

**AGENDA – Regular Public Meeting**

**9:30 a.m.**

**Pinellas County**

**Board of County Commissioners (BCC)**

**December 2, 2008**

**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 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 Chairman Will Call Each Speaker, One by One, to the Podium to be Heard.**

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

- 1. Proposed Amendments to the Countywide Plan Rules Regarding Development Agreements (First Public Hearing)**

**SCHEDULED PUBLIC HEARINGS – BCC**

- 2. Private Dock Application P39406-08, Submitted by Mike Gross, 1723 Sanctuary Place, Sutherland Bayou, Crystal Beach**

**SCHEDULED – BCC PUBLIC HEARINGS**

3. **Proposed Tax Equity Fiscal Responsibility Act (TEFRA) Resolution for TEFRA Issuance of Not-to-Exceed \$3,250,000.00 Pinellas County Industrial Development Authority Industrial Development Revenue Bonds, Series 2008 on Behalf of the R'Club Child Care, Inc. Project (Companion Item No. 28)**
4. **Proposed Amendment to an Existing Development Agreement, Associated with Z/LU Case No. 3-8-07, Entered into by and between Bayside Apartment Homes, LLC, a Florida Limited Liability Company ("Bayside Apartment"), Bayside Reserves, Inc., a Florida Corporation ("Bayside Reserves"), and Pinellas County, Florida, Pertaining to Several Parcels of Land Comprising Approximately 23 Acres Located on the East and West Side of 49<sup>th</sup> Street, Lying Primarily North of 162<sup>nd</sup> Avenue North (33/29/16/70380/100/0300, 0400, 0500, 2000, 1200), and Including a Building Height Not-to-Exceed 55 Feet for the Proposed Apartment Buildings, with a Maximum Unit Count of 156 Residential Units, Inclusive of a 50 Percent Affordable Housing Density Bonus, on the Western Parcel, and with a Maximum Height of 45 Feet for the Proposed 37 Residential Units on the Eastern Parcel, for a Total Net Project Density of 9.69 Units per Acre, to Supersede the Development Agreement Recorded at Official Records Book 16338, Page 1055, in the Public Records of Pinellas County, Florida**

**B. 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.**

**C. CONSENT AGENDA**

**CLERK OF THE CIRCUIT COURT**

5. **Approval of Minutes – None**

**6. Reports:**

- a. Capital Improvement Program, Six-Year Work Plan, Fiscal Year (FY) 2009 through FY 2014, Pinellas County, Florida**
- b. Pinellas County Clerk of the Circuit Court Annual Budget for FY 2008-2009**
- c. Internal Audit Division, Clerk of the Circuit Court, Report No. 2008-08 Dated October 30, 2008 – Audit of Telecommunication PBX/Phone Processes**
- d. Internal Audit Division, Clerk of the Circuit Court, Report No. 2008-09 Dated October 30, 2008 – Audit of Personnel Department Authorized but Unfilled Positions**
- e. Internal Audit Division, Clerk of the Circuit Court, Report No. 2008-10 Dated November 6, 2008 – Audit of IT-Disaster Planning**
- f. Internal Audit Division, Clerk of the Circuit Court, Report No. 2008-11 Dated November 6, 2008 – Audit of Information Technology ACF2 Mainframe Security Software**
- g. Internal Audit Division, Clerk of the Circuit Court, Report No. 2008-12 Dated November 6, 2008 – Audit of Facility Management Maintenance and Service Contract Administration**
- h. Dock Fee Report for the Month of October 2008**

**7. Vouchers and Bills Paid**

**8. Miscellaneous Items to be Received for Filing:**

- a. Florida Public Service Commission Order No. PSC-08-0625-PCO-EI Suspending Tariffs for Progress Energy Florida Inc. and Ordering that the Docket Remain Open**
- b. Communication from Southwest Florida Water Management District Regarding Draft Five-Year Water Resource Development Work Program**
- c. City of Seminole Ordinance No. 26-2008 Effective October 28, 2008, Voluntarily Annexing Certain Property**

**COUNTY ADMINISTRATOR**

**Utilities**

9. Approval of an Award of Bid to Insituform Technologies, Inc. for Madeira Beach Collection System Improvements Sanitary Sewer Cured-In Place Pipelining

**Other Departments**

10. Approval of Amendment No. 2 to the Master Lease Agreement with Suntrust Equipment Finance & Leasing Corp. for the Generator Lease Program (Fleet Management)
11. Approval of the Ratification of a Grant Award with the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for the Pinellas County Forensic Laboratory DNA Expansion Project (Justice and Consumer Services)
12. Approval of a Contract with the City of Indian Rocks Beach and the Pinellas County Sheriff for Law Enforcement Services (Justice and Consumer Services)
13. Adoption of a Resolution Appropriating Unanticipated Fund Balance in the FY 2009 General Fund Budget for: (Management and Budget)
  - a. Environmental Management
  - b. General Government
14. Adoption of a Resolution Appropriating Earmarked Receipts for a Particular Purpose in the FY 2009 Utilities Sewer Interest and Sinking Fund (Management and Budget)

**AUTHORITIES, BOARDS, AND COUNCILS**

**EMERGENCY MEDICAL SERVICES (EMS) AUTHORITY**

15. Approval of the Issuance of a Certificate of Public Convenience and Necessity to Express Medical Transporters, Inc. for Wheelchair Transportation

**D. REGULAR AGENDA**

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

**COUNTY ADMINISTRATOR**

**Public Works**

- 17. Approval of Change Order No. 6 Final, Acceptance of the Contract as Complete, and Release of Retainage with Skanska USA Building Inc. for Construction Management Services for the Jail Expansion Phase II Health Care Facility**
- 18. Approval of Amendment No. 2 to the Agreement for Consultant Services with TBE Group, Inc. for Improvements to Bryan Dairy Road (County Road 296) from Starkey Road to 72<sup>nd</sup> Street North**
- 19. Approval of Amendment No. 3 to the Agreement for Consultant Services with IBI Group, Inc. for 46<sup>th</sup> Avenue North from 80<sup>th</sup> Street North to 62<sup>nd</sup> Street North**

**Other Departments**

- 20. Approval of an Amendment to Terminate the Job Creation Incentive Grant Agreement with Nielsen Media Research, Inc. (Economic Development)**
- 21. Adoption of the Second Resolution Determining Necessity to Construct Roadway and Drainage Improvements to Keystone Road from U.S. Highway 19 to East Lake Road, and Directing the Condemnation of the Necessary Properties and Property Rights for Construction (Real Estate Management/Public Works)**
- 22. Approval of Amendment No. 1 to the Design/Build Agreement with Hennessy Construction Services Corp. for the Public Works Emergency Responders Buildings – Phase 2 (Real Estate Management)**
- 23. Other Administrative Matters**

**COUNTY ATTORNEY**

24. Approval of Authority for the County Attorney to Defend the Cases of:
- a. LaSalle Bank National Association v. Lisa Schultz - Circuit Civil Case No. 08-16161-CI-20 - Mortgage Foreclosure Involving an Ad Valorem Tax Lien
  - b. SouthTrust Mortgage Corp. v. Unknown Spouses, Heirs, Devisees, et al – Circuit Civil Case No. 08-16221-CI-19 - Mortgage Foreclosure Involving a Subordinate Mortgage
  - c. J. Allen Miller v. Pinellas County Risk Management and City of Clearwater – Circuit Civil Case No. 07-012666-CI-21 - Assertion of Trip and Fall at Old Courthouse Site
25. Approval of Authority for the County Attorney to Initiate Litigation in the Cases of:
- a. Pinellas County v. Sean J. Isaacs – Negligence in the Operation of a County-Owned Golf Cart
  - b. Pinellas County v. Melva Jane Metivier and Phillip A. Metivier – Negligence in the Operation of a Motor Vehicle
26. Miscellaneous

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

**BUSINESS TECHNOLOGY SERVICES**

27. Approval of Change Order No. 2 with Oracle USA, Inc. for the Renewal of Software License Maintenance

**ECONOMIC DEVELOPMENT AUTHORITY**

28. Adoption of a Resolution Authorizing the Issuance of Not-to-Exceed \$3,250,000.00 Pinellas County Industrial Development Authority Industrial Development Revenue Bonds on Behalf of the R'Club Child Care, Inc. Project (Companion Item No. 3)

F. COUNTY ADMINISTRATOR REPORTS

29. Environmental Protection Agency Revised Ozone Standard Report

G. COUNTY COMMISSION

30. Approval of Appointments to the Pinellas Planning Council for Groups A, B, and C
31. Approval of 2009 Appointments by the Chairman
32. Miscellaneous

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.