

9:00 a.m. – Swearing-In Ceremony

AGENDA – Regular Public Meeting

Pinellas County

Board of County Commissioners (BCC)

9:33 a.m.

November 16, 2010

**INVOCATION**

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

**PRESENTATIONS and AWARDS**

**A. SCHEDULED PUBLIC HEARINGS**

**Any Person Wishing to Speak about a Public Hearing Item Shall Complete a Blue Card and Submit it to Staff at the 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 Staff at the 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 Staff at the Table Located at the Front of the Board Room, and May Speak up to Three (3) Minutes. The Chairman Will Call Each Speaker, One by One, to the Podium to be Heard.**

**COUNTYWIDE PLANNING AUTHORITY (CPA) PUBLIC HEARINGS**

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

**REGULAR AMENDMENTS**

1. Adoption of Proposed Amendments to the Countywide Future Land Use Plan (FLUP)
  - a. [Case CW 10-19 - City of St. Petersburg](#)  
0.1 Acre More or Less (MOL) Located at 3412 17<sup>th</sup> Avenue South; Amendment from Residential Medium to Planned Redevelopment Mixed-Use
  - b. [Case CW 94-55 - City of Clearwater](#)  
Approval of Substantive Amendments to the Clearwater Downtown Redevelopment Plan

**SCHEDULED PUBLIC HEARINGS – BCC**

2. Water and Navigation Applications:
  - a. [Dredge and Fill Application DF2073-10](#) Submitted by the City of St. Petersburg, Clam Bayou Recreational Trail Phase II Between 22<sup>nd</sup> Avenue South and 34<sup>th</sup> Avenue South and Between 38<sup>th</sup> Street South and 42<sup>nd</sup> Street South, Clam Bayou
  - b. [Commercial Dock Application CC40857-10](#) Submitted by the City of St. Petersburg, Clam Bayou Recreational Trail Phase II Between 22<sup>nd</sup> Avenue South and 34<sup>th</sup> Avenue South and Between 38<sup>th</sup> Street South and 42<sup>nd</sup> Street South, Clam Bayou
3. [Proposed Amendments/Additions](#) to Section 138.1334, of the Pinellas County Land Development Code Pertaining to Electronic Changeable Messages on Off-Premises Signs (First Public Hearing – Continued to December 14, 2010 and January 22, 2011 BCC Meetings)  
*Mr. Woodard noted that the correct date for the second public hearing is January 11, 2011.*
4. [Proposed Two-Month Extension](#) of the Deadline of Ordinance 09-66 for Moratorium on the Permitting of Digital, Off-Premises Signs in Unincorporated Pinellas County
5. [Approval of an Ordinance](#) Amending Chapter 118 of the Pinellas Code Relating to the Administration of Tourist Tax Collections and Issuance of Permits and Approvals by the St. Petersburg/Clearwater Convention and Visitors Bureau (CVB)

6. [Petition to Vacate](#) by Gulfview South, Inc. for a Portion of Right-of-Way adjacent to Block 94 in the Town of Sutherland Subdivision, located at 1026 Florida Avenue, Palm Harbor (Legislative Hearing)
7. [Petition to Vacate](#) Submitted by Thomas and Eda Seibert for a Portion of a Drainage Easement on Lot 12, Grand Bay Heights Subdivision (Quasi-Judicial Hearing)
8. [Petition to Vacate](#) a Portion of an Easement Submitted by Lucille DaCosta, Lot 3D Tarpon Woods, Tanglewood Patio Homes Section No. 1 Subdivision (Quasi-Judicial Hearing)
9. [Petition to Vacate](#) Submitted by Tim and Elizabeth Gregson for a Portion of a Conservation and Drainage Easement and a Portion of Right-of-Way Known as McMullen Street and Bay Street, Indian Rocks Subdivision (Quasi-Judicial Hearing)

**B. CITIZENS TO BE HEARD**

**Any Person Wishing to Speak at This Time, Excluding Public Hearing Items on the Agenda, Must Have a Yellow Card Completed and Given to Staff at the 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.**

*David Waddell, Clearwater, re Commissioner Roche.*

*Tom Rask, re Welcome Norm Roche, other issues.*

*Curtis Holmes, Largo, re timing of traffic lights; CDC/ADA report on fluoride.*

*Scott Daniels, Clearwater, re Pinellas Trail 20th Anniversary.*

*Lenore Faulkner, Madeira Beach, re Pinellas Park Middle World Class Career and Technology School.*

**C. CONSENT AGENDA**

**CLERK OF THE CIRCUIT COURT**

10. [Approval of Minutes](#) of Regular Meetings Held September 28 and October 12, 2010
11. Reports:
  - a. [Audit Services](#), Division of Inspector General, Clerk of the Circuit Court, Report No. 2010-16 dated October 14, 2010 - Follow-Up Audit of Real Estate Management and Fleet Management Property Disposition Function

- b. [Audit Services](#), Division of Inspector General, Report No. 2010-17 dated October 14, 2010 – Audit of Utilities and Public Works Engineering Consultant Selection Processes
  - c. [Pinellas County Capital Improvement Program](#), Six-Year Work Plan, Fiscal Year (FY) 2011 through FY 2016
  - d. [Southwest Florida Water Management District](#) FY 2010-2011 Budget in Brief
  - e. [Dock Fee Report](#) for the Month of September 2010
  - f. [Quarterly Report](#) of Routine Dock Permits Issued from July 1, 2010 to September 30, 2010
12. [Vouchers and Bills Paid](#)
13. Miscellaneous Items to be Received for Filing:
- a. [City of Safety Harbor](#) Ordinance No. 2010-15 Adopted October 18, 2010, Annexing Certain Property
  - b. [Public Risk Management](#) of Florida Intergovernmental Cooperative Agreement for the City of Gulfport as Amended and Restated through October 15, 2004 for the Provision of Insurance, Together with an Affidavit of Authenticity
  - c. [Juvenile Welfare Board](#) Interim Financial and Investment Report (Unaudited) Dated September 30, 2010
  - d. [Eastlake Oaks Community Development District](#) Minutes of the Meeting Held June 10, 2010
  - e. [Pinellas Suncoast Fire & Rescue](#) Resolution Nos. 2010-06 Amending Resolution 2004-02 Making a Nunc Pro Tunc Designation for Depositing District Funds and 2010-07 Amending Resolution No. 2010-06; Resolution No. 2010-08 Amending Resolution No. 2002-03 Authorizing Signatory Power on Debit and/or Purchasing Cards on Behalf of the District; and Resolution No. 2010-09 Adopting the 2010/2011 Budget, Adopting Rates of Assessments, and Establishing Pay Raises for Administrative Staff/Personnel, Along with the Adopted FY Year 2010/2011 Operating and Capital Budget; Resolutions Adopted September 23, 2010

13. f. [Florida Public Service Commission](#) Consummating Orders Regarding a Joint Petition to Extend a Territorial Settlement Agreement by Progress Energy Florida, Inc., Tampa Electric Company, and The Mosaic Company; and an Application to Increase Water and Wastewater Rates in Marion, Orange, Pasco, Pinellas, and Seminole Counties by Utilities, Inc. of Florida; Consummating Orders Issued October 18 and 20, 2010, Respectively

## COUNTY ADMINISTRATOR

### Airport

14. [Approval of an Award of Bid](#) with Eveland Brothers, Inc. for Airlines Airside Operations Facility (Rebid)
15. [Approval of a First Amendment](#) to Lease Agreement with Lockheed Martin Corporation for Operation of the Federal Aviation Administration (FAA) Nationwide Automated Flight Services Station (AFSS) System

### Management and Budget

16. [Approval of FY 2010 Board Amendment No. 13](#)
17. [Approval of FY 2011 Board Amendment No. 1](#)
18. [Adoption of a Resolution](#) Appropriating Earmarked Receipts for a Particular Purpose in the FY 2010 State Housing Initiatives Partnership (SHIP) Fund for the Department of Community Development
19. [Adoption of a Resolution](#) Appropriating Unanticipated Fund Balance in the FY 2011 SHIP Fund for the Department of Community Development
20. Adoption of a Resolution Appropriating Earmarked Receipts for a Particular Purpose in the FY 2011 General Fund for:
  - a. [Justice and Consumer Services](#)
  - b. [Sheriff for Unanticipated Trust Funds](#)
  - c. [Sheriff for Unanticipated Grant Revenue](#)

21. [Adoption of a Resolution](#) Appropriating Earmarked Receipts for a Particular Purpose in the FY 2011 Fleet Management Fund
22. [Approval of Ratification](#) and Acceptance of a Waiver to Transfer Pinellas County's Recovery Zone Facility Bond Allocation to the State of Florida

### Public Works

23. [Approval of One Speed Hump](#) on Indiana Avenue Between 14<sup>th</sup> and 15<sup>th</sup> Street
24. [Approval of the Ranking of Firms](#) and Authority for Staff to Negotiate with Each of the Four (4) Top Ranked Firms for Subsurface Utility Locating Services
25. [Approval of Ranking of Firms](#) and Authority for Staff to Negotiate with Each of the Top Six (6) Ranked Firms for Ongoing Land Survey and Mapping Services
26. [Approval of an Award of Bid](#) with Quinn Construction, Inc., for Beckett Rolling Lift Bridge Improvements
27. [Approval of the Receipt and File of an Application](#) for Federal Assistance for the Beckett Bridge Project Development and Environment Study.
28. [Approval of Award of Bid](#) with R.E. Purcell Construction Co., Inc., for FY 2011 Countywide Pavement Preservation

### Real Estate Management

29. [Approval of Reconveyance](#) of County-Owned Land to the West Central Florida Council, Inc., Boy Scouts of America
30. [Adoption of a Resolution](#) to Declare a Portion of County-Owned Land Surplus and Grant Authorization to Sell to the State of Florida Department of Transportation for Property Lying on the North and South Sides of Ulmerton Road State Road 688 (SR688) at the Seminole Lake Bypass Canal
31. [Approval of the Ranking of Firms](#) and Authority for Staff to Negotiate with the Number One Firm for Professional Design Services for the Public Safety Facilities and Centralized Communications Center

32. [Adoption of a Resolution](#) Declaring a Portion of Bowman Road Surplus and Approval of an Interlocal Agreement and County Deed for Conveyance to Pasco County

Other Departments

33. [Approval of an Award](#) of Bid with Lifeline Mobile for the Mobile Medical Unit (Rebid) (Health and Human Services/Fleet Management)
34. [Approval of a Grant Award](#) with Florida Communities Trust for the Wall Springs Coastal Addition IV (Parks & Conservation Resources)
35. [Approval of Certificates](#) of Public Convenience and Necessity (COPCN) for Advanced Life Support (ALS) First Responders, ALS Helicopter Ambulances, and the Emergency Medical Services (EMS) Authority d/b/a Sunstar (Public Safety Services – EMS Division)

COUNTY ATTORNEY

Reports:

36. [Notice of a New Lawsuit](#) and Defense of the Same by the County Attorney in the Case of Phyllis Campton v. Pinellas County - Circuit Civil Case No. 10-8390-CI-8 – Allegations of Negligence Resulting in Personal Injuries
37. [Notice of a New Lawsuit](#) and Defense of the Same by the County Attorney in the Case of Scott Hall, for the Use and Benefit of Citizens Property Insurance Corporation v. Pinellas County, a Political Subdivision of the State of Florida - Circuit Civil Case No. 10-15303-CI-7 – Allegations of County Negligence
38. [Notice of a New Lawsuit](#) and Defense of the Same by the County Attorney in the Case of Rita Mocsary, et al. v. Pinellas County - Circuit Civil Case No. 10-15242-CI-8 – Allegations of Negligence Resulting in Personal Injuries
39. [Notice of a New Lawsuit](#) and Defense of the Same by the County Attorney in the Case of U.S. Bank N.A., as Trustee for Banc of America Funding Corporation, et al. v. Joseph Schultz, et al - Circuit Civil Case No. 10-15116-CI-11 – Allegations of Incorrect Legal Description Resulting in Disruption of a Foreclosure

**D. REGULAR AGENDA**

40. **Items for Discussion** from Consent Agenda (County Administrator, County Attorney, and Clerk of Circuit Court)

Items Nos. 16, 20b, 24, 25, 26, 27, 28, 31 and 32 were discussed prior to the vote; Messrs. Woodard and Yauch provided input.

**COUNTY ADMINISTRATOR**

**Community Development**

41. **Adoption of a Resolution** Approving the Affordable Housing Advisory Committee’s Housing Incentives Review and Recommendations Report and Authorizing Submittal of the Report to the Florida Housing Finance Corporation
42. **Approval of Authority** to Advertise a Public Hearing on a Proposed Amendment to Section 138-1346 of the Pinellas County Code

**Economic Development**

43. **Approval of Authority to Advertise** Tax Equity Fiscal Responsibility Act (TEFRA) Hearing for Issuance Not-to-Exceed \$2,600,000 Pinellas County Industrial Development Authority Industrial Development Revenue Bond (IRB) for R’Club Child Care, Inc.
44. **Approval of Authority to Advertise** Tax Equity Fiscal Responsibility Act (TEFRA) Hearing for Issuance Not-to-Exceed \$8,600,000 Pinellas County Industrial Development Authority Industrial Development Revenue Bond (IRB) for Clearwater Marine Aquarium, Inc.
45. **Adoption of a Resolution** Approving A051110 as a Qualified Applicant for the Qualified Target Industry (QTI) Tax Refund Program
46. **Adoption of a Resolution** Approving B0051344499 as a Qualified Applicant for the QTI Tax Refund Program

**Health and Human Services**

47. **Approval of Funding Recommendations** to Local Social Service Agencies and Approval of the Master Homeless Initiative Funding Agreement
48. **Approval of Funding Recommendations** to Local Social Service Agencies and Approval of the Master Social Action Funding Agreement

49. [Approval of the Master Medicaid Buy-Back](#) Letter of Agreement with Local Pinellas County Hospitals
50. [Approval of a Letter of Agreement](#) with the State of Florida Agency for Health Care Administration for the Medicaid Buy-Back Program
51. [Approval of the Pinellas County Healthcare Services Agreement](#) with Edward White Hospital, Largo Medical Center, Northside Hospital, St. Petersburg General Hospital and Suncoast Hospital (HCA Affiliated Hospitals)
52. [Approval of the Pinellas County Hospital Healthcare Services Agreement](#) with Bayfront Medical Center, Inc.

**Real Estate Management**

53. [Adoption of a Resolution](#) Establishing Pinellas County Real Estate Practices Policy and Real Estate Procedures
54. [Approval to Declare](#) a Portion of the County-Owned Dansville Redevelopment Area Surplus and Authorizing Conveyance to Catherine Henry
55. [Approval to Declare](#) a Portion of the County-Owned Dansville Redevelopment Area Surplus and Authorizing Conveyance to Linda Diane Haynes

**Other Departments**

56. [Approval of an Airline Operating Permit](#) with Frontier Airlines, Inc. (Airport)
57. [Approval of Change Order No. 4](#) Final with Pepper Contracting Services, Inc., for 2007- 2008 Countrywide A.D.A. Ramp, Sidewalk, Drainage, and Intersection Improvements (Public Works)
58. [Other Administrative Matters](#)
  - a. Announcement of Tax Equity Fiscal Responsibility Act (TEFRA) Public Hearing for the Menorah Manor Senior Living, Inc., Project.

**COUNTY ATTORNEY**

59. [Approval of Conflict of Interest Advisory](#) – Conflict Waiver Request – Camelot Condominium Association, Inc., on Behalf of the Unit Owners of Camelot, a Condominium v. Luke Investments, Inc., et al.
60. [Approval of Authority](#) for the County Attorney to Initiate Litigation: Pinellas County Bureau Veritas North America, Inc. – Material Breach of Contract
61. [Approval of Authority](#) for County Attorney to Initiate Litigation: Pinellas County v. Joseph Allen Debiase – Allegations of Negligence in the Operation of a Motor Vehicle
62. [Approval of Authority](#) to Advertise a Public Hearing on a Proposed Ordinance Amending Chapter 66, Article II, Relating to Health and Sanitation
63. [Miscellaneous](#)
  - a. [Approval of a Recommendation](#) to Approve Settlement in Marianna Berdychowski v. Pinellas County Government – Potable Water Flooding Incident

**E. AUTHORITIES, BOARDS, AND COUNCILS****CPA**

64. [Adoption of a Resolution](#) Directing the Filing of the Countywide Plan Map 2010 Update

**F. COUNTY ADMINISTRATOR REPORTS**

65. [None](#)

**G. COUNTY COMMISSION**

66. [Approval of an Appointment](#) to the Youth Advisory Committee (YAC)
67. [Approval of an Appointment](#) to the Pinellas County Educational Facilities Authority
68. [Approval of Appointments](#) to the Pinellas County Health Facilities

**Authority**

69. **Approval of Appointments to the Technical Management Committee (TMC)**

70. **Approval of a Reappointment to the Unified Personnel Board**

71. **Approval of a Reappointment to the Pinellas Park Water Management District**

72. **Selection of the 2011 Chairman and Vice-Chairman**

Susan Latvala elected Chairman.

John Morrone elected Vice-Chairman.

73. **Miscellaneous**

- a. Commissioner Bostock noted that she had distributed materials to the members pertaining to the County Commission Staffing Work Session to be held following today’s meeting.
- b. Commissioner Morrone thanked the citizens of Pinellas County for allowing him to serve for another four years; congratulated Commissioners Latvala and Roche and wished them well; thanked the Board for their trust in asking him to serve as Vice-Chairman.
- c. Commissioner Latvala expressed her thanks to the citizens and Board members.
- d. Commissioner Welch congratulated the Chairman and Vice-Chairman elect; thanked Chairman Seel for her leadership; welcomed Commissioner Roche; and thanked Assistant County Administrator James Dates for his service and wished him well.
- e. Commissioner Brickfield congratulated Commissioners Morrone and Latvala; welcomed Commissioner Roche.  
  
expressed concern re the Technical Management Committee’s Partners in Recycling Subcommittee with regard to the Sunshine Law. Board provided direction to County Attorney pertaining to restructuring of the subcommittee.
- f. Commissioner Roche thanked the citizens, Board members and staff.  
  
appointed Joe Mangus to serve on the Board of Adjustment.
- g. Chairman Seel appointed to serve on the Juvenile Welfare Board through the end of December.  
  
requested Board confirmation of Mayors Council appointee Julie Scales to the Tourist Development Council.  
  
provided an update regarding the Metropolitan Planning Organization Reapportionment Plan; requested Board support of the Plan and accompanying Resolution.

indicated that she will be attending the November 17 Pinellas Planning Council meeting.

provided an update regarding the Transportation Task Force; invited the members to attend their December 13 meeting.

discussed homeless initiative proposed by City of St. Petersburg Mayor Bill Foster; Commissioners Welch and Latvala provided input pertaining to the Homeless Leadership Network.

congratulated Commissioners and expressed her thanks to former Commissioner Calvin Harris.

**ADJOURNMENT – 11:57 a.m.**

\* \* \* \*

*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.