

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, MAY 3, 2005 – 9:34 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

Members Absent: None.

Members Late: None.

Members Excused: None.

Others Present: Susan H. Churuti, County Attorney; Stephen M. Spratt, County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Barbara Sokolowski, Deputy Clerk.

INVOCATION: Dr. William E. Rice, Calvary Baptist Church, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Harris.

PROCLAMATIONS AND AWARDS

1. PowerPoint presentation of the Pinellas Education Foundation by Gerry Hogan.
2. Presentation of Certificate of Appreciation for the Extreme Makeover Home Edition to employees of the Building Department.
3. Presentation of National Public Works Week Proclamation to Jan Herbst, Director of Public Works.
4. Presentation of Civility Month Proclamation to Susan H. Churuti, County Attorney.
5. Presentation of Employee Appreciation Week Proclamation to Willie F. Jennings, AEO III, Fort DeSoto Park.
6. Presentation of the Annual Gold Awards.

CITIZENS TO BE HEARD

Stan Mioduszewski, Seminole, re poker/Dunedin midnight package. In response to queries by the members, Chief Assistant County Attorney James L. Bennett provided information relative to the hours that alcoholic beverages may be served, and the cities' compliance with the county's ordinance.

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

SCHEDULED PUBLIC HEARINGS – COUNTYWIDE PLANNING AUTHORITY

1a Ordinance No. 05-28 adopted approving Case No. CW 05-10, the proposal by the City of Pinellas Park to amend the Countywide Future Land Use Plan from commercial general to residential suburban, re 1.2 acres located on the south side of 90th Avenue North, east of 8989 66th Street North (subthreshold amendment). The Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

1b Ordinance No. 05-29 adopted approving Case No. CW 05-14, the proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan from residential medium to residential/office general, re 0.3 acre located on the northeast corner of 5th Avenue North an 58th Street North (subthreshold amendment). The Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

1c Ordinance No. 05-29 adopted approving Case No. CW 05-15, the proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan from residential urban to residential medium, re 0.2 acre located on the north side of 23rd Avenue South, between Dr. Martin Luther King Jr. Street South (9th Street South) and 10th Street South (subthreshold amendment). The 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 Welch
 Vote - 7 - 0

1d Ordinance No. 05-30 adopted approving Case No. CW 05-18, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from residential medium to commercial general, re 0.9 acre located on the east side of 49th Street North, approximately 300 feet north of 40th Avenue (subthreshold amendment). The 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 Duncan
 Vote - 7 - 0

- # 1e Ordinance No. 05-30 adopted approving Case No. CW 05-19, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from residential low to residential/office limited, re 0.2 acre located on the northwest corner of Seminole Boulevard and Village Green Avenue (subthreshold amendment). The Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 2a Resolution No. 05-79 adopted denying without prejudice Case No. CW 05-16, the proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan from industrial general and industrial limited to commercial general, re 11.0 acres located on the southwest corner of 22nd Avenue North and 31st Street North (regular amendment). The Pinellas Planning Council (PPC) recommended approval of the proposal and staff concurred. No correspondence has been received.

Commissioner Harris moved, seconded by Commissioner Latvala, that the proposal be approved; whereupon, at the request of Commissioner Stewart, PPC Executive Director David P. Healey presented a brief overview of the request; stated that the Planners Advisory Committee (PAC) and PPC staff recommended denial due to the impacts of the amendment to the industrial land use plan classification; that the testimony presented before the PPC indicated that the 22nd Avenue corridor has changed in character; and that the remnant industrial uses are older, more marginal industrial uses that probably would not lend themselves to high-wage job creation. Discussion ensued relative to the level of service (LOS) on 22nd Avenue North, the percentage of floor area that can be devoted to retail under warehouse-type uses, and the long-term affect of changing the use to commercial.

In response to the Chairman's call for persons wishing to be heard, Stavros Tingirides, Attorney at Law, indicated that he represents the applicant; that the issue is the underutilization of the parcel and the viability of the applicant's business; that the building has been vacant for several years; and that the proposed change in use would not adversely impact traffic in the area; whereupon, in response to queries by Commissioner Duncan, Mr. Tingirides described the applicant's intended changes to the building and offered alternatives that could restrict high-volume retail use on the parcel.

Rick MacAulay, City of St. Petersburg Planner, described how the City's concurrency management system would address the existing LOS and limit the amount of retail activity; whereupon, in response to queries by Commissioner Stewart, Mr. MacAulay enumerated mitigation measures that would be required to exceed the peak-hour trips generated by retail activities; stated that peak hours are 4:00 P.M. to 7:00 P.M.; and that the information being provided to the Board is the same as what was presented to PAC.

During further discussion, Mr. MacAulay responded to queries by the members regarding the LOS, the permitting of other large home improvement businesses along the corridor, trip generation, and the application of the City's concurrency management system. Additional testimony in support of the proposal was provided by James Sciandra, architect.

Deliberations continued with input by Mr. Healey, County Attorney Churuti, Chief Assistant County Attorney James L. Bennett, and Mr. MacAulay; whereupon, following several failed motions, Commissioner Seel recommended that the proposal be denied without prejudice.

Motion	-	Commissioner Seel
Second	-	Commissioner Latvala
Vote	-	5 - 2, with Commissioners Harris and Welch casting the dissenting votes.

- # 2b Ordinance No. 05-29 adopted approving Case No. CW 05-17, the proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan from residential urban to commercial general, re 1.4 acres located on the east side of San Fernando Boulevard, approximately 150 feet south of Gandy Boulevard (regular amendment). The Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 2c Case No. CW 05-20, the proposal by the City of Largo to amend the Countywide Future Land Use Plan from residential medium to residential/office general, re 40.4 acres located on the north side of East Bay Drive, between Lake Avenue and Alternate Keene Road (regular amendment) temporarily deferred to the meeting of June 7, 2005.

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

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At 11:55 A.M. Chairman Morroni left the meeting, and Vice-Chairman Welch assumed the gavel.

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- # 2d Ordinance No. 05-31 adopting approving Case No. CW 05-21, the proposal by the City of Largo to amend the Countywide Future Land Use Plan from institutional to residential medium, re 9.9 acres generally located on the northeast corner of Seminole Boulevard and 127th Place North (regular amendment). The Pinellas Planning Council (PPC) recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

At the request of Commissioner Duncan, PPC Executive Director David P. Healey provided a brief overview of the case, and noted that both the PPC and the Planners Advisory Committee unanimously recommended approval of the proposal.

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

- # 2e Case No. CW 05-22, the proposal by the City of Pinellas Park to amend the Countywide Future Land Use Plan from industrial limited to residential medium, re 4.7 acres located on the west side of Belcher Road, between 124th Avenue North and 118th Avenue North (regular amendment) temporarily deferred to the meeting of June 7, 2005.

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

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At 11:56 A.M. Chairman Morroni returned to the meeting and assumed the gavel.

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- # 3 Ordinance No. 05-32 adopted amending Pinellas County Ordinance No. 89-4 as amended, the Countywide Comprehensive Plan adoption ordinance, to update, reformat and re-title said plan; providing for a new plan title and format; providing for adoption of a plan preface; providing for adoption of new plan components consisting of chapters dealing with land use and intergovernmental coordination; providing for the integration of new plan components with the existing Countywide Plan Elements; providing for severability; providing for an effective date; and providing for other modifications that may arise from review of the ordinance at public hearing.

Mr. Spratt recommended that the Board, sitting as the Countywide Planning Authority, receive public comment and take action on the Countywide Plan Update; whereupon, he related that changes have been recommended to the Plan since the last hearing: 1) a

paragraph be added to page five of the Plan Preface describing the purpose of the Responsibility Matrix; 2) that there be no placeholder for the Redevelopment Plan; and 3) that dormant elements in the interlocal agreement between the County and the PPC remain in the Plan because they are referred to under the Special Act. Mr. Healey provided copies of the amendments to the Plan, a copy of which has been filed and made a part of the record, and stated that the modifications referred to by Mr. Spratt have been made.

During discussion with input by Mr. Healey and Mr. Spratt, Commissioner Duncan referred to the different plans in force and requested that county staff, in conjunction with the PPC, provide information relative to the relationships of all the various plans, how they interface, and how the bodies that are responsible for the plans work together.

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

- # 4 Multi-use dock application No. M34320-04/Revised, John Geiger/Jay Gee Development LLC, 10200 Snug Harbor Road, St. Petersburg (Snug Harbor) approved; no correspondence has been received; no citizens appeared to be heard; and the biological report has been filed as part of the record.

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

- # 5 Dredge and fill application D/F-1600, Progress Energy Florida, Inc. (P.L. Bartow Plant), 1601 Weedon Island Drive, St. Petersburg 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 prior to commencing and maintained throughout dredging. Floating turbidity curtains must be placed around the dredge areas. In the event of turbidity problems outside of the dredge or spoil areas, the applicant or contractor must take immediate corrective action.

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

- # 6 Private dock application P34211-04/Revised, Dale Porter, 331 Oceanview Avenue, Palm Harbor (Boggy Bayou) approved; no correspondence has been received; no citizens appeared to be heard; and the biological report has been filed as part of the record.

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

CONSENT AGENDA ITEMS NOS. 7 THROUGH 18 - APPROVED, WITH THE EXCEPTION OF ITEM NO. 16, WHICH WAS CONSIDERED UNDER ITEM NO. 19

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

7 Minutes or regular meeting of April 5, 2005.

8 Reports received for filing:

- a. State of Florida Auditor General Report No. 2005-166, a Financial Audit of St. Petersburg College for the fiscal year ended June 30, 2004.
- b. Southwest Florida Water Management District Comprehensive Annual Financial Report for fiscal year ended September 30, 2004, along with Annual Local Government Financial Report for fiscal year 2003-2004.
- c. City of Oldsmar Community Redevelopment Agency 2004 Annual Report.
- d. Pinellas County, Florida, Solid Waste System Enterprise Fund, Financial Statements for the years ended September 30, 2004 and 2003 (with Independent Auditors' Report Thereon).
- e. Pinellas County, Florida, Sewer System Enterprise Fund, Financial Statements for the years ended September 30, 2004 and 2003 (with Independent Auditors' Report Thereon).
- f. City of South Pasadena, Florida, Comprehensive Annual Financial Report for the year ended September 30, 2004.

9 Approvals received for filing:

- a. General – None.
- b. Vouchers and Bills Paid Period of April 4 through April 15, 2005.
Payroll Journal Expenditures
Payroll Journal page numbers 1 through 2637
Payroll checks numbered 530331 through 530715

Imprest Fund Expenditures
Manual checks numbered 751107 through 751113
System checks numbered 782293 through 784146

Wire Transfers numbered 004743 through 004844

- #10 Miscellaneous items received for filing as noted on the agenda.
- a. City of Clearwater Public Hearing Notices of Annexation, Land Use Plan and Zoning Atlas Amendments re Ordinances Nos. 7410-05 through 7412-05; and 7414-05 through 7422-05 to be held May 5 and June 2, 2005.
 - b. City of St. Petersburg Ordinances Nos. 696-G and 717-G effective March 17, 2005, annexing certain property.
 - c. City of Largo Notice of Public Hearing re Ordinances Nos. 2005-25, 2005-26 and 2005-27 held April 19, 2005.
 - d. Florida Public Service Commission Notice of Hearing and Pre-Hearing re arbitration of amendment to interconnection agreements to be held May 4, 2005 and held April 18, 2005, respectively, in Tallahassee.
 - e. Florida Public Service Commission Notice of Hearing and Pre-Hearing re petition for approval of long-term fuel supply and transportation contracts held April 29 and 18, 2005, respectively, in Tallahassee.
 - f. Correspondence re permanent closure of Clearwater Beach Hotel on or about May 30, 2005.
 - g. Two items relating to Dock, Pier and Wharf Construction Contract Bonds.
- #11 Release of Surety
- a. Boyer Strip Center - completion surety funds released.
- #12 Subdivision Plat:
- a. Keystone Palms - plat approved and accepted for recording.
- #13 Change Order No. 1 (final) to agreement with MasTec North America, Inc for 2” galvanized water main replacement (Project No. 653-901814-1634; Bid No. 023-176-C) approved for execution, decreasing the agreement in the amount of \$3,704,545.91 (revised total agreement amount, \$2,578,299.09); release of retainage in the amount of \$9,721.99 authorized.
- #14 Receipt and file of Quarterly Reports for the period of January 1 through March 31, 2005 (Management and Budget):
- a. Quarterly Report on administrative budget amendments was filed and made a part of the minutes.
 - b. Quarterly Report on the Law Enforcement Trust Fund - Payments to the Sheriff was filed and made a part of the minutes.
- #15 Budget Amendment No. 12 was filed and made a part of the record (Management and Budget).

- #16 Approval of appointments to the Pinellas Planning Council for Groups B and C (Planning).

See item No. 19

- #17 Bid of Smith Industries Inc., d/b/a Smith Fence Company, for fencing, chain link and miscellaneous (Co-op) (Contract No. 045-316-B) accepted for a total estimated 24-month expenditure not to exceed \$6,149,518.00 (County's 24-month estimated expenditure, \$4,250,000.00), with one additional 24-month option of renewal allowing for price adjustments in an amount not to exceed the average of the Producers Price Index - Consumers (PPI), metals and metal products, iron and steel, for the 12 months prior to renewal; price increase no more than ten percent for any renewal period; terms and conditions to remain the same, subject to availability of funds and approval of the County Administrator (Purchasing).

Economic Development Authority

- #18 Grant Application to U.S. Department of Energy (DOE) for federal assistance in the amount of \$1,000,000.00 (matching capital funds \$783,000.00; total grant request, \$1,783,000.00) for replacement of the Young – Rainey STAR Center’s cooling tower approved; Chairman authorized to execute application; acceptance of funds, when awarded, authorized.

REGULAR AGENDA

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

Town of North Redington Beach Vice-Mayor Jerry Knight, and City of South Pasadena Mayor Richard Holmes appointed for Groups B and C, respectively, to serve on the Pinellas Planning Council.

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

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At this time, 12:16 P.M., the meeting recessed and reconvened at 1:20 P.M. with Chairman Morroni and Commissioners Harris, Latvala, and Duncan in attendance.

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#20 Resolution No. 05-75 adopted changing the street name of Florida Avenue to Florida Boulevard within the Crystal Beach Community.

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

#21 Resolution No. 05-76 adopted authorizing execution of a Railroad Reimbursement Agreement for the installation of grade crossing traffic control devices and future maintenance and adjustment of said devices, providing for the expenditure of funds; and providing when this resolution shall take effect (estimated annual maintenance expenditure for the County \$1,410.00).

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

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At this time, 1:21 P.M., Commissioners Seel and Welch entered the meeting.

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#22 Emergency suspension of G & K Services for non-performance pertaining to the Uniform Rental Contract (Co-op) originally awarded by the Board on August 20, 2002 (Contract No. 012-668-B); and re-award of contract to Cintas Corporation per Section B – Special Conditions, No. 7 of the bid documents effective February 15, 2005, confirmed.

In response to queries by Commissioner Duncan, Director of Purchasing Joseph Lauro provided background information with regard to G & K Services.

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

- #23 Joint Project Agreement between the City of Largo and Pinellas County for hydraulic dredging of McKay Creek and Church Creek (PID No. 654) approved for execution.

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

- #24 Contract No. 720 with R. E. Purcell Construction Co., Inc. for the construction of the Dansville Redevelopment Area – Phase II accepted as complete as of April 2, 2004; and Change Order No. 1 (final) increasing the contract in the amount of \$32,133.37 (revised total agreement amount, \$971,194.17) approved for execution (Bid No. 023-150-C); release of retainage in the amount of \$44,768.49 authorized.

At the request of Commissioner Duncan, Director of Public Works Jan R. Herbst provided background information with regard to the delay in closing out the project.

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

- #25 Change Order No. 2 to Contract No. 883 with Kamminga & Roodvoets, Inc. for the construction of Nebraska Avenue at Riviere Road (West Leg) increasing the contract in the amount of \$39,526.66 (new total contract, \$2,222,253.24) approved for execution (Bid No. 034-338-C).

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

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At this time, 1:27 P.M., Commissioner Stewart entered the meeting.

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- #26 Amendment No. 2 to Agreement for Consultant Services with URS Corporation Southern for Park Street/Starkey Road (County Road 1), from Tyrone Boulevard to Bryan Dairy Road (PID Nos. 864 and 865) increasing the contract in the amount of \$72,596.00 (revised total contract, \$2,381,153.00) approved for execution.

At the request of Chairman Morroni, Director of Public Works Jan R. Herbst provided an update pertaining to the project; and in response to query by Commissioner Seel, indicated that additional information with regard to the retaining walls could be obtained.

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

- #27 Bid of Pepper Contracting Services, Inc. for general sidewalk and Americans With Disabilities (ADA) ramp construction with related drainage, 2004-2005 accepted in the amount of \$1,185,737.00 (PID No. 1181/Bid No. 045-339-C) on the basis of being the only bid received that meets specifications; Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the County Attorney.

Motion - Commissioner Latvala
Second - Commissioner Welch

Responding to query by Commissioner Stewart, Jorge Quintas, Public Works Department, provided background information pertaining to the lack of qualified bidders, and in response to a request by Commissioner Seel, indicated that the locations of the construction sites will be furnished to the members.

Vote - 7 - 0

- #28 Bid of Pepper Contracting Services, Inc. for construction of the Palm Harbor Historic District Road Improvements project, including Options 2, 3, and 4, accepted as indicated in the agenda memorandum dated May 3, 2005 (Option 1 excluded) (Bid No. 045-394-C/PID No. 922176); Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the County Attorney.

Motion - Commissioner Latvala
Second - Commissioner Welch

Responding to queries by the members, Director of Transportation Peter Yauck presented background information with regard to the earmarked funds and the recommendation to postpone Option 1, Florida Avenue improvements; whereupon, Commissioner Seel noted her concerns pertaining to the special event electrical option.

Vote - 7 - 0

- #29 Ranking of firms to provide construction management at risk services for State Road 699 (Gulf Boulevard), Park Boulevard to Walsingham Road, roadway and utilities improvements (Project No. 1149) as follows:

1. PBS&J Constructors, Inc.
2. The Haskell Company
3. Biltmore Construction Co., Inc.

Staff authorized to negotiate a contract with the number one ranked firm, PBS&J Constructors, Inc.

Motion - Commissioner Harris
Second - Commissioner Seel

Responding to queries by the members, Director of Utilities Pick Talley provided background information pertaining to the project and indicated that the Florida Department of Transportation (DOT) is assuming costs for the undergrounding of utilities; and that the project will demand special attention with regard to public relations due to the disruption of traffic flow in the area. In response to comments by Commissioner Duncan pertaining to communications with the public, Mr. Talley noted the success of the Utilities Department's handling of similar projects.

Vote - 7 - 0

- #30 Bid of Southwest Contracting Inc. (Southwest) for Martin Borrow Pit Restoration (Rebid) accepted in the amount of \$947,986.19 (bid includes provision for Southwest to pay the County \$1,068,816.86 for the purchase of the excess soils, net revenue to the County, \$120,830.67) (Bid No. 045-208-C/Project No. 612-200016-0572); Chairman authorized to sign agreement and Addendum No. 4 after proper execution by the contractor and written approval as to the form by the County Attorney.

and

- #31 Bid of Southwest Contracting Inc. (Southwest) for purchase of Martin Borrow Pit Excess Soils accepted for an estimated revenue to the County in the amount of \$1,068,816.86 (irrevocable Letter of Credit in the amount of \$250,000.00 to be provided to the County as a performance guarantee); Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the County Attorney (Bid No. 045-208-C/Project No. 612-200016-0572).

Responding to queries from the members, Director of Utilities Pick Talley provided background information with regard to the history of the project.

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

- #32 Declaration of two residential properties located at 12736 133rd Avenue North and 1778 Taylor Lake Place, Largo as surplus with authority to convey title of said properties to Alliance for Affordable Housing, Inc. subject to execution of a mortgage and promissory note with release of mineral rights; Chairman authorized to execute deeds (Community Development).

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

#33 Release and Indemnity Agreement between Pinellas County and S & J Family Limited Partnership approved; Chairman authorized to execute County Deed reconveying real property (as described in Exhibit A) to the S & J Family Limited Partnership (Economic Development).

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

#34 Change Order No. 2 to Contract No. 990-0909-N with Motorola, Inc. for radio system expansion, increasing the contract in the amount of \$6,739,000.00 (revised contract total, \$24,155,918.00) and fiscal year 2004-2005 expenditure approved for execution (Emergency Communications).

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

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At this time, 2:01 P.M., Commissioner Duncan left the meeting.

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#35 Resolution No. 05-77 adopted appropriating earmarked receipts for a particular purpose in the fiscal year 2005 general fund budget for unanticipated grant proceeds for the Sheriff (Management and Budget).

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

#36 Resolution No. 05-78 adopted appropriating earmarked receipts for a particular purpose in the fiscal year 2005 general fund budget for unanticipated grant proceeds for Environmental Management – War Veteran’s Park Oyster Reef Project (Management and Budget).

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

#37a Sitting as the Economic Development Authority, the Board approved for execution the Lease Agreement between Pinellas County Industrial Development Authority d/b/a the Economic Development Authority and Optivon, Inc. for space located at the Young-Rainey STAR Center (three-year lease agreement for 6,464 square feet of office space

effective July 1, 2005 with two one-year renewal option periods that include an early termination clause with regard to the lessee’s improvement allowance, monthly rent including sales tax, \$4,610.98).

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

#37b County Administrator Stephen M. Spratt presented a proposed Interlocal Agreement and ordinance extending the existing six-cent Local Option Gas Tax (LOGT), which has been filed and made a part of the record; whereupon, Commissioner Seel noted that the cities’ shares will be apportioned by population subject to review every five years. Administrator Spratt indicated that barring any opposition by the Board, the proposals will be distributed to the municipalities for concurrence, and no objections were noted.

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At this time, 2:04 P.M., Commissioner Duncan returned to the meeting.

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

- a. BankUnited, FSB versus James M. Reed, et al – Circuit Civil Case No. 05-2448-CI-13 – Mortgage Foreclosure Involving a Notice of Lien for Sewer, Water or Reclaimed Water Services.
- b. Administrative Hearing of the Department of Community Affairs versus Pinellas County, Florida – Case No. 05-1245GM – Challenge of the Consistency of a Land Use Amendment.
- c. Avery Cyr versus Pinellas County Risk Management – Circuit Civil Case No. 05-2075-CI-21 – Petition for Equitable Distribution of Settlement Proceeds.
- d. James M. and Mary H. Luckey et al versus Pinellas County, Golf Host Resorts, Inc., et al – Circuit Civil Case No. 05-2534-CI-20 – Seeking Declaratory Relief in Regards to Development Order for Innisbrook, Parcel F.

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

#39 County Attorney authorized to initiate litigation against Ken O’Keefe – Money Owed in Imminent Destruction Appeal.

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

- #40 County Attorney Susan H. Churuti advised that an update pertaining to potential litigation involving Judy Yates is in the Chairman's office; and that an update with regard to the Rick Dodge litigation will be presented on the 15th of May and on the 15th of each month thereafter.

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At this time, 2:10 P.M., Commissioner Stewart left the meeting.

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- #41 Sitting as the Water and Navigation Control Authority, the Board denied the appeal of application P35305-05 submitted by Robert Buck, 210 Palm Island Drive, Canal Off Mandalay Channel, Clearwater, administratively approved by staff on February 4, 2005.

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

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At this time, 2:12 P.M., Commissioner Stewart returned to the meeting.

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- #42 Director of Environmental Management Will Davis presented a report pertaining to the results of community meetings held to consider a more restrictive proposed code amendment relative to the parking of boats, recreational vehicles, and automobiles on residential properties, a copy of which has been filed and made a part of the record; wherein he recommended not to proceed with the proposed revisions.

Following input by Senior Assistant County Attorney Jewel White Cole and lengthy discussion, the members requested that additional information be compiled with regard to a special overlay option; and that it be presented for the Board's consideration at its June 2 work session.

- #43 Appointments and/or Re-appointments to the WorkNet Pinellas, Inc. Board of Directors.

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

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Later in the meeting, Commissioner Stewart requested an update on the current membership of the WorkNet Pinellas, Inc. Board of Directors.

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- #44 Appointments and/or Re-appointments to the Suncoast Health Advisory Council.
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| Motion | - | Commissioner Harris |
| Second | - | Commissioner Welch |
| Vote | - | 7 - 0 |

#45 County Commission Miscellaneous:

- a. Chief Deputy Finance Director Claretha N. Harris At the request of the Chairman, Mrs. Harris presented an overview of the Finance Division functions as well as her own duties.
- b. Commissioner Duncan Provided an update with regard to the Belleview Biltmore Hotel; commented on attendance at Celebration of Life Program held at the Botanical Gardens.
- c. Commissioner Seel Expresses appreciation to all Pinellas County employees; congratulated Assistant County Administrator Jacob F. Stowers on recent news article; and discusses initiative to rename certain roadways in an attempt to eliminate duplication of street names; whereupon, Commissioner Latvala recommended that the public be involved in the effort.
- d. Commissioner Stewart Presented update with regard to Job Corp and the recent problem encountered with the selection of the Dome Industrial site in St. Petersburg; members concur to attend upcoming City of St. Petersburg Council meetings in an attempt to resolve issue.
- e. Commissioner Welch Comments on first strategic plan for the Information Technology Department (ITD) and extends thanks to the ITD staff.
- f. Commissioner Harris Request Administrator to look into road access of church on Jones Street in Clearwater; Board agrees to honor request by

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- PSTA to not reschedule transit governance meeting; discusses attendance at Cracker Barrel restaurant ribbon cutting ceremony; and offers water tip for sprinklers during rainy season.
- g. Commissioner Latvala Reminder of May 16 emergency meeting of the FAC Board of Directors; discusses critical legislative issues; and announces that she will get information on upcoming St. Petersburg City Council meetings.
- h. Chairman Morroni At his request, Board appoints David Eldridge as Economic Development Council School Board Oversight representative; reappointment of himself and Commissioner Seel as the Director and Alternate on the Suncoast League of Cities Commission, respectively; expresses appreciation to Pinellas County staff members; congratulates Commissioner Harris and family on designation as Family of the Year; and provides information pertaining to American Legion Post 273.

#45i Meeting adjourned at 3:44 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By: _____
Deputy Clerk