

**AGENDA – Regular Public Meeting**

**3:00 p.m.**

**Pinellas County**

**Board of County Commissioners (BCC)**

**October 21, 2008**

**INVOCATION**

**PLEDGE OF ALLEGIANCE to the Flag of the United States of America**

**PRESENTATIONS and AWARDS**

**A. CONSENT AGENDA**

**CLERK OF THE CIRCUIT COURT**

- 1. Approval of Minutes – None**
- 2. Reports:**
  - a. Florida Department of Revenue Correspondence Regarding Tax Collector’s Summary of the 2008-2009 Budget by Appropriation Category, Together with Finalized Salaries of Elected County Constitutional Officers and Elected School District Officials for Fiscal Year (FY) 2009**
  - b. Internal Audit Division, Clerk of the Circuit Court, Report No. 2008-07 Dated September 18, 2008 – Audit of Capital Improvement Program Capital Reserves Fund**
  - c. Pinellas County License Board for Children's Centers and Family Day Care Homes Resolution No. 08-01 Amending the Budget for FY 2007-2008**
  - d. City of Oldsmar Ability to Serve Report for the East Lake Annexation Area Pursuant to Chapter 171.044, Florida Statutes, Dated September 2008**
- 3. Vouchers and Bills Paid**
- 4. Miscellaneous Items to be Received for Filing:**
  - a. Resolutions of Municipalities Agreeing to Participate in the Negotiation Process Regarding Annexation Provided for Under Chapter 171, Part II, Florida Statutes, the Interlocal Service Boundary Agreement Act:**

4. a. 1. City of Oldsmar No. 2008-21 Adopted September 3, 2008
2. City of Seminole No. 08-2008 Adopted September 9, 2008
- b. City of Pinellas Park Notice of Public Hearing Regarding Ordinances Nos. 3644 and 3645 Held October 9, 2008, Annexing Certain Property
- c. Pinellas County School District Five-Year Capital Outlay Plan and Facilities Work Program
- d. Florida Department of Environmental Protection Notice of Permit to Pinellas County Utilities, Department of Solid Waste Operations, for Bridgeway Acres Class I Landfill Slurry Wall Segment Replacement
- e. Tampa Electric Company's Synopsis of Rate Request Regarding its Petition to the Florida Public Service Commission to Increase Base Rates and Miscellaneous Service Charges (Docket No. 080317-EI)

#### **COUNTY ADMINISTRATOR**

##### **Airport**

5. Adoption of a Resolution Approving a Public Transportation Joint Participation Agreement with the State of Florida, Department of Transportation for Security Enhancements

##### **Public Works**

6. Approval of Receipt and File Report for Consultant Competitive Negotiation Act Items Delegated to the County Administrator for Approval for the Quarter Ending September 30, 2008

##### **Utilities**

7. Approval of Change Order No. 1 Final, Acceptance of the Agreement as Complete, and Release of Retainage with Clark Hunt Construction, Inc. for Relocation of Pump Station No. 344
8. Approval of an Agreement with the City of Treasure of Island for Billing Services

9. **Approval of Amendment No. 2 to the Service Agreement with Synagro-WWT, Inc. for Sludge Dryer Project**

**Other Departments**

10. **Approval of the County Administrator Receipt and File Reports of: (County Administrator)**
  - a. **Delegated Items**
  - b. **Procurement Items for the Quarter Ending September 30, 2008**
11. **Approval of a Grant Award with the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment for the Pinellas County Adult Drug Court Collaboration (Justice and Consumer Services)**
12. **Approval of a Contract with the City of Oldsmar and the Pinellas County Sheriff (Sheriff) for Law Enforcement Services (Justice and Consumer Services)**
13. **Approval of a Contract for Law Enforcement Services with the Sheriff and the City of Safety Harbor and Approval of an Agreement with the Sheriff and the City of Clearwater for Forensic, Latents, Evidence and Property Storage (Justice and Consumer Services)**
14. **Approval of FY 2009 Budget Amendment No. 1 (Management and Budget)**
15. **Approval of Receipt and File Reports from July 1, 2008, through September 30, 2008, of (Management and Budget):**
  - a. **Administrative Budget Amendments**
  - b. **Law Enforcement Trust Fund**
16. **Adoption of a Resolution Declaring Property as Surplus and Authorizing its Donation to the City of Safety Harbor (Real Estate Management)**
17. **Approval of a Release of Retainage with Hennessy Construction Services Corp. for the Public Works Emergency Responders Building Project (Real Estate Management)**

18. Approval of a Contract for Sale and Purchase of Real Property with Dan and Joann K. Granger for the Keystone Road Capital Improvement Project (Real Estate Management)

**AUTHORITIES, BOARDS, AND ENTITIES**

**BUSINESS TECHNOLOGY SERVICES (BTS)**

19. Approval of the Ranking of Firms and Authorization for Staff to Negotiate with the Number One Ranked Firm for Purchase or Lease of Computer Equipment

**ECONOMIC DEVELOPMENT AUTHORITY**

20. Approval of a Second Amendment to Lease Agreement with National Information Assurance Corporation for Office Space at the Young – Rainey STAR Center

**B. REGULAR AGENDA**

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

**COUNTY ADMINISTRATOR**

**Airport**

22. Approval of Change Order No. 1 with Ajax Building Corporation for Terminal Improvement Project – Phase I
23. Approval of Amendment No. 3 to the Agreement for Consultant Services with The LPA Group Incorporated for Terminal Building Schematic Design Phase

**Other Departments**

24. Approval of Authority to Advertise a Public Hearing Regarding Proposed Amendments to the Clearwater-Largo Road Corridor Community Redevelopment Plan for the City of Largo (Planning)
25. Other Administrative Matters
  - a. Approval of the Quarterly Receipt and File Report of Claim Settlements from July 1, 2008 through September 30, 2008

**COUNTY ATTORNEY**

26. **Approval of Authority for the County Attorney to Defend the Cases of:**
  - a. **Suntrust Mortgage, Inc. v. Ronald H. Pope, et ux., et al - Circuit Civil Case No. 08-13525-CI-21 - Mortgage Foreclosure Involving a Community Development Mortgage**
  - b. **Allied Veterans of the World, Inc., Affiliate 47, a Florida Non-Profit Corporation vs. County of Pinellas, a Political Subdivision of the State of Florida; Pinellas County Sheriff's Department; and Bernie McCabe, State Attorney, Sixth Judicial Circuit - Circuit Civil Case No. 08-12587-CI-021 – Allegations of Alleged Violation of Florida's Gambling Laws/Unlawful Fundraising**
  
27. **Approval of Authority for the County Attorney to Initiate Litigation in the Cases of:**
  - a. **Ken Burke, Clerk of the Circuit Court v. AmSouth Bank and US Asset Recovery, Corp. – Interpleader Action for Surplus Funds Related to a Tax Deed Sale**
  - b. **Pinellas County v. Reid A. Summers - Negligence in the Operation of a Motor Vehicle**
  - c. **Pinellas County v. Gary Van Worp - Negligence in the Operation of a County-Owned Golf Cart**
  
28. **Pinellas County License Board for Children's Centers and Family Day Care Homes (PCLB) - Renewal of Request to Withhold Consent to Provide Legal Representation to the PCLB – Status Update**
  
29. **Miscellaneous**

**C. AUTHORITIES, BOARDS, AND COUNCILS**

30. Item Deleted from Agenda

**BTS**

31. Approval of an Increase to Change Order No. 1 with Insight Public Sector, Inc. for Computer Hardware, Peripherals, Software and Services

32. Approval of a Purchase Authorization for Consultant Services with the National Center for State Courts for Consolidated Justice Information System Buy Project

**EMERGENCY MEDICAL SERVICES (EMS) AUTHORITY**

33. Approval of a Reappointment to the EMS Advisory Council

34. Approval of an Agreement with Bayfront Medical Center, d/b/a Bayflite, for Airmedical Transport Services

**WORKNET PINELLAS**

35. Approval of a Request to Modify the Two-Year Plan for WorkNet Pinellas

**D. COUNTY ADMINISTRATOR REPORTS**

36. Housing and Economic Recovery Act/Housing Toolbox Update

**E. COUNTY COMMISSION**

37. Miscellaneous

**6:30 P.M.**

**F. SCHEDULED PUBLIC HEARINGS**

**Any Person Wishing to Speak about a Public Hearing Item Shall Complete a Blue Card and Submit it to the Board Secretary at the Staff Table Located at the Front of the Board Room. The Procedure Used by the BCC in Conducting Public Hearings is to Have a Staff Presentation Followed by the Applicant Presenting the Specific Proposal. The BCC Will Then Hear Comments from the Proponents Followed by Comments from the Opponents and a Staff Summary. The Applicant Will Then be Given an Opportunity to Close and the BCC Will Decide on the Matter. Please Refer to the Back of Your Agenda Copy for More Details on Guidelines for Time Limitations and Opportunities to Speak.**

- 1. Any Person Who Has Been Authorized to Represent an Organization with Five (5) or More Members or a Group of Five (5) or More Persons Shall Complete a Blue Card, Submit it to the Board Secretary at the Staff Table Located at the Front of the Board Room, and Should Limit Their Presentation to Ten (10) Minutes. It is Expected that Others in the Organization or Group Will Waive Their Time.**
  
- 2. Any Other Person Who Wishes to Speak about a Public Hearing Item Shall Complete a Blue Card, Submit it to the Board Secretary at the Staff Table Located at the Front of the Board Room, and May Speak up to Three (3) Minutes. The Chair Will Call Each Speaker, One by One, to the Podium to be Heard.**

**CPA PUBLIC HEARINGS**

**Consideration of the Following Proposals to Amend the Adopted Countywide Future Land Use Plan:**

- 38. REGULAR AMENDMENTS - Case CW 08-31 – Pinellas County (Deferred from the October 7, 2008, CPA Meeting)  
23 Acres More or Less (MOL) Located East and West of 49<sup>th</sup> Street North and North and South of 162<sup>nd</sup> Avenue North; Amendment from Residential Low and Preservation to Residential Low, Residential Low Medium, and Preservation**

**SCHEDULED PUBLIC HEARINGS – BCC**

39. **Planning and Zoning Applications Heard by the Examiner (Quasi-Judicial Hearings are Noted with a “Q” Prefix):**
- a. **Q Z/LU-3-8-07 (Final Adoption)**  
**Resolution Changing the Zoning Classification of Several Parcels of Land Containing Approximately 23 Acres Located on the East and West Side of 49<sup>th</sup> Street Primarily Lying North of 162<sup>nd</sup> Avenue North, Page 709 of the Zoning Atlas, as Being in Section 33, Township 29, Range 16; from R-3 and R-2, Single Family Residential AL, Aquatic Lands, A-E, Agricultural Estate Residential and RPD-5, Residential Planned Development, 5 Units Per Acre to RPD-5, Residential Planned Development, 5 Units Per Acre, AL, Aquatic Lands and RPD-10, Residential Planned Development, 10 Units Per Acre with a Development Agreement Having a Building Height of Five-Stories for the Proposed Building, and a Request for a 50 Percent Affordable Housing Density Bonus, and an Ordinance Amending the Future Land Use Map (FLUM) of Pinellas County, Florida by Changing the Land Use Designation of Several Parcels of Land Containing Approximately 23 Acres Located on the East and West Side of 49<sup>th</sup> Street Primarily Lying North of 162<sup>nd</sup> Avenue North Located in Section 33, Township 29, Range 16; from Residential Low and Preservation to Residential Low, Preservation, Residential Low Medium with a Development Agreement Having a Building Height of Five-Stories for the Proposed Building and a Request for a 50 Percent Affordable Housing Density Bonus, Providing for Other Modifications that May Arise from Review of this Ordinance at the Public Hearing and/or with Other Responsible Parties, and Providing an Effective Date, upon Application of Bayside Reserves, Inc. and Pinellas County Community Development through Pinellas County Community Development, in Care of Anthony Jones, Director and Roxanne Amoroso, Banc of America Community Development Corp., Representatives**

**SCHEDULED BCC PUBLIC HEARINGS – CONTINUED**

39. b. **Q Z/LU-1-6-08 (Adoption Hearing)**  
Resolution Changing the Zoning Classification of Three Parcels of Land Containing Approximately .55 Acre Located on the Northeast Corner of 104<sup>th</sup> Avenue North and Seminole Boulevard, Seminole, Page 250 of the Zoning Atlas, as Being in Section 15, Township 30, Range 15; from C-1, Neighborhood Commercial and R-3, Single Family Residential to C-2, General Retail Commercial and Limited Services, and an Ordinance Amending the FLUM of Pinellas County, Florida by Changing the Land Use Designation of Three Parcels of Land Containing Approximately .55 Acre Located on the Northeast Corner of 104<sup>th</sup> Avenue North and Seminole Boulevard, Seminole Located in Section 15, Township 30, Range 15; from Commercial General and Residential Urban to Commercial General, Providing for Other Modifications that May Arise from Review of this Ordinance at the Public Hearing and/or with Other Responsible Parties, and Providing an Effective Date, upon Application of Johnston Jewelers, Inc. through Jacob F. Stowers, Representative
- c. **Q Z-1-7-08 (Adoption Hearing)**  
Resolution Changing the Zoning Classification of Two Parcels of Land Containing Approximately 1.2 Acres Located on the West Side of U.S. Alternate 19 Lying Southwest of the Sherwood Forest Travel Trailer Park, Palm Harbor, Page 93 of the Zoning Atlas, as Being in Section 11, Township 28, Range 15; from A-E, Agricultural Estate Residential to M-1, Light Manufacturing and Industry; upon Application of Mary Kay Rowe Trustee through W. Kelly Prior, Jr., in Care of Colliers Arnold, Representative

**SCHEDULED BCC PUBLIC HEARINGS – CONTINUED**

39. d. **Q LU-3-7-08 (Adoption Hearing)**  
An Ordinance Amending the FLUM of Pinellas County, Florida by Changing the Land Use Designation of a Parcel of Land Containing Approximately 5.6 Acres Located on the North Side of Park Boulevard and Lying 650 Feet West of 66<sup>th</sup> Street North, Pinellas Park (Street Address Being: 6721 Park Boulevard) Located in Section 30, Township 30, Range 16; from Residential Urban, Commercial General and Preservation to Commercial General and Preservation, Providing for Other Modifications that May Arise from Review of this Ordinance at the Public Hearing and/or with Other Responsible Parties, and Providing an Effective Date, upon Application of TPA Investments, LLC, in Care of Grady Pridgen, Inc.
- e. **Q LU-4-7-08 (Adoption Hearing)**  
An Ordinance Amending the FLUM of Pinellas County, Florida by Changing the Land Use Designation of Two Lots Containing Approximately .1 Acre Located on the Northwest Corner of U.S. Alternate 19 and Ulelah Avenue, Palm Harbor (Street Address Being: 3111 Alternate 19) Located in Section 35, Township 27, Range 15; from Residential/Office-General to Residential/Office/Retail and a Variance to Allow the Existing Structure on a Lot with 9,240 Square Feet MOL of Lot Size Where 10,000 Square Feet of Lot Size is Required, Providing for Other Modifications that May Arise from Review of this Ordinance at the Public Hearing and/or with Other Responsible Parties, and Providing an Effective Date, upon Application Of Penpro, Inc., in Care of Christine and Scott Pendleton.
- f. **Q Z-6-7-08 (Adoption Hearing)**  
Resolution Changing the Zoning Classification of a Parcel of Land Containing Approximately .7 Acre Located on the West Side of Alternate 19, 180 Feet North of Crystal Beach Avenue, Crystal Beach, Page 68/70 of the Zoning Atlas, as Being in Section 35, Township 27, Range 15; from RM-7.5, Residential, Multiple Family, 7.5 Units Per Acre to C-2, General Retail Commercial and Limited Services, upon Application of Pinellas County Planning Director, in Care of Planning Department

**SCHEDULED BCC PUBLIC HEARINGS – CONTINUED**

39. g. **Q Z/LU-1-8-08 (Adoption Hearing)**  
Resolution Changing the Zoning Classification of Four Parcels of Land Containing a Total of Approximately 1.46 Acres Located on the East and West Side of 63<sup>rd</sup> Street North, 250 Feet North of 150<sup>th</sup> Avenue North, Clearwater, Page 708 of the Zoning Atlas, as Being in Section 32, Township 29, Range 16; from RM-7.5, Residential, Multiple Family, 7.5 Units Per Acre to M-1, Light Manufacturing and Industry, and an Ordinance Amending the FLUM of Pinellas County, Florida by Changing the Land Use Designation of Four Parcels of Land Containing a Total of Approximately 1.46 Acres Located on the East and West Side of 63<sup>rd</sup> Street North, 250 Feet North of 150<sup>th</sup> Avenue North, Clearwater Located in Section 32, Township 29, Range 16; from Residential Urban to Industrial Limited, Providing for Other Modifications that May Arise from Review of this Ordinance at the Public Hearing and/or with Other Responsible Parties, and Providing an Effective Date, upon Application of Bob's Best Properties, Walker Hauling, Inc. and Best Metal Recycling through Chris Foley, Macfarlane, Ferguson & McMullen, Representative
- h. **Q Z/LU-2-7-08 (Transmittal)**  
Resolution Changing the Zoning Classification of a Parcel of Land Containing Approximately 3.7 Acres of Upland Area (4.8 Acres Total - Includes Water) Located on the East Side of Seminole Boulevard Lying Between Grove Terrace and Valencia Terrace, Seminole, Page 277 of the Zoning Atlas, as Being in Section 27, Township 30, Range 15; from R-6, Mobile Home Parks and Subdivisions to RM-12.5, Residential, Multiple Family, 12.5 Units Per Acre, and an Ordinance Amending the FLUM of Pinellas County, Florida by Changing the Land Use Designation of a Parcel of Land Containing Approximately 3.7 Acres of Upland Area (4.8 Acres Total - Includes Water) Located on the East Side of Seminole Boulevard Lying Between Grove Terrace and Valencia Terrace, Seminole Located in Section 27, Township 30, Range 15; from Residential Urban to Residential Medium, Providing for Other Modifications that May Arise from Review of this Ordinance at the Public Hearing and/or with Other Responsible Parties, and Providing an Effective Date, upon Application of Lake Shore Development, LLP through West Coast Design, Inc., Representative

**SCHEDULED BCC PUBLIC HEARINGS – CONTINUED**

39. i. **Q LU-5-7-08 (Adoption Hearing)**  
**An Ordinance Amending the FLUM of Pinellas County, Florida by Changing the Land Use Designation of Two Parcels of Land Containing Approximately 9.9 Acres Located on the West Side of Starkey Road, Lying 2600 Feet North of Ulmerton Road, Largo Located in Section 02, Township 30, Range 15; from Industrial Limited to Industrial General and a Development Agreement, Providing for Other Modifications that May Arise from Review of this Ordinance at the Public Hearing and/or with Other Responsible Parties, and Providing an Effective Date, upon Application of Pinellas County Planning Director, in Care of Planning Department**
40. **Proposed Ordinance Amending Combustion Motor Exclusion Zone and Vessel Exclusion Zones for Fort DeSoto and Sand Key Parks (Adoption Hearing)**
41. **Proposed Ordinance Adding the Economic Element of the Pinellas County Comprehensive Plan (Comp Plan) (First Public Hearing)**
42. **Proposed Ordinance Amending the Transportation Element, Capital Improvements Element, and Concurrency Management System Section of Comp Plan (First Public Hearing)**
43. **Proposed Ordinance Amending the Housing Element, Natural Resource Conservation and Management Element, Potable Water Supply, Wastewater and Reuse Element, and the Public School Facilities Element of the Comp Plan (First Public Hearing)**
44. **Proposed Ordinance Amending the Preservation-Resource Management Future Land Use Map (FLUM) Category of the Comp Plan (First Public Hearing)**
45. **Proposed Ordinance Amending the Preservation/Conservation and Preservation-Resource Management Zoning Districts of the Pinellas County Zoning Code (First Public Hearing)**
46. **Proposed Resolution Changing the Zoning Classification on Approximately 5,800 Acres Located within the Brooker Creek Preserve (Brooker Creek) (Z-5-9-08) (Adoption Hearing)**

**SCHEDULED BCC PUBLIC HEARINGS – CONTINUED**

47. **Proposed Ordinance Amending the FLUM on Approximately 16.4 Acres within Brooker Creek (LU-6-9-08) (First Public Hearing)**
48. **Proposed Ordinance Amending the FLUM to Apply Potable Water Resource Overlays on Certain Properties Designated as Preservation-Resource Management that are Assets of Pinellas County Utilities or Tampa Bay Water and Located within Brooker Creek (LU-7-09-08) (First Public Hearing)**
49. **Proposed Ordinance and Resolution Amending the FLUM and Zoning Atlas Relating to the Wilde Property (Q Z/LU-8-9-08) (First Public Hearing)**
50. **Proposed Ordinance Amending the Recreation, Open Space and Culture Element, Natural Resource Conservation and Management Element, Intergovernmental Coordination Element, Transportation Element, and the Capital Improvements Element of the Comp Plan (Adoption Hearing)**
51. **Proposed Ordinance Amending the FLUM Category Descriptions and Rules of the Future Land Use and Quality Communities Element (FLUQCE) of the Comp Plan to Provide for Alternative Density and Intensity Standards for Permanent Transient Accommodation Use (Adoption Hearing)**
52. **Proposed Ordinance Amending Chapter 138 of the Zoning Provisions of the Pinellas County Land Development Code to Permit Higher Transient Accommodation Densities and Intensities to Support Retention and Development of Hotels for the Tourism Industry (Adoption Hearing)**
53. **Proposed Ordinance Amending the Definition of Coastal Submerged Lands in Part II of the FLUM Category Descriptions and Rules of the FLUQCE of the Comp Plan (Adoption Hearing)**

**G. CITIZENS TO BE HEARD**

**Any Person Wishing to Speak at This Time, Excluding Non-Public Hearing Items on the Agenda or Issues Previously Acted on by the BCC, Must Have a Yellow Card Completed and Given to the Board Secretary at the Staff Table Located at the Front of the Board Room. The Chair Will Call Each Speaker, One by One, to the Podium to be Heard. Each Speaker May Speak up to Three (3) Minutes.**

**ADJOURNMENT**

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*Persons are advised that, if they decide to appeal any decision made at this meeting/hearing, they will need a record of the proceedings, and, for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*

**IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE, PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 S. FT. HARRISON AVE., SUITE 500, CLEARWATER, FL 33756. (727) 464-4062 (V/TDDO).**

**PUBLIC HEARING PROCEDURES**

Public Hearings before the BCC are governed by the provisions of Section 134-14 of the Pinellas County Land Development Code. That code provides that at the conclusion of each person's presentation, any speaker may seek the Chair's permission to ask questions of staff. Specifically:

1. At the conclusion of the presentations by the applicant and any proponents, all affected parties may seek the Chair's permission to ask questions of or seek clarification from the applicant and/or the proponents.
2. At the conclusion of the presentation by the opponents, all affected parties may seek the Chair's permission to ask questions of or seek clarification from any opponent.

The applicant's closing comments will address testimony subsequent to their presentation. Continuing rebuttal of other than directly preceding testimony will not be allowed.

Because much testimony has already been submitted in writing, the following guidelines are expected to be sufficient to accommodate efficient presentations:

1. The applicant should present his or her entire case in twenty (20) minutes.