

AGENDA – Regular Public Meeting

3:00 p.m.

Pinellas County

Board of County Commissioners (BCC)

September 8, 2009

INVOCATION

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

PRESENTATIONS and AWARDS

A. 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 the Agenda Coordinator 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.

B. CONSENT AGENDA

CLERK OF THE CIRCUIT COURT

- 1. Approval of Minutes of the Regular Meeting of August 4, 2009**
- 2. Reports:**
 - a. Quarterly Investment Report for the Period Ended December 31, 2008**
 - b. Affidavit of Publication of Legal Notices Published in the Gulf Coast Business Review Regarding Notice of Forfeiture of Unclaimed Money and Unclaimed Evidence Pursuant to Section 116.21, Florida Statutes**
 - c. Southwest Florida Water Management District Standard Format Tentative Budget Submission for Fiscal Year (FY) 2009-2010**
 - d. Dock Fee Report for the Month of July 2009**

3. Vouchers and Bills Paid

4. Miscellaneous Items to be Received for Filing:

- a. Pinellas Planning Council Resolutions Nos. 09-1 Approving and Adopting the Budget and Accompanying Millage Rate for FY 2009-2010; and 09-02 Regarding Certain Issues Concerning the Statutory and Charter Authority of the Council and the BCC in Local Government Planning Functions, Adopted July 15, 2009**
- b. City of Clearwater Notices of Public Hearings Regarding Ordinances Nos. 8043-09 and 8079-09 through 8083-09 Amending the Annexation, Land Use Plan, Zoning Atlas, and the Clearwater Community Development Code, and a Notice of Intent to Consider a Development Agreement; Public Hearings Held August 6, August 20, and September 3, 2009**
- c. Correspondence from City of Gulfport Regarding Discontinuation of Proposed Annexation of Approximately 171 Acres of Unincorporated Pinellas County by Referendum, and the Cancellation of all Hearings Related Thereto**
- d. City of Largo Notice of Public Hearing Regarding Ordinance No. 2009-37 Held September 1, 2009, Annexing Certain Property**
- e. City of Pinellas Park Notice of Public Hearing Regarding Ordinance No. 3695 Held September 10, 2009, Voluntarily Annexing Certain Property**
- f. City of Seminole Notice of Public Hearing Regarding Ordinance No. 26-2009 Held August 25, 2009, Voluntarily Annexing Certain Property**
- g. Notification from Smith & Nephew, Inc. Pursuant to the Worker Adjustment and Retraining Notification (WARN) Act Regarding the Closing of the Starkey Road Facility and the Permanent Lay Off of 160 Employees**

COUNTY ADMINISTRATOR

Other Departments

5. Approval of a Contract Time Extension with Homeless Emergency Project, Inc. for Overnight Shelter Beds for Homeless Adults and Westcare Gulfcoast – Florida, Inc. for Shelter Beds with Intervention Services for Homeless Adults, Effective October 1, 2009 through December 31, 2009 (Health and Human Services)
6. Approval of the Receipt and File Report of Write-Offs for Accounting Purposes Delegated to the County Administrator for the Period of October 1, 2008 through March 31, 2009 (Management and Budget)
7. Approval of FY 2009 Budget Amendment Nos. 11 and 12 (Management and Budget)
8. Adoption of a Resolution Appropriating Earmarked Receipts for a Particular Purpose in the FY 2009 General Fund Budget for Various Grants and Contracts to the Sheriff (Management and Budget)
9. Approval to Declare Miscellaneous County-Owned Equipment Surplus, Include Sale of Scrap Material, Disposal of Junked Material, and Removal of Lost and Stolen Items from the County Fixed Asset Inventory (Real Estate Management)
10. Approval of an Award of Bid to Air Mechanical & Service Corp. for Air Handler Unit Installation at 315 Court Street (Real Estate Management)

AUTHORITIES, BOARDS, AND ENTITIES

LEALMAN SOLID WASTE COLLECTION AND DISPOSAL DISTRICT (LSWCDD)

11. Approval of Acceptance of Non-Ad Valorem Assessment Roll for LSWCDD and Certification to the Tax Collector

C. REGULAR AGENDA

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

COUNTY ADMINISTRATOR

Public Works

13. Approval of a Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant Application for Pinellas Countywide Advanced Traffic Management System/Intelligent Transportation System
14. Approval of Amendment No. 1 to the Agreement for Professional Engineering Consulting Services with KCI Technologies, Inc. for 62nd Avenue North from 49th Street to 34th Street North
15. Approval of Amendment No. 3 to the Agreement for Consultant Services with TBE Group, Inc. for Improvements to Bryan Dairy Road (County Road 296) from Starkey Road to 72nd Street North

Utilities

16. Approval of Amendment No. 2 to the Resource Recovery Facility Agreement with Veolia ES Pinellas, Inc. for the Waste-to-Energy Facility Operator Re-Procurement (Companion Item No. 17)
17. Approval of a Letter of Understanding with Progress Energy Florida Regarding the Amended and Restated Power Purchase Agreement, Dated February 21, 1989 (Companion Item No. 16)

Other Departments

18. Approval of the First Amendment to Agreement with Patton Boggs, LLP for Federal Governmental Representation Services (County Administrator)
19. Approval of Renewal No. 3 to the Agreement with Gulfcoast Legal Services, Inc. for Legal Aid Services to Indigent County Residents (Justice and Consumer Services)
20. Approval of a Contract with Jon. R. Thogmartin, M.D., P.A. for Medical Examiner Services (Justice and Consumer Services)
21. Other Administrative Matters

COUNTY ATTORNEY

22. Approval of Authority for the County Attorney to Defend the Case of Patricia Svajdlenka v. Pinellas County, Florida, a Political Subdivision of the State of Florida - Circuit Civil Case No. 09-013592-CI-013 – Allegations of Negligence Resulting in Personal Injuries
23. Approval of Authority for the County Attorney to Litigate the Cases of:
 - a. Pinellas County v. Karoushia T. James – Damages as the Result of an Automobile Accident
 - b. Pinellas County v. Julian's Construction, LLC and Bonifacio Ascencio – Failure to Use Reasonable Care While Excavating
24. Approval of Authority to Pursue a Public Hearing Before the Florida Department of Environmental Protection Relating to Establishment of Rules Relating to Total Maximum Daily Loads
25. Adoption of Resolution to Postpone Making Application for Deeds on County-Held Tax Certificates for Properties Assessed by the Property Appraiser at Values Less than \$5,000, Pursuant to § 197.502(3), Florida Statutes 2007 Tax Certificates
26. Adoption of Resolution Approving Early Extension of Tax Roll
27. Miscellaneous

D. COUNTY ADMINISTRATOR REPORTS

28. Confidentiality of Economic Development Records
29. Capital Improvement Program Projects Status Update

E. COUNTY COMMISSION

30. Approval of Appointments to the Youth Advisory Committee
31. Approval of an Appointment to the Pinellas Public Library Cooperative
32. 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 Agenda Coordinator 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 Agenda Coordinator 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 Agenda Coordinator 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

33. Proposed Resolutions to Adopt Tentative Millages and Budgets for FY 2010 (First Public Hearing)
34. Approval of Authority to Advertise the Second Public Hearing for Final Millages and Budgets for FY 2010 (Management and Budget)

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.