

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, OCTOBER 19, 2004 – 3:08 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

Members Absent: None.

Members Late: Barbara Sheen Todd.

Members Excused: None.

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

INVOCATION: Reverend Frederick Ball, Skycrest United Methodist Church.

PLEDGE OF ALLEGIANCE: Commissioner Seel.

PROCLAMATIONS AND AWARDS

Monica Beyrouti, Youth Advisory Committee, reported on upcoming initiatives of the committee.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 17 – APPROVED WITH THE EXCEPTION OF NO. 5, WHICH WAS TEMPORARILY DEFERRED UNTIL LATER IN THE MEETING AND APPROVED TOGETHER WITH REGULAR AGENDA ITEM NO. 22

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

1 Minutes of regular meeting of September 21, 2004.

2 Reports received for filing:

- a. Auditor General Report No. 2005-019 regarding Assessment, Collection, and Remittance of Court-Related Fines, Fees, and Other Charges by Clerks of the Circuit Courts Operational Audit for the Period October 1, 2001 through September 30, 2002.
- b. Internal Audit Division, Clerk of the Circuit Court, Report No. 2004-13 dated September 30, 2004, Audit of Bond Covenants, Transportation Improvement Revenue Bonds Series 1993A.

- c. Internal Audit Division, Clerk of the Circuit Court, Report No. 2004-14 dated September 30, 2004, Audit of Bond Covenants, Transportation Improvement Revenue Bonds Series 1998.
- d. City of Pinellas Park Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2003, together with the Single Audit Report.
- e. Memorandum dated September 29, 2004 from Clerk of the Circuit Court regarding funds in the amount of \$2,445.13 for deposit to the County's General Revenue Fund for Unclaimed Property as identified by Florida Association of Court Clerks' (FACC) Unclaimed Property Program.
- f. Pinellas County Sheriff's Office Final Budget for Fiscal Year 2004-2005.
- g. City of Safety Harbor Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2003.

3 Approvals received for filing:

- a. General – None.
- b. Vouchers and Bills Paid – Period of September 20 through October 1, 2004.
Payroll Journal Expenditures
Payroll Journal page numbers 1 through 2655
Payroll checks numbered 524738 through 525146

Imprest Fund Expenditures
Replacement checks numbered 750992 through 750995
Manual checks numbered 750996 through 750999
System checks numbered 756011 through 758169

Wire Transfers numbered 003785 through 003884

4 Miscellaneous items received for filing as noted on agenda.

- a. Florida Fish and Wildlife Conservation Commission Notice of Final Public Hearing regarding proposed manatee protection rules for Tampa Bay area held September 22-24, 2004.
- b. City of Clearwater Public Hearing Notices of Annexation, Land Use Plan and Zoning and Rezoning Atlas Amendments re Ordinances Nos. 7326-04 through 7331-04 and 7334-04; public hearing held October 7, 2004.
- c. City of Largo Ordinances Nos. 2004-66 and 2004-67 adopted September 7, 2004, annexing certain property.
- d. Correspondence from City of Pinellas Park re four ordinances voluntarily annexing certain property; public hearing held October 14, 2004.
- e. Barrier Islands Governmental Council (Big-C) minutes of meeting of August 25, 2004.

- f. Eastlake Oaks Community Development District minutes of meeting held June 24, 2004, together with proposed budget for fiscal year 2005 pursuant to Chapter 190.008(2)(b), Florida Statutes and notice of public meeting schedule for fiscal year 2005.
 - g. Tampa Bay Water Board of Directors' meeting calendar for the year 2005.
 - h. Southwest Florida Water Management District's fiscal year 2005 board meeting calendar and a map depicting the district's boundaries pursuant to Florida Statutes, Chapter 189.417.
- # 5 See agenda item No. 22.
- # 6a Reduction in retainage from five percent to one percent to Pepper Contracting Services, Inc. for construction of Georgia Avenue from County Road No. 1 (C.R. 1) to U.S. Alternate 19 (Project No. 000852) (Bid No. 023-439-C) approved; project substantially complete on April 29, 2004; current retainage (five percent), \$115,418.37; reduction in retainage, \$92,334.70; new retainage (one percent), \$23,083.67.
- # 6b Reduction in retainage from five percent to one percent to Pepper Contracting Services, Inc. for construction of Keene Road (Phase 1B) from Drew Street to Sunset Point Road (Project No. 000820) (Bid No. 012-822-C) approved; project substantially complete on March 10, 2004; current retainage (five percent), \$307,985.12; reduction in retainage, \$246,388.10; new retainage (one percent), \$61,597.02.
- # 7 Change Order No. 1 (Final) to contract with R.A.M. Excavating, Inc. for 68th Street from 66th Avenue North to 70th Avenue (east side) (Project No. 922337) (Bid No. 023-715-C) decreasing original agreement amount of \$141,308.00 by \$22,877.30 for a revised agreement amount of \$118,430.70, approved; contract accepted as complete as of April 2, 2004; Chairman is authorized to sign and the Clerk to attest.
- # 8 Consultant's Competitive Negotiation Act (CCNA) Agreement approved by County Administrator for quarter ending September 30, 2004 (Amendment No. 2 to Agreement with Driggers Engineering Services, Inc. for geotechnical engineering services for sod farm slurry wall in the amount of \$6,528.75) received for filing.
- # 9a Change Order No. 1 (Final) to agreement with Westra Construction Corporation for Pump Station No. 393 decreasing the contract by \$45,182.66 for a revised total agreement amount of \$627,813.34 and releasing retainage in the amount of \$31,098.71 (Project No. 794-190514-1461) (Bid No. 023-550-C); contract substantially complete as of April 12, 2004; 43-day time extension included; Chairman authorized to execute agreement and Clerk to attest.

- # 9b Change Order No. 1 to Agreement with QRC, Inc. for backflow prevention devices installation (rebid) (Project No. 653-902414-1632) (Bid No. 023-853-C); Chairman authorized to execute and the Clerk to attest.

- #10 Proposal for Technology Marketing Program–CVB awarded to the number one ranked firm, Miles Media Group, Inc. for Category 1, application and web development, and category 2, digital creative design, multimedia, digital, and animated video, for 12 months with three additional 12-month periods beyond the initial contract period pending availability of funds and County Administrator approval; number two ranked firm, VisualGov Solutions, LLC awarded contract to provide technology support services through May 31, 2005 to coincide with the transition to the Epicenter (RFP No. 034-789-P); contract renewals will allow for price adjustments in an amount not to exceed the average of the Consumer Price Index (CPI) for All Urban Consumers, not seasonally adjusted, for the 12 months prior to renewal, or five percent, whichever is less; Chairman authorized to sign and Clerk to attest agreements after proper execution by the contractor and written approval as to form by the County Attorney (Convention and Visitors Bureau).

Responding to queries by Commissioner Seel, St. Petersburg-Clearwater Area Convention & Visitors Bureau Executive Director Carole Ketterhagen discussed costs related to the technology marketing program.

#11 DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR PURSUANT TO ORDINANCE NO. 02-44 – RECEIVED FOR FILING (COUNTY ADMINISTRATOR)

Department	Item	Dollar Value	Approval Date
Clerk of the Circuit Court	Please See Attached Lists of Releases of Street Lighting and Paving Liens; Releases of Lien (Paving): Susan M. Savage (2); Jay H. and Diana M. Newsome; Jack L. Johnson; Denise S. Pyle	All liens are paid in full.	9.24.04
Community Development	Specific Performance Agreements with (a) Clearwater Neighborhood Housing Services, Inc. for Homebuyer Counseling, and (b) Personal Enrichment through Mental Health Services, Inc. for PEMHS Crisis Stabilization Unit Building Rehabilitation	(a) \$50,000.00 in SHIP Grant Funds (b) \$23,692.00 in CDGB Grant Funds	9.29.04
Community Development	Satisfactions of Mortgage (Housing): Mary D. Jeffries; Roy N. and Maria M. Rodriguez	All liens are paid in full	9.24.04

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Department	Item	Dollar Value	Approval Date
Community Development	Release of Lien (Housing): Albert G. and Bertha E. Treml, Sr.; Satisfactions of Mortgage (Housing): George P. and Barbara J. Cunningham; Bernice D. Brown; Charles W.T. Wright; Elson J. and Maria V. Perez; Specific Performance Agreements with (a) Consumer Credit Counseling Services of Central Florida and the Florida Suncoast, Inc. for Homebuyer Counseling; (b) Pinellas Opportunity Council, Inc. for Chore Services; and (c) Amendment to Specific Performance Agreement with Tampa Bay Community Development Corporation for The Homebuyers Club	All liens are paid in full. (a) \$50,000.00 in SHIP Grant Funds (b) \$30,000.00 in CDBG Funds (c) \$4,800.00 in Additional SHIP Funds	9.20.04
Community Development	Specific Performance Agreement with Community Service Foundation, Inc. for Homebuyer Counseling	\$50,000.00 in SHIP Grant Funds	9.15.04
Community Development	Neighborhood Enhancement Grant Agreement with Westwind II Resident Owned Community, Inc.	\$3,500.00	9.14.04
Community Development	Amendment to Specific Performance Agreement with Contemporary Housing Alternatives of Florida, Inc. for Oversight of Construction Properties on Laurel Place.	N/A - Change in Scope of Service	9.8.04
Community Development	Memorandum of Understanding with the Housing Finance Authority of Pinellas County for Shared Participation in the Costs for Housing Plan Study by Prime Interest, Inc.	\$10,000.00 total from CDBG and SHIP Grant Funds	8.26.04
Community Development	Subordination Agreement with Dixie Earl Glisson, Jr., a/k/a Dixie Earl Glisson, Jr. and Tracey Glisson	\$58,300.00	6.25.04
Community Development	Subordination Agreement with Angela M. Dressback, f/k/a Angela M. Klemme, and Cody J. Dressback	\$89,000.00	6.15.04

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Department	Item	Dollar Value	Approval Date
Community Development	Subordination Agreement with Jennifer L. Landry, f/k/a Jennifer L. Bartlett	\$35,800.00	6.9.04
Community Development	Subordination Agreement with Georgia M. Collinworth	\$51,000.00	6.7.04
Community Development	Subordination Agreement with Leah Scates, f/k/a Leah Rainey	\$37,400.00	5.28.04
Convention & Visitors Bureau	Amendments to Contracts with Accelerated Mailing & Marketing and Touristikdienst Truber for Professional Brochure Fulfillment of Travel Trade Inquiries and Direct Mail Programs in the United Kingdom, England, and Central Europe, respectively	\$25,000.00 each contract	9.28.04
County Administrator	Second Amendment to Agreement for Professional Consulting Services for Pinellas County Charter Review Commission with Kurt Spitzer and Associates.	N/A – change in tasks only	9.7.04
Culture, Education, and Leisure/Parks	Task Assignment Notification Form with Randel's Land Clearing, Inc. and Florida Department of Environmental Protection for Lake Seminole Park Exotic Species Control Project	\$12,000.00 revenue (In-kind Services)	9.29.04
Culture, Education, and Leisure/Heritage Village	Second Renewal of Operating Agreement with the Friends of Gulf Beaches Historical Museum, Inc.	N/A	9.22.04
Culture, Education, and Leisure/Parks	Task Assignment Notification Form with Randel's Land Clearing, Inc. and Florida Department of Environmental Protection for McKay Creek Greenway Project	\$44,500.00 revenue (In-kind Services)	8.26.04
Culture, Education, and Leisure/Heritage Village	Historical Museums Grant Award Agreement with State of Florida, Department of State, Division of Historical Resources for General Operating Support	\$27,149.00 revenue	8.16.04

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Department	Item	Dollar Value	Approval Date
Culture, Education, and Leisure	License Agreement with St. Petersburg College Board of Trustees for Pinellas Trail Utility Vehicle Storage at the St. Petersburg Gibbs Campus	N/A	7.22.04
Culture, Education, and Leisure	(a) Two Grant Funding Agreements with Tierra Verde Recreation Complex, Inc. for Two Buildings and Field Improvements; (b) Bright House Networks Right of Entry Agreement for Maintenance of Hybrid Fiber-Coaxial Cable Television Service and Digital Services Distribution System	(a) \$64,000.00 and \$48,234.00, respectively (b) N/A	9.14.04
Economic Development	Amendment to Business Assistance Partnership Agreement for Outreach Efforts to Assist Local Businesses with Greater Clearwater Chamber of Commerce, Inc., d/b/a the Clearwater Regional Chamber of Commerce, the Chamber Business Assistance Corporation, and the City of Clearwater	\$20,000.00	9.22.04
Economic Development	Amendments to Business Assistance Partnership Agreements for Outreach Efforts to Assist Local Businesses with (a) St. Petersburg Area Chamber of Commerce; and (b) Greater Palm Harbor Area Chamber of Commerce, Inc., f/k/a Palm Harbor Chamber of Commerce, and the Palm Harbor Community Services Agency, Inc. on behalf of the Palm Harbor Library	(a) \$20,000.00 (b) \$20,000.00 and \$21,000.00 In-kind Services from Palm Harbor Library	8.20.04
Economic Development	Amendment to Business Assistance Partnership Agreement with Pinellas Park/Mid-County Chamber of Commerce, Inc. and the City of Pinellas Park for Outreach Efforts to Assist Local Businesses	\$15,750.00	8.17.04
Economic Development	Memorandum of Understanding with St. Petersburg College Board of Trustees, for Business Services at Pinellas County Business Development Center	\$30,000.00 In-kind services.	7.15.04
Environmental Management	Interlocal Agreement with the City of St. Petersburg for Maintenance of Regulatory Zone Signage	\$30,000.00 maximum	9.16.04

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Department	Item	Dollar Value	Approval Date
Environmental Management	Amendment to Cooperative Agreement with U.S. Environmental Protection Agency for EPA Section 105, Air Pollution Control Program	\$127,501.00 Grant Revenue \$12,574.00 EPA In-kind Services	9.9.04
Human Services	Services Agreement with Marcia Walker for Consulting Services for the Provision of Information Technology Services Related to Health and Human Services Issues	\$20,000.00	9.28.04
Justice and Consumer Services	Service Funding Agreement with Family Resources, Inc. for Administration of Community Placement Intake Service II Program	\$50,000.00 in Byrne Grant Funds; \$16,816.00 match from Family Resources	9.29.04
Justice and Consumer Services	Certificate of Acceptance of Subgrant Award for Intoxylizer 8000 – Phase 2, Circuit 6 Grant from Byrne Memorial Grant Program with the State of Florida Office of Criminal Justice Grants, Florida Department of Law Enforcement	\$70,875.00 plus \$23,625.00 FDLE Cash match	9.17.04
Justice and Consumer Services	(a) Certificate of Acceptance of Subgrant Award for Child Abuse Education and Prevention 1 Grant from Byrne Memorial Grant Program with the State of Florida Office of Criminal Justice Grants, Florida Department of Law Enforcement; (b) Option of Renewal No. 2 with East Lake Woodlands Community Association, Inc. for Traffic Control Jurisdiction and Enforcement; (c) Option of Renewal No. 2 with Presidents Landing Homeowners Association, Inc. for Traffic Control Jurisdiction and Enforcement	(a) \$76,921.00 plus \$25,641.00 match from Alpha “A Beginning,” Inc. (b) N/A (c) N/A	9.14.04
Justice and Consumer Services	Option of Renewal No. 2 with Forest Ridge Homeowners Association, Inc. for Traffic Control Jurisdiction and Enforcement	N/A	8.26.04
Public Works	(a) Termination of Easements with Barclay Palm Harbor Office Partners, LLC; (b) Utility Easement with Barclay Palm Harbor Office Partners, LLC	(a) N/A (b) N/A	9.29.04

Department	Item	Dollar Value	Approval Date
WorkNet Pinellas	Amendments No. 1 to Memoranda of Understanding for Provision of Meeting Space and Use of Computer with (a) City of St. Petersburg, Office of Aging and Leisure Services, at the St. Petersburg Library; and (b) City of Tarpon Springs at the Tarpon Springs Library	(a) N/A (b) N/A	7.1.04
#12	Bid of GS Equipment, Inc. for excavator with boom for a total expenditure not to exceed \$420,517.00 (Bid No. 034-742-B) (General Services).		
#13a	Ratification and confirmation of agreement between the State of Florida Office of the Attorney General and the Pinellas County Board of County Commissioners, Grant No. PC19-04, submitted by the Sheriff's Office for a Crime Stoppers of Pinellas County program; authorization to enter the grant agreement into the minutes (Justice and Consumer Services).		
#13b	Ratification and confirmation of U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance grant award for the Sheriff's Office for the Sexual Predator and Offender Management program; authorization to enter the grant award into the minutes (Justice and Consumer Services).		
#14	Grant Award No. 2004CKWX0301 from U.S. Department of Justice Community Oriented Policing Services, Grants Administration Division (GAD), Law Enforcement Technology for the Mobile Ticket Writer Technology Project in the amount of \$692,634.00 submitted by the Sheriff's Office; County Administrator authorized to sign agreement (Justice and Consumer Services).		
#15	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 and lost items from County fixed asset inventory as set forth in memorandum dated October 19, 2004 (Purchasing).		
#16	Ranking of firms to provide Risk Management Claims Administration (RFP No. 034-770-P) as follows:		
	1.	Marsh (STARS)	
	2.	Valley Oak Systems, Inc.	
	3.	Corporate Systems	
	4.	Envision Technology Solutions	
	Staff authorized to negotiate a contract for board approval with number one ranked firm, Marsh Risk Technologies Company (Marsh) (Risk Management).		

Responding to query by Commissioner Seel, Assistant County Administrator Mark Woodard indicated that Marsh Risk Technologies is a subsidiary of Marsh USA, Inc., an insurance agent for the county; and that he does not believe it represents a conflict of interest; whereupon, Attorney Churuti added that she does not believe there is a conflict of interest.

#17 Sitting as the Economic Development Authority, the Board approved the final release of retainage in the amount of \$25,940.00 to J & R Co-Op Construction, Inc. for the Young-Rainey STAR Center Building 100 Roof Waterproofing Watson III, Package No. 4 (Contract No. 023-476-C).

#18 Items for Discussion from Consent Agenda (County Administrator and Clerk of Circuit Court)
Agenda Item No. 5 temporarily deferred until later in the meeting for consideration together with Agenda Item No. 22.

#19 Addendum No. 9 to Interlocal Agreement for annual renewal of law enforcement services at the St. Petersburg-Clearwater International Airport from October 1, 2004 through September 30, 2005 in the amount of \$549,409.58 approved; Chairman is authorized to execute and Clerk to attest.

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

#20 Resolution No. 04-190 adopted authorizing execution of Supplemental Joint Participation Agreement No. 2 between the Board of County Commissioners and Florida Department of Transportation (FDOT) providing \$44,000.00 in additional grant funds for the rehabilitation of Runway 17/35 at the St. Petersburg-Clearwater International Airport (Financial Project No. 40300519401) (Contract No. AJ436); Chairman is authorized to execute and Clerk to attest.

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

#21 Resolution No. 04-191 adopted authorizing execution of Supplemental Joint Participation Agreement No. 3 between the Board of County Commissioners and State of Florida Department of Transportation (FDOT) providing \$245,000.00 in additional grant funds for the expansion of the public parking lot at the St. Petersburg-Clearwater International Airport (Financial Project No. 41244119401) (Contract No. AL222); Chairman is authorized to execute and Clerk to attest.

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

County Administrator Stephen M. Spratt indicated that consent agenda Items Nos. 5 and 22 will be considered together.

- #22 Resolution No. 04-192 adopted authorizing execution of Joint Participation Agreement between the Board of County Commissioners and Florida Department of Transportation (FDOT) providing \$130,000.00 in grant funds for special studies relating to airspace and approach procedures feasibility and a noise study at the St. Petersburg-Clearwater International Airport; Chairman is authorized to execute and Clerk to attest.

AND

- # 5 Ranking of firms to provide airspace and approach procedure feasibility study and procedure design (RFP No. 034-715-P) as follows:
1. Jeppesen-Dataplan, Inc.
 2. Crown Consulting, Inc.
 3. Landrum & Brown, Incorporated

Staff authorized to negotiate a contract with the number one ranked firm, Jeppesen-Dataplan, Inc.

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

- #23 Resolution No. 04-193 adopted revising passenger screening fees at the St. Petersburg-Clearwater International Airport.

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

- #24 Resolution No. 04-194 adopted establishing common use airline ticket county fees for the St. Petersburg-Clearwater International Airport.

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

- #25 Resolution No. 04-195 adopted establishing and authorizing passenger facility charge (PFC) for the St. Petersburg-Clearwater International Airport; Airport Director authorized to submit the PFC application to the Federal Aviation Administration (FAA).

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

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At this time, 3:18 P.M., Commissioner Todd entered the meeting.

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#26 Ranking of firms to provide agreement for consulting services for the St. Petersburg-Clearwater International Airport Terminal Building Schematic Design Phase (PID No. 674) approved as follows:

- 1. LPA Group Incorporated
- 2. DMJM Aviation
- 3. HNTB Architecture

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

Responding to queries by Commissioner Morrone, Mr. Spratt confirmed that no new hangars are included in the project; and that the project does not include moving any runways. Responding to query by Commissioner Seel, Airport Director Noah Lagos discussed the funding breakdown for the project.

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

#27 Ranking of firms to provide a noise study approved as follows (RFP No. 034-714-P):

- 1. Wyle Laboratories, Inc.
- 2. Harris Miller Miller & Hanson, Inc.
- 3. Landrum & Brown, Incorporated
- 4. BridgeNet International
- 5. Charles M. Salter Associates, Inc.

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

Motion	-	Commissioner Morrone
Second	-	Commissioner Todd

Responding to query by Commissioner Morrone, Airport Director Noah Lagos discussed the approximate time frames related to the noise study as well as the airspace study.

Vote	-	7 - 0
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- #28 Change Order No. 1 to contract with Pepper Contracting Services, Inc. (PID No. 921912) for the construction of County Road 1, Tampa Road to New York Avenue, increasing the contract in the amount of \$195,266.24 (new total revised contract, \$4,286,364.14) approved for execution; time extension of 21 consecutive calendar days granted (Bid No. 034-170-C).

Motion - Commissioner Harris
Second - Commissioner Todd

Responding to query by Chairman Latvala, Director of Public Works Jan R. Herbst indicated that the project is behind schedule due to the recent inclement weather; that the aforesaid segment should be completed sometime in November; and that the entire project is scheduled for completion in May 2005.

Vote - 7 - 0

- #29 Local Agency Program (LAP) Agreement with Florida Department of Transportation for Pinellas Bayway (State Road 679) Sidewalk Project (PID No. 936) approved for execution.

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

- #30 Resolution No. 04-196 adopted approving preliminary revised retail water billing practices and water base charge, providing for a public hearing and publishing notice for such public hearing to be held on January 18, 2005. Administrator Spratt indicated that a work session would be held on the matter before the public hearing.

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

- #31 Florida Department of Environmental Protection (DEP) Contract No. AQ167 Amendment No. 3 for Title V Funding for air pollution control providing \$133,155.00 to Pinellas County for reimbursement of Title V regulatory program costs for the period of October 1, 2004 through June 30, 2005 (third renewal/extension) approved for execution with authority for the County Administrator to proceed with the agreement (Environmental Management).

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

- #32 Contract for Law Enforcement Services, Environmental Lands Unit, with the Pinellas County Sheriff's Office for environmentally sensitive lands, preserves and waterways, including but not limited to the Brooker Creek and Weedon Island Preserves, and the waters in and around Fort DeSoto Park and Shell Key for fiscal year 2004/2005 in the

amount of \$550,641.47, a 10.08 percent increase over the current year contract, approved for execution (Environmental Management).

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

- #33 Second Amendment to Clearwater Centre Lease Agreement between I & S Associates, LLC, d/b/a Plaza 300 Associates, LLC, formerly Trust for Rehabilitation and Nurturing Youth and Families, Inc., d/b/a Clearwater Centre, and Pinellas County for 3,500 square feet of office space located at 1100 Cleveland Street, Suite 1415, Clearwater, for utilization by the Property Appraiser's Office; changing the term of the lease to a month-to-month basis commencing November 1, 2004, for up to 12 months; rental rate in the amount of \$4,171.41 per month plus the CPI increase (as outlined in paragraph three, Rent Adjustment, in the original lease) approved for execution (General Services, Lease Management Division).

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

- #34 Assignment, Consent, and Third Amendment to Lease by Pinellas County with Northern Pinellas Community Action Council, Inc. (NPCAC), and Palm Harbor Community Services Agency, Inc. (PHCSA) for the Palm Harbor Senior Activity Center assigning the lease from NPCAC to PHCSA approved for execution (General Services, Lease Management Division).

Responding to comments by the Chairman, Administrator Spratt indicated that all conditions of the original lease remain in effect.

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

- #35 Resolution No. 04-197 adopted appropriating earmarked receipts for a particular purpose in the fiscal year 2004 General Fund as requested by Human Services (Office of Management and Budget).

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

- #36 Resolution No. 04-198 adopted appropriating earmarked receipts for a particular purpose in the fiscal year 2005 General Fund as requested by the Planning Department (Office of Management and Budget).

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

#37a Budget Amendment No. 1 for fiscal year 2005 for the Treasure Island Nourishment and Pass-a-Grille Beach Nourishment projects approved (Office of Management and Budget).

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

#37b Request for authorization to publish notice of public hearings (TEFRA) to be held November 16, 2004 to be heard by the Board of County Commissioners, re the proposed issuance of approximately \$15,000,000 Pinellas County Health Facilities Authority Revenue Bonds (Sun Coast Hospital Project); the issuance of approximately \$10,000,000 Pinellas County Health Facilities Authority Revenue Bonds (Helen Ellis Hospital Project); and the issuance of approximately \$21,500,000 Pinellas County Health Facilities Authority Revenue Bonds (Sun Coast Hospice Project); and no objections were noted.

#37c Emergency Amendment to Contract for Debris Removal, Reduction, and Disposal between Pinellas County and Phillips and Jordan, Inc., effective October 14, 2004, received for filing (Utilities Solid Waste).

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

#38 County Attorney authorized to defend the County's interest:

- a. Nancy Profitt versus Pinellas County, Circuit Civil Case No. 04-6635-CI-8– Allegations of Negligence in Vehicle Accident Resulting in Bodily Injury.
- b. Carole Razor versus Sheriff Rice and Chief Deputy Coats, Case No. 8:04–CV-2060-T-30MAP – Allegations of Violations of the Florida Civil Rights Acts of 1992.

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

#39 Resolution No. 04-199 adopted to postpone making application for deeds on County-held tax certificates for properties assessed by the Property Appraiser at values less than \$5,000.00, pursuant to Section 197.502(3), Florida Statutes, on certificates issued in 2002.

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

#40 Agreement between the City of Clearwater and the Pinellas County Sheriff's Office for crime scene and latent fingerprint services and property and evidence storage in the amount of \$509,932.11 (4.05 percent increase from previous year) approved for execution.

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

#41 Resolution No. 04-200 adopted directing the Property Appraiser to extend the tax rolls and deliver them to the Tax Collector on or prior to October 20, 2004, to enable the Tax Collector to timely mail 2004 ad valorem tax bills.

Motion - Commissioner Welch
Second - Commissioner Morrone

Responding to query by Commissioner Seel, County Attorney Susan H. Churuti indicated that the extension is necessary due to a change in the law.

Vote - 7 - 0

#42 County Attorney Miscellaneous – None.

#43 Laura Berkowitz, Business Research Senior Manager, Economic Development, presented an overview of the 2004 Business Survey for Pinellas County Executive Summary, which has been filed and made a part of the record. In response to queries by Commissioner Stewart, Ms. Berkowitz indicated that the survey is confidential; and that the findings are utilized to develop retention and recruitment efforts.

Mike Meidel, Director of Pinellas County Economic Development Department, conducted a review of the department's new advertising materials, which included a brochure, CD-rom, and a three-ring binder containing data pertaining to site selection factors, copies of which have been filed and made a part of the record. Mr. Meidel advised that the Tampa Bay Business Journal's special edition promotes the Geographic Information System (GIS) site assistant which is a very popular tool with developers and the real estate community; and provided an update with regard to the condominium conversion that is underway.

#44a Appointment of Justin Clarke to the Youth Advisory Committee (YAC) for the term of October 1, 2004, through July 31, 2005 approved.

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

#44b Resolution No. 04-201 adopted authorizing a temporary waiver to the truck route plan of Pinellas County Code.

Responding to query by Chairman Latvala, Director of Utilities Pick Talley advised that the waiver will allow for the removal of large amounts of storm debris from the Keystone-Eastlake site via McMullen Booth Road; and that the most practical method is to transport it by truck between the hours of 6:00 P.M. and 6:00 A.M.

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

#45 County Commissioner Miscellaneous

- a. Commissioner Harris - Regulation of trash haulers; water conservation tip with regard to turning tap water off while shaving.
- b. Commissioner Todd - Hurricane pet shelters relative to the elderly residents.
- c. Commissioner Morroni - Pinellas County Veterinarians’ dinner; reminder to vote; caveat with regard to casting absentee ballots.
- d. Commissioner Welch - Joint meeting of Juvenile Welfare Board and School Board.
- e. Commissioner Seel - Presenting basic information to 24 municipalities with regard to redevelopment strategies; final half-day summit meetings scheduled for early February 2005.

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Upon direction of the Chairman, the meeting was recessed at 4:10 P.M. and reconvened at 6:33 P.M. with Commissioners Seel and Stewart not in attendance.

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At this time, 6:35 P.M., Commissioner Seel entered the meeting.

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At this time, 6:36 P.M., Commissioner Stewart entered the meeting.

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CITIZENS TO BE HEARD

1. Virginia Brown, Clearwater, re citizen responsibility.
2. Tammy Cihak, Palm Harbor, re who do you work for.
3. Charles White, Clearwater, re recognition of exceptional citizens.
4. David Plyer, Clearwater, re vote.
5. Jo An Totty, Palm Harbor, re Palm Harbor code.

#46 Ordinance No. 04-71 adopted approving Case No. CW 04-35, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from residential low and water/drainage feature overlay to residential high and water/drainage feature overlay, re 4.4 acres generally located on the east side of North Highland Avenue at the eastern terminus of Ridgeland Road (regular amendment). Pinellas Planning Council (PPC) recommended denial of the proposal without prejudice, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Representing the PPC, Michael Crawford related that a highly intensive residential development is not appropriate for the area; and that the projected increased traffic along North Highland Avenue would exceed capacity; whereupon, in response to query by Commissioner Seel, he explained that the recommended denial without prejudice would bring the case before the PPC at its November 2004 meeting at which time the PPC could consider a development agreement limiting the number of units to 22 per acre instead of 30; and that the Level of Service (LOS) "F" is based on numbers provided by the Metropolitan Planning Organization (MPO).

Gina Clayton, City of Clearwater, Planning Department, explained that a 40-foot drainage easement and a 100-foot right-of-way on Highland Avenue act as a buffer to the existing single family houses to the south of the property; that the MPO recently verified that that segment of Highland Avenue is a LOS "C"; and that the applicant and the city's attorneys are working with the County Attorney's Office to develop a restrictive covenant to limit density to 22 units per acre.

Representing the applicant, Joel R. Tew, Esquire, Tew, Barnes and Atkinson, LLP, indicated that the project will consist of affordable townhomes and not rental units; that a recorded deed restriction will limit the number of units to 22 per acre; that the applicant will comply with the city's tree ordinance; and that the PPC's traffic consultant agreed that Highland Avenue is not a LOS "F"; whereupon, in response to query by Commissioner Welch, he related that the restrictive covenant was developed after the PPC's initial consideration on July 21, 2004.

County Attorney Susan H. Churuti advised the board that approval of the proposal will require an extraordinary vote; whereupon, in response to query by Commissioner Welch, she related that similar issues are usually managed through a development agreement

rather than a restrictive covenant. Thereupon, Ms. Clayton clarified that the city does not object to a development agreement, but that it is a matter of timing as the development agreement process would require about four months to complete.

In response to query by Commissioner Stewart, Mr. Crawford indicated that the PPC's decision to deny without prejudice was done so that the applicant could return with some form of restriction that would establish a limit of 22 units per acre; and that the PPC's traffic consultant showed Highland Avenue as a LOS "D"; whereupon, Director of Planning Brian K. Smith related that the MPO had suggested a LOS "C" designation.

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

#47 Resolution No. 04-202 adopted granting petition of Linda L. Smith, Michelle Egg, Brian Carter, Beth Carter and Sal Marinelli to vacate a portion of Plaza Drive lying 60 feet north of Block 4, Alta Vista Addition Subdivision, bound on the west by the northerly extension of the west line of Lot 9, Block 4, Alta Vista Addition Subdivision, and bound on the east by the southerly extension of the east line of Lot 34, Block B, Alta Vista Subdivision, all located in the northeast quarter of Section 1, Township 27 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. No correspondence has been received. No citizens appeared to be heard.

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

#48 Resolution No. 04-203 adopted granting petition of Alan C. and Lynn M. Smith to vacate a portion of a 40-foot-wide drainage easement being the west 44.30 feet of the east 73.75 feet of the south 12 feet of the north 40 feet of Lot 63, St. Joseph Sound Estates, located in Section 2, 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. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

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

#49 Ordinance No. 04-72 adopted amending the Pinellas County Land Development Code, Sections 138-1007, 138-1009, 138-1010, 138-1013, 138-1015 and 138-1016 pertaining to the Old Palm Harbor-Downtown Zoning District and amending Section 138-1332 of the Code pertaining to alcoholic beverages. Staff recommended approval of the proposed ordinance. No correspondence has been received. Comments in opposition to the

ordinance by Jo An Totty, Palm Harbor, and comments in favor of the ordinance by Dr. Dan Knellinger, Palm Harbor, and Michael Flowers, Palm Harbor, were noted.

Director of Planning Brian K. Smith indicated that the plant list should include the minima jasmine.

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

#50a County Administrator Stephen M. Spratt referred to agenda Item No. 50a, application of Harpoon Investments, Inc. and Mastry Family Partnership through John D. Carr, Contemporary Housing Alternatives of Florida, Inc., Representative, for a change of zoning from C-2 and R-6 to RM-12.5, a change in land use designation from residential urban and commercial general to residential medium, and a special exception for a 50 percent density bonus for affordable housing (Z/LU-2-9-04), re approximately 4.5892 acres located on the east side of 28th Street North, 130 feet north of 42nd Avenue North, and stated that staff recommends a 30-day continuance based upon the Local Planning Agency report. No correspondence has been received. No citizens appeared to be heard.

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

#50b Resolution No. 04-204 adopted granting the application of Nicholas Napolitano through Glenn Francis, Alternative Mortgage Funding Corporation, Representative, for a change of zoning from A-E to R-R (Z-1-9-04), re approximately 1.28 acres located at the southwest corner of Alternate Keene Road and McMullen Road. No correspondence has been received. Staff recommended approval of the application based upon the Local Planning Agency Report. No citizens appeared to be heard.

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

#50c Resolution No. 04-205 adopted granting the application of John W. Kotchman through William D. Housel, Eagle Consultants, Inc., Representative, for a change of zoning from E-1 to R-R (Z-4-9-04), re approximately 0.59 acre located on the south side of Park Boulevard North, 330 feet west of 125th Street North. No correspondence has been received. Staff recommended approval of the application based upon the Local Planning Agency Report. No citizens appeared to be heard.

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

#50d Resolution No. 04-206 adopted denying the application of PJW Properties, LLC, through Pressman and Associates, Inc., Todd Pressman, Representative, for a change of zoning from R-2 to P-1A and a change in land use designation from residential urban to residential/office limited (Z/LU-2-6-04), re approximately 0.85 acre located on the south side of Boy Scout Road, 330 feet west of U.S. Highway 19 North and 150 feet east of Pine Street. Two letters in opposition to the application have been received. Staff recommended approval of the application based upon the Local Planning Agency Report.

Director of Development Review Services Paul Cassel reported that the application had been submitted previously as a request for commercial parkway zoning; that the proposed change will act as a transition between the intensity along U.S. Highway 19 and the single family houses to the west; whereupon, in response to query by the members, he indicated that the change will probably set a precedent for the lots to the south of the property; that the applicant will be required to meet concurrency standards; and that a driveway will have to be constructed off of Boy Scout Road for ingress and egress.

Todd Pressman, Pressman and Associates, Inc., indicated that the site is no longer appropriate for residential or commercial uses; whereupon, in response to the members, he related that the site is suitable for an office building with a maximum of 20 feet in height; and that the applicant will provide a six-foot-high solid fence along the residential property line if the residents so desire.

Comments in objection to the application were noted as follows:

- James P. Gilley, Clearwater
- Tim Godfrey, Clearwater
- Elizabeth Cox, Clearwater
- Tim Riley, Clearwater

In response to query by the members, Mr. Cassel indicated that approval of the application will result in an increase of 270 vehicle trips per day; that access through the right-of-way for Boy Scout Road would not be allowed by the site plan review; and that the requested zoning is appropriate as it provides a buffer between the commercial uses and the single family homes; whereupon, Mr. Pressman offered to leave a five- to ten-foot vegetative buffer along the residential properties to the west.

Thereupon, Commissioner Stewart moved, seconded by Commissioner Welch, that the application be approved as recommended by staff. Upon call for the vote, the motion failed by a vote of 3 to 4.

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| Motion | - | Commissioner Stewart |
| Second | - | Commissioner Welch |
| Vote | - | 3 - 4 (Commissioners Morrone, Todd, Harris and Latvala dissenting) |

#50e Application of Housh Ghovae, Northside Engineering, for a conditional use to permit a plant nursery in an A-E residential zone, re approximately 5.85 acres located on the south side of South Drive, 96 feet east of Diane Drive and at the east end of Woodring Drive approved (CU-5-9-04). No correspondence has been received. Staff recommended approval of the application based upon the Local Planning Agency Report. No citizens appeared to be heard.

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

#50f Resolution No. 04-207 adopted granting the application of Krystyna Gajdzis for a change of zoning from A-E to E-1 and a change in land use designation from residential rural to residential estate; Ordinance No. 04-73 adopted approving a change in land use designation from residential rural to residential estate (Z/LU-3-9-04), re approximately 4.08 acres located on the west side of East Lake Road, 1,535 feet north of Bryan Lane. Four letters in support of the application have been received. Staff recommended denial of the application based upon the Local Planning Agency report. No citizens appeared to be heard.

Director of Development Review Services Paul Cassel related that the applicant's proposal would allow lot sizes of three-quarters of an acre; and that the policy for East Lake is a half unit per acre density; whereupon, in response to Commissioners Seel and Stewart, he related that the applicant is proposing four houses on the four-acre site.

Troy Perdue, Esquire, Johnson, Pope, Bokor, Ruppel and Burns, LLP, indicated that he represents the applicant; that the current policy was designed to restrict urban sprawl in the area; that the area is built out; and that the current policy does not make sense for the remaining three vacant lots.

Discussion ensued in which Chairman Latvala and Commissioner Seel expressed support for the proposed application.

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

#50g Application of McGeehan Construction, Inc. through Tony Grey and Joe McGeehan, Representatives, for a conditional use to permit a solid waste management facility in a M-1 zone, re approximately 3.63 acres located 700 feet south of Ulmerton Road and 800 feet east of U.S. Highway 19 denied per staff recommendation based upon the Local Planning Agency report (CU-3-8-04). One letter in support of and five letters in opposition to the application have been received.

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Director of Development Review Services Paul Cassel indicated that the applicant is using the site for demolition and recycling of construction debris and is currently in violation of Pinellas County code; that the surrounding area is a clean industrial area with office uses; and that the proposed use is not appropriate for that neighborhood.

Anthony Grey, McGeehan Construction, Inc., related that the proposed use is not a waste management facility; that construction equipment is stored on the property; and that several surrounding businesses do not have a problem with the proposed conditional use.

Comments in objection to the application were noted as follows:

- William E. Haines, President, Haines Testing Laboratory, Inc.
- Marilee P. Friedman, President, Jack Friedman & Associates, Inc.
- Charles Goldsmith, AIA, Clearwater
- Barbara Gormin Goldsmith, Clearwater
- Rogers K. Haydon, Haydon-Rubin Development, Inc.
- Nick Ferraro, Clearwater

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

#51 Meeting adjourned at 8:38 P.M.

Chairman

ATTEST: KARLEEN F. De BLAKER, CLERK

By: _____

Deputy Clerk