

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, FEBRUARY 3, 2009 – 9:30 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: Calvin D. Harris, Chairman; Karen Williams Seel, Vice-Chairman; Susan Latvala; John Morroni; Kenneth T. Welch; Nancy Bostock; and Neil Brickfield.

Others Present: James L. Bennett, County Attorney; Robert S. LaSala, County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Michael P. Schmidt, Deputy Clerk.

INVOCATION: Pastor Sharon Patch, First United Methodist Church, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Latvala.

PRESENTATIONS AND AWARDS:

1. 2008 Outstanding Distribution Award presented to Pinellas County Utilities Department by Ana Gonzalez, Chairperson of the Florida Section of the American Waterworks Association.
2. Presentation of the One Bay Survey Results by Manny Pumariega, Tampa Bay Regional Planning Council.

All public hearing items have been properly advertised. Affidavits of Publication have been received and are on file in the Board Records Department.

SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS (BCC)

1 Resolution No. 09-17 adopted granting the petition of Pinellas County to vacate a 50-foot portion of right-of-way on Georgia Avenue between Suwannee Avenue and East Klosterman Road, Lot 16, Block G, Dixie Park Unit One Subdivision; authority granted for the Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified of the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Seel
Second - Commissioner Welch

In response to queries by Commissioner Seel, Real Estate Management Coordinator Joyce M. Gibbs, pointed out the location of the site and presented background information relating to the subject property.

Vote - 7 – 0

- # 2 Resolution No. 09-18 adopted granting petition of Gerald Martin Sebastian to vacate a portion of a six-foot easement on Lots 18 and 19, Curlew Groves Unit One Subdivision; authority granted for Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala

Second - Commissioner Seel

Vote - 7 – 0

- # 3 Proposed traffic flow change on Henry Lane from Crystal Beach Avenue to Ohio Avenue (PID No. 1440) approved. No correspondence has been received and no citizens appeared to be heard.

Motion - Commissioner Latvala

Second - Commissioner Seel

Vote - 7 – 0

- # 4 Ordinance No. 09-6 adopted amending Section 54-1(e) and creating Section 54-2 of the Pinellas County Code regarding false alarms. Staff recommended approval of the proposed ordinance. No correspondence has been received. No citizens appeared to be heard.

During discussion and in response to queries by Commissioner Seel, Chief Deputy Robert Gualtieri, Pinellas County Sheriff's Office, provided detailed information regarding the method by which Sheriff's deputies respond to security alarms, and related that the Sheriff's Office answers alarm calls generated within the boundaries of the unincorporated area and twelve contract cities. He reported that deputies respond to approximately 40 alarm calls a day; that 99 percent are false alarms; and that the calls overburden department resources.

Responding to the concerns of Commissioner Bostock, Mr. Gualtieri described the intended methods of communicating the ordinance requirements to alarm owners throughout the County; and related that upon approval of the ordinance, no fines will be assessed for 30 days, and Commissioner Welch provided input.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	7 – 0

COUNTYWIDE PLANNING AUTHORITY (CPA) PUBLIC HEARINGS

- # 5 First public hearing held on a proposed ordinance amending the Countywide Plan Rules regarding consistency. Staff recommended approval of the proposed ordinance. No correspondence has been received.

Pinellas Planning Council (PPC) Executive Director David P. Healey presented historical background information regarding consistency, and indicated that the proposed amendments to the Countywide rules follow the Consistency Report approved by the Council in January 2007 and the Countywide Planning Authority (CPA) in April 2007; that the amendments will assist in allowing the local governments to achieve and maintain consistency with the Rules; and that local governments are in the process of amending their comprehensive plans and land development regulations to meet their obligations under the consistency-reconciliation process.

Mr. Healey indicated that the proposed ordinance includes revisions recommended by the PPC relating to Plan categories, submission requirements, interpretation, administration, and enforcement; and that proposed amendments relating to the coastal storm area and density averaging provisions have been removed and will receive further review and consideration at a future date for inclusion in the Countywide Rules.

During discussion and in response to queries by Commissioner Seel, Mr. Healey defined the term Coastal High Hazard Area, presented information regarding the Resort Facilities Overlay, and explained the difference between gross and net density.

Responding to the Chairman's call for persons wishing to be heard, Rick MacAulay, St. Petersburg Development Services Department, appeared and expressed his support on behalf of the City of St. Petersburg.

Responding to the Chairman's call for persons wishing to be heard, Mark P. Klutho, Largo, appeared and expressed his concerns.

Chairman Harris noted that today's hearing is the first of two public hearings; and that the second public hearing is scheduled for February 17, 2009.

CITIZENS TO BE HEARD

Lenore Faulkner, Madeira Beach, re Pinellas County Schools Education Cancer.
Mark Klutho, Largo, re Stupidity, Waste.

CONSENT AGENDA ITEMS NOS. 6 THROUGH 16 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 10 AND 12, WHICH WERE CONSIDERED UNDER ITEM NO. 17.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	7 – 0

6 Minutes of regular meeting of January 6, 2009 approved.

7 Reports received for filing:

- a. Clerk of the Circuit Court Special-Purpose Financial Statements, Required Supplementary Information, Other Financial Information and Other Reports for the Year Ended September 30, 2008, with Summarized Financial Information for the Year Ended September 30, 2007.
- b. Internal Audit Division, Clerk of the Circuit Court, Report No. 2008-17 dated December 30, 2008 – Audit of Facility Management and Fleet Management Property Disposition Function.
- c. Internal Audit Division, Clerk of the Circuit Court, Report No. 2008-18 dated December 30, 2008 – Follow-Up Audit of Pinellas County Take-Home Vehicles and Internal Controls Over Fuel Distribution System.
- d. Dock Fee Report for the month of December 2008.
- e. Quarterly Report of Routine Dock Permits issued from October 1, 2008 through December 31, 2008.

8 Vouchers and Bills Paid – Period of December 15, 2008 through January 9, 2009:

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2469 (period December 22 through 24)

Payroll Journal page numbers 1 through 2409 (period December 29 through January 9)

Payroll checks numbered 560383 through 560809

Imprest Fund Expenditures

Manual checks numbered 751564 through 751568

System checks numbered 950582 through 953169

ACH Transfers numbered 1591 through 1763

Wire Transfers numbered 010827 through 010856

9 Miscellaneous items received for filing:

- a. Pinellas Suncoast Fire & Rescue Resolution No. 2008-10 adopted December 16, 2008 rescinding Resolution No. 2008-01 ab initio for the purpose of rescinding the inclusion of certain previously tax exempt properties on the non-ad valorem assessment roll of the fire district.
- b. City of Indian Rocks Beach Resolution No. 2008-91 adopted December 9, 2008 supporting an amendment to the Florida Constitution requiring the Florida Legislature to operate under the Florida Government in the Sunshine Laws.
- c. City of Oldsmar Notice of Public Hearings regarding Ordinance No. 2009-01 annexing certain property; public hearing held January 20, 2009.
- d. Pinellas Park Water Management District minutes of Regular Authority Meeting No. 2 dated November 20, 2008, and Financial Statement for the month of November 2008.

#10 See Item No. 17.

#11a Bid for Pump Station Replacements Group 1 – Pump Stations Nos. 116, 119, and 161 (Project No. 1908-B, Bid No. 089-0123-C) from Kimmins Contracting Corporation, a pre-qualified contractor, in the amount of \$782,360.00 accepted on the basis of being the lowest responsive, responsible bid received meeting specifications; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney.

#11b Bid for Pump Station Rehabilitations Group 1 – Pump Stations Nos. 021, 051, and 157 (Project No. 1908-A, Bid No. 089-0124-C) from T.L.C. Diversified, Inc., a pre-qualified contractor, in the amount of \$539,850.00 accepted on the basis of being the lowest responsive, responsible bid received meeting specifications; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney.

#11c Bid of Key Chemical, Inc., accepted on the basis of being the lowest responsive, responsible bid received for 25% Sodium Hydroxide (NaOH) Solution (Contract No. 089-0029-B) for a total estimated annual expenditure not to exceed \$321,900.00. Contract is for twelve months with adjustable (increase or decrease) pricing at three-month intervals after date of award for the life of the contract based on the average of the

Producer Price Index (PPI) – Chemicals and Allied Products, not seasonally adjusted, or ten percent, whichever is less; and includes two additional 12-month options for renewal at the same terms and conditions, subject to availability of funds and County Administrator approval.

- #12 See Item No. 17.
- #13 In accordance with Resolution No. 05-61, the Report of Write-Offs for Accounting Purposes Delegated to the County Administrator for Approval for the period April 1, 2008 through September 30, 2008 was received for filing (Management and Budget).
- #14 Resolution No. 09-19 adopted to appropriate earmarked receipts for a particular purpose in the Fiscal Year 2009 General Fund Budget for the Paul Coverdell Forensic Sciences Improvement Grant for the Medical Examiner (Management and Budget).
- #15 Resolution No. 09-20 adopted supplementing the Fiscal Year 2009 General Fund Budget (unanticipated fund balance) to appropriate earmarked receipts for a particular purpose as requested by the Medical Examiner (Management and Budget).
- #16 Quarterly report of claim settlements for October 1, 2008 through December 31, 2008 for claims requiring the mutual consent of the County Attorney and Risk Management in the settlement area of \$25,001.00 to \$50,000.00 (total claims paid, \$27,500.00) received for filing (Risk Management/County Attorney).
- #17 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court)
- #10 Bid of Design Build Engineers & Contractors Corporation for annual countywide sidewalk and Americans with Disabilities Act (ADA) ramp repair and replacement (Fiscal Year 2009) in the amount of \$429,798.40 accepted on the basis of being the lowest responsive, responsible bid received meeting specifications (PID No. 1480) (Bid No. 089-0101-C); Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney.

At the request of Commissioner Seel, Director of Public Works and Transportation Peter J. Yauch agreed to provide a summary regarding progress of the project.

Motion - Commissioner Seel
Second - Commissioner Latvala
Vote - 7 – 0

#12 Ranking of firms and authorization for staff to negotiate with the No. 1 ranked firm for the purchase of software implementation (Contract No. 078-0417-P) (Rebid) approved as follows:

1. Datafutures, Inc.
2. Bowman Systems LLC
3. Unisys Corporation

Datafutures, Inc. selected according to the criteria as described in the agenda memorandum, a copy of which has been filed and made a part of the record; preliminary proposed budget for first year of project, \$600,000.00 (Health and Human Services).

In response to queries by Commissioner Seel, Clark R. Scott, Health and Human Services (HHS), provided detailed information relating to the bidding process, and related that the department had conducted virtual and on-site visits at locations in Florida, Louisiana, and Rhode Island; and that implementation will take approximately 18 months; whereupon, Director of Health and Human Services Maureen A. Freaney clarified the purpose of the software, relating that it will assist in tracking HHS clients; and that as the process moves forward, extensive negotiation will take place between the County and Datafutures.

Thereupon, Mr. Scott provided information regarding the cost of the project, and stated that the total project budget is approximately \$1.5 million; and that additional expenditures could be incurred depending on how the software is managed; whereupon, at the request of Commissioner Welch, Mr. Scott agreed to provide a summary of the proposal.

In response to queries by Commissioner Brickfield, Mr. Scott provided information regarding the makeup of the Evaluation Team, and related that after discussions with Datafutures, Business Technology Services (BTS) and HHS will have more information available regarding which department will maintain the data. In response to queries by Commissioner Welch, Vicki Beckman, BTS Project Manager, stated that Datafutures has recommended SQL Server as the preferred database to support the software rather than an Oracle application.

Motion - Commissioner Welch
Second - Commissioner Bostock
Vote - 7 – 0

- #18 Interlocal Agreement with the City of Seminole for Advanced Traffic Management System/Intelligent Transportation Systems (ATMS/ITS) and Roadway Transfer Agreement to Transfer Traffic Control Authority approved; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Latvala
Second - Commissioner Welch
Vote - 7 – 0

- #19 Adoption of the 2009-10 Federal Legislative Program approved (County Administrator).

Motion - Commissioner Latvala
Second - Commissioner Welch

Responding to queries by Commissioner Morroni regarding the Beckett Bascule Bridge Replacement Project and the Tierra Verde and St. Pete Beach Bridges, Director of Public Works and Transportation Peter J. Yauch provided input regarding the Beckett Bascule Bridge; whereupon, Commissioner Seel stated that at the next Metropolitan Planning Organization (MPO) meeting, the matters of the Economic Stimulus Package and the need for prioritizing items will be addressed. Planning Director Brian K. Smith provided additional input and Assistant County Administrator Elithia V. Stanfield discussed guidelines for normal appropriations requests for transportation projects; whereupon, Commissioner Morroni requested an update from Commissioner Seel following the next MPO meeting.

Responding to query by Commissioner Seel, Ms. Stanfield discussed amounts received from transportation reauthorization dollars in the past; whereupon, Commissioner Seel suggested that staff check as to whether the new Health and Human Services software would qualify for federal funding.

Commissioner Bostock referred to several items in the document that she cannot support as written and indicated that she would like to divide the item inasmuch as she is in favor of the remainder of the document. Following discussion, she moved to divide for a separate vote the sections on federal policy issues regarding climate change, offshore drilling, and sales tax reform.

Motion - Commissioner Bostock
Second - Commissioner Brickfield

Following additional discussion wherein Ms. Stanfield provided input regarding the sales tax reform issue, the motion failed by a vote of 3 to 4.

Vote - 3 – 4 (Commissioners Harris, Latvala, Morrioni, and Welch dissenting)

Responding to query by Commissioner Latvala, Ms. Stanfield discussed funding issues related to beach renourishment; and following further dialogue regarding procedural matters, Chairman Harris called for the vote on the adoption of the 2009-10 Federal Legislative Program.

Vote - 6 – 1 (Commissioner Bostock dissenting)

- #20 State of Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Beach Management Funding Assistance Program Grant Agreement DEP No: 09PI1 for Upham Beach Nourishment approved, providing a total of \$1,000,000.00 in reimbursement funding from the State (Companion Item No. 21) (Environmental Management).

Motion - Commissioner Morrioni
Second - Commissioner Latvala

Responding to queries by the members, Coastal Management Coordinator Nicole A. Elko indicated that there are state grant funds available for the project; that the goal of the engineering design utilized for the project is to achieve maximum storm protection; and that the erosion control structures have significantly slowed storm erosion and will result in a cost reduction of approximately 50 percent.

Vote - 7 – 0

- #21 Amendment No. 5 to Agreement for Consultant Services for Treasure Island, North Segment and Long Key, North Segment, Beach Nourishment Projects with Coastal Planning & Engineering, Inc. approved in the amount of \$99,961.36 (new total amount, \$360,057.36), effective January 5, 2009 (Companion Item No. 20) (Environmental Management).

Motion - Commissioner Morrioni
Second - Commissioner Welch
Vote - 7 – 0

- #22 Memorandum of Agreement Number DRP P101 between Florida Department of Environmental Protection, Division of Recreation and Parks, and Pinellas County for the Honeymoon Island Beach Restoration approved (Companion Items Nos. 23 and 24) (Environmental Management).

Motion - Commissioner Latvala
Second - Commissioner Morroni

Responding to queries by the members, Coastal Management Coordinator Nicole A. Elko discussed the significance of Honeymoon Island, the amount of revenue generated by the park, and the requirement for a local sponsor in order to obtain funding for state park projects; whereupon, she indicated that she would provide additional information at a later date regarding the breakdown of funds generated by the park and visitors to the park directly and indirectly; and stated that the installation of erosion control structures will continue where necessary.

Vote - 7 – 0

- #23 Amendment No. 1 to State of Florida Department of Environmental Protection DEP Contract No. DC839 with Humiston & Moore Engineers, P.A. for professional services for the Honeymoon Island Beach Restoration Project for a total amount of \$732,910.00 approved (Companion Items Nos. 22 and 24) (Environmental Management).

Motion - Commissioner Bostock
Second - Commissioner Brickfield
Vote - 7 – 0

- #24 Amendment No. 5 to DEP Grant Agreement No. 01P11 with the Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Beach Management Funding Assistance Program for Honeymoon Island Beach Restoration Project Florida for a total cost to Pinellas County in the amount of \$732,910.00 approved (Companion Items Nos. 22 and 23) (Environmental Management).

Motion - Commissioner Latvala
Second - Commissioner Bostock
Vote - 7 – 0

- #25 Other Administrative Matters – None.

- #26 County Attorney authorized to defend the cases of:

- a. Hudo Lending, LLC, a Florida Limited Liability Company versus Key Largo Communities Corp., et al. – Circuit Civil Case No. 08-012380-CI-15 – Mortgage Foreclosure Involving a Utilities Lien Notice.
- b. JPMorgan Chase Bank, National Association versus Mary E. Tussing, et al. – Circuit Civil Case No. 08-18223-CI-19 – Mortgage Foreclosure Involving a Street Paving Assessment Resolution.

Motion - Commissioner Seel
Second - Commissioner Welch
Vote - 7 – 0

- #27 Recommendation of a settlement in an Environmental Enforcement Case approved and authorization granted to intervene as a party in the associated litigation.

Motion - Commissioner Welch
Second - Commissioner Bostock
Vote - 7 – 0

- #28 Recommendation of settlement in Beaver Keith Gamble versus Pinellas County Government – Workers’ Compensation Dates of Accident(s): March 11, 2006, May 11, 2007, and June 27, 2007 approved.

Motion - Commissioner Welch
Second - Commissioner Bostock
Vote - 6 – 1 (Commissioner Seel dissenting)

- #29 County Attorney Miscellaneous

County Attorney James L. Bennett referred to litigation filed by the City of St. Petersburg regarding the County’s Emergency Medical Services First Responder funding; and related that he and Mr. LaSala have had conversations with the City and will work to avoid litigation if possible.

- #30 State and Local Government Master Lease Purchase Agreement and final negotiated contract for computer equipment purchase or lease with Hewlett-Packard Company approved (Contract No. 078-0335-P); Chairman authorized to sign and the Clerk to attest after proper execution of the agreements by the contractor and written approval as to form by the Office of the County Attorney; authorization granted for the Director of Purchasing to sign all master lease purchase agreement schedules and acceptance certificates as required during the term of the contract.

Motion - Commissioner Welch
Second - Commissioner Latvala

At the request of Commissioner Welch, Director of Business Technology Services Paul Alexander presented an overview of the agreement and related that the contract is for a term of 36 months; that staff’s financial analysis has determined that it is in the best interests of the county to purchase rather than lease the equipment; and that discounts in the range of 35 to 50 percent for various items have been negotiated; whereupon, he summarized other details regarding the proposed agreement and noted that approximate

savings of \$1,100,000.00 annually will be realized by the end of Year 3 and following the end of the current leasing agreement with Dell. Mr. Alexander responded to queries by the members and stated that the goal is to retire the leased computers following the three-year period; and that there is no obligation on the part of the county to purchase the machines.

Vote - 7 – 0

#31 County Administrator Reports

Outline for Proposed Study Parameters – Legislative Fire and Rescue Study approved for forwarding to Representative Jim Frishe by February 3, 2009 in accordance with his request.

Motion - Commissioner Latvala
Second - Commissioner Welch

Responding to query by Commissioner Brickfield, Mr. LaSala stated that Emergency Medical Services is dealt with as a separate Authority of the Board with separate funding. Following discussion, Assistant County Administrator James Dates indicated that a paragraph regarding First Responder and Transport Services could be added to the proposed parameters; and Chairman Harris confirmed that the motion is amended to include the clarification.

Vote - 7 – 0

Responding to query by Commissioner Seel, Chairman Harris noted that the members will receive a copy of the amended language.

#32 County Commission Miscellaneous

- a. Commissioner Brickfield moved approval of appointment of Michael C. Arnold to the Swimming Pool Board for Examining, Adjustments and Appeals.
Motion - Commissioner Brickfield
Second - Commissioner Seel
Vote - 7 – 0

requested an update regarding development at the Toytown site and Bear Creek; and requested information regarding the Board's neutrality on local bills. Input was provided by County Administrator Robert S. LaSala and Assistant County Administrator Elithia V. Stanfield.

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- b. Commissioner Morroni requested Mr. LaSala or Mr. Yauch contact the Feather Sound Alliance regarding upcoming work in the area of Neighborly Senior Services.
- c. Commissioner Seel congratulated St. Petersburg-Clearwater Airport Director Noah Lagos and thanked United Parcel Service for their efforts regarding the new Airport approach.
- d. Chairman Harris provided information regarding the Tourist Development Council and its efforts related to the Super Bowl; and provided a water conservation tip.

#33 Meeting adjourned at 11:39 A.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk