

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, OCTOBER 2, 2007 – 9:33 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: Ronnie E. Duncan, Chairman; Robert B. Stewart, Vice-Chairman; Karen Williams Seel; Susan Latvala; John Morroni; and Kenneth T. Welch.

Members Absent: Calvin D. Harris.

Members Late: None.

Members Excused: None.

Others Present: Fred E. Marquis, Interim County Administrator; James L. Bennett, Interim County Attorney; Frederick L. Dean, Director, Finance Division; and Arlene Smitke, Deputy Clerk.

INVOCATION: Pastor Mike McGinnis, First Christian Church of Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Stewart.

PRESENTATIONS AND AWARDS

Presentation of the Institute of Transportation Engineers Transportation Achievement Award to members of the Public Works Department by Edward Mierzejewski, Director of the Center of Urban Transportation Research.

CITIZENS TO BE HEARD

Joe Paige, Clearwater, re ballfields.

Mark P. Klutho, Largo, re stupidity, waste.

Cathy Corry, Clearwater, re elected ‘official’ tells public to shut up – County Attorney’s Office to prepare electronic copy of documents and make available to Ms. Corry for a cost.

Greg Pound: Steward Israel, Largo, re family in Pinellas County.

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 – BOARD OF COUNTY COMMISSIONERS

- # 1 Tax Equity Fiscal Responsibility Act (TEFRA) public hearing held and Resolution No. 07-146 adopted approving issuance of not to exceed \$56,000,000.00 Pinellas County Educational Facilities Authority Variable Rate Demand Revenue and Revenue Refunding Bonds (Barry University Project) on behalf of Barry University, Inc. pursuant to Section

147(f) of the Internal Revenue Code of 1986, as amended. No correspondence has been received. No citizens appeared to be heard.

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

COUNTYWIDE PLANNING AUTHORITY PUBLIC HEARINGS

2a Ordinance No. 07-44 adopted approving Case No. CW 07-19, a proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Low to Commercial General, re 0.2 acre m.o.l. located on the north side of 57th Avenue North, approximately 100 feet east of U.S. Highway 19 (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 Morrioni
Second - Commissioner Latvala
Vote - 6 - 0

2b Ordinance No. 07-45 adopted approving Case No. CW 07-20, a proposal by the City of Largo to amend the Countywide Future Land Use Plan from Residential Medium to Residential/Office General, re 0.3 acre m.o.l. located at 253 14th Street Northwest (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 Morrioni
Second - Commissioner Latvala
Vote - 6 - 0

2c Ordinance No. 07-45 adopted approving Case No. CW 07-21, a proposal by the City of Largo to amend the Countywide Future Land Use Plan from Residential Low to Residential/Office General, re 0.3 acre m.o.l. located at 15733 Bedford Circle (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 Morrioni
Second - Commissioner Latvala
Vote - 6 - 0

2d Ordinance No. 07-45 adopted approving Case No. CW 07-22, a proposal by the City of Largo to amend the Countywide Future Land Use Plan from Residential Low Medium to Residential/Office General, re 0.1 acre m.o.l. located on the southeast corner of Roosevelt Boulevard and Westminster Avenue (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 Morroni
Second - Commissioner Latvala
Vote - 6 - 0

- # 2e Ordinance No. 07-45 adopted approving Case No. CW 07-23, a proposal by the City of Largo to amend the Countywide Future Land Use Plan from Residential Low Medium to Residential/Office General, re 0.7 acre m.o.l. located between Westminster Avenue and Verona Avenue, approximately 200 feet south of Roosevelt Boulevard (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 Morroni
Second - Commissioner Latvala
Vote - 6 - 0

- # 2f Ordinance No. 07-46 adopted approving Case No. CW 07-24, a proposal by the City of Belleair Beach to amend the Countywide Future Land Use Plan from Recreation/Open Space and Residential Low to Institutional, re 0.4 acre m.o.l. located on the southeast corner of Causeway Boulevard and Cedar Drive (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 Morroni
Second - Commissioner Latvala
Vote - 6 - 0

- # 3a Ordinance No. 07-47 adopted approving Case No. CW 07-25, a proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from Residential Urban to Residential Medium, re 37.1 acres m.o.l. located on the southwest corner of the intersection of Drew Street and Bayview Avenue (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 Latvala
Second - Commissioner Seel
Vote - 6 - 0

- # 3b Ordinance No. 07-48 adopted approving Case No. CW 07-26, a proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan from Residential Medium to Planned Redevelopment – Mixed Use, re (A) 0.9 acre m.o.l. located on the northwest corner of 6th Street South and 32nd Avenue South and (B) 0.1 acre m.o.l. located on the north side of 13th Avenue North, 90 feet west of 4th Street North (regular amendment). Pinellas Planning Council recommended approval of the proposal based on and

correspondent with the City of St. Petersburg's Vision 2020 Special Area Plan, subject to the following condition, and staff concurred:

Within one year from the date of approval of this amendment, the City of St. Petersburg submit a modified infrastructure analysis that indicates the cumulative impacts expected from incremental Countywide Plan Map amendments to the Special Area Plan, and that updates all other relevant portions of the Special Area Plan, including but not limited to maps, acreage calculations, and other relevant analysis and discussions.

No correspondence has been received. No citizens appeared to be heard.

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

- # 4 First public hearing held regarding a proposed amendment to the Countywide Plan Rules regarding density and intensity standards for temporary lodging use; second public hearing to be held on October 16, 2007. One message in favor of the proposed amendment has been received.

Pinellas Planning Council (PPC) Executive Director David P. Healey provided background information and summarized efforts to date, noting that Amendment Alternatives A and B were presented to the Countywide Planning Authority at a public hearing on August 7, 2007; that additional options were presented at a second public hearing on August 21; and that following discussion, the matter was remanded to the PPC with recommendations for additional consideration and modification.

Thereupon, Mr. Healey presented a revised draft ordinance, recommended by the PPC as set forth in its Resolution No. 07-5 adopted September 19, 2007, and reviewed specific changes. In response to query by Commissioner Stewart, he confirmed that the PPC had approved the recommendation by a 12 to 0 vote.

At the request of the members, Chief Deputy Property Appraiser Pam Dubov addressed the property valuation/tax implications of the proposed ordinance, particularly in reference to the *highest-and-best-use* issue. She indicated that adoption of an ordinance increasing allowable density will not automatically increase the appraisal value of any parcel; that property values will change only if the market responds to higher densities with higher sales prices; and that any changes will not take place immediately, as the market will take time to react. Ms. Dubov responded to various queries by the members.

October 2, 2007

In response to query by Chairman Duncan, Planning Director Brian K. Smith confirmed that County staff concurs with the PPC recommendation for approval of the proposed Countywide Rule amendment, as modified.

Responding to the Chairman's call for persons wishing to be heard, the following individuals spoke in support of the proposed amendment:

Steve Kochick, Commissioner, City of Madeira Beach
Beth Coleman, President and CEO, Clearwater Regional Chamber of Commerce
Cynthia Tarapani, Florida Design Consultants, representing Legg Mason Real Estate Investors

The following individual spoke in opposition to the proposed amendment:

Bill Pyle, St. Pete Beach

During discussion and in response to queries by the members, Interim County Attorney James L. Bennett addressed possible implications of a future repeal of the ordinance, requirements for approval by the State Department of Community Affairs, and implementation of the revised standards in the unincorporated area; Mr. Healey addressed concerns of the objector regarding conversion of hotel properties to condominiums and infrastructure requirements; and Convention and Visitors Bureau Assistant Director Lee Daniel provided input regarding hotel industry participation in the public hearing process.

WATER AND NAVIGATION CONTROL AUTHORITY PUBLIC HEARINGS

- # 5 Multi-use dock application No. M38205-07/Revised, Woodette LLC, Coconut Villas of Dunedin, 2675 and 2677 St. Joseph Drive East, Dunedin (St. Joseph Sound) approved as per staff recommendation; one letter in opposition to the application has been received; the biological report has been filed as part of the record.

Director of Environmental Management William M. Davis displayed a map of the area and a diagram of the proposed eight-slip dock. He indicated that an administrative permit was previously issued for a four-slip dock; that one slip will be provided for each unit of a 12-unit condominium development; that no variances are required; that seagrass in the area has been addressed; and that no other environmental or navigational concerns exist; whereupon, in response to queries by Commissioner Morroni, he referred to an aerial photograph and noted the location of previous dock applications within the canal.

Applicant Samuel B. Ireson submitted five letters in support of the dock application and before/after photographs of the condominium project, and indicated that he is represented by Don Turek, Gulfside Docks, at today's hearing; whereupon, Mr. Turek related that the project has been approved by the City of Dunedin after five public hearings; that other property owners throughout the canal are in support of the application, with the exception of certain residents at Scottish Towers; that the concerns of the objectors have been

addressed; and that the proposed dock’s design and location will minimize its impact from an environmental and safety standpoint. Referring to photographs, he related that the developer has made a considerable investment in the property which will improve the quality of the neighborhood, formerly an area of weekly-rental units.

Responding to queries by Commissioner Stewart, Mr. Ireson stated that the condominium association will retain ownership of the docks, with one slip assigned to each unit owner; and Mr. Turek quoted a Conclusion of Law from the City of Dunedin pertaining to dock ownership.

Pursuant to the Chairman’s call for persons wishing to speak, Louis Horton, Largo, and Alex Petrone and John Poley, Dunedin, spoke in support of the application; B. J. Star and Bergith Seabrook, Dunedin, spoke in opposition.

In rebuttal, Mr. Turek indicated that the submerged lands are privately owned, not part of the State-owned aquatic preserve; that the seagrass issue has been addressed; that the area was dredged in the 1950’s in order to create recreational waterfront property; that condominiums will likely attract higher-quality residents than weekly/monthly rental properties; that Ms. Star has not submitted petitions or other evidence that she represents the views of other Scottish Towers residents; that Scottish Towers has previously expressed an interest in expanding its marina; that there is a need for docking facilities on a countywide basis; that any lighting would be subject to the City of Dunedin’s extensive lighting policy, although none is currently proposed; that there is evidence showing that the dock would enhance the value of neighboring properties; and that several vessels are currently parked in seagrass directly in front of the Scottish Towers condominiums.

Messrs. Turek and Davis responded to queries by the members; whereupon, Commissioner Latvala cited the owner’s right to construct a dock and noted that the request meets the applicable criteria in a responsible way.

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

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At this time, 11:39 A.M., Commissioner Welch left the meeting.

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- # 6 Dredge and Fill Application No. DF1768-06 submitted by Seaside Marina/Craig Joy, 2 Seaside Lane, Belleair (Clearwater Harbor) 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:

Turbidity control devices must be properly installed throughout dredging. In the event of turbidity problems outside of the immediate work area, the applicant or contractor must take immediate corrective action.

Motion - Commissioner Latvala
Second - Commissioner Morrone
Vote - 5 – 0

- # 7 Dredge and Fill Application No. DF1787-06 submitted by Edward J. Shaughnessy/ Belleair Country Club, 1 Seaside Lane, Belleair (Clearwater Harbor) 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:

Turbidity control devices must be properly installed throughout dredging. In the event of turbidity problems outside of the immediate work area, the applicant or contractor must take immediate corrective action.

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

- # 8 Dredge and Fill Application No. DF1858-07/Revised submitted by Sutherland Holdings LLC, 13040 and 13090 Gandy Boulevard, St. Petersburg (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 in the event of turbidity problems outside of the dredge area.

Motion - Commissioner Seel
Second - Commissioner Latvala
Vote - 5 – 0

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At this time, 11:42 A.M., Commissioner Stewart left the meeting.

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CONSENT AGENDA ITEMS NOS. 9 THROUGH 16 – APPROVED

Motion - Commissioner Latvala
Second - Commissioner Seel
Vote - 4 - 0

- # 9 Minutes of regular meetings of August 21 and September 4, 2007.

- #10 Reports received for filing:
- a. Pinellas County Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2006.
 - b. Internal Audit Division, Clerk of the Circuit Court, Report No. 2007-12 dated August 29, 2007, Audit of Pinellas County Utilities Department Capital Improvement Program - Town of Belleair Wastewater System Acquisition Project, together with The Audit Watch.
 - c. Internal Audit Division, Clerk of the Circuit Court, Report No. 2007-13 dated August 29, 2007, Audit of Pinellas County Utilities Water Distribution System Mains Expenditures, together with The Audit Watch.
 - d. Dock Fee Report for the month of August 2007.
- #11 Vouchers and Bills Paid - Period of August 27 through September 14, 2007:
- Payroll Journal Expenditures
Payroll Journal page numbers 1 through 2656
Payroll checks numbered 552062 through 552345
- Imprest Fund Expenditures
Manual checks numbered 751411 through 751414
System checks numbered 893736 through 896629
- Wire Transfers numbered 009425 through 009555
- #12 Miscellaneous items received for filing as noted on the agenda:
- a. City of Clearwater Ordinances Nos. 7846-07 and 7849-07 adopted September 6, 2007, annexing certain property.
 - b. City of Largo Ordinances Nos. 2007-39, 2007-44, and 2007-69 through 2007-71 adopted July 17 and August 21, 2007, annexing certain property.
 - c. Correspondence from City of Pinellas Park regarding an ordinance voluntarily annexing certain property; public hearing held September 27, 2007.
 - d. City of Tarpon Springs Resolution No. 2007-38 adopted September 4, 2007, urging the Pinellas County Board of County Commissioners to protect and maintain the Brooker Creek Preserve lands.
 - e. Southwest Florida Water Management District Fiscal Year 2008 board meeting calendar and a map depicting the District's boundaries as required by Florida Statutes, Chapter 189.417.
 - f. Tampa Bay Water regular board meeting calendar for the year 2008.
 - g. Eastlake Oaks Community Development District minutes of the meeting held June 14, 2007, together with unaudited financial statements as of April 30, 2007; Proposed Budget for Fiscal Year 2008; and Resolution 2007-2 adopted June 14, 2007, approving the budget for the purpose of conducting a public hearing to be held on August 16, 2007 to adopt said budget.

- #13 Change Order No. 5 to the agreement with Pepper Contracting Services, Inc. for Palm Harbor Historic District road improvement project (Bid No. 045-394-C; PID No. 922176) approved reducing the retainage to \$1,400.00 and increasing the contract time by an additional 378 days to March 31, 2008, with no additional cost to the County; Chairman authorized to sign and the Clerk to attest.
- #14 Amendment No. 1 to the cooperative funding agreement (No. 06C00000022) with Southwest Florida Water Management District (SWFWMD) for Curlew Creek Channel “A” Improvements from Republic Drive to Belcher Road (L380) approved reflecting an increase in SWFWMD funding to \$1,832,500.00 (approximately 50 percent of the revised construction estimate of \$3,665,000.00) and revising the project schedule, showing construction commencing by September 30, 2008 and being completed by March 30, 2010 (PID No. 1124); Chairman authorized to sign and the Clerk to attest.
- #15 Ratification of the agreement between the State of Florida, Office of the Attorney General and the Pinellas County Board of County Commissioners for award of Crime Stoppers Trust Fund Grant No. PC19-07 in the amount of \$357,523.00 for the Sheriff’s Office approved (Justice and Consumer Services).
- #16 Budget Amendments filed and made a part of the record (Management and Budget):
- a. No. 23 for Fiscal Year 2007.
 - b. No. 1 for Fiscal Year 2008.
- #17 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court) – None.
- #18 Change Order No. 2 to the agreement with David Nelson Construction Co. for Belcher Road Phase III – Alderman Road to Klosterman Road (Bid No. 056-92-C, PID No. 921490) approved increasing the contract in the amount of \$116,181.18 and reducing the retainage to one percent (revised agreement amount, \$12,713,060.53); Chairman authorized to sign and the Clerk to attest.
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| Motion | - | Commissioner Latvala |
| Second | - | Commissioner Seel |

In response to query by Commissioner Seel, Director of Public Works Jan R. Herbst agreed to provide additional information re Item No. 2-8, “Install tap & stub-out for St. Petersburg College.”

Vote	-	4 – 0
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- #19 Amendment No. 1 to the cooperative funding agreement with Southwest Florida Water Management District (SWFWMD) and the City of Dunedin for Curlew Creek Channel “A” Off-Line Detention (L252) (Agreement No. 05CON000040; PID No. 1124) approved extending the contract period by one year and increasing the project funding

among the contributors (total project budget, \$1,879,260.00; Pinellas County’s funding, \$484,753.00); Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Latvala
Second - Commissioner Seel

In response to queries by Commissioner Seel, Director of Public Works Jan R. Herbst indicated that design of the project was directed by the City of Dunedin; that the County is contributing 25 percent of the construction cost; that the City is ready to advertise for bids; and that she believes the City is capable of accomplishing the project. Upon further query by Commissioner Seel regarding the proximity of the project to property owned by former County Administrator Stephen M. Spratt, Ms. Herbst pointed out the project area and the Spratt property on an aerial photograph, and Interim County Attorney James L. Bennett related that a clearance letter has been received from the State of Florida Commission on Ethics.

Commissioner Seel noted that she chaired the Curlew Creek Task Force and stated her concern that several improvements are still needed to make the creek drain properly; that she understands the balance of the work is in the City of Dunedin; and that the City does not have funding at this time.

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Commissioners Welch and Stewart returned to the meeting at 11:46 and 11:47 A.M., respectively.

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Vote - 6 – 0

#20 Amendment No. 2 to the consulting engineering services agreement with Vanus Engineering Evolution, Inc., d/b/a Vanus, Inc., for Advanced Traffic Management System/Intelligent Transportation System on McMullen-Booth/East Lake Road (County Road 611) temporarily deferred.

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

#21 Resolution No. 07-147 adopted approving preliminary revised wholesale water rates for Pinellas County Water System; providing for a public hearing scheduled for December 18, 2007; and providing for the publication of notice of such public hearing on November 30, 2007.

Motion - Commissioner Latvala
Second - Commissioner Welch

Referring to a PowerPoint presentation titled *Water System Proposed Increase in Water Rates, October 2, 2007*, a copy of which has been filed and made a part of the record, Director of Utilities Pick Talley presented a brief history of water rate increases; noted that a recent internal audit suggests that water rates should be reduced or excess reserves should be refunded to customers; explained the manner in which the reserves have been reduced over the past several years; and noted that in 2010 revenues will equal the cost of the system and reserves will be reduced to \$17,000,000.00.

Responding to queries by Commissioners Welch and Stewart, Mr. Talley explained that the methodology used to determine the appropriate level of reserves is the same for any utility, regardless of its size; that reserves should equal the amount of operating costs plus the amount of replacement and renewal costs for a two-month period; that any proceeds derived from the sale of Cross Bar and AL-BAR Ranches to Pasco County will flow into the reserves; that his presentation represents a fiscally conservative approach to the issue; and that if the sale of Cross Bar and AL-BAR Ranches comes to fruition, the numbers with respect to reserves and debt service increases will have to be revised.

Vote - 6 – 0

- #22 Resolution No. 07-148 adopted approving preliminary revised retail water rates for Pinellas County Water System; providing for a public hearing scheduled for December 18, 2007; and providing for the publication of notice of such public hearing on November 30, 2007.

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

- #23 Award of Bid to Suncoast Development of Pinellas County, Inc. for the North County Phase 2-A, Part 1, Reclaimed Water Distribution System Palm Harbor/Crystal Beach in the amount of \$2,659,647.50, on the basis of being the lowest responsive, responsible bid received meeting specifications (Bid No. 067-0667-C); Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney.

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

- #24 Award of Bid to U.S. Water Services Corporation, a pre-qualified contractor, for the North County Phase 2-B, Part 1, Reclaimed Water Distribution System Ozona in the amount of \$2,487,270.60 on the basis of being the lowest responsive, responsible bid received meeting specifications (Bid No. 067-0705-C); Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney.

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

- #25 Increase to Master Purchase Order – Water Meters – Cooperative with Neptune Technology Group, Inc. (Neptune) (Contract No. 023-801-B) effective through November 3, 2007, due to a necessary unforeseen purchase requirement of T-10 combined water meters for North County reclaimed water projects approved; total estimated increase for Neptune in an amount not to exceed \$172,500.00.

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

- #26 Increase to Master Purchase Order for Water and Sewer Materials and Accessories with HD Supply Waterworks, Ltd. (HD) (Contract No. 056-0948-B) temporarily deferred to the meeting of October 16, 2007.

Commissioner Latvala moved, seconded by Commissioner Seel, that Agenda Item No. 26 be approved.

Responding to query by Commissioner Stewart, Director of Purchasing Joe Lauro provided information regarding market increases; and noted that the actual cost may increase or decrease; and Director of Utilities Pick Talley provided input; whereupon, Commissioner Stewart requested that additional information be provided.

Following discussion, the motion and second on the floor died and no objections from the maker and seconder were noted; whereupon, Commissioner Stewart moved, seconded by Commissioner Welch and carried, that Item No. 26 be temporarily deferred to the meeting of October 16, 2007.

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

- #27 First Amendment to the Agreement for Electronics Recycling Demanufacturing Services with Creative Recycling Systems, Inc. to allow for the addition of bulk electronic recycling services at no cost to the County approved; Chairman authorized to execute the Amendment and the Clerk to attest.

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

- #28 Award of Final Negotiated Contract for consulting services for solid waste collection, waste reduction and recycling programs with Kessler Consulting, Inc. (Contract No. 067-

0392-P) approved for an estimated annual expenditure not to exceed \$350,000.00 (includes an Innovative grant in the amount of \$100,000.00 from the Florida Department of Environmental Protection); contract to be effective upon execution and continue for a period of 36 months with one additional 24-month renewal period; renewal allows for price adjustments in an amount not to exceed the average of the Consumer Price Index for all urban consumers, not seasonally adjusted, for the 12 months prior to renewal, or three percent, whichever is less; option to be exercised only if all terms and conditions remain the same; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney.

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

- #29 Renewal of Agreement for professional land management services for Pinellas County properties at AL-BAR and Cross Bar Ranches with Albert E. Roller approved for a five-year term from November 3, 2007 through November 2, 2012; estimated five-year expenditure in an amount not to exceed \$2,701,900.00; options of renewal for three additional five-year terms provided; Chairman authorized to sign and the Clerk to attest.

Motion	-	Commissioner Latvala
Second	-	Commissioner Stewart

Responding to query by Commissioner Latvala and following discussion, Director of Utilities Pick Talley related that in January 2006 he informed Mr. Roller that his brother would no longer be permitted to live or work on the property; and that he would now advise him in writing that it is the wish of the Board that his brother not be permitted on the property at any time.

In response to queries by Commissioner Stewart, Mr. Talley provided information regarding the original Request for Proposal (RFP) for this contract; noted that the basic services costs have only increased in accordance with the cost of living since the contract has been in place; described the basic responsibilities and costs under the contract; and noted that the contract contains a 30-day cancellation clause which could be utilized if the property is sold.

During additional discussion and in response to query by Commissioner Seel, Mr. Talley indicated that he will provide detailed information regarding current liability insurance; whereupon, Commissioner Seel noted that a liability waiver should be required of individuals hunting on the property; and indicated that at the expiration of the contract a new RFP should be offered; whereupon, Mr. Talley described the limited amount of hunting done on the property.

Vote	-	6 - 0
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- #30 Renewal of Agreement for forestry operation services and wildlife management project for Pinellas County properties at AL-BAR and Cross Bar Ranches with Natural Resource Planning Services, Inc. approved for a five-year term from November 3, 2007 through November 2, 2012; estimated five-year expenditure in an amount not to exceed \$1,085,100.00; options of renewal for three additional five-year terms provided; Chairman authorized to sign and the Clerk to attest.

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

- #31 Amendment No. 2 to Agreement with Camp Dresser & McKee Inc. (CDM) for consultant services for the Town of Belleair wastewater system acquisition (Project No. 734-613313-1673) increasing the agreement amount by \$350,000.00 (revised agreement amount of \$2,058,506.00) approved; Chairman authorized to sign and the Clerk to attest.

In response to request by Commissioner Seel, Clerk of the Circuit Court Ken Burke provided a general explanation of the internal audit process and methodology, and addressed comments by Director of Utilities Pick Talley with respect to the recent internal audit of the Utilities Department referenced in Agenda Item No. 21.

Referring to a document titled *Audit of Pinellas County Utilities Department Capital Improvement Program – Town of Belleair Wastewater System Acquisition Project*, a copy of which has been filed and made a part of the record, Clerk Burke related that the audit indicates that original information provided to the Board contained errors; suggested that in the future, board memoranda requesting approval of change orders should contain a list of questions and answers in bullet point format which would present a complete picture of the project, together with a description of work in progress or completed; and provided additional information regarding cost and process.

Responding to Clerk Burke’s comments, Mr. Talley provided information with respect to the acquisition of the Belleair Wastewater System, including the rationale behind the purchase and the process used; noted that he disagrees with Mr. Burke’s interpretation of the actions taken by the Utilities Department on this project; and explained the reasons for the increase in cost. He indicated that he views an internal audit as a quality improvement program; noted that he does not believe this audit is complete or accurate; and described various steps which could have been taken to obtain better results.

Responding to queries by Commissioners Morroni and Seel, Mr. Talley explained the Department of Environmental Protection (DEP) fines described in the audit; noted that these fines are set by statutory authority; indicated that he intends to negotiate with the DEP to determine if the fines can be paid in kind; related that CDM prepared a comprehensive study of the wastewater system; and stated that the Utilities Department

intends to pursue certain contractors for repayment of liquidated damages where appropriate.

During discussion and in response to query by Commissioner Welch, Mr. Talley provided background information relating to the actual cost of the project versus the anticipated cost at its inception; and Clerk Burke reiterated that the original information provided to the Board was inaccurate; whereupon, Chairman Duncan suggested that Interim County Administrator Marquis and Clerk Burke review the process by which all internal audits are conducted; and Clerk Burke and Mr. Talley agreed to address the issues discussed today and bring a revised presentation to the Board for review.

Following additional discussion, with Commissioner Stewart and Chairman Duncan providing input, Commissioner Stewart moved, seconded by Commissioner Latvala and carried, that Amendment No. 2 to the Agreement with CDM be approved.

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

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At this time, 1:28 P.M., the meeting was recessed and reconvened at 2:03 P.M., with all members present with the exception of Commissioners Harris and Stewart.

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#32 Agreements for Pinellas County Economic Development Phase I and Phase II Environmental Assessments: Brownfields Program with Chastain-Skillman, Inc., Environmental Consulting & Technology, Inc., HSW Engineering, Inc., QORE, Inc., and TBE Group, Inc. approved; each agreement for a term of three years with one three-year option of renewal; total three-year estimated expenditure for five agreements in the amount of \$1,500,000.00; Chairman authorized to execute and the Clerk to attest (Economic Development).

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	5 – 0

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At this time, 2:04 P.M., Commissioner Stewart entered the meeting.

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#33 2007 Shell Key Preserve Management Plan approved (Environmental Management).

Director of Environmental Management William M. Davis conducted a PowerPoint presentation titled *Shell Key Preserve: Updating the Management Plan*, a copy of which has been filed and made a part of the record. Mr. Davis provided historical information with respect to the County's management of Shell Key Preserve; acknowledged public participation in the form of meetings and workshops; and clarified the roles of the Environmental Science Forum and the Shell Key Preserve Advisory Group in the process.

Mr. Davis related that while the primary focus of the plan is long-term resource management, the secondary focus of passive recreation, more specifically the banning of dogs from the Preserve, has been the issue most discussed by the public. He noted that there are other County properties with areas designated for dogs; that birds recognize dogs as natural predators which interferes with nesting; and referring to a letter received from Timothy A. Breault, Director of the Florida Fish and Wildlife Conservation Commission Division of Habitat and Species Conservation, a copy of which has been filed and made a part of the record, indicated that the State fully supports the banning of dogs from the Preserve as described in the proposed plan. Referring to an aerial photograph, Mr. Davis described several additional provisions of the management plan including maintaining the southern portion of the Preserve as a designated camping area, eliminating the mid-preserve area from public use, and banning alcoholic beverages throughout the Preserve.

Responding to queries by Commissioners Latvala and Welch, Mr. Davis provided information on the cost of management and law enforcement services for the Preserve; and Sergeant Glen Wilson of the Sheriff's Environmental Lands Unit (LIMA) addressed law enforcement issues.

Discussion ensued, wherein Mr. Davis, Assistant County Administrator Elizabeth A. Warren, Sgt. Wilson, and Shell Key Preserve Land Manager Pamela S. Leasure provided input and responded to queries by the members with respect to camping activity, ordinance enforcement, the possibility of a dog park on the Preserve, signage and public education, and the replacement of Australian pines with trees more appropriate for the Preserve's habitat; whereupon, Commissioner Seel moved, seconded by Commissioner Welch, that the 2007 Shell Key Preserve Management Plan be approved.

During additional discussion and in response to queries by Commissioner Stewart and Interim County Administrator Marquis, Mr. Davis indicated that he anticipates the effective date of the Plan to be some time in February or March 2008; and Florida Department of Environmental Protection Tampa Bay Park Preserve Manager Randy Reynolds explained that trimming the Australian pines is not a feasible solution because

they are easily blown over by storms; and noted that other species of trees are more appropriate for the Preserve.

Thereupon, upon call for the vote, the motion carried unanimously.

* * * *

At this time, 2:59 P.M., Chairman Duncan left the meeting.

* * * *

#34 Resolution No. 07-149 adopted supplementing the Fiscal Year 2008 General Fund budget to appropriate earmarked receipts for a particular purpose (Irregular Warfare Support Program, Residential Substance Abuse Treatment Program, Sexual Predator/Offender Tracking Expansion Project) and transfer to the Sheriff (Management and Budget).

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

#35 Resolution No. 07-150 adopted as corrected recognizing and appropriating unanticipated funds from the Wireless Emergency Phone System Fund (0226) to the Emergency Communications Number E911 System Fund (0225) to properly account for revenue and appropriation within the fund (Management and Budget).

Mr. Marquis noted a scrivener’s error to be corrected.

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

#36 Resolution No. 07-151 adopted supplementing the Fiscal Year 2008 General Fund budget to appropriate earmarked receipts for a particular purpose (unanticipated grant and sponsorship fund to the Personnel Department) (Management and Budget).

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

#37 Other Administrative Matters – None.

#38 County Attorney authorized to defend the County’s interest in the case of Darren and Maria Escott, Plaintiffs, versus Jim Coats, Sheriff of Pinellas County in his official capacity, Kenneth Hopson and Richard Farnham, individually; U.S. District Case No. 8:07-cv-1376-T-26 TBM – Allegations of excessive force; agreement with law offices of

Williams Schifino Mangione & Steady for Special Counsel legal services on behalf of Deputy Kenneth Hopson approved retroactive to August 27, 2007.

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

- #39 Settlement offer approved in the case of Edith Burke versus Pinellas County, Circuit Civil Case No. 03-9579-CI-8, in accordance with the confidential memorandum from Interim County Attorney James L. Bennett dated October 2, 2007.

Motion - Commissioner Morrone
Second - Commissioner Latvala
Vote - 5 – 0

- #40 County Attorney Miscellaneous

Employment Agreement between Pinellas County and Fred E. Marquis retaining the services of Mr. Marquis as Interim County Administrator approved; Chairman authorized to sign and the Clerk to attest.

Mr. Marquis related that due to a prior commitment which could not be rescheduled, he will be out of the country from November 3 through November 10, 2007; and provided information on the circumstances leading up to his pending petition to vacate scheduled to come before the Board on October 16, 2007; whereupon, Mr. Bennett indicated that the petition to vacate is not an issue of concern.

Motion - Commissioner Latvala
Second - Commissioner Seel
Vote - 5 – 0

- #41 Sitting as the Industrial Development Authority, the Board approved for execution Amendment No. 18 to the Lease Agreement between the Pinellas County Industrial Development Authority, dba the Economic Development Authority, and the Raytheon Company for rented space at the Young-Rainey STAR Center, effective October 1, 2007, increasing the total square footage of rented space by 5,614 square feet to 374,798 square feet and increasing the monthly rent payment by \$5,763.71 to \$188,537.91.

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

- #42 Sitting as the Pinellas County Fire Protection Authority the Board approved for execution the Interlocal Agreement with the Cities of Largo, Pinellas Park, St. Petersburg, and Seminole, and the Palm Harbor Special Fire and Rescue Control District formalizing the existence of the Pinellas County Hazardous Materials Response Team; three-year term

effective upon the execution of the agreement by the final signatory; annual expenditure in the amount of \$282,000.00.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	5 – 0

- #43 Third Amendment for Drug Court treatment services for outpatient Level III to agreements with Operation PAR, Inc. and Westcare-Gulfcoast-Florida, Inc. and for adult residential services with Goodwill Industries-Suncoast, Inc. approved; estimated annual expenditure not to exceed \$668,000.00; Chairman authorized to sign agreements and the Clerk to attest after proper execution by the contractors and written approval as to form by the Office of the County Attorney.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	5 – 0

- #44 County Administrator Reports – None.

- #45 Appointment of Parth Desai to the Pinellas County Youth Advisory Committee for the term of October 2, 2007 through July 31, 2008, approved.

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

- #46 County Commission Miscellaneous

- a. Commissioner Morroni requested an earlier starting time for the second Board meeting of each month; and members agreed to start meetings at 2:00 P.M. beginning in January 2008.
- b. Interim Administrator Marquis indicated that he has requested consolidated lists of issues/actions that department directors and municipalities would like the Board to consider during the coming year; and noted that he hopes to present the information to the Board within the next 30 days.

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- c. Commissioner Seel addressed e-mail re Commissioners recusing themselves from discussing/voting on certain matters; and Attorney Bennett advised that Florida Statutes require Board members to vote except under very defined circumstances.
- d. Commissioner Latvala Related that the Florida Association of Counties legislative process has begun; encouraged the Board members to provide input; and thanked those serving in leadership roles; she requested that Mr. Marquis revisit the ball fields issue to determine if a lower cost estimate can be obtained; and discussed severance pay for former County Attorney Susan H. Churuti, and Attorney Bennett provided input.
- e. Commissioner Welch provided an update on the work of the Lealman Fire District Task Force, and Senior Assistant County Attorney Robert Swain provided input.
- f. Commissioner Stewart gave a progress report on Job Corps; and encouraged local companies to submit bids for its current project.

#47 Meeting adjourned at 3:28 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By: _____
Deputy Clerk