same through sales conducted by Trade Mark Metals Recycling and removal of stolen items from County fixed asset inventory as set forth in memorandum dated June 15, 2004 (Purchasing).

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

- a. Agenda Item No. 10 - Proposal of Bryant, Miller & Olive, P.A. accepted for bond counsel services (48-month contract effective from date of execution with two additional 12-month renewal periods at the same prices, terms and conditions, subject to availability of funds and Board approval) (Contract No. 023-861-P); 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 (Purchasing/County Attorney).

Commissioner Welch opined that the request for proposal (RFP) did not adequately reflect the policy direction of the Board in relation to participation by local small and minority businesses; whereupon, Ms. Churuti read Section C, Item 5.A of the RFP, a copy of which has been filed and made a part of the record, and explained the logic she had used in awarding points related to minority participation. Commissioner Welch pointed out the difference between a firm with minority employees and the policy direction that the firm partner with a local firm, allowing them to learn the business; and stated that the minority or small business information should have been given a separate line-item in the evaluation. Ms. Churuti noted that the County does not currently have a minority business enterprise (MBE) program in its bidding process.

During discussion, Commissioner Welch read from a letter dated March 17, 2003, from Nabors Giblin & Nickerson to Director of Purchasing Joseph Lauro, a copy of which has been filed and made a part of the record.

Following further discussion with input by Ms. Churuti and Mr. Lauro, Commissioner Stewart noted that while he shares Commissioner Welch's concerns regarding the introduction of new local vendors, he is comfortable with the selection; and noted that, in the case at hand, the award of minority-based points would not have affected the eventual ranking of firms.

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Commissioner Welch requested that the matter be discussed at a workshop; and that a Disparity Study be done, which is a prerequisite to adoption of a certified MBE program.

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

- b. Agenda Item No. 11 - Proposal of Holland & Knight LLP accepted for disclosure counsel services (36-month contract effective from date of execution with two additional 12-month renewal periods at the same prices, terms and conditions, subject to availability of funds and Board approval) (Contract No. 023-862-P); 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 (Purchasing/County Attorney).

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

- #16 Lease Agreement with Landings of Clearwater Condominium Association, Inc. re T-hangars located at the St. Petersburg-Clearwater International Airport approved for execution; restatement of an existing Lease Agreement including Amendments Nos. 1 through 6; new annual rental amount, \$40,768.16; lease term extended by 15 years.

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

- #17 Ranking of firms to provide professional engineering services for the St. Petersburg-Clearwater International Airport security enhancement project approved as follows:

1. Kimley-Horn and Associates, Inc.
2. TLC Engineering for Architecture
3. Ross & Baruzzini Transportation Services

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

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

- #18 Ranking of firms to provide consulting services for the St. Petersburg-Clearwater International Airport environmental assessment and benefit cost analysis approved as follows:

1. Environmental Science Associates
2. MEA Group, Inc.
3. URS

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

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

- #19 Installation of two speed humps on Avery Avenue between Hanby Street and Palm Harbor Boulevard (U.S. Alternate Highway 19) and a four-way stop condition at Avery Avenue and Hanby Street approved pursuant to Resolution No. 97-291.

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

- #20 Installation of two speed humps on 49th Avenue North between 46th Street North and the easterly terminus approved pursuant to Resolution No. 97-291.

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

- #21 Installation of a four-way stop condition at 37th Street North and 42nd Avenue North and a three-way stop condition at 37th Street North and 44th Avenue North approved pursuant to Resolution No. 97-291.

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

- #22 Report of Cost and Final Preliminary (Second) Assessment Roll for the road and drainage improvements to 131st Street North from Hibiscus Avenue to the south end, approximately 500 feet, approved; authorization granted to advertise for a public hearing to be held July 13, 2004.

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

- #23 Contract for Sale and Purchase between Pinellas County and Christopher and Jennifer Anderson for acquisition of approximately .33 acre of vacant land located in the Brooker/Anclote Corridor project area for a sale price in the amount of \$1,650.00 approved for execution.

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

- #24 Change Order No. 1 to Contract No. 000516 with URS Corporation for McKay Creek Channel improvements at Harbor Lake (Bid No. 023-391-C) increasing the contract by \$80,455.00 for a revised total of \$596,905.00; Chairman is authorized to sign and the Clerk to attest.

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

- #25 Change Order No. 1 (final) to Contract No. 922433 with Sunset Underground Construction, Inc. for construction of Royal Palm Drive at Robin Road storm sewer rehabilitation (Bid No. 023-285-C) increasing the contract by \$12,103.28 for a revised total of \$287,047.28; contract accepted as complete as of October 16, 2003; Chairman is authorized to sign and the Clerk to attest.

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

- #26 Amendment No. 1 to the construction management agreement with Skanska USA Building, Inc. for the jail expansion phase two, health care facility project approved for execution, providing a guaranteed maximum price (GMP) for construction services in the amount of \$20,018,372.00 (new total, \$22,573,555.00).

In response to query by Commissioner Seel, Mr. Spratt confirmed that \$30,000,000.00 is the upset limit on the project; and that the amendment represents changes made to keep the project within the allowed budget.

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

- #27 Amendment to the contract with Suncoast Paving, Inc. and APAC-Southeast, Inc. for SI and SIII asphalt, pick up only (Contract No. 023-765-B [COOP]) approved changing the pricing structure to allow for adjustments based on changes in the Fuel and Bituminous Price Index in increments of plus or minus five percent.

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

- #28 Authorization granted for purchase of Stiles-Kem 7641 corrosion inhibitor on a noncompetitive basis from Stiles-Kem Division of Met Pro Corporation for an estimated 24-month expenditure not to exceed \$765,000.00 (Pinellas County’s estimated 24-month expenditure not to exceed \$612,000.00) (Cooperative Contract No. 034-536-N); 24-month contract with three additional 12-month options of renewal at the same terms and conditions, subject to availability of funds and approval by the County Administrator. The renewal option will allow for a price adjustment based on the Consumer Price Index (CPI) for All Urban Consumers, not seasonally adjusted, for the previous 12 months, not to exceed five percent, whichever is less. Responding to query by Commissioner Morroni, Director of Utilities Pick Talley stated that studies indicate that Stiles-Kem 7641 corrosion inhibitor provides the best results in reducing corrosion in pipelines.

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

- #29 Cooperative Funding Agreement between the Southwest Florida Water Management District (SWFWMD) and Pinellas County for South Pinellas County reclaimed water aquifer storage and recovery (ASR) testing program – Phase II (K682) (Project No. 731-616214-1752) in the amount of \$306,500.00 (Pinellas County’s 50 percent cost sharing total, \$306,500.00; total project cost, \$613,000.00) approved for execution.

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

- #30 Authorization granted for payment of the appropriate contract balances to Hartford Accident and Indemnity Company for the West Pinellas transmission mains project (Project No. 733-758314-0718), and reduction of retainage from five percent to two percent.

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

- #31 Resolution No. 04-92 adopted amending Resolution No. 03-182 which established the schedule of fees for non-proprietary departments; amending the Pinellas County Building Department fees, Section II, building permit fees, to add the provision that shell-building permits shall be charged at sixty percent of the actual total rate (Building).

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

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#32 Increase for reimbursement to the members of the Unified Personnel Board system for attendance at monthly meetings (from \$75.00 to \$100.00 for members; from \$100.00 to \$150.00 for the Chair) approved (County Administrator/County Attorney).

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

#33 Fourth Amendment to Lease between Hallmark Development of Florida, Inc. and Pinellas County for property located at 14010 Roosevelt Boulevard, Suite 704, Clearwater, allowing the County to terminate the lease at any time during the option period from November 1, 2004 through October 1, 2005 by giving 90 days written notice to the landlord, approved for execution with authorization for the Clerk to attest (General Services).

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

#34 Third Amendment to Lease between Engelhardt-Gehrand Partnership and Pinellas County for office space located at 14450 46th Street North, Suite 108, Clearwater used by the St. Petersburg/Clearwater Area Convention and Visitors Bureau, allowing the County to have an earlier termination by giving 90 days written notice any time for the option period commencing September 23, 2004 through September 22, 2005, approved for execution with authorization for the Clerk to attest (General Services).

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

#35 Six Assignment and Consent of Lease Agreements with the following landlords to WorkNet Pinellas, Inc., discharging the County from any further liabilities and obligations arising from or related to the leases, effective July 1, 2004, approved for execution with authorization for the Clerk to attest (General Services):

- a. C.A.P., Inc. (sublease)
- b. Hallmark Development of Florida, Inc.
- c./d. I & S Associates LLC d/b/a Plaza 300 Associates LLC
- e. Krizmanich Holdings, L.L.C.
- f. State of Florida Agency for Workforce Innovation

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

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#36 Resolution No. 04-93 adopted supplementing the fiscal year 2004 Sewer Construction Fund Budget to appropriate unanticipated sewer construction funds for a particular purpose (Management and Budget).

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

#37 Resolution No. 04-94 adopted reallocating funds from reserves for a particular purpose in the fiscal year 2004 Young-Rainey STAR Center Fund Budget (Management and Budget).

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

#38 First Amendment to Agreement for Comprehensive IT Vulnerability Assessment Services with Westin Engineering, Inc. for a proposed additional expenditure in the amount of \$6,795.00 (revised total expenditure, \$125,255.00) approved (Contract No. 023-730-P); Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney; with authorization for the Clerk to attest (Purchasing/Information Technology).

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

#39 Renewal and reassignment of Worknet Pinellas, Inc. contracts with the following various service providers, effective July 1, 2004, approved for execution (WorkNet):

Amendment No. 3 to Agreement between Pinellas County, WorkNet Pinellas, Inc. and Gulfcoast Jewish Family Services, Inc. d/b/a Gulfcoast Community Care

Amendment No. 1 to Agreement between Pinellas County, WorkNet Pinellas, Inc., and Mt. Zion Human Services, Inc.

Amendment No. 2 to Agreement between Pinellas County, WorkNet Pinellas, Inc. and Family Service Centers, Inc.

Amendment No. 3 to Agreement between Pinellas County, WorkNet Pinellas, Inc. and The School Board of Pinellas County

Amendment No. 2 to Agreement between Pinellas County, WorkNet Pinellas, Inc. and Goodwill Industries-Suncoast, Inc.

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Amendment No. 2 to Agreement between Pinellas County, WorkNet Pinellas, Inc. and The Board of Trustees of St. Petersburg College

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

- #40 Third Amendment to Memorandum of Understanding between WorkNet Pinellas, Inc. and Pinellas County approved for execution; Interlocal Agreement between Pinellas County and WorkNet Pinellas, Inc. approved for execution; Resolution No. 04-95 adopted authorizing the transfer of personal property to WorkNet Pinellas, Inc., pursuant to Section 125.38, Florida Statutes, providing for an effective date (WorkNet).

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

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At this time, 3:58 P.M., Commissioner Todd left the meeting.

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- #41a Pinellas Planning Council's alternative compromise recommendation on Case No. Z/LU-8-2-04 approved to:

1. Designate the land subject to this case as Residential/Office Limited on the Countywide Future Land Use Map.
2. Limit the allowable office uses on site to a floor area ratio of 0.4.
3. Give special consideration to the improvement of the site with respect to the buffering and landscaping guidelines of the Scenic/Non-Commercial Corridor Master Plan.

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

- #41b DEP Agreement No. 04PI1 with Florida Department of Environmental Protection (FDEP) Bureau of Beaches and Coastal Systems Beach Erosion Control Program, Grant Agreement for Treasure Island Beach Nourishment Project, providing \$453,376.00 in reimbursement from the State (Federal funding, \$1,159,906.00; State funding, \$453,376.00; County funding, \$453,376.00; total, \$2,066,658.00) approved for execution (Environmental Management).

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

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At this time, 4:04 P.M., Commissioner Todd returned to the meeting.

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- #41c Amendment No. 1 to DEP Agreement No. 02PI1 Florida Department of Environmental Protection Bureau of Beaches and Coastal Systems Beach Erosion Control Program, State of Florida Amendment to Grant Agreement for Upham Beach Nourishment, providing \$2,522,207.00 in reimbursement from the State (Federal funding, \$3,093,110.00; State funding, \$2,522,207.00; County funding, \$2,522,207.00; total, \$8,137,524.00) approved for execution (Environmental Management).

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

- #41d Amendment No. 1 to DEP Agreement No. 03PI1 Florida Department of Environmental Protection Bureau of Beaches and Coastal Systems Beach Erosion Control Program, State of Florida Amendment to Grant Agreement for Sand Key Beach Restoration, providing \$762,149.00 in reimbursement from the State (Federal funding, \$2,364,546.00; State funding, \$762,149.00; County funding, \$762,149.00; total, \$3,888,844.00) approved for execution (Environmental Management).

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

- #41e Following discussion, the Board approved supporting the recommendation of the Florida Association of Counties Executive Committee in moving forward with a challenge to the decision by the Florida State Legislature to shift Department of Juvenile Justice juvenile detention costs to the counties.

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

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- #42 County Attorney authorized to defend the County's interest:
- a. Southtrust Mortgage Corp. versus Linda Lee Nygren, et al, Circuit Civil Case No. 04-3195-CI-13 – Mortgage Foreclosure Involving a Community Development Subordinate Mortgage.
 - b. Richard Morand versus Sheriff, Circuit Civil Case No. 04-3329-CI-8 – Allegations of Injuries Incurred in a Slip and Fall Accident.
 - Motion - Commissioner Morrioni
 - Second - Commissioner Seel
 - Vote - 7 - 0
- #43 County Attorney authorized to initiate litigation in the case of Pinellas County Board of County Commissioners versus James S. Kimball, Risk Claim No. 02-63637 – Negligence in the Operation of a Motor Vehicle.
- Motion - Commissioner Morrioni
 - Second - Commissioner Seel
 - Vote - 7 - 0
- #44 County Attorney authorized to intervene in the housing discrimination cases:
- a. Gibson versus RSG Family Limited Partnership, et al., PCO No. PC-03-033, HUD No. 04-03-0654-8.
 - b. Mahogany versus RSG Family Limited Partnership, et al, PCO No. PC-03-032, HUD No. 04-03-0655-8; Ikner and Mister versus RSG Family Limited Partnership, et al, PCO No. PC-03-028, HUD No. 04-03-0569-8; Jones versus RSG Family Limited Partnership, et al, PCO No. PC-03-030, HUD No. 04-03-0653-8.
 - Motion - Commissioner Seel
 - Second - Commissioner Morrioni
 - Vote - 7 - 0
- #45 Authorization granted to advertise a public hearing to be held on July 13, 2004 regarding a proposed ordinance amending Section 2-476 et seq., Pinellas County Code, regarding the Public Access Advisory Council.
- Motion - Commissioner Morrioni
 - Second - Commissioner Seel
 - Vote - 7 - 0
- #46 Authorization granted for settlement of the suit re Vera Currington versus Pinellas County Government, Workers' Compensation OJCC #04-003312SPT.
- Motion - Commissioner Morrioni
 - Second - Commissioner Seel
 - Vote - 7 - 0

#46a County Attorney Miscellaneous – None.

#47 Sitting as the Industrial Development Authority d/b/a Economic Development Authority, the Board approved for execution the Third Amendment to the Lease Agreement between the Pinellas County Economic Development Authority and the Enser Corporation, extending the lease agreement for the period April 1, 2004 through March 31, 2005 with the same terms and conditions; monthly rent payment effective April 1, 2004 is \$2,162.33 (including seven percent sales tax).

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

#48 Sitting as the Industrial Development Authority d/b/a Economic Development Authority, the Board approved for execution the Second Amendment to Lease Agreement between the Pinellas County Economic Development Authority and Andrews Electronics, Inc., extending the agreement one additional year effective June 1, 2004 through May 31, 2005, with an annual rent increase of six percent (monthly rent payment effective June 1, 2004 including sales tax, \$1,325.21; rent credit of \$37.52 will be applied to the June 1, 2004 amount due resulting in a payment of \$1,287.69).

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

#49 Sitting as the Industrial Development Authority d/b/a Economic Development Authority, the Board approved for execution the Fifth Amendment to Lease Agreement between the Pinellas County Economic Development Authority and Constellation Technology Corporation, effective July 1, 2004, extending the agreement an additional five years from July 1, 2004 to June 30, 2009 (rent for first renewal term including annual Consumer Price Index (CPI) increase, including sales tax, will be \$29,673.46 per month for 48,653 square feet of space; rent credit of \$14,346.40 will be applied to the July 1, 2004 amount due resulting in a payment of \$15,327.06).

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

#50 Sitting as the Emergency Medical Services Authority, the Board approved the Pinellas County Ambulance Services accounts receivable write-off for \$639,905.00.

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

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#51 County Administrator Reports

- a. Update presented regarding status of ambulance contract.
- b. Board directs Mr. Spratt to proceed with marketing of Jumbo Sports property, and negotiating with Pinellas Suncoast Transit Authority (PSTA) for acquisition of its property.

#52 Appointment of Abigail P. Helck to Pinellas Public Library Cooperative Board of Directors approved.

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

#53 County Commission Miscellaneous

- a. Commissioner Harris - Water conservation tip.
- b. Commissioner Todd - Recognition of volunteers at Botanical Gardens.
- c. Commissioner Stewart - Congratulations to Tampa Bay Lightning.
- d. Commissioner Seel - Social action funding request; Tampa Bay Partnership Healthier Tampa Bay Region update.
- e. Chairman Latvala - Brooker Creek Preserve Grand Opening on June 19; update re Charter Review Commission; joint meeting with Mayors' Council on June 18.

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Upon direction of the Chairman, the meeting was recessed at 4:44 P.M. and reconvened at 6:35 P.M. with Commissioner Welch not in attendance.

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

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Deviating from the agenda, Chairman Latvala directed, there being no objection, that agenda Item No. 64b would be heard first.

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SCHEDULED PUBLIC HEARINGS – COUNTYWIDE PLANNING AUTHORITY

#64b Ordinance No. 04-37 adopted approving Case No. CW 04-27, the proposal by Pinellas County to amend the Countywide Future Land Use Map from residential low to residential/office limited, re 2.0 acres located at the northwest corner of Nebraska Avenue and 21st Street North (Belcher Road) (regular amendment). Pinellas Planning Council recommended denial and staff concurs with the further recommendation that the residential/office limited be designated for this property.

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

CITIZENS TO BE HEARD

Jo-An Totty, Palm Harbor, requested that the Board enact an ordinance with regard to the prohibition of nudity; whereupon, County Attorney Susan H. Churuti indicated that the possibility of an ordinance is being reviewed as well as state law pertaining to the matter.

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At this time, 6:43 P.M., Commissioner Welch returned to the meeting.

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SCHEDULED PUBLIC HEARINGS - BCC

#54 Ordinance No. 04-38 adopted providing that the Pinellas County Code be amended by revising Section 58-205.27 relating to standards of performance for new stationary sources and emission guidelines; revising Section 58-205.28 relating to National Emission Standards for Hazardous Air Pollutants (NESHAP)--Part 61; revising Section 58-205.29 relating to National Emission Standards for Hazardous Air Pollutants (NESHAP)--Part 63; providing for severability; providing for an effective date; providing for inclusion in the code. No correspondence has been received. Staff recommended adoption of the ordinance. No citizens appeared to be heard.

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

#55 Ordinance No. 04-39 adopted amending the Pinellas County Code by adding a section to Chapter 46, Courts, to be numbered 46-33; providing for imposition of a surcharge on non-criminal traffic infractions or certain criminal violations; allocation of funds received from the surcharge; providing for areas embraced; providing for severability; providing for inclusion in the Pinellas County Code; and providing for an effective date. No correspondence has been received. Staff recommended adoption of the ordinance. No citizens appeared to be heard.

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

#56 Ordinance No. 04-40 adopted amending the Pinellas County Code by adding a section to Chapter 46, Courts, to be numbered 46-32; providing for imposition of additional court costs in criminal cases; allocation of funds received from additional court costs; providing for areas embraced; providing for severability; providing for inclusion in the Pinellas County Code; and providing for an effective date. No correspondence has been received. Staff recommended adoption of the ordinance. No citizens appeared to be heard.

In response to query by Commissioner Stewart, Chief Deputy Clerk Clarethia N. Harris clarified that the additional funds received would only be allocated to Pinellas County.

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

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#57 Resolution No. 04-96 adopted granting petition of Richard Regel (Architectural Wood Working), Steven R. Skrotsky (39 Acre Corp., d/b/a Eagle Supply), VFW Sunshine City Post 6827, and CSX Transportation, Inc. to vacate that portion of 40th Avenue North lying south of Lots 13 and 14, Block 1, lying west of the east line of said Lot 13, Block 1, extended south to the south line of said north half, lying north of the south line of said north half and lying east of the west right-of-way line of 33rd Street North, extended south to the east right-of-way line of CSX Railroad and east of the east right-of-way line of CSX Railroad, a 100-foot wide right-of-way, Marini and Salvatore Subdivision, located in the southwest quarter of Section 2, Township 31 South, Range 16 East. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. No correspondence has been received. Staff recommended that the vacation be granted. Clerk authorized to record. No citizens appeared to be heard.

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

#58 Resolution No. 04-97 adopted granting petition of Andrew D. Shuluga and Andrea M. Shuluga, through Mary Sue Beeler, Decker, Beeler, P.A., to vacate the five-foot wide platted easements being the northeasterly five feet of Lots 1 and 2, Block A, and the southwesterly five feet of Lot 16 and a portion of Lot 15, Block A, Hoffman's Subdivision Number 2, located in the southwest quarter of Section 33, Township 29 South, Range 16 East. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. No correspondence has been received. Staff recommended that the vacation be granted. Clerk authorized to record. No citizens appeared to be heard.

In response to query by Commissioner Seel with regard to the request to the City of Largo, Ms. Beeler indicated that the City has already vacated its easement.

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

June 15, 2004

#59 Resolution No. 04-98 adopted granting petition of David K. Mink and Cindy L. Mink to vacate a 15.06-foot by 41.34-foot portion of the southerly 19.0-foot wide drainage and maintenance easement, Lot 14, Sea Pines Subdivision, located in the southwest quarter of Section 19, 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. No correspondence has been received. Staff recommended that the vacation be granted. Clerk authorized to record. No citizens appeared to be heard.

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

#60 Resolution No. 04-99 adopted granting petition of Barbara L. Zinck to vacate the west ten-foot wide drainage easement, said portion being the east 5.9 feet, of the west ten feet, of the north 28.4 feet, of the south 39.1 feet of Lot 17, Laurel Oak Woods, located in the northeast quarter of Section 12, Township 28 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. No correspondence has been received. Staff recommended that the vacation be granted. Clerk authorized to record. No citizens appeared to be heard.

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

SCHEDULED PUBLIC HEARINGS - WATER AND NAVIGATION AUTHORITY

#61 Multi-use dock application No. M33594-03 (revised), Victoria Shores Condominium Association/Rick Nelson, 1135 Victoria Drive, Clearwater Harbor, Dunedin approved; no correspondence received; the biological report has been filed as part of the record; and staff recommended approval. No citizens appeared to be heard.

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

#62 Commercial dock application CD34147-04, Edward Spaeth (a/k/a Turtle Cove Marina), 601 Roosevelt Boulevard, Whitcomb Bayou, Tarpon Springs approved; one letter in favor of and one letter in opposition to the application have been received; the biological report has been filed as part of the record. No citizens appeared to be heard. Staff recommended approval, subject to the following condition:

June 15, 2004

A hurricane plan for the marina must be received from the applicant and approved by the County prior to permit issuance.

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

SCHEDULED PUBLIC HEARINGS – COUNTYWIDE PLANNING AUTHORITY

#63 Ordinance No. 04-37 adopted approving Case No. CW 04-28, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from residential urban to residential/office general, re 0.2 acre located generally on the south side of Beckett Way, approximately 500 feet west of U.S. Highway 19 North (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

#64a Ordinance No. 04-41 adopted approving Case No. CW 04-26, the proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan from commercial general and preservation to residential medium and residential urban, re 9.9 acres located generally on the west side of 31st Street South (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Responding to query by Commissioner Stewart, City of St. Petersburg Assistant Director of Development Review Services David Goodwin related that the conservation easement proposed in the plan amendment is more restrictive than the preservation designation; that the total acreage with regard to the conservation area would remain at six acres; that the property does have an operable marina including high and dry storage that will be reconstructed; and that the access to the property will remain on 58th Avenue South.

Mr. Spratt added that the Department of Environmental Management is currently reviewing a dock application for the marina.

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

#64c Meeting adjourned at 7:03 p.m.

June 15, 2004

Chairman

ATTEST: KARLEEN F. De BLAKER, CLERK

By: _____
Deputy Clerk