

AGENDA – Regular Public Meeting

3:00 p.m.

Pinellas County

Board of County Commissioners (BCC)

April 21, 2009

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 of the Regular Meeting of March 17, 2009**
- 2. Reports:**
 - a. Pinellas County Historical Background, Third Edition, December 2008**
 - b. Internal Audit Division, Clerk of the Circuit Court, Report No. 2009-02 Dated March 12, 2009 – Audit of Emergency Medical Services/Fire Contracts, Together with the Audit Watch**
 - c. Internal Audit Division, Clerk of the Circuit Court, Report No. 2009-03 Dated March 26, 2009 – Audit of Lealman Solid Waste Collection and Disposal, Together with the Audit Watch**
 - d. Palm Harbor Special Fire Control and Rescue District Annual Financial Report for the Fiscal Year (FY) Ended September 30, 2008**
- 3. Vouchers and Bills Paid**
- 4. Miscellaneous Items to be Received for Filing:**
 - a. Resolutions of Municipalities Supporting an Amendment to the Florida Constitution Requiring the Florida Legislature to Operate Under the Florida Government in the Sunshine Laws**
 - 1. City of Seminole No. 03-2009 Adopted February 24, 2009**
 - 2. Kenneth City No. 09-05 Adopted March 11, 2009**

4. b. **City of Tarpon Springs Resolution No. 2009-08 Adopted March 17, 2009, Supporting Solar Energy**
- c. **Notification from KV Pharmaceutical Company/Ther-Rx Corporation Regarding the Permanent Lay Off of Nine Employees on March 6, 2009, Pursuant to the Worker Adjustment and Retraining Notification (WARN) Act**
- d. **Pinellas Park Water Management District Minutes of Regular Authority Meeting No. 5 Dated February 19, 2009**
- e. **Homeowners Association of Highland Lakes, Inc. Board of Directors 2009 Slate of Officers**

COUNTY ADMINISTRATOR

Airport

5. **Approval of the Ranking of Firms and Authority for Staff to Negotiate with the Number One Ranked Firm for Runway 4/22 Rehabilitation, Pavement and Lighting**
6. **Adoption of a Resolution Approving an Application for Federal Assistance with the Federal Aviation Administration for Terminal Renovation Projects**

Public Works

7. **Approval of Receipt and File Reports for Consultant Competitive Negotiation Act Items Delegated to the County Administrator for Approval for the Quarter Ending March 31, 2009**
8. **Approval of the Ratification of a Grant Application with the Southwest Florida Water Management District for Additional Funding for the Curlew Creek Channel “A” Improvements from Republic Drive to Belcher Road Project**
9. **Approval of Awards of Bid to:**
 - a. **Transportation Structures, Inc. for North Pinellas Sidewalk Repair and Replacement Contract 2009**
 - b. **Kearney Construction Co., LLC for Alligator Creek Channel B, Phase III**

9. c. **Smith Industries, Inc., d/b/a Smith Fence Company, for Fencing, Chain Link and Miscellaneous (Co-Op)**

Utilities

10. **Approval of an Award of Bid to Ferguson Enterprises, Inc., d/b/a Ferguson Waterworks, for Air Release Valves**

Other Departments

11. **Approval of the County Administrator Receipt and File Reports of: (County Administrator)**
 - a. **Non-Procurement Delegated Items**
 - b. **Procurement Items for the Quarter Ending March 31, 2009**
12. **Approval of Ratification of Acceptance of a Grant Award with the Florida Office of the Attorney General, Crime Stoppers Trust Fund for the Pinellas County Sheriff's Office (Justice and Consumer Services)**
13. **Adoption of a Resolution Designating the Pinellas County Sheriff to Act as Project Manager for a Florida Fish and Wildlife Conservation Commission Grant (Justice and Consumer Services)**
14. **Approval of FY 2009 Budget Amendment No. 7 (Management and Budget)**
15. **Approval of Receipt and File Reports from January 1, 2009 through March 31, 2009 for: (Management and Budget)**
 - a. **Administrative Budget Amendments**
 - b. **Law Enforcement Trust Fund**
16. **Adoption of a Resolution Appropriating Earmarked Receipts for a Particular Purpose in the FY 2009 General Fund Budget for the Public Defender (Management and Budget)**
17. **Approval to Declare Surplus and Authorize the Sale of Miscellaneous County Owned Equipment to the City of Safety Harbor (Real Estate Management/Fleet Management)**

18. Approval of a Contract for Sale and Purchase with Intra-Urban Investments, LLC for Vacant Property Located on 58th Avenue North, Between 60th Street North and 62nd Street North (Real Estate Management/Public Works)
19. Approval of the Summary of Commercial Insurance Coverages Renewed for March 1, 2009 (Risk Management)

B. REGULAR AGENDA

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

COUNTY ADMINISTRATOR

Airport

21. This Item Has Been Deleted From the Agenda

Utilities

22. Approval of Amendment No. 2 to the Agreement for Construction Management at Risk Services with Post, Buckley, Schuh & Jernigan, Inc. for State Road 699 (Gulf Boulevard) from Park Boulevard to Walsingham Road for Roadway and Utilities Improvements
23. Approval of Utility Work by Highway Contractor Agreement and Memorandum of Agreement with the Florida Department of Transportation for Utility Relocation for:
 - a. State Road 55 (U.S. Highway 19) from North of Whitney Road to South of Seville Drive
 - b. State Road 55 (U.S. Highway 19) from South of Seville Drive to North of State Road 60

Other Departments

24. Approval of the State Housing Initiatives Partnership Local Housing Assistance Plan for State FY 2009-10, 2010-11, and 2011-12 for Submittal to the Florida Housing Finance Corporation (Community Development)

25. **Approval of a Tourism Promotion Agreement with Tampa Bay Rays Baseball, Ltd. for the 2009 Baseball Season (Convention & Visitors Bureau)**
26. **Approval of a Summer Food Service Program for Children: (Health and Human Service)**
 - a. **Agreement with the Florida Department of Education, Division of Support Services, Food and Nutrition Management**
 - b. **Food Vending Services Agreement and Memorandum of Agreement with the Pinellas County School Board**
27. **Adoption of a Resolution Authorizing the Department of Justice and Consumer Services to Provide Continued Administration of the Fair and Accurate Credit Transaction Act of 2003 (Justice and Consumer Services)**
28. **Approval of an Appointment of a Member and Alternate Member to the Pre-Qualification Committee Representing the West Coast Chapter of the Florida Society of Certified Public Accountants (Purchasing)**
29. **Other Administrative Matters**

COUNTY ATTORNEY

30. **Approval of Authority for the County Attorney to Defend the Cases of:**
 - a. **The Bank of New York Mellon v. Edward J. Inglesby, III, et al - Circuit Civil Case No. 09-005437-CI-13 - Mortgage Foreclosure Involving Code Enforcement Liens**
 - b. **Indymac Federal Bank, Federal Savings Bank v. David C. Bearce, et al. – Circuit Civil Case No. 09-005164-CI-7 – Mortgage Foreclosure Involving a Tax Lien**
 - c. **U. S. Bank N.A. v. Shawn Chambers a/k/q Shawn Chambers, et al – Circuit Civil Case No. 09-005336-CI-13 – Mortgage Foreclosure Involving a Mortgage Received by Assignment**
 - d. **U.S. Bank N.A. v. Jeremiah Krol, et al – Circuit Civil Case No. 09-005740-CI-7 - Mortgage Foreclosure Involving a Subordinate Mortgage**

- 30. e. Wells Fargo Bank, N.A. v. William J. Morgan, et al - Circuit Civil Case No. 08-017851-CI-15 - Mortgage Foreclosure Involving Judgment Liens
- f. Joyce Jackson, et al v. Pinellas County, et al – Circuit Civil Case No. 08-17472-CI-21 - Allegations of Negligence Resulting in Personal Injuries
- 31. Approval of Authority for the County Attorney to Initiate Housing Discrimination Litigation on Behalf of Daniel and Laurel Hommel in the Claim of Daniel and Laura Hommel v. The Gardens 106, Inc. – Housing and Urban Development Case No. 04-07-1516-8, Pinellas County No. 08-001
- 32. Approval of Authority for the County to Submit a Claim on Behalf of a Class Member to Recover a Portion of a Cost Incurred by Pinellas County in the New Mexico United Food and Commercial Workers Union’s and Employer’s Health and Welfare Trust Fund, et al v. Purdue Pharma, L.P., et al – U.S. District Court Case No. 07-CV-06916-JGK-MHD
- 33. Approval of a Recommendation for Settlement in Stephen Cressman v. Pinellas County Government – Workers’ Compensation

34. Miscellaneous

C. AUTHORITIES, BOARDS, AND COUNCILS

BUSINESS TECHNOLOGY SERVICES

- 35. Approval of the First Amendment to Agreement with Hewlett-Packard Company for Purchase and/or Lease of Computer Equipment

D. COUNTY ADMINISTRATOR REPORTS

36. None

E. COUNTY COMMISSION

- 37. Approval of an Appointment to the Youth Advisory Council
- 38. 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.**

SCHEDULED PUBLIC HEARINGS – BCC

- 39. Proposed Ordinance Amending Section 150 of the Pinellas County Land Development Code Regarding Impact Fees (Continued from March 3, 2009)**

SCHEDULED BCC PUBLIC HEARINGS – CONTINUED

40. Planning and Zoning Applications Heard by the Examiner (Quasi-Judicial Hearings are Noted with a “Q” Prefix):

a. Q Z/LU-2-2-09

Resolution Changing the Zoning Classification of a Rezoning on Approximately 13.5 Acres on Several Parcels of Land Located North of Wilcox Road Lying Between Pine Street Southwest and Jackson Street, Largo, Page 235 of the Zoning Atlas, as Being in Section 08, Township 30, Range 15; from R-4, One, Two and Three Family Residential, RM-5, Residential, Multiple Family, 5 Units Per Acre, C-1, Neighborhood Commercial, A-E, Agricultural Estate Residential and PC, Preservation Conservation to R-3, Single Family Residential and PC, Preservation Conservation, upon Application of BCC, in Care of Community Development and an Ordinance Amending the Future Land Use Map of Pinellas County, Florida by Changing the Land Use Designation of Several Parcels of Land Containing Approximately 4.3 Acres Located North of Wilcox Road Lying Between Pine Street Southwest and Jackson Street, Largo Located in Section 08, Township 30, Range 15; from Residential Low, Commercial Neighborhood and Recreation/Open Space to Residential Low and Recreation/Open Space, 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

SCHEDULED BCC PUBLIC HEARINGS – CONTINUED

40. b. **Q Z/LU-3-2-09**
Resolution Changing the Zoning Classification of Three Parcels of Land Containing Approximately .87 Acre Located on the North and South Side of Gooden Crossing and Lying Between 13th Lane Southwest and the Pinellas Trail, Largo, Page 224 of the Zoning Atlas, as Being in Section 04, Township 30, Range 15; from R-3, Single Family Residential and C-2, General Retail Commercial and Limited Services to R-3, Single Family Residential, upon Application of BCC, in Care of Community Development, and an Ordinance Amending the Future Land Use Map of Pinellas County, Florida by Changing the Land Use Designation of Three Parcels of Land Containing Approximately .87 Acre Located on the North and South Side of Gooden Crossing and Lying between 13th Lane Southwest and the Pinellas Trail, Largo Located in Section 04, Township 30, Range 15; from Commercial Neighborhood to Residential Low, 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
- c. **Q Z-4-2-09**
Resolution Changing the Zoning Classification of Two Parcels of Land Containing Approximately .34 Acre Located on the East Side of 119th Street North Lying 50 Feet North of Ulmerton Road, Largo, Page 224 of the Zoning Atlas, as Being in Section 04, Township 30, Range 15; from R-4, One, Two and Three Family Residential to R-3, Single Family Residential, upon Application of BCC, in Care of Community Development
- d. **Q Z-5-2-09**
Resolution Changing the Zoning Classification of a Parcel of Land Containing Approximately .75 Acre Located on the West Side of US Highway 19 North Where It Intersects with 62nd Street North, Largo, Page 731 of the Zoning Atlas, as Being in Section 08, Township 30, Range 16; from C-3, Commercial, Wholesale, Warehousing and Industry to C-2, General Retail Commercial and Limited Services and a Variance to Allow the Existing Structures to Remain at Their Current Location, upon Application of M M C Properties, Inc. through Vincent Corbitt, Land Precision Corporation, Representative

SCHEDULED BCC PUBLIC HEARINGS – CONTINUED

- 40 e. **Q Z-1-3-09**
Resolution Changing the Zoning Classification of Three Parcels of Land Containing Approximately 2.33 Acres Located on the North Side of 150th Avenue North and Lying Between 63rd Street North and 62nd Street North, Clearwater (Street Address: 6263 and 6201 150th Avenue North and 15093 63rd Street North), Page 708 of the Zoning Atlas, as Being in Section 32, Township 29, Range 16; from C-2, General Retail Commercial and Limited Services to C-1, Neighborhood Commercial, upon Application of Pinellas County Planning Director
- f. **Q Z/LU-2-3-09**
Resolution Changing the Zoning Classification of Four Parcels of Land Containing Approximately .89 Acre Located on the Northwest Corner of 150th Avenue North and 63rd Street North, Clearwater (Street Addresses: 6289 150th Avenue North and 15092, 15098 and 15110 63rd Street North) Page 708 of the Zoning Atlas, as Being in Section 32, Township 29, Range 16; from C-2, General Retail Commercial and Limited Services and RM-7.5, Residential Multiple Family, 7.5 Units per Acre to C-3, Commercial, Wholesale, Warehousing and Industry and M-1, Light Manufacturing and Industry and a Variance for Three of the Lots to Have Less Than the Required 12,000 Square Feet Minimum Lot Size and for One of the Lots to Have 77.7 Feet in Lot Width Where 80 Feet is Required, upon Application of Pinellas County Planning Director and an Ordinance Amending the Future Land Use Map of Pinellas County, Florida by Changing the Land Use Designation of Four Parcels of Land Containing Approximately .89 Acre Located on the Northwest Corner of 150th Avenue North and 63rd Street North, Clearwater (Street Addresses: 6289 150th Avenue North and 15092, 15098 and 15110 63rd Street North) Located in Section 32, Township 29, Range 16' from Residential Urban and Commercial Neighborhood 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

SCHEDULED BCC PUBLIC HEARINGS – CONTINUED

40. g. **Q Z/LU-3-3-09**
Resolution Changing the Zoning Classification of Five Parcels of Land Containing Approximately 2.7 Acres Located on the East Side of 63rd Street North and Lying 240 Feet North of 150th Avenue North, Clearwater (Street Addresses: 15122 and 15123 63rd Street North, and 15090 62nd Street North), 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 a Variance for One of the Lots to Have Less Than the Required 12,000 Square Feet Lot Area, upon Application of Pinellas County Planning Director, and an Ordinance Amending the Future Land Use Map of Pinellas County, Florida by Changing the Land Use Designation of Five Parcels of Land Containing Approximately 2.7 Acres Located on the East Side of 63rd Street North and Lying 240 Feet North of 150th Avenue North, Clearwater (Street Addresses: 15122, 15123 63rd Street North and 15090 62nd Street North) 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
- h. **Q Z-4-3-09**
Resolution Changing the Zoning Classification of a Lot Containing Approximately .19 Acre Located on the East Side of Missouri Avenue Lying 67 Feet South of Bellevue Boulevard, Clearwater (Street Address: 1457 South Missouri Avenue); Page 188 of the Zoning Atlas, as Being in Section 22, Township 29, Range 15; from C-1, Neighborhood Commercial to C-2, General Retail Commercial and Limited Services and with a Variance to Allow a Lot Width of 67 Feet and Lot Area of 8,232 Square Feet Where 80 Feet of Lot Width and 10,000 Square Feet of Lot Area are Required, upon Application of Randolph Misir through Banie Emanuel/Reggie Register, Representative

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.