

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, FEBRUARY 22, 2011 – 3:01 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

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

INVOCATION: Pastor Tom Bates, Bayside Community Church of God, Safety Harbor.

PLEDGE OF ALLEGIANCE: Commissioner Seel.

PRESENTATIONS AND AWARDS:

1. PowerPoint presentation by Bob Clifford, Executive Director, Tampa Bay Area Regional Transportation Authority (TBARTA).
2. Youth Advisory Committee Presentation by Amy Smith.

CITIZENS TO BE HEARD

Lenore Faulkner, Madeira Beach, re Pinellas Park Middle World Class Career and Technology School.
Greg Pound, Largo, re Families.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 7 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 6b AND 7, WHICH WERE CONSIDERED UNDER ITEM NO. 8.

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

1 Minutes of regular meetings of January 25 and February 8, 2011 approved.

2 Reports received for filing:

- a. Audit Services, Division of Inspector General, Clerk of the Circuit Court, Report No. 2011-01 dated February 3, 2011 – Follow-Up Audit of Facility Management Maintenance and Service Contract Administration.
- b. Pinellas Planning Council Basic Financial Statements and Regulatory Reports dated September 30, 2010.

3 Vouchers and Bills Paid – Period January 17 through January 21, 2011.

Imprest Fund Expenditures

System checks numbered 1021104 through 1021597

ACH Transfers numbered 7819 through 7861

Wire Transfers numbered 11483 through 11490

4 Miscellaneous items received for filing:

- a. City of Clearwater Notice of Public Hearings to be held March 3, 2011, regarding proposed Ordinances Nos. 8240-11 through 8243-11 amending the Annexation, Land Use Plan, and Zoning Atlas.
- b. Pinellas County License Board for Children’s Centers & Family Day Care Homes Resolution No. 10-03 effective January 3, 2011, amending the budget for Fiscal Year 2010-2011.
- c. Florida Public Service Commission Consummating Order No. PSC-11-0084-CO-SU issued January 31, 2011, regarding a settlement proposal for possible overearnings by Tierra Verde Utilities, Inc. in Pinellas County.
- d. Foreign Trade Zone 193 Annual Report for the period October 1, 2009 – September 30, 2010.

5 DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR – RECEIVED FOR FILING (COUNTY ADMINISTRATOR)

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Building and Development Review Services	Special Event Permit with Cooperhead Charities, Inc. for Transitions Championship	N/A	2.8.11

February 22, 2011

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Community Development	Specific Performance Agreement with Homeless Emergency Project, Inc. for Community Service Center Construction	\$36,000.00 Community Development Block Grant (CDBG) Funds	1.13.11
Convention & Visitors Bureau	Services Agreement with Big East and Big Ten Conferences for Management and Marketing Services for the 2011 and 2012 Big East/Big Ten Baseball Challenge	Not to Exceed \$25,000.00	2.1.11
Convention & Visitors Bureau	First Amendment to Agreement with Touristikdienst Truber for Mailing House Services	\$25,000.00	9.22.10
Health & Human Services	Expense for Recruitment and Relocation of Department Director	Not to Exceed \$15,000.00	1.28.11
Health & Human Services	Dental Clinic Agreement First and Final Option of Renewal with the University of Florida Dental Clinic for Urgent and Emergency Dental Care Services	\$50,000.00, Not to Exceed \$25,000.00 Annually	1.18.11
	Amendment No. 1 of Specialty Provider Agreement with Bardmoor Cancer Center, Limited for Oncology Care	Increase of \$174,000.00, Total Funding \$249,000.00	
Health & Human Services	Master Laboratory Provider Agreement with Pathology Associates, P.A. and Execution of Individual Agreements for Laboratory Services	\$200,000.00 Annually	10.1.10
Justice & Consumer Services	Agreement with Pinellas County Sheriff's Office for At-Risk Youth Diversion Prevention Program	\$148,500.00 U.S. Dept. of Justice Grant, No County Match	1.18.11
Justice & Consumer Services	Service Funding Agreements for Mental Health and Substance Abuse Treatment Programs with:		1.6.11
	(a) Operation PAR, Inc.	(a) \$106,158.00 Substance Abuse and Mental Health Services Agency (SAMHSA) Grant	
	(b) WestCare Gulfcoast-Florida, Inc.	(b) \$90,000.00 SAMHSA Grant	
	(c) Agency for Community Treatment Services, Inc.	(c) \$90,000.00 SAMHSA Grant	

February 22, 2011

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Justice & Consumer Services	Amendment No. 2 with Pinellas Ex-Offender Re-Entry Coalition, Inc. (PERC)	\$180,000.00 U.S. Dept. of Justice Grant, No County Match	1.3.11
Public Works	Partial Release of Funds Held as Completion Surety to Rothschild Medical	N/A	1.28.11
Public Works	Agreement for Electric Service with Progress Energy for Alligator Lake Restoration	\$17,171.39	1.25.11
Public Works	General Utility Easement with City of Clearwater	N/A	1.13.11
Public Works	Grant Application for FEMA Hazard Mitigation Grant Program Funds	N/A	1.4.11
Public Works	Amendment No. 3 to the Agreement with the Southwest Florida Water Management District (SWFWMD) for Long Bayou/Lake Seminole Bypass Canal Regional Stormwater Treatment Facility	N/A Time Only	12.22.10
Real Estate Management	Approval of Revised Real Estate Practices Policy and Procedures	N/A	1.7.11
Real Estate Management	Agreement with Palm Harbor Community Services Agency for Technical Consulting Services for East Lake Community Library (ELCL)	N/A	1.20.11
Real Estate Management	Lease Agreement with U.S. Coast Guard for Communications Antenna at Fort DeSoto Park	N/A	9.28.10
Utilities	Releases of Lien (23)	All liens are paid in full.	12.22.10
Utilities	Notices of Lien (7)	N/A	12.17.10
Utilities	Notices of Lien (44)	N/A	12.15.10
Utilities	Releases of Lien (15)	All liens are paid in full.	12.9.10
Utilities	Notices of Lien (16)	N/A	12.8.10
Utilities	Releases of Lien (16)	All liens are paid in full.	12.2.10
Utilities	Notices of Lien (10)	N/A	11.30.10

- # 6a Resolution No. 11-12 adopted supplementing the Fiscal Year 2011 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated grants to the Pinellas County Sheriff's Office totaling \$102,500.00) (Management and Budget).
- #6b See Item No. 8.
- # 7 See Item No. 8.
- # 8 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court).
 - #6b Resolution No. 11-13 adopted supplementing the Fiscal Year 2011 General Fund Budget to appropriate earmarked receipts (unanticipated pain management fee revenue totaling \$81,750.00) for a particular purpose in the Justice and Consumer Services Department cost center budget (Management and Budget).

In response to comments, concerns, and queries by Commissioner Bostock, Administrator LaSala indicated that the budget is sufficiently flexible as written; and that the distinct line items will not prevent the reallocation of funds within categories, as appropriate.

- # 7 Award of bid to Air Mechanical & Service Corp. for Detention F-Wing Air Handler Replacement Phase II (Bid No. 101-0076-CP; PID No. 1310) approved for an estimated total expenditure in the amount of \$541,000.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be completed within 210 consecutive calendar days; Chairman authorized to sign the agreement and the Clerk to attest (Real Estate Management/Purchasing).

In response to comments and query by Commissioner Bostock, Real Estate Management Director Paul Sacco explained how the \$1.39 million total project allocation was distributed between Phases I and II of the project.

Commissioner Brickfield questioned why the project is not being funded from the courts and jails allocation of the Penny, noting that it is one pot of money that is not decreasing. Mr. Sacco explained that the project was originally allocated under the Public Safety repair and restoration portion of the Penny in Fiscal Year 2009, but that the project was delayed and the funds were carried over. He indicated that it was not a promised Penny project to the public, and was not a

new project developed as part of the original Penny scope; and commented on the courts and jails projects, noting that there are projects being developed from the Criminal Justice Center and jail master plan studies, which will be brought before the Board for discussion in April; whereupon, in response to Commissioner Brickfield's request, Administrator LaSala agreed to identify the subgroup providing funding for future Penny projects.

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

- # 9 Resolution No. 11-14 adopted approving a Substantial Amendment to Pinellas County's Fiscal Years 2011-2015 Consolidated Strategic Plan and Fiscal Year 2010-2011 Action Plan for the purpose of receiving Neighborhood Stabilization Program Round Three funds in the amounts of \$4,697,519.00, and authorizing its submittal to the U.S. Department of Housing and Urban Development (HUD); Chairman or designee authorized to sign and the Clerk to attest Specific Performance, Land Use Restriction, and Developer Agreements; Community Development Director authorized to request release of funds and to sign and file a Request for Release of Funds for multifamily projects; Community Development Director or designee authorized to sign and file reports and other administrative documents required by the program (Community Development).

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

Commissioner Roche expressed concern regarding the County's current affordable housing level and need; the County's continued participation in affordable housing; the liability and role of the banks and property owners; and the County acting as a mortgage broker, putting people in homes they cannot afford. He indicated that the philosophy of the County providing affordable housing assistance and buying abandoned and foreclosed properties while it is facing a budget deficit in excess of \$21 million and possibly raising taxes, cutting services, and laying off employees, which could cause them to lose their homes, is an apparent conflict and sends mixed messages.

Community Development Executive Director Anthony Jones noted that an in-depth discussion regarding affordable housing will be held on March 15, 2011. He explained how the federal government defines "abandoned," how the owner of the property is determined, and the purpose of the grant funds and the Neighborhood Stabilization

Program, pointing out that the grant funds must be used for neighborhood stabilization or be returned, but cannot be used to fill budget deficits for other purposes, and discussion ensued.

Alluding to concerns expressed by Commissioner Roche, Commissioner Seel indicated that Habitat for Humanity has documented 10,000 families in need of affordable housing in Pinellas County; and that purchasing abandoned or foreclosed properties may be a worthwhile investment that will return tax dollars to the County and may save the County money; whereupon, she suggested that Code Enforcement identify blighted abandoned or foreclosed properties, and Commissioner Bostock concurred.

Discussion ensued and in response to comments and queries by Commissioner Roche, Mr. Jones and Attorney Bennett indicated that Code Enforcement is the County's only recourse against the banks relating to blighted abandoned or foreclosed properties. Chairman Latvala pointed out that individuals receiving housing assistance through the County's program are stringently qualified; whereupon, during discussion and in response to comments and queries by Commissioners Welch and Bostock, Mr. Jones explained the Department of Housing and Urban Development standard used to identify the targeted neighborhoods and provided additional details regarding the Neighborhood Stabilization Program.

Commissioner Bostock expressed frustration that the Board has continually approved the plans without the benefit of a strategic level review to determine the community conditions and the best way to meet them within the parameters of the federal funding; and indicated that she is encouraged that a work session has been scheduled, but disappointed that millions of dollars may be approved prior to the work session, emphasizing that the Board needs to take a leadership role. Mr. Jones pointed out that, in 2005, a discussion was held and a work group established that conducted findings of fact and brought a report back to the Board. Commissioner Welch indicated that the 2005 process lasted for several years; and that staff's actions are based on Board direction.

During discussion, Commissioner Welch agreed that the environment has changed; and that it is time for an affordable housing update, pointing out the need for very low-income and low-income affordable housing and affordable housing for seniors.

Commissioner Bostock questioned whether the item could be deferred until after the work session has been held. Commissioner Morroni pointed out that the deadline for submittal of the amendment is March 1, 2011; and Mr. Jones indicated that deferring the item would result in missing the submittal deadline.

Discussion ensued regarding the first motion and vote; whereupon, at the Chairman's direction, another motion and vote were taken.

Motion - Commissioner Welch
Second - Commissioner Morroni
Vote - 6 – 1 (Commissioner Roche dissenting)

- #10 Resolution No. 11-15 adopted approving the 2011-12, 2012-13, 2013-14 Pinellas County Housing Trust Fund Local Housing Assistance Plan for submission to the Housing Finance Authority of Pinellas County, Florida, and authorizing the Chairman or designee to sign and the Clerk to attest; authorization for the Chairman or designee to sign and the Clerk to attest agreements with subrecipients and developers; providing for administrative and per unit costs, funds for plan strategies; and authorization for the Chairman and County Administrator or their designees and the Community Development Director to submit reports, certifications, and other documents to the Housing Finance Authority of Pinellas County, Florida (Community Development).

Motion - Commissioner Welch
Second - Commissioner Seel

Commissioner Bostock expressed concern that the funds focus on production rather than rehabilitation and preservation; and stated that she will vote against the item, and Commissioner Roche concurred; whereupon, in response to queries by Commissioners Welch and Morroni, Administrator LaSala indicated that the funds are re-circulating, not new; and that the affordable housing meeting scheduled for March 15, 2011 will be a work session and will be open for public comment.

Vote - 5 – 2 (Commissioners Bostock and Roche dissenting)

- #11 Contract with the State of Florida Department of Health for operation of the Pinellas County Health Department for Contract Year 2010-2011 approved, retroactive to October 1, 2010; County's appropriated responsibility not to exceed \$3,607,130.00 for Fiscal Year 2010-2011; Chairman authorized to execute and the Clerk to attest (Health and Human Services).

Motion - Commissioner Welch
Second - Commissioner Seel

In response to queries by Commissioner Seel, Health and Human Services Interim Director Clifford Smith indicated that he has no concerns with the contract; and that the contract is normally brought before the Board in January, but that the employee who was

handling the contract retired last year and, due to budget cuts, the department was unable to fill the position; whereupon, in response to comments and query by Commissioner Bostock, Pinellas County Health Department Financial Administrator Stephanie Judd indicated that the \$3.6 million commitment is funded through the Health Department millage rate, which was reduced slightly last year.

Vote - 7 – 0

- #12 Authorization granted to advertise a public hearing to be held on March 8, 2011 to renew an existing water use permit within Brooker Creek Preserve (Parks and Conservation Resources/Public Works).

In response to comments, concerns, and queries by Commissioner Brickfield, Administrator LaSala and Chief Assistant County Administrator Mark S. Woodard indicated that the wetlands augmentation resulting from the groundwater pumping in the Brooker Creek Preserve is not in the same location as the Tarpon Woods flooding issue, and Director of Public Works and Transportation Peter J. Yauch provided input; whereupon, County Attorney James L. Bennett indicated that pumping only occurs during the dry season.

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

- #13 Joint Project Agreement with the City of Pinellas Park for signal and intersection improvements at 124th Avenue North and Belcher Road for the Belcher Road 48-inch water main replacement (Project No. 1732; Contract No. 090-0087-C) approved in the amount of \$478,234.95 (no cost to County); Chairman authorized to execute the agreement and the Clerk to attest after proper execution by the City of Pinellas Park; and Change Order No. 1 to the agreement with GlobeTec Construction, LLC approved increasing the contract amount by \$449,046.90 (revised total contract amount, \$7,907,851.90), extending the agreement term by 45 consecutive calendar days (revised term agreement, 495 consecutive calendar days); Chairman authorized to execute the Change Order and the Clerk to attest after proper execution by the contractor (Utilities/Purchasing).

Motion - Commissioner Morroni
Second - Commissioner Brickfield

In response to comments and queries by Commissioner Welch regarding the total budget for the project, County Administrator Robert S. LaSala, with input by Utilities Interim

Executive Director Kevin Becotte, indicated that the \$449,046.90 increase in the original agreement will be paid by the City of Pinellas Park, per the agreement; and that the project budget has been expanded to accommodate receipt of the funds from the City. Mr. LaSala related that the County has agreed to oversee the intersection improvements at the site for the City, noting that the improvements will be performed by the County's contractor at the City's expense; and that the City will be financially responsible for construction improvement and administrative costs associated with the project; whereupon, in response to query by Chairman Latvala, Mr. LaSala indicated that it is possible that transportation impact fees may be levied by the City.

Vote - 7 - 0

#14 Other Administrative Matters

Mr. Yauch provided an update on the Bryan Dairy Road widening project, indicating that all of the bids received were less than the engineer's estimate. He explained that the County has a Joint Project Agreement with the City of Pinellas Park for relocation of a Pinellas Park utility line, which was signed in 2006; and that the City's portion of the cost was estimated, at that time, to be around \$1 million, but that the lowest bid received indicates a cost of about \$465,000.00 plus fees.

Mr. Yauch requested that the joint agreement be amended to reflect \$500,000.00 as the City's estimated portion of the cost, noting that a clause will be added to ensure that the City will promptly submit any additional funding needed; and that the construction contract be approved prior to formal approval of the amended JPA, noting that the funding must be in place prior to awarding the contract to the contractor; whereupon, he related that the amended JPA and the construction contract will be brought back to the Board for formal approval.

Chairman Latvala indicated that it is the consensus of the Board that the Joint Project Agreement be amended as requested; and that the construction contract be approved prior to the formal approval of the amended joint agreement, with the caveat that both items will be brought back to the Board for formal approval; whereupon, in response to query by Commissioner Welch, Mr. Yauch related that the construction contract will be brought back to the Board at the last meeting in March or the first meeting in April; and that he hopes to bring the amended Joint Project Agreement before the Board at the same time.

Discussion ensued and in response to query by Commissioner Brickfield, Mr. Yauch indicated that the bids received reflect a 40 percent decrease from the engineer's estimate; whereupon, Chairman Latvala indicated that if the County had the available

funds, other projects could have been moved ahead at a lesser cost and would have created jobs.

#15 County Attorney Miscellaneous

Attorney Bennett referred to a memorandum previously provided to the members regarding extending the closing hours for adult use businesses to conform with other establishments serving alcoholic beverages, and indicated that the closing hours for adult use businesses were originally set to match those of establishments serving alcoholic beverages; and that the adult use businesses were overlooked at the previous meeting extending the closing hours of the other establishments. He related that the Sheriff has no objection to the extension; and that an ordinance to conform the hours could be prepared, with the Board's consensus; whereupon, in response to query by Commissioner Seel, Attorney Bennett clarified that the extension would apply to all adult use businesses, whether alcohol is served or not.

Commissioner Brickfield requested that the Board also consider allowing non-profit organizations to sell alcohol by permit earlier than 11:00 A.M. on Sundays for special events, noting that he has received numerous requests from non-profit organizations. Attorney Bennett indicated that a similar request has been received from Innisbrook Resort; and related that the ordinance allows earlier opening hours to be set for the sale of alcohol at special events countywide; and that he will review the ordinance and determine if the request can be accommodated through that process, noting that such requests are currently addressed through regular permitting; whereupon, he recommended that an ordinance amendment be brought forward to establish a process for implementing earlier opening hours for selling and serving alcohol at special events for unincorporated Pinellas, which would facilitate Commissioner Brickfield's request.

Chairman Latvala indicated that the County Attorney has consensus to prepare an ordinance amendment to be brought back to the Board; whereupon, Commissioner Welch requested that information from the Sheriff regarding any impacts from the change in closing hours also be provided at that time.

#16 Continued Purchase Authorization with the National Center for State Courts (NCSC) as per General Services Administration (GSA) Contract No. GS-10F-0285S for consulting services required for the Consolidated Case Management System (CCMS) as requested by the Consolidated Justice Information System (CJIS) Policy Board (Contract No. 089-0002-G) for ongoing independent project audits, quarterly audit reports, and project evaluation. The request provides the ability to extend the agreement for two optional

12-month periods at \$112,622.00 each year and shall be exercised only if prices, terms, and conditions remain the same and the County Administrator grants approval (estimated annual expenditure for 24 months beyond original approval, \$225,244.00; revised estimated contract total, \$572,606.00).

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

- #17 General Services Administration Agreement (Contract No. GS-35F-0009T) and Ordering Document with Oracle America, Inc. for software licenses and annual maintenance approved. Funding is available in the Oracle Project Unified Solution (OPUS) project budget to support the full purchase price of the software licenses and first-year maintenance; the OPUS project budget is projected to access \$69,000.00 from budgeted contingency funds, and \$2,160,000.00 will remain in those funds. Annual maintenance and support will be funded through Business Technology Services (BTS) Operating Funds and will commence with the first renewal of the agreement (total cost of software licenses and first-year maintenance and support, \$511,879.52) (total cost of recurring annual maintenance and support beginning year two, \$101,696.43). Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor.

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

- #18 Adoption of a retiree health plan funding policy as described in the Board memorandum dated February 22, 2011, for employees with a hire date on or after January 1, 2011, and approval of limited plan options for certain classes of retirees retiring on or after July 1, 2011.

In response to queries by Commissioner Morroni, Director of Human Resources Peggy Rowe, with input by Administrator LaSala, reported that although the plan is being ratified today, it went into effect January 1, and all employees hired since that time were made aware that they would fall under the new plan; whereupon, she reported that because the plan change is significant, it is being presented to the members for their review and ratification.

Responding to queries by Commissioner Roche, Ms. Rowe provided information relating to the retirement healthcare benefits provided by the County, reporting that many municipalities and private sector firms do not fund retiree benefits; whereupon, she

discussed the Health Savings Account, reporting that it offers a way for future retirees to set aside dollars for their retiree health plans.

During further discussion, Ms. Rowe related that Human Resources has already spoken with the Appointing Authorities and the Employees Advisory Council to obtain input regarding the change; and that in the near future the Unified Personnel Board will be provided an update.

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

#19 County Administrator Reports:

STRATEGIC INITIATIVES UPDATE

Administrator LaSala provided an update regarding the strategic initiatives which were identified through the planning process, including:

- Exploring the feasibility of consolidating the functions of the Constitutional Officers and consolidating other county functions in common facilities in the North, South, and Mid-County Service Centers.

Administrator LaSala related that conversations have taken place with the affected parties, including Chief Judge J. Thomas McGrady; and that he had requested that Chairman Latvala assist with future meetings.

- Exploring the feasibility of consolidating 9-1-1 Emergency Communications Dispatch Operations.

Administrator LaSala related that the Public Safety Services staff made presentations to Mr. Woodard and Assistant County Administrator Carl S. Harness on January 18, 2011; that Mr. Harness and Assistant County Administrator Maureen A. Freaney met with Sheriff James F. Coats and Chief Deputy Robert Gualtieri on January 21 to engage in further discussion; that as a result of those meetings, a draft assessment has been finalized; and that meetings are being scheduled for an expanded group of individuals to review the assessment.

- Further consolidation of Fleet Maintenance Operations and Facilities.

Administrator LaSala reported that agreements have been reached with the Sheriff regarding the designation of responsibilities on types of equipment; and that potential partnerships with other governmental agencies will be investigated.

- Continue to explore the feasibility of consolidated revenue collection and billing in Emergency Medical Services and Utilities by the Tax Collector.

Administrator LaSala reported that a meeting was held on February 14, 2011, with the Tax Collector and Public Safety Services staff regarding a lockbox proposal by the Tax Collector; that a 60-day timeline was established to determine feasibility; that the Tax Collector and Public Safety Services staff will complete site visits with the contractor; and that the Tax Collector will submit a proposal and analysis for review by the members.

- Explore opportunities for further consolidation of Printing Services.

Administrator LaSala reported that he had discussed the issue with Ken Burke, Clerk of the Circuit Court; that Mr. Burke was amenable to leading the discussion with the Independent Authorities and Constitutional Officers; and that areas will be identified where printing services are not being used and where services can be expanded to generate additional internal revenue.

- Continue to work toward an Enterprise Geographic Information System (GIS) in cooperation with the Property Appraiser, the County Administrator, and Business Technology Services (BTS).

Administrator LaSala reported that all parties had met on February 16, 2011, to review the work plan for the Enterprise GIS Workshop; that the shared vision of GIS was discussed; that issues relating to technology, processes, and people were identified; that the creation of a GIS Services Bureau with data maintenance and quality assurance processes imbedded in it was discussed; and that an Interim Report should be ready for review by April and would include an Enterprise GIS Strategic Plan containing budgetary costs and estimates.

- Continue to explore the feasibility of further mailroom consolidation.

Administrator LaSala related that he has asked the Clerk of the Circuit Court to continue to lead and the Chairman to assist in the activity; and that possible partners within County Government would be identified.

#20 Appointments to the Pinellas County Economic Development Council, as delineated in the Board memorandum dated February 22, 2011, for a two-year term ending February 2013, approved.

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

#21 County Commission Miscellaneous:

The members offered their prayers to the family of fallen St. Petersburg Police Officer David Crawford and the entire law enforcement and first responder community; and extended their thoughts and prayers for a full recovery to Florida Association of Counties Executive Director Christopher L. Holley.

- a. Commissioner Morroni discussed outing with City of St. Petersburg Mayor Bill Foster to the Miracle League at Azalea Park.
- b. Commissioner Welch provided information re video released and reward offered for the capture of the suspect in the slaying of Officer David Crawford.
- c. Chairman Latvala thanked those involved in assisting with Mr. Holley's admission to Moffitt Cancer Center.

discussed visit to Safe Harbor with several people from Hillsborough County, including Commissioner Sandy Murman, and noted that Chief Deputy Gualtieri was also present.

provided the volunteer services opportunity of the week.

provided the dates, times, and locations of the 2012 budget public hearings.

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At this time, 4:42 P.M., the meeting was recessed and reconvened at 6:30 P.M. with all members present.

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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

#22a Resolution No. 11-16 adopted approving the application of Margaret Mahara and Rebecca Stuart through Brian T. O’Connell, Representative, for a change of zoning from R-3, Single Family Residential, and R-4, One, Two, and Three Family Residential, to RM-7.5, Residential, Multiple Family, 7.5 units per acre, and RM-5, Residential, Multiple Family, five units per acre (Z-1-12-10), re a parcel of land containing approximately 0.76 acre located on the west side of Dempsey Road, 165 feet south of Virginia Avenue, Palm Harbor. Staff recommended approval of the application based on the amended Local Planning Agency (LPA) Report. Two letters in opposition were received prior to the December 9, 2010 LPA Hearing and one letter in opposition was received prior to the January 13, 2011 LPA hearing. No citizens appeared to be heard.

Motion - Commissioner Morrone
Second - Commissioner Roche
Vote - 7 – 0

#22b Resolution No. 11-17 adopted approving the application of David M. Rose for a change of zoning from C-1, Neighborhood Commercial, to C-2, General Retail Commercial and Limited Services (Z-2-1-11), re a parcel of land containing approximately 0.30 acre located on the north side of 54th Avenue North between 59th Way North and 60th Street North, St. Petersburg, in the Unincorporated Area of Kenneth City. Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received.

Referring to an aerial photograph and the zoning and land use map, Planning Department Zoning Manager John F. Cueva pointed out the location of the subject property and described surrounding land uses, noting that the adjoining property to the north is utilized as a parking lot for the church located to the east; that the lot provides an adequate buffer

for the residential neighborhood to the north; and that the applicant is requesting the C-2 zoning to provide him greater flexibility in attracting tenants for commercial uses such as those currently located along 54th Avenue.

Responding to the Chairman's call for persons wishing to be heard, David Marconi, St. Petersburg, appeared, expressed his concerns, and responded to queries by the members, relating that if the applicant were to erect a privacy fence along the back of the property, it would address the majority of his concerns.

In response to the concerns expressed by Mr. Marconi and queries by the members, David M. Rose, Kenneth City, appeared and being duly sworn, indicated that one side of his building is unoccupied; that most of the properties in the area are zoned C-1 or C-2; that he would like the flexibility to lease to a wider variety of tenants; and that even though it would be financially difficult for him, he would be agreeable to installing a fence; whereupon, Mr. Cueva pointed out that as part of the performance standards relating to zoning changes, a six-foot-high fence would be required to provide a buffer between the commercial and residential properties; and that upon submittal of a site plan, access to the property would be reviewed.

Thereupon, Commissioner Roche moved, seconded by Commissioner Morrioni and carried, that the application be approved.

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

- #23 Ordinance No. 11-04 adopted providing that Chapter 150 of the Pinellas County Land Development Code, Impact Fees, be amended by revising Section 150-40, Computation of Amount, to revise certain fee schedule categories. Staff recommended adoption of the ordinance. One email in opposition to the application has been received.

Noting that the review is off schedule, Planning Director Brian K. Smith related that the MPO reviews the Transportation Impact Fees on a biennial basis, as required by County Ordinance; and that the MPO proceeded with a straightforward two-year review of the impact fee after the Courts struck down the Mobility Fee that was to replace the Transportation Fee. Mr. Smith related that the MPO checked all the categories against the Institute of Transportation Engineers Trip Generation Manual and selected seven categories to modify.

February 22, 2011

Responding to the Chairman's call for citizens wishing to be heard, the following individuals spoke in favor of the proposed ordinance:

Jan Bruzas, Pinellas Realtor Organization Chairman, Clearwater
Brian Shuford, Director of Governmental Affairs, Pinellas Realtor Association, Clearwater
Jennifer Doerfel, Tampa Bay Builders Association, Riverview

During discussion and in response to queries by Commissioners Brickfield and Welch, Mr. Smith indicated that the MPO is advisory to the BCC and provides recommendations to the County. He provided general, statistical, and financial information regarding impact fees, the seven categories reviewed by the MPO, and the division of the revenue with the cities. He reported that in Fiscal Year 2012, impact fee revenue is expected to be about \$1.4 million; and that six of the categories will realize a reduction and the Private Library category will see a slight increase.

Noting that Pinellas County has low impact fees compared to other counties, Commissioner Welch stated that he is comfortable with the reduction. In response to his queries, Mr. Smith related that there is some fee crediting that is not shown in the documentation; that in lieu of paying the fees, developers sometimes are credited for making transportation improvements around their projects that would otherwise be made by the County; and that since the County has other revenue sources such as the Penny for Pinellas, it is not as dependent on impact fees as other counties.

Commissioner Bostock indicated that the agenda item is for a relatively small amount of money and since most of the adjustments are reducing the impact fee, she supports the item. Noting that the County spends millions of dollars each year to develop affordable housing and to encourage economic development, she indicated that she would like a thorough discussion regarding impact fees at a future time to consider a reduction or abolition of the taxes.

Commissioner Brickfield discussed a proposal that he had forwarded to the County Attorney, indicating that his proposal would use the current proposed fees as a baseline figure; that those fees would be reduced by 50 percent for the next two years to spur redevelopment and to encourage development; and that at the end of the two-year period, the fees would return to the baseline amount.

In response to queries by Commissioner Seel, Mr. Smith indicated that the Transportation Impact Fee Ordinance eliminates the need for Interlocal Agreements, but that any changes to the collection of the fees would affect the revenue to the cities; and that the

impact fee rate in a Downtown Redevelopment Area is 75 percent of the normal rate. Indicating that she would support a deliberate review and discussion of the issue, Commissioner Seel suggested that staff revisit the Downtown Redevelopment fee schedule and obtain data to determine the amount of growth resulting from the lowered impact fees; whereupon, Mr. Smith indicated that the downtown fees study was based in part on the fact that there is less need for driving in downtown areas, hence less need for road improvements.

Responding to queries by Commissioner Roche as to why the revenue from the impact fees has dropped, Mr. Smith indicated that the decrease partly relates to the credits contractors receive for redevelopment and for the aforementioned credit they receive for making transportation improvements around their projects.

Mr. Smith suggested that the discussion be scheduled after the Legislature finishes its review of the rules; whereupon, Commissioner Bostock indicated that she was comfortable waiting two months to have a full discussion regarding impact fees.

Thereupon, Commissioner Welch moved, seconded by Commissioner Morrone and carried, that the item be approved.

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

#24 Ordinance No. 11-05 adopted designating the Pinellas County Sheriff as the Chief Correctional Officer of the Pinellas County Correctional System and providing for operation of the Pinellas County Jail. Staff recommended adoption of the ordinance. No correspondence has been received. No citizens appeared to be heard.

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

#25 Resolution No. 11-18 adopted establishing intent to use the Uniform Method of Collecting Non-Ad Valorem Special Assessments levied within the Unincorporated Areas of Pinellas County for the provision of stormwater services, facilities, and programs. Staff recommended adoption of the resolution. One email in opposition to the application has been received.

Administrator LaSala reported that Mr. Yauch would provide a presentation regarding stormwater and stormwater management; and that Scott McClelland, Camp Dresser & McKee (CDM), would provide an update of the Stormwater Governance Study. Noting that tonight's meeting would be an introduction to discussions scheduled over the next eight months, he indicated that approval of the resolution would preserve the right of the Board to assess a stormwater utility fee and would not bind the members to any further action. In response to queries by Commissioners Brickfield and Roche, Administrator LaSala confirmed that should the members not adopt the resolution today, they could continue to study the issue, explore options, and begin the process anew should they decide to assess the fee in future years.

Mr. Yauch discussed the hydrologic cycle, indicating that the cycle relates to the continuous movement of water on, above, and below the ground; that stormwater is rainfall that runs across the land and soaks into the ground; and that stormwater enters streams, lakes, and marshes, eventually ending up in the Gulf of Mexico; whereupon, he provided information relating to impervious surfaces such as roads, driveways, and parking lots, relating that much of the rain falling on those surfaces becomes runoff.

Mr. Yauch discussed the four primary areas of concern relating to stormwater:

- Flooding and Property Damage
- Street Flooding
- Standing Water and Public Health Issues
- Water Quality

Responding to queries and comments by the members, Mr. Yauch related that stormwater runoff has been a problem in the County for many years; and that the primary concern is to protect properties and structures from flooding. Referring to photographs, Mr. Yauch presented information regarding dangers associated with street flooding, and indicated that diverting rainwater, re-grading land, maintaining ditches and pipes, cleaning retention ponds, and not developing in flood plains are methods which have reduced flooding problems; and that such projects over the years have reduced flooding and contributed to a recent insurance reduction for residents.

Mr. Yauch displayed photographs and discussed the problems of a neighborhood experiencing septic tank and runoff issues. In response to queries by Commissioner Brickfield, Mr. Yauch indicated that the neighborhood is located in the Unincorporated Area of the County; that following County policy in effect at that time, the Board of Adjustment would have granted requests for structures which have now been shown to

interfere with adequate drainage; and that the County does not have the resources to proactively ensure that drainage systems are operating properly; whereupon, Commissioner Seel suggested that the members schedule a field trip to observe drainage problems within the County, and Chairman Latvala concurred.

Mr. Yauch related that in areas of the County with little difference in elevation, standing water is a concern because it is a prime breeding ground for mosquitoes.

Mr. Yauch indicated that water quality was not a consideration when the County was being developed. He discussed using retention ponds to filter stormwater, noting that over time those ponds need to be cleaned, but maintenance by the County has been significantly reduced due to budget cuts. Mr. Yauch presented information regarding the difficulties of filtering contaminants out of the drinking water supply, and indicated that during the initial surface runoff from a rainstorm, contaminants such as hydraulic and power steering fluid, petroleum products, and antifreeze are washed off the roadways; and that fertilizer and insecticide runoff is of concern; whereupon, Administrator LaSala elaborated on the term "pollutants," relating that contaminants such as fecal coli form, toxic chemicals, heavy metals, and animal wastes are some of the impurities that flow into various water bodies in the County.

Mr. Yauch reported that keeping pollutants out of stormwater is the most economical way to keep waterways clean; and that even though street cleaning is one of the most cost-effective ways of preventing pollutants from entering the waterways, street cleaning is now done on a bi-weekly basis because of budget cuts. He discussed the relationship between clean beaches and economic prosperity for the County, relating that bad publicity regarding the beaches will significantly decrease tourism and make the County less attractive to businesses considering locating here.

Mr. Yauch indicated that wetlands provide flood control, aquifer recharge, pollutant filtration, and coastal protection; that the County has been protecting the wetlands and will continue to preserve them in the future; and that mitigation requirements have been developed to assist in their preservation.

Mr. Yauch indicated that the Comprehensive Plan needs to be updated to reflect the new federal and state environmental requirements. Noting that a watershed plan was developed around 1980, but concentrated on flood management and not water quality, Mr. Yauch recommended that a study of the 52 individual watersheds in Pinellas County be conducted. He provided additional information relating to maintenance and operations, and discussed ongoing construction projects.

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Mr. Yauch discussed the National Pollutant Discharge Elimination System (NPDES), the Municipal Separate Stormwater Sewer System (MS4), and Total Maximum Daily Load (TMDL) standards. Responding to queries and comments by the members, Mr. Yauch indicated that under current standards, Pinellas County has impaired waters; that the County is required to develop implementation plans to address TMDL requirements and to have a source of funding to meet all of its permit requirements; and that projects and programs are needed to address the mandated pollutant load reductions; whereupon, he discussed various methods to bring the waters up to the current standards, including the retrofitting of older developments, the maintenance of infrastructure, and the implementation of policies such as the fertilizer ordinance.

Mr. Yauch, with input by Mr. McClelland, discussed funding for Capital Improvement Program (CIP) and operations and maintenance projects, and related that in the current Penny for Pinellas, approximately \$2.5 million has been programmed for two major watershed studies but 52 separate studies are needed; and that approximately \$9 million has been allocated for capital construction in the stormwater category.

Mr. Yauch provided historical background information regarding the stormwater utility. He indicated that stormwater utilities have been adopted by several area municipalities and counties; that it would be operated as a utility since it is a fee in exchange for a service; that the fee would pertain to the collection, treatment, and conveyance of stormwater runoff from private properties; and that newer developments which have onsite treatment would receive credit. He related that having a stormwater utility adds scoring points in the state's grant application process; whereupon, he reiterated that approval of the resolution today would merely keep the non-ad valorem collection process available for the current year and would not create a stormwater utility.

STORMWATER GOVERNANCE STUDY UPDATE

Referring to a PowerPoint presentation titled *Stormwater Governance Study Update, February 22, 2011*, a copy of which has been filed and made a part of the record, Mr. McClelland discussed the purpose of the Stormwater Governance Study. He described federal, state, regional, and local regulatory requirements, including those of the Federal Emergency Management Agency and the Environmental Protection Agency, and provided an analysis of the current level of service in the County, potential improvements to the current level of service, and an assessment of possible funding options.

Mr. McClelland discussed areas of potential cooperative programs with the Southwest Florida Water Management District (SWFWMD) and the cities, including:

- Program Management
 - Code Enforcement
 - TMDL Participation
- NPDES Compliance
 - Illicit Discharge Programs
 - Monitoring
 - Public Information and Education
- Capital Improvements
 - Basin/Watershed Studies
 - Cooperative Implementation of Projects

Referring to a chart titled *Analysis of Current Level of Service (LOS)*, Mr. McClelland presented information regarding service levels, which range from A (highest rating) to F (lowest rating) in the following four areas of stormwater management:

- Program Management Activities
- NPDES Compliance Activities
- Operation and Maintenance Program Activities
- Capital Improvement Projects

Mr. McClelland indicated that the County presently maintains a Level of Service C for all four areas of stormwater management, but that when the new MS4 permit is issued by the Florida Department of Environmental Protection (FDEP), the County will drop to Level of Service D in the NPDES Compliance Activities category because the necessary measures are not currently in place to achieve compliance with the permit. Mr. McClelland related that Operation and Maintenance Program Activities are being completed on a routine basis for permanent facilities, but on a reactionary basis for non-permanent County facilities. He indicated that the cost to review all County watersheds is projected at \$210 million and would take 25 years at the current rate of spending; and that communities across Florida and ten cities within Pinellas County charge their residents a stormwater fee; whereupon, he provided general and statistical information relating to program funding choices, including budget and annual assessment data.

Mr. McClelland discussed the criteria used in the report, noting that it was based on comparisons with communities around the state and across the nation. He related that all County watersheds are impaired and do not meet water quality standards; whereupon, Commissioner Roche remarked that ten municipalities in the County have stormwater

mitigation programs and collect stormwater management fees, but still have impaired water.

David A. Talhouk, Public Works, discussed the importance of compliance with Environmental Protection Agency mandates regarding water quality, pointing out that consent orders and bad publicity would decrease tourism and hurt the local economy; and that a County fee dedicated to stormwater management would be a sensible and small investment to keep the local economy strong. Kelli H. Levy, Watershed Management, presented information relating to insufficient resources, limited staff, and aging infrastructure, and discussed how additional dollars could improve the water quality and level of service in the County.

In response to queries by Commissioner Welch, Mr. McClellan discussed major drainage, and indicated that CDM had addressed level of service options in the Unincorporated Area only; and that a Stormwater Management Plan was conducted throughout the County during 1979-1981, which covered all 52 watersheds and only considered flood control.

In response to queries by Commissioner Seel, Ms. Levy provided financial information relating to the Lake Seminole and Lake Tarpon Alum Treatment Projects, presented statistical information relating to the amount of nitrogen removed, and indicated that operational costs for Lake Seminole and Lake Tarpon are approximately \$500,000.00 and \$35,000.00, respectively.

Administrator LaSala discussed how Pinellas County has dealt with stormwater issues in the past, and related that the costs associated with stormwater management would be high; and that ongoing discussions would be required relating to water quality, environmental protection, property values, and program funding, and Chairman Latvala provided input.

During discussion and in response to queries by Commissioner Roche, Mr. Talhouk, with input by Administrator LaSala, reported that pollution levels increase when levels of service are reduced; and that cost sharing between the County and the cities on projects and studies is considered interface and not redundancy.

Commissioner Brickfield questioned the financial responsibility and contribution of SWFWMD, pointing out that the District receives tax dollars and has responsibilities relating to water supply, water quality, flood protection, and protection of the environment; whereupon, Ms. Levy presented information relating to several projects that

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would receive a portion of their funding through SWFWMD, and discussed how studies performed in urban areas cost considerably more than those in rural areas.

Responding to the Chairman's call for citizens wishing to be heard, the following individuals spoke in favor of the proposed resolution:

Moris Cabezas, Stormwater Utility, Clearwater
Doug Robison, Stormwater Governance, St. Petersburg

Responding to the Chairman's call for citizens wishing to be heard, the following individuals spoke in opposition to the proposed resolution:

James Boosales, Stormwater Utility, Palm Harbor
Deb Kurin Caso, Water Fee/Stormwater, Palm Harbor
Tony Caso, Stormwater Fee, Palm Harbor
J. Scott Fisher, Palm Harbor
David Ballard Geddis Jr., Ordinance 97-103/Reclaimed Water, Palm Harbor

Following public comment, discussion ensued and the members offered the following comments:

- Commissioner Roche related that he does not favor creating a separate enterprise; that a full plan should be presented to the citizens followed by a public vote; that the wording of the resolution clearly implies that a special assessment is needed; and that he cannot support the resolution.
- Chairman Latvala related that Penny for Pinellas and General Fund dollars are not adequate to meet stormwater needs; that a new revenue stream needs to be found; and that she would like to move forward.
- Commissioner Bostock indicated that she would not be comfortable moving forward with creating a stormwater utility without discussing it in relation to the overall County budget, and requested (1) a thorough study regarding infrastructure conditions and anticipated needs and (2) additional information regarding the present quality of local waters and the path forward to improve those bodies of water; whereupon, she indicated that while she is not supportive of the resolution, she does support proceeding with additional discussions.

- Commissioner Brickfield opined that the Board will not be able to adequately address the issue between now and October 1, 2011, but that he is willing to move forward with discussion regarding studies and plans.
- Commissioner Seel pointed out that the item merely preserves the Board's option to move forward and does not create a stormwater utility; that the County Charter allows for the creation of a Countywide Authority for drainage; that water knows no jurisdictional boundaries; and that even though she will vote in favor to preserve the option, the only way she would support the item moving forward is if it actually solves problems, and Chairman Latvala concurred.
- Commissioner Welch related that discussion needs to take place regarding funding the necessary drainage work in the Unincorporated Area; that a stormwater utility needs to be one of the options; that water quality regulations will only get tougher; and that he supports moving forward with the staff recommendation.
- Commissioner Morroni pointed out that clean water and tourism go hand in hand; that almost half of the cities charge a stormwater fee; that as he conducts his mayoral visits, he will discuss stormwater management with each mayor; and called for education of the citizens and more discussion.

Thereupon, Commissioner Seel moved, seconded by Commissioner Welch and carried, that the item be approved, with Commissioners Brickfield, Bostock, and Roche casting the dissenting votes.

Motion	-	Commissioner Seel
Second	-	Commissioner Welch
Vote	-	4 – 3 (Commissioners Brickfield, Bostock, and Roche dissenting)

Following the vote, Administrator LaSala suggested that staff return prior to September and provide information and recommendations in order to assist the members as they consider the adoption of an assessment; and that prior to the next meeting, staff provide some points for longer term discussions.

Commissioner Seel indicated that there is a potential for savings via City-County collaborative efforts and SWFWMD taking over certain functions; and that stormwater management needs to be conducted on a Countywide basis.

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In response to queries by Chairman Latvala, Administrator LaSala related that he would return with a Board work plan and a staff work plan in order for the members to begin discussions; whereupon, Commissioner Bostock stressed that a global discussion needs to take place, including how stormwater managements fits in with the many other priorities which are part of the County budget, and discussion ensued.

#26 Meeting adjourned at 9:54 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk