

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, JANUARY 8, 2008 – 9:29 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

Members Absent: None.

Members Late: None.

Members Excused: None.

Others Present: Fred E. Marquis, Interim County Administrator; James L. Bennett, Interim County Attorney; Clarethia N. Harris, Chief Deputy Clerk; and Michael P. Schmidt, Deputy Clerk.

INVOCATION: Father Raphael Kilumanga, St. Cecelia Catholic Church, Clearwater

PLEDGE OF ALLEGIANCE: Interim County Administrator Fred E. Marquis

PROCLAMATIONS AND AWARDS:

Presentation recognizing Ronnie E. Duncan's service as 2007 Chairman.

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1 Private dock application No. P38074-07, Natalie Zajicova, 833 2nd Avenue South, Tierra Verde (Boca Ciega Bay) withdrawn; four letters in opposition to the application have been received; no citizens appeared to be heard; and the biological report has been filed as part of the record.

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

2 Private dock application No. P38086-07/Revised, Howard Raney, 1093 Damrosch Street, Largo (Allen's Creek) approved; one letter in opposition to the application has been received; and the biological report has been filed as part of the record.

In response to the Chairman's call for persons wishing to be heard in support of the application, Robert J. Andringa, Esquire, appeared on behalf of the applicant.

Motion	-	Commissioner Duncan
Second	-	Commissioner Latvala
Vote	-	7 – 0

3a Ordinance No. 08-01 adopted approving Case No. CW 07-32, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Commercial Recreation to Residential Urban, re 0.4 acre m.o.l. located on the east side of 104th Street, 100 feet south of 118th Terrace North (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. One letter in opposition to the proposed amendment has been received. No citizens appeared to be heard.

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

3b Ordinance No. 08-01 adopted approving Case No. CW 07-33, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Commercial General to Residential/Office General, re 0.2 acre m.o.l. located at 8143 49th Avenue North (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

3c Ordinance No. 08-01 adopted approving Case No. CW 07-34, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Commercial General to Residential Low Medium, re 0.2 acre m.o.l. located at 8137 49th Avenue North (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

3d Ordinance No. 08-02 adopted approving Case No. CW 07-38, the proposal by the City of Pinellas Park to amend the Countywide Future Land Use Plan from Residential Urban to Recreation/Open Space, re 1.0 acre m.o.l. located at 10100 46th Street North (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

3e Ordinance No. 08-03 adopted approving Case No. CW 07-39, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from Institutional to Residential Urban, re 0.1 acre m.o.l. located at 1520 Prospect 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 Harris
Vote - 7 – 0

- # 4a Ordinance No. 08-01 adopted approving Case No. CW 07-30, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Low Medium to Residential/Office General, re 9.3 acres located on the northeast corner of Roosevelt Boulevard and Bolesta Road (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 Duncan
Second - Commissioner Latvala
Vote - 7 – 0

- # 4b Ordinance No. 08-01 adopted approving Case No. CW 07-35, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Low Medium to Residential/Office/Retail, re 2.8 acres m.o.l. located on the north side of Alderman Road approximately 600 feet west of U.S. Highway 19 North (regular amendment). County staff concurs with Pinellas Planning Council's recommendation of approval subject to the following conditions (1) a Development Agreement and (2) an amendment to the Scenic/Non-Commercial Corridor Submap 1 to expand the Mixed-Use subclassification to include the extent of the site along Alderman Road; and its separate recommendation to give special consideration to the improvement of the site with respect to the buffering and landscaping guidelines of the Scenic/Non-Commercial Corridor Master Plan.

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

Motion - Commissioner Duncan
Second - Commissioner Latvala
Vote - 7 – 0

- # 4c The BCC approved Case No. CW 07-36 (A and B), the proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan from Residential/Office/Retail to Planned Development-Mixed Use, re 0.2 acre located approximately 125 feet west of the southwest corner of 4th Street North and 53rd Avenue North and 3.0 acres located on the east side of 66th Street North between 9th Avenue and 13th Avenue immediately south of the Crossroads Post Office (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 conditions, and staff concurred:

Applied to both amendment areas, A and B, that the City of St. Petersburg submit a modified infrastructure analysis within ten months indicating the cumulative impacts expected from incremental Countywide Plan Map amendments to the Special Area Plan and updates all other relevant portions of the Special Area Plan including, but not limited to, maps, acreage calculations, and other relevant analysis and discussion.

Applied to Amendment Area B only, that all development associated with the site be in accordance with the attached accompanying Development Agreement; and that the residential density garnered through the utilization of density/intensity averaging for the adjacent area to the east, designated Residential Urban, be in accordance with Section 6.1.3 of the Countywide Rules.

Attorney Bennett reiterated that the executed Development Agreement for Area B is required as Exhibit A to the ordinance, to which Mr. Marquis concurred.

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

Motion	-	Commissioner Duncan
Second	-	Commissioner Latvala
Vote	-	7 – 0

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As of January 18, 2008, the stipulation for Area B of an executed Development Agreement as an attached exhibit to the ordinance has not been met by the City. There is a ten-day compliance period for filing an ordinance with the Department of State. Since an ordinance cannot be filed at this time, it will be necessary for the City to come back before the board at a later date to have the case reheard.

* * * *

4d Ordinance No. 08-02 adopted approving Case No. CW 07-37, the proposal by the City of Pinellas Park to amend the Countywide Future Land Use Plan from Industrial Limited and Water to Recreation/Open Space and Water, re 9.2 acres m.o.l. located immediately west of 6240 39th Street (regular amendment). Pinellas Planning Council recommended approval of the proposal together with the supplemental recommendation that the City initiate a Countywide Plan Map Amendment to Transportation/Utility Overlay for the Progress Energy Easement on the city-owned property to the northeast; and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Duncan
Second	-	Commissioner Latvala
Vote	-	7 – 0

- # 4e Ordinance No. 08-04 adopted approving Case No. CW 07-40, the proposal by the City of St. Pete Beach to amend the Countywide Future Land Use Plan from Commercial General and Residential Urban to Residential Medium, re 1.4 acres m.o.l. located on the southeast corner of Gulf Boulevard and Punta Vista Drive (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 Duncan
Second	-	Commissioner Latvala
Vote	-	7 – 0

CITIZENS TO BE HEARD

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

CONSENT AGENDA ITEMS NOS. 5 THROUGH 20 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 13a AND 13b, WHICH WERE CONSIDERED UNDER ITEM NO. 21.

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

- # 5 Minutes of regular meeting of November 20, 2007.

- # 6 Reports received for filing:

- a. Revised State of Florida Constitutional Officer Financial Report for 2006-2007 – Pinellas County Tax Collector.
- b. Internal Audit Division, Clerk of the Circuit Court, Report No. 2007-18 dated December 6, 2007 – Audit of Culture, Education and Leisure Department Service and Maintenance Contracts.
- c. City of St. Petersburg Tierra Verde North Commercial Annexation Report pursuant to Chapter 171.042, Florida Statutes.

- # 7 Vouchers and Bills Paid – Period of November 26 through December 7, 2007:

Payroll Journal Expenditures
Payroll Journal page numbers 1 through 2605
Payroll checks numbered 553760 through 554004

Imprest Fund Expenditures
Manual checks numbered 751445 through 751451
System checks numbered 905996 through 907915

ACH Transfers numbered 15 through 21

Wire Transfers numbered 009916 through 010022

- # 8 Miscellaneous item received for filing:
Governor and Cabinet as Head of the Department of Revenue agenda for meeting of December 18, 2007.
- # 9 Bids for Pinellas Bayway Sidewalks (Re-Bid) (PID No. 936; Bid No. 067-0807-C) from various vendors as described in the agenda memorandum dated January 8, 2008 rejected for being non-responsive and not meeting pre-qualification criteria with the Florida Department of Transportation (FDOT); bid from Semper Fi Services, LLC, a prequalified contractor with FDOT, in the amount of \$1,475,276.94 accepted on the basis of being the lowest responsive, responsible bid received meeting specifications; 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.
- #10 Resolution No. 08-1 adopted approving the Transportation Regional Incentive Program (TRIP) Agreement for 118th Avenue Expressway (PID No. 1618) with the Florida Department of Transportation (FDOT) in the amount of \$5,200,000.00; Chairman authorized to sign and the Clerk to attest; authority granted for the Clerk to record the resolution.
- #11 Change Order No. 1 (Final) to agreement with QRC, Inc. for backflow prevention devices installation requirements (Project No. 1865; Bid No. 056-0885-C) decreasing the agreement by \$2,030,815.00 (revised agreement amount, \$1,101,360.00) approved; contract complete as of October 26, 2007; retainage released in the amount of \$23,062.80; Chairman authorized to sign and the Clerk to attest.
- #12 Amendment No. 1 to the Interlocal Agreement between Pinellas County and the City of Indian Rocks Beach for the relocation of the City's eight-inch diameter gravity sewer main by the County (Project No. 1693) increasing the amount of the agreement by \$330,953.00 (revised total agreement amount, \$699,814.00) approved; Chairman authorized to execute and the Clerk to attest.
- #13a and #13b See Item No. 21.

- #14 Cooperative Funding Agreement between the Southwest Florida Water Management District (SWFWMD) and Pinellas County for the Wall Springs Water Quality Improvement and Habitat Restoration (L710) (Contract No. 07C00000108) approved for execution; grant revenue of \$350,000.00 matched by \$350,000.00 from the Capital Improvement Program for a total project cost of \$700,000.00 (Culture, Education and Leisure).
- #15 Amendment No. 4 to grant agreement with the Florida Department of Environmental Protection (FDEP) Bureau of Beaches and Coastal Systems for the Honeymoon Island Beach Restoration Project (FDEP Contract No. 01PI1) reducing the County's cost share in the project by \$546,291.63 approved (Environmental Management).
- #16 Amendment No. 1 to Contract for Law Enforcement Services between the City of Safety Harbor, Jim Coats as Sheriff of Pinellas County, and Pinellas County, for the period of October 1, 2007 through September 30, 2008 approved in the amount of \$1,272,571.48, decreasing the number of school crossing guards from fourteen to thirteen and decreasing the original approved contract by \$7,538.20; Chairman authorized to execute (Justice and Consumer Services).
- #17 Fiscal Year 2008 Budget Amendment No. 8 was filed and made a part of the record (Management and Budget).
- #18 Resolution No. 08-2 adopted supplementing the Fiscal Year 2008 General Fund budget to appropriate earmarked receipts for a particular purpose and transfer to the Sheriff (Bulletproof Vest Grant, State Criminal Alien Assistance Program Grant, Organized Crime Drug Enforcement Task Force Grant) (Management and Budget).
- #19 Adoption of resolutions effective September 30, 2007 (Management and Budget):
 - a. Resolution No. 08-3 amending Resolution 07-133 adopted on September 18, 2007, with an effective date of September 30, 2007, to provide the budgetary framework to properly account for the closure of the Mosquito Control - Local Fund (0207) and Resolution No. 08-4 to transfer the remaining equity to the General Fund (0101).
 - b. Resolution No. 08-5 amending Resolution 07-131 adopted on September 18, 2007, with an effective date of September 30, 2007, to provide the budgetary framework to properly account for the closure of the Wireless Emergency Phone System Fund (0226) and Resolution No. 08-6 to transfer the remaining equity to the Emergency Communications Number E911 System Fund (0225).
 - c. Resolution No. 08-7 amending Resolution No. 07-189 adopted on November 27, 2007, with an effective date of September 30, 2007, to provide the budgetary framework for closure of the Second Guaranteed Entitlement Debt Service Fund (0304) and Resolution No. 08-8 to transfer the remaining equity to the Intergovernmental Radio Communication Program Fund (0217).

- #20 Sitting as the Countywide Planning Authority (CPA), the Board received and accepted a minor plan change to St. Petersburg’s Vision 2020 Special Area Plan.

REGULAR AGENDA

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

#13a Bids for water meters, potable/reclaimed water awarded to Neptune Technology Group Inc. and Hersey Meters Co., LLC for the groups indicated in the agenda memorandum dated January 8, 2008, a copy of which has been filed and made a part of the record, on the basis of being the lowest responsive, responsible bids received meeting specifications; 24-month contract with one additional 24-month option of renewal; contract renewals will allow for price adjustments in an amount not to exceed the average of the Product Price Index (PPI), Metals, and Metal Products, Iron and Steel, Not Seasonally Adjusted, for the 12 months prior to renewal, or three percent, whichever is less, subject to availability of funds and County Administrator approval (Pinellas County 24-month expenditure not to exceed \$1,205,281.02) (Contract No. 078-0007-B); bid for Group 7 (water meters for reclaimed water) rejected due to lack of competition and will be separately rebid.

#13b Award of Bid to Volt Information Sciences, Inc., for the North County Phase 4A and B Reclaimed Water Distribution System East Palm Harbor accepted in the amount of \$1,486,839.60, on the basis of being the lowest responsive, responsible bid received meeting specifications (PID No. 1822, Bid No. 078-0055-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 Welch
Second	-	Commissioner Latvala
Vote	-	6 – 1 (Commissioner Seel dissenting)

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Mr. Marquis read into the record a correction to a scrivener’s error regarding the meeting of November 27, 2007, agenda Item No. 13, the adoption of a resolution appropriating an unanticipated fund balance in the 2008 Community Housing Trust Fund; and noted that the incorrect account number shown as 414000 on the resolution should be annotated as 41306000.

* * * *

#22 Bid for voting privacy booths awarded to Election Data Direct, Inc. for a total estimated expenditure not to exceed \$549,401.50 on the basis of being the lowest responsive, responsible bid received meeting specifications (Contract No. 078-0025-B).

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

#23 Appointment of City of Largo Mayor Patricia Gerard as Pinellas County Mayors Council representative to the Pinellas County Emergency Medical Services (EMS) Advisory Council approved.

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

#24 Change Order No. 1 to original purchase order for maintenance and equipment, network - CISCO (Contract No. 056-0235-B) for an increase in the amount of \$600,000.00 (total revised purchase order amount, \$2,217,998.25) approved.

Motion - Commissioner Latvala
 Second - Commissioner Duncan
 Vote - 7 – 0

#25 Second Amendment to the Agreement for Benefits Consulting Services with Buck Consultants, LLC approved, increasing the annual estimated expenditure in the amount of \$66,240.00 (revised current annual estimated expenditure not to exceed \$248,240.00) (Contract No. 034-927-P); Chairman authorized to sign and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

Motion - Commissioner Latvala
 Second - Commissioner Seel

Responding to queries by Commissioners Seel and Welch, Mr. Marquis discussed the use of the information from the Health Data Insight System in the decision making process related to benefits.

Vote - 7 – 0

#26 Second Amendment to Agreement between the Southwest Florida Water Management District (SWFWMD) and Pinellas County for the Lake Tarpon Aquifer Storage and Recovery (ASR) Test Well Program - Phase III/IV (K422) approved, increasing the total amount of the agreement by \$991,800.00 (revised total agreement, \$3,891,800.00; funding will be split 50/50 between SWFWMD and Pinellas County for a revised total agreement of \$1,945,900.00 each); Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Duncan
 Second - Commissioner Latvala

Responding to queries by Commissioner Latvala and Chairman Stewart, Director of Utilities Pick Talley provided input regarding the estimated time frame and the cost effectiveness of the program, and the possible participation of SWFWMD in funding the project in the future.

Vote - 7 – 0

- #27 Non-competitive interim Services Agreement with First Recovery Group, LLC for Medicaid reimbursement approved (Contract No. 078-0176-N); Chairman authorized to sign and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney (Health and Human Services).

Motion - Commissioner Harris

Second - Commissioner Welch

Vote - 7 – 0

- #28 Resolution No. 08-9 adopted amending the Countywide donated funds policy approved in Resolution No. 05-251 to establish a donation policy as defined therein (Management and Budget).

Motion - Commissioner Morrioni

Second - Commissioner Seel

Vote - 7 – 0

- #29 Other Administrative Matters – None.

- #30 Authorization granted to advertise a public hearing to be held on January 22, 2008, regarding a proposed ordinance amending the Tourist Development Plan and marketing special events for the Convention and Visitors Bureau.

Motion - Commissioner Welch

Second - Commissioner Duncan

Vote - 7 – 0

- #31 Resolution No. 08-10 adopted authorizing the Pinellas Suncoast Fire & Rescue District to hold a referendum election on March 11, 2008 to submit to the voters of said District a proposal to increase its tax rates.

Motion - Commissioner Welch

Second - Commissioner Latvala

Responding to queries by Commissioner Welch, Fire Chief Russell Livernois, Suncoast Fire & Rescue, provided input regarding the last vote and the cost of the upcoming election.

Vote - 7 – 0

#32 Administrative Services Agreement with Hartford Life Insurance Company for the Hartford Deferred Compensation Plan approved; Chairman authorized to sign and the Clerk to attest; consolidation of the current Section 457 plans in the Unified Personnel System into one plan approved.

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

#33 County Attorney Miscellaneous – None.

#34 County Administrator Reports – None.

#35 Appointment of Deborah Snow to the WorkNet Pinellas Board of Directors approved.

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

#36 County Commission Miscellaneous

- a. Commissioner Morroni announced that the 14th Annual Law Enforcement Dinner will be held at the Renaissance Vinoy Resort & Golf Club on February 1, 2008 at 6:00 P.M.; later in the meeting, he announced that dinner for 200 donated by Antonio’s restaurant will be served by the commissioners at Project Hope on January 25, 2008 at 6:00 P.M.
- b. Commissioner Seel wished everyone a Happy New Year and a great 2008.
- c. Commissioner Duncan wished Commissioner Stewart success as the 2008 Chairman.
- d. Commissioner Welch announced that he has been invited to speak in opposition to the January 29, 2008 property tax referendum item at the National Association for the Advancement of Colored People (NAACP) headquarters in St. Petersburg on January 15, 2008 at 7:00 P.M.
- e. Commissioner Harris presented water conservation tips.
- f. Clerk of the Circuit Court Ken Burke conducted a PowerPoint presentation titled *Investment Report*, a copy of which has been filed and made a part of the record, and discussed the following:
 - ✓ Investment objectives
 - ✓ Prudent person standard
 - ✓ Portfolio composition limits

January 8, 2008

- ✓ Bidding process
- ✓ Detailed portfolio schedule

Mr. Burke referred to the State Board of Administration (SBA) accounts and monies due to the county and discussed procedural matters related thereto. He related that on December 31, 2007, approximately \$12 million went into Fund A and \$2.5 million into Fund B; that the amount in Fund B is at risk; that the county will get money from Fund B, although the exact amount is not known at present; that all interest income for the entire state pool for the month of November 2007 went into Fund B; and that he has turned the matter over to the County Attorney's Office regarding any possible action the Board might wish to consider; whereupon, he expressed concerns regarding the estimated loss of interest of approximately \$500,000.00, and referred to the fiduciary responsibility of the State.

Mr. Burke continued with the PowerPoint presentation and reviewed:

- ✓ Portfolio summary of investments
- ✓ Snapshot of interest rates
- ✓ Book value of investments by quarter and by year

Responding to queries by the members, Mr. Burke discussed the possible effect on bond ratings if the money had remained with the SBA, the availability of monies in Fund A, and the amount of funds in the money market account with Wachovia Bank.

Responding to query by Chairman Stewart, Attorney Bennett discussed possible action for consideration by the Board; and indicated that staff is researching the matter at the present time; whereupon, he stated that his suggested approach would be to begin consultation with other involved counties regarding a sufficient community of factual interest to prepare a single petition and a request for a declaratory statement. Following additional input by Messrs. Marquis and Burke, Chairman Stewart noted the consensus of the members to move forward as suggested by Attorney Bennett; and requested that the Board be kept up to date on a weekly basis or at each Board meeting.

- g. Chairman Stewart presented proposed time frames for filling the positions of County Attorney by the end of March 2008 and County Administrator by mid-October 2008.

January 8, 2008

#37 Meeting adjourned at 11:03 A.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk