

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, MARCH 22, 2011 – 9:32 A.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; and Norm Roche.

Not Present: 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, Deputy Clerk.

INVOCATION: Father Bob Wiseman, St. Jerome Catholic Church, Largo.

PLEDGE OF ALLEGIANCE: Commissioner Welch.

PRESENTATIONS AND AWARDS: None.

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

1 Ordinance No. 11-08 adopted amending Sections 126-600 through 126-629 of the Pinellas County Code relating to grease waste management restrictions. Staff recommended approval of the proposed ordinance. No correspondence has been received.

Interim Utilities Director Kevin J. Becotte conducted a PowerPoint presentation titled *Grease Management Program*, a copy of which has been filed and made a part of the record, and discussed the grease management program, the 2005 enhancements and revised ordinance, the benefits of a grease management program, and the reasons for the proposed 2011 ordinance amendments. He related that the proposed amendments will ensure consistency between the County Code and the Florida Building Code; and highlighted the specific ordinance changes, as follows:

1. Global change to term “Food Service Establishment.”
2. Section 126-604 – Allows Pinellas County to accept outside grease when plant has sufficient capacity and with proper authorization.

3. Section 126-611 – Requires interceptor upgrades when establishments change factors influencing design size or when discharge harms County sewer system.
4. Section 126-613 – Full pump-out is clearly defined.
5. Section 126-619 – Requires detailed disposal information on the Grease Waste Service Record; Haulers must use the Linko computerized tracking system.

During discussion and in response to comments and queries by the members, Mr. Becotte related that the haulers currently use the County’s Linko computerized tracking system for reporting, which replaced the load reporting requirement deleted from Section 126-621; that all of the food service establishments and haulers have been made aware of the proposed ordinance changes; that the causes of sanitary sewer overflows are tracked, noting that they are not all grease related and improperly disposed of household grease rarely impacts others in the neighborhood; whereupon, Mr. Becotte indicated that Utilities would not monitor the five cities that are not within the County’s sewer district, pointing out that the City of Dunedin has its own wastewater treatment plant and would have to develop its own program within its service area; and that Treasure Island, St. Pete Beach, South Pasadena, and Gulfport have sewer collection systems that are pumped to the St. Petersburg wastewater treatment plant and may be governed by the City of St. Petersburg ordinance.

In response to the Chairman’s call for citizens wishing to be heard, Tom Watson, Seminole, spoke in support of the ordinance.

Motion	-	Commissioner Welch
Second	-	Commissioner Morrone
Vote	-	6 – 0

CITIZENS TO BE HEARD

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

JoAn Totty, Palm Harbor, re Palm Harbor.

Greg Pound, Largo, re Families and Children.

CONSENT AGENDA ITEMS NOS. 2 THROUGH 13 – APPROVED.

Motion	-	Commissioner Welch
Second	-	Commissioner Morrone
Vote	-	6 – 0

- # 2 Minutes of regular meeting of February 8, 2011 previously approved at the February 22, 2011 meeting.
- # 3 Reports received for filing:
 - a. Juvenile Welfare Board Financial Statements dated September 30, 2010.
 - b. Tampa Bay Water Annual Financial Report and Audited Financial Statements for the Fiscal Year ended September 30, 2010.
- # 4 Vouchers and Bills Paid – Period February 7 through February 11, 2011.
 - Imprest Fund Expenditures
 - System checks numbered 1022792 through 1023283
 - ACH Transfers numbered 8022 through 8087
 - Wire Transfers numbered 11501 through 11504
- # 5 Miscellaneous items received for filing – None.
- # 6 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>
Airport	Second Amendment to Standard Lease Agreement with Renewal Options with the Clearwater Hotel Complex, LLC	\$116,668.00 Revenue	2.28.11
Airport	Airline Operating Permit with Sunwing Airlines, Inc. for Use of Airport’s Facilities	\$15,000.00 Cooperative Marketing Support	2.18.11
		\$74,095.00 Annual Revenue	
Community Development	Specific Performance Agreement with the City of Largo for Single Family Rehabilitation and Down Payment Assistance Programs	\$246,341.00 HOME Investment Partnership Grant	2.8.11
Convention & Visitors Bureau	Grant Agreement with the Florida Sports Foundation (FSF) for Promotional and Marketing Activities for the American Bicycle Association Gator Nationals	\$5,000.00 FSF Grant, no County match	1.20.11

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Economic Development	Escrow Agreement with Florida Gateway Development 1, LLC and TD Bank, NA Regarding the Sale of the Toytown Site	N/A	2.8.11
Health and Human Services	Health Plan Hospital Administrative Services Agreement with Bayfront Medical Center, Inc. for Medicaid Buy-Back Agreement with the State of Florida, Retroactive to October 1, 2010	\$24,000.00	2.8.11
Health and Human Services	Funding Agreement/Letter of Agreement with the State of Florida and Agency for Health Care Administration for Health Care to Medically Under-served Residents	\$138,177.00 \$478,985.00 Low Income Pool (LIP) Federal Grant Match	1.28.11
Health and Human Services	Revised Radiology Provider Agreement with Imaging and Radiology Specialists for In-patient and Out-patient Health Care Services to Pinellas County Health Plan (PCHP) Participants	\$400,000.00, not to exceed \$200,000.00 per fiscal year	9.24.10
Justice and Consumer Services	Grant Award from the State of Florida, Division of Emergency Management for Operation Stonegarden – Border Security Project	\$50,000.00 Grant over three years, no match required	3.7.11
Justice and Consumer Services	Grant Application to U.S. Department of Justice, Office on Violence Against Women for a New Domestic Violence Court	\$299,310.00 Grant, no match required	3.4.11
Parks and Conservation Resources	Cultural Tourism Grant Agreements with: (a) Florida Holocaust Museum, Inc. for Collaboration and Pottery Exhibition with the National Council on Education in the Ceramic Arts (NCECA) Annual Conference (b) Museum of Fine Arts of St. Petersburg for Romantics to Moderns: A Survey of British Watercolors and Drawings from the BNY Mellon Collection (c) Ruth Eckerd Hall, Inc. for Broadway Season plus Three (d) Salvador Dali Museum, Inc. for Dali 2010-2011 Season and New Facility (e) The American Stage Company, Inc. for American Stage in the Park, “Rent”	 (a) \$19,790.00 plus equal agency match; (b) \$65,330.00 plus \$285,420.00 agency match; (c) \$67,050.00 plus equal agency match; (d) \$67,760.00 plus \$285,604.00 agency match; (e) \$25,310.00 plus \$267,850.00 agency match;	2.24.11

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
	(f) Great Explorations, Inc. for Great Explorations: A World of Fun	(f) \$22,630.00 plus \$55,000.00 agency match;	
	(g) The Morean Arts Center, Inc. for Dale Chihuly Exhibition	(g) \$17,280.00 plus \$281,050.00 agency match;	
	(h) Clearwater Jazz Holiday, Inc. for 31 st Annual Jazz Holiday	(h) \$17,900.00 plus \$800,500.00 agency match;	
	(i) Creative Clay, Inc. for “folkfest st. pete”	(i) \$16,120.00 plus \$178,700.00 agency match;	
	(j) Dunedin Fine Art Center, Inc. for 2010-2011 Season of Exhibitions	(j) \$15,220.00 plus \$73,000.00 agency match;	
	(k) Florida Craftsmen, Inc. for Craft Art 2010	(k) \$15,550.00 plus equal agency match	
Parks and Conservation Resources	Florida Communities Trust Grant Funding Proposal with Florida Communities Trust for Brooker Creek Preserve Wilde Lands Acquisition and Recreation Area, and	\$3,344,000.00 Reimbursement of Funds Grant Request	2.10.11
	Petition for Waiver of Rules 9K-7003(9) and 9K-7.007(1)(a) Florida Administrative Code to the Florida Communities Trust Grant Application	N/A	2.10.11
Public Works	Interlocal Agreement with the Town of Redington Shores for Construction of New Dune Walkovers at Public Access Beach Sites	\$90,000.00	3.3.11
Public Works	Time Extension – Transportation Regional Incentive Program (TRIP) Agreement with Florida Department of Transportation (FDOT) for Funding of the S.R. 586 ATMS/ITS Project	N/A Time Extension Only	2.28.11
Public Works	Release of Funds Held as Maintenance Surety for Trilogy Cancer Center	N/A	2.17.11
	Amendment 1 for Time Extension to the Grant Agreement with Florida Department of Environmental Protection (FDEP) for Completion of Lake Tarpon Area 6 Project	N/A	

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Public Works	Temporary Waiver for Consumption of Alcoholic Beverages with Old Palm Harbor Main Street for Palm Harbor Blues and Brews Festival	N/A	2.14.11
Public Works	Cooperative Agreement with Florida Department of Transportation (FDOT) for the Silver Lake Water Quality Improvement Project	\$100,000.00 FDOT Grant, No Match Required	1.28.11
Real Estate Management	General Utility Easement with James and Rebeca VonAchen for Expansion of Existing Easement	\$2,500.00	3.1.11
Real Estate Management	Progress Energy Distribution Easement for Power Line Installation in the Alligator Lake Management Area Restoration Project	N/A	2.14.11
Utilities	Grant Agreement with Florida Fish and Wildlife Conservation Commission (FWC) for Rube Allyn Artificial Reef Site	\$60,000.00 \$25,000.00 FWC Grant	2.7.11
Utilities	Releases of Lien (38)	All liens are paid in full	1.24.11
Utilities	Notices of Lien (19)	N/A	1.21.11
Utilities	Release of Lien (1)	Lien is paid in full	1.18.11
Utilities	Notices of Lien (21)	N/A	1.14.11
Utilities	Releases of Lien (13)	All liens are paid in full	1.10.11
Utilities	Releases of Lien (11)	All liens are paid in full	1.5.11
Utilities	Releases of Lien (9)	All liens are paid in full	12.29.10

7 Fiscal Year 2011 Board Budget Amendments Nos. 6 and 7 were filed and made a part of the record (Management and Budget).

8 Declaration of miscellaneous County-owned equipment as surplus and authorization for liquidation of same through sale from County fixed asset inventory as set forth in memorandum dated March 22, 2011; approval of distribution of proceeds from vehicles sold from Governmental Funds to the Fleet Internal Service Fund and other participating funds to offset the replacement cost of future vehicles (Real Estate Management/Fleet Management).

- # 9 Ranking of firms and authorization for staff to negotiate with each of the 15 top-ranked firms (two firms tied for the number one ranking) for Utilities Engineering Consultant Services to support the implementation of Utilities' Capital Improvement Program (Contract No. 101-0028-CN) approved as follows (Utilities/Purchasing):
1. HDR Engineering, Inc. (tied)
 2. TBE Group, Inc., d/b/a Cardno TBE (tied)
 3. URS Corporation Southern d/b/a URS
 4. Jones Edmunds & Associates, Inc.
 5. Metzger & Willard, Inc.
 6. Wade Trim, Inc.
 7. Greeley and Hansen
 8. Post, Buckley, Schuh & Jernigan, Inc. d/b/a PBS&J
 9. King Engineering Associates, Inc.
 10. Hazen and Sawyer, P.C.
 11. Malcolm Pirnie, Inc., a wholly owned subsidiary of ARCADIS, U.S., Inc.
 12. AECOM Technical Services, Inc.
 13. McKim & Creed, PA
 14. Brown and Caldwell
 15. Parsons Water & Infrastructure Inc.
- #10 Notice of new lawsuit and defense of the same by the County Attorney in the case of Leah Duffy, et al. versus State of Florida – DCA Case No. 2D11-589 – Appeal of Circuit Court Order to the Second District Court of Appeals regarding the Adult Use Ordinance.
- #11 Sitting as the Emergency Medical Services Authority, the Board approved the appointments and reappointments to the Pinellas County Emergency Medical Services Advisory Council for two-year terms, as delineated in the Board memorandum dated March 22, 2011.
- #12 Sitting as the Emergency Medical Services Authority, the Board adopted Resolution No. 11-20 certifying grant award monies received from the Emergency Medical Services Trust Fund shall be used solely to improve and expand pre-hospital emergency medical services; 2010–2011 Emergency Medical Services County Grant Application and Request for Grant Fund Distribution approved; Chairman authorized to sign the application.
- #13 Receipt and file of the Housing Finance Authority *Pinellas Community Housing Trust Fund Program: FY 2009/10 Fourth Quarter Report* approved.

- #14 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court) – None.

- #15 Ranking of firms and authorization for staff to negotiate with each of the eight top-ranked firms for Engineering Consultant Services for the St. Petersburg-Clearwater International Airport (Contract No. 101-0030-CN) approved as follows (Airport/Purchasing):
 - 1. URS Corporation Southern d/b/a URS
 - 2. Jacobs Engineering Group, Inc.
 - 3. AECOM Technical Services, Inc.
 - 4. The LPA Group Incorporated, a unit of Michael Baker Corporation
 - 5. AVCON, Inc.
 - 6. TBE Group, Inc. d/b/a Cardno TBE
 - 7. Post, Buckley, Schuh & Jernigan, Inc. d/b/a PBS&J
 - 8. H. W. Lochner, Inc.

Mr. LaSala reported that the spouse of the airport director is employed by the number one ranked firm in a marketing capacity, not an engineering capacity; that the potential conflict was brought to the attention of the County Attorney’s Office several years ago and also during this instance; and that an opinion was requested from the Ethics Commission, which found that no conflict of interest exists. Mr. LaSala discussed efforts to increase the distance in the selection of firms in the Consultant’s Competitive Negotiation Act process, indicating that the number of personnel at the airport has been limited to one of four on the reviewing body who evaluate firms, further insulating the department and executive director from any perceptions of conflict or impropriety.

In response to query by Commissioner Morroni, Attorney Bennett indicated that each Commissioner was provided with a copy of the memorandums from 2004 and 2010; that the Ethics Commission was contacted in both instances and agreed with his analysis that no conflict of interest exists; and that the Ethics Commission’s decision will be included as part of the record.

Motion	-	Commissioner Welch
Second	-	Commissioner Bostock
Vote	-	6 – 0

- #16 Termination of operation of Airco Golf Course, golf maintenance contract with Valleycrest Golf Course Maintenance, Inc., and food service concession agreement with United Park Services, effective May 16, 2011, approved (Airport); request for information to gauge interest of private sector approved.

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Mr. LaSala related that the property was acquired by the Board and received Federal Aviation Administration (FAA) approval in November 2000 to self-operate as a golf course; that the golf course has reached a point where the costs significantly exceed the revenues; and that it is in the best interest of the airport to terminate the operation of the golf course, pointing out that, for financial purposes, the airport is a separate and distinct entity; whereupon, he indicated that options and opportunities regarding use of the land will be researched and brought back to the Board for consideration.

In response to query by Commissioner Brickfield regarding the cost to maintain the golf course versus closing it, Airport Director Noah Lagos stated that a private company quoted the cost of mowing the golf course property at \$65,000.00; and that he has decided that continuing to mow the property in-house using existing personnel and equipment and purchasing two new mowers for \$9,500.00 would be more cost-efficient; whereupon, Mr. Lagos discussed the results of a white-paper study relating to environmental impacts to wildlife if the grass is allowed to grow, indicating that no issues were identified.

Discussion ensued regarding how the highest and best use of the golf course property was determined, the 2009 rezoning of the property, and the reasons for closing the golf course. Referring to an aerial photograph, Mr. Lagos related that the land use and zoning changes approved by the Board divided the golf course property into ten acres for aviation, approximately 72 acres for office/light industrial use, and ten acres for a hotel, which coincided with the highest and best use identified in the 2008 feasibility study by Synergy Associates; and pointed out that FAA grants require assurances that the airport is self-sustaining, that the land is utilized at its highest and best use, and that no airport revenue is diverted for general County use.

Commissioner Morroni provided input regarding a 2005 airport poll to determine the support for the golf course received from the area based on zip codes. In response to comments by Commissioners Morroni and Welch, Mr. Lagos discussed the history of profit and losses for the golf course from 2001 through 2010, pointing out that the figures are audited numbers calculated by an external auditor; and described the marketing techniques used to increase round play at the golf course, noting that golf courses across Florida are suffering substantial losses and some have had to close. He discussed the consultant engaged in 2005 regarding the airport's financials, noting that an attorney indicated that the County in its operation of the golf course needed to show the FAA that it was actively engaged in determining the highest and best use of the property; and that the County should act with propriety to ensure that it moved forward with the highest and best use, as failing to do so could result in the County General Fund being held

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responsible for paying the airport enterprise the fair market value of the golf course property; and provided additional information regarding the FAA's position.

During continued discussion and in response to queries by Commissioner Welch, Mr. Lagos related that the golf course has three employees, one full-time and two part-time; and that the part-time employees will be laid off when the golf course closes on May 16, 2011, but the full-time employee will be retained until the end of May to help wind down the operation and may be retained longer if necessary.

Commissioner Roche questioned the annual revenue and cost figures prior to 2001, whether the concerns expressed by the FAA in 2005 were expressed in 2000, and why the annual operating expenses and revenues doubled from 2001 to 2002. Mr. Lagos reported that the previous operator of the golf course made lease payments to the airport averaging \$80,000.00 annually over a 40-year period of operation; that the FAA agreed to the self-operation of the golf course based on the contents of the 2000 letter requesting that the golf course transcend to self-operation; and that the increase in operating expenses and revenues from 2000-2001 were associated with the initial capital investment required to reopen the golf course.

Pointing out that he wants to ensure that all options have been considered, Commissioner Roche questioned whether letting private industry operate the golf course again was considered; whereupon, Mr. LaSala indicated that it was not considered, as staff felt that closing the golf course was the best option and that a more appropriate use of the property would lie in another activity, and Mr. Lagos provided input.

At the request of Commissioner Morrone, Mr. Lagos described how the perimeters of the golf course would be closed off if the Board approves the closing of the golf course, including adding four-foot fencing down the width of the golf course and putting up bollards with a chain to prevent entry to the parking lot area. He indicated that a corridor facing the road and the area around the clubhouse will continue to be mowed; that the airport will use the cart barn for staging equipment; and that the cut-through road will remain open.

Responding to the Chairman's call for citizens wishing to be heard, the following individuals spoke in opposition to closing the Airco golf course and responded to queries by the members:

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Cynthia Carroll, Largo (submitted petition with 380 signatures)
Robert Sutton, Clearwater
Robert Beard, Pinellas Park
Mrs. J. O. Stone, Largo
Liz Daniels, Indian Rocks Beach
Juanita Ooston, Seminole

Referring to comments by Ms. Carroll, Commissioner Morroni questioned why the golf course was not moved to Parks and Recreation in 2008. Mr. LaSala stated that assessment of the viability of the golf course indicated that, given the nature of the industry, the competing properties in the region, and the capital reinvestment necessary to make it competitive in the marketplace, which continues to be the case today, the golf course could not succeed. Mr. Lagos discussed the findings of the audit conducted by the Clerk of the Circuit Court, Internal Audit Division, reiterating that the financial figures provided were audited, not internal numbers; whereupon, he pointed out that the golf course was projected to make over \$150,000.00 by the end of March 2011, but has lost over \$12,000.00; and in response to further comments and queries by Commissioner Morroni, indicated that the golf course losses are covered by the airport reserves.

Alluding to comments made by the objectors, Commissioner Welch stated that the Commissioners do listen to citizens' comments; and that the issue was not already decided upon before the meeting, pointing out that the Commissioners have voted in support of the citizens' requests and against staff recommendations in the past, and Commissioner Morroni concurred.

In response to queries by Commissioner Welch as to whether a repayment to the FAA would be required if the golf course was moved under the Parks Department and whether staff had quantified what the payment would be, Mr. Lagos described the process for establishing the percentage rate of return that the County would have to pay to the airport to operate the golf course as a public golf course, and stated that the payment had not been quantified, noting that the Parks Department ran the golf course prior to the audit; whereupon, Chairman Latvala pointed out that the Parks Department is under the Board of County Commissioners; and that should the golf course fail to generate enough revenue to pay its expenses, the difference would come out of the general fund.

Commissioner Roche expressed concern that a decision is being made on a historical piece of property that may later be regretted; and questioned whether the decision is being made in reaction to difficulties being faced or is based on a realistic perspective of the cost of operating a golf course, and whether proper effort was put into running the golf course as opposed to simply biding time until the numbers crashed; whereupon,

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Commissioner Roche stated that he is unsure that all options were considered, which might have brought about a different decision; and noted that use of the bed tax for funding and to support advertising could be an option.

Chairman Latvala stated that a decision was made to change the zoning and land use of the property to take it to its highest and best use; that the role of the property is to generate revenue to offset the expenses of operating an airport; and that when the economy changes, the property will be developed; whereupon, Commissioner Morrioni pointed out that he voted against changing the zoning and land use on the property; and Commissioner Roche stated that if the property has been rezoned once, it can be rezoned again.

Discussion ensued regarding private industry taking over the golf course wherein Commissioner Bostock indicated that a request for proposal would have to be designed so there is no cost to the County, and Commissioners Brickfield and Roche concurred. Mr. LaSala related that preparing a request for proposal would take several months; that several capital expenses to the facility would be required over the next five years; and that the market dictates the amount that can be reasonably charged for a round of golf; whereupon, he expressed concern regarding finding a private company to make a capital investment of approximately \$1 million in the present circumstances, and pointed out that a decision regarding the annual contract in excess of \$400,000.00 must be made prior to May 16 or the contract would be extended and the loss would continue.

Commissioner Bostock related that while Mr. LaSala's analysis may be correct, some entity may see things differently; and that there would be no harm in putting the request out to see if there is any interest. Chairman Latvala noted the potential cost and staff time of preparing a request for proposal; and in response to her queries, Ms. Carroll indicated that the 380 people who signed the petition in opposition do play golf at the golf course; and pointed out that the petition was only circulated for ten days.

Commissioner Roche questioned whether a request to gauge the interest of the private industry could be done as opposed to a request for proposal; whereupon, Mr. LaSala indicated that a request for information to determine if there are any seriously interested parties could be made without great difficulty, but that he would not recommend doing so under the current circumstances.

Discussion ensued wherein Chairman Latvala pointed out that the golf course is being run by a professional golf course operator and is not profitable, and Mr. LaSala provided input. Commissioner Roche noted his preference that private industry, not government,

be the entity to declare the golf course a failure; and expressed frustration that the County's golf expert was not made available to tell the Board that it is impossible for the golf course to succeed; whereupon, he indicated that he is uncomfortable closing down the golf course without expert input.

Following discussion, Commissioner Welch moved, seconded by Commissioner Bostock, that the operation of Airco Golf Course, the contract with Valleycrest Golf Course Maintenance, Inc., and the food service concession agreement with United Park Services be terminated effective May 16. Upon call for the vote, the motion carried by a vote of 5 to 1, with Commissioner Roche casting the dissenting vote.

Motion	-	Commissioner Welch
Second	-	Commissioner Bostock
Vote	-	5 – 1 (Commissioner Roche dissenting)

Thereupon, Commissioner Roche moved, seconded by Commissioner Brickfield, that a request for information in a media advertisement be put out to gauge the interest of private industry. In response to comments and query by Commissioner Roche, Attorney Bennett indicated that his interpretation of the motion is that the County Administrator is to put out a request for expression of interest under a series of parameters maintaining ownership of the airport property, but being an ongoing operation without risk to the airport and possibly including lease payments to the airport for use of the land.

Discussion ensued and in response to comments and query by Commissioner Morroni, Mr. Lagos indicated that he has not received any telephone calls in response to an article relating to closing the golf course; and Commissioner Brickfield noted that he received a telephone call from a Realtor interested in selling the property for the County.

Thereupon, upon call for the vote, the motion carried unanimously.

Motion	-	Commissioner Roche
Second	-	Commissioner Brickfield
Vote	-	6 – 0

Discussion ensued regarding the parameters of the request for information. Chairman Latvala indicated that based on the zoning change, it must be a lease with a 60 to 90-day termination clause; and that it cannot involve any money from the County for any purpose. Mr. Lagos indicated that any contractual arrangement has to be fair market value done by appraisal and should include a short-term out-clause; and that attorney guidance would be required; whereupon, he pointed out that segregation of the acreage

for aviation use was important to the FAA; and that the FAA expects the acreage to be available for development on short notice.

During continued discussion and in response to comments and queries by Commissioner Morroni, Mr. LaSala related that the County is responsible for proving the value of the property to the FAA; and that the FAA will not accept the appraisal of a private company. Mr. Lagos indicated that there is not currently anyone interested in developing the property, noting that he receives frequent inquiries about development of various parcels of airport property; that there has been one expression of aviation interest, but that it is not a developed interest; and that there has been some fleeting interest in developing hotels; whereupon, Mr. Lagos provided input regarding the airport’s intent when the economy improves.

- #17 Authorization granted to advertise a public hearing regarding a proposed ordinance amending the Pinellas County Water and Navigation Code (Sections 2-273 through 2-299 and Sections 166-241 through 166-364, Pinellas County Code) (Public Works).

* * * *

At this time, 11:35 A.M., Commissioner Roche left the meeting.

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In response to query by Chairman Latvala, Dave Walker, Watershed Management, indicated that the changes have been worked on for some time; and that this is the last part of several revisions to streamline the process.

Motion - Commissioner Morroni
Second - Commissioner Welch
Vote - 5 – 0

- #18 Change Order No. 5 to the agreement with Tampa Contracting Services, Inc. for the Lake Seminole Alum Injection project (PID No. 829, Bid No. 078-0310-C) approved increasing the contract amount by \$80,769.60 (revised contract amount, \$4,710,394.64); Chairman authorized to sign and the Clerk to attest (Public Works/Purchasing).

Motion - Commissioner Brickfield
Second - Commissioner Morroni

In response to query by Commissioner Brickfield, Director of Public Works and Transportation Peter J. Yauch indicated that the project is essentially complete; that the final check of quantities is almost complete; and that the final agreement will be ready soon.

In response to comments by Chairman Latvala regarding the County’s ongoing operation and maintenance costs for the project, Commissioner Brickfield stated his preference that Lake Seminole be changed back to an estuary, and Chairman Latvala concurred, indicating that while she is in Tallahassee, she will encourage the Legislature to maintain the County’s authority to have some control over runoff into its various bodies of water.

Vote - 5 – 0

#19 Sixth Amendment to the agreement with IBI Group, Inc. for consultant services for 46th Avenue North (80th Street North to 62nd Street North) (PID No. 922493, Contract No. 012-0849-A) approved; amendment will reallocate \$3,852.92 remaining in the reimbursable and contingency allocations to construction consultation and will allow payment to the design engineer for additional and unanticipated construction consultant services resulting from unforeseen utility line conflicts and various field conditions; project was substantially completed in December 2010. Chairman authorized to sign and the Clerk to attest (Public Works/Purchasing).

Motion - Commissioner Welch
Second - Commissioner Bostock
Vote - 5 – 0

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At this time, 11:39 A.M., Commissioner Roche returned to the meeting.

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#20 Final negotiated agreement with Harvard Jolly, Inc. for Design Professional Consulting Services for the Public Safety Facilities and Centralized Communications Center (Contract No. 090-0402-NC; PID No. 1635) approved in an amount not to exceed \$3,978,000.00; Chairman is authorized to sign the agreement and the Clerk to attest after proper execution by the contractor (Companion Item No. 21).

Motion - Commissioner Welch
Second - Commissioner Bostock

In response to queries and comments by the members regarding the layout and construction of the Communications Center, Administrator LaSala reported that staff is integrating information it has received from the Sheriff's Office into a draft overview of the current system; that a meeting has been scheduled for March 31, 2011 to review the information; and that following the internal meeting, staff will meet with the Sheriff to determine the next steps.

Vote - 6 – 0

- #21 Final negotiated agreement with Bovis Lend Lease, Inc. for Construction Management at Risk Services for the Public Safety Facilities and Centralized Communications Center (Contract No. 089-0595-P; PID No. 1635) approved in an amount not to exceed \$3,560,408.00; Chairman is authorized to sign the agreement and the Clerk to attest after proper execution by the contractor (Companion Item No. 20).

Motion - Commissioner Welch
Second - Commissioner Roche
Vote - 6 – 0

- #22 Resolution No. 11-21 adopted approving Project A507225 as a qualified applicant pursuant to Section 288.106, Florida Statutes, and identifying sources of local county financial support as local participation in the Qualified Target Industry Tax Refund Program (total contribution of Pinellas County will not exceed \$9,000.00 to be paid over a series of fiscal years as determined by the State) (Economic Development).

Motion - Commissioner Welch
Second - Commissioner Roche

In response to queries by Commissioner Roche, Suzanne Christman, Senior Manager of Business Development, Economic Development, indicated that the average annual wage for Pinellas County is approximately \$39,000.00; and that the applicant has committed to hiring employees at or above 115 percent of that wage, which is about \$45,188.00.

Vote - 6 – 0

- #23 Resolution No. 11-22 adopted authorizing the Pinellas County Sheriff, or his designee, to act as project manager and apply for and administer the Florida Fish and Wildlife Conservation Commission (FWC) Florida Boating Improvement Program Grant (Justice and Consumer Services).

Motion - Commissioner Morrone
Second - Commissioner Bostock
Vote - 6 – 0

- #24 Final negotiated agreement with Hennessy Construction Services for the pre-construction phase of the Construction Management at Risk Services for the Pinellas Green Home (Contract No. 090-0412-NC) denied (Parks and Conservation Resources/Real Estate Management/Purchasing).

Commissioner Roche moved, seconded by Commissioner Welch, that the item be approved.

Motion - Commissioner Roche
Second - Commissioner Welch

Administrator LaSala presented information relating to the Pinellas Green Home, and indicated that the project would demonstrate state-of-the-art conservation and alternative energy technologies, green building techniques, improved indoor air quality, hurricane protection, and reduced energy and water consumption through the use of a wide variety of building techniques, methods, and products; whereupon, in response to queries by Commissioner Welch, Director of Real Estate Management Paul S. Sacco related that the grant ceiling for the project is \$475,750.00; that the intent of the grant is to showcase green technologies for the benefit of the general public and the building community; and that while a listing of all of the technologies to be used in the home has yet to be finalized, it will be provided to the members when available; and discussion ensued regarding the amount of time staff would need to dedicate to the project.

Responding to queries and comments by Commissioners Bostock and Brickfield, Director of Parks and Conservation Resources Paul A. Cozzie presented background information relating to the project, and indicated that the Pinellas Green Home would be designed to resemble a 2,000 square-foot single family home with a one car garage; that the proposed location is at the west end of the Parks and Conservation Resources/Extension building; that it would take advantage of the adjacent meeting rooms, public restrooms, and parking area and would utilize existing staff; that various green home products and systems would be on display for educational purposes; that annual visitation is estimated at 30,000 visitors and would add to the combined experiences at Pinewood Cultural Park; and that the project would be designed and constructed to meet Leadership in Energy and Environmental Design (LEED) certification, which is a grant requirement; whereupon, Commissioner Roche indicated that he would support the project from a case-study perspective.

Mr. Cozzie indicated that project funding is through a Department of Energy (DOE) grant; and that a required one-to-one match of in-kind staff labor would be provided by Pinellas County Government, the University of Florida Extension, and the Bushnell Center for Urban Sustainability; whereupon, he presented further information relating to project objectives, and indicated that during the pre-construction phase, the Construction Manager (Hennessey Construction Services) would publicly review and select the products and systems to be used in the home; that the construction documents would then be completed; that the Construction Manager would subsequently develop a Guaranteed Maximum Price (GMP); and that finally the GMP would be submitted to the Board for consideration to initiate the construction process.

Mr. Cozzie provided a financial breakdown of the DOE grant, indicating that approximately \$175,000.00 would go toward the basic construction of the Pinellas Green Home; that a large share would fund the various energy saving features and technologies to be incorporated into the home; and that approximately \$125,000.00 would go toward educational and interactive displays. In response to queries and comments by Commissioner Roche, Mr. Cozzie related that the yearly operations and maintenance costs for the building are expected to be between \$11,000.00 and \$12,000.00. He indicated that if the project were not completed by September 2013, the funding would be required to be returned to the DOE; that if Pinellas County rejected the grant it would not be required to complete the project; and that Pinellas County needs to inform the DOE if it does not intend to expend those dollars; whereupon, Mr. Bennett opined that, although he has not reviewed the agreement, he does not believe that the County would be subject to any penalties if it were to reject the grant.

Prior to the vote, Administrator LaSala related that due to member concerns regarding the Pinellas Green Home, staff conducted research on two project alternatives, including (1) entering into a partnership with St. Petersburg College (SPC) for the building to be on its campus and (2) retrofitting an existing building; whereupon, upon call for the vote, the motion to approve the agreement failed by a vote of 3 to 3, with Commissioners Bostock, Brickfield, and Morroni casting the dissenting votes.

Vote - 3 – 3 (Commissioners Bostock, Brickfield, and Morroni dissenting)

Following the vote, Administrator LaSala presented information regarding the two alternatives, relating that Pinellas County and SPC could enter into a partnership in which the building would be located at the Seminole Campus and the grant would be transferred to the college; whereupon, he indicated that even though having SPC as a partner would be an advantage, there are several disadvantages, including that the grant may not be

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transferrable; that grant deadlines may not be met; and that any side benefits of people visiting Heritage Village and the Botanical Gardens would be lost.

Administrator LaSala related that a building retrofit would have similar disadvantages with regard to grant transferability and deadlines; and that there would be issues relating to public access, parking, and educational features; whereupon, he indicated that both alternatives have many qualifiers, conditions, and caveats, and Commissioner Morroni and Chairman Latvala provided input.

Commissioner Morroni indicated that he had originally voted against the item, and related that, in his opinion, the green home should be located at the SPC Seminole Campus rather than the County Extension location since people are constantly traversing the campus grounds; and remarked that spending approximately \$475,000.00 of taxpayer money on a 2,000 square-foot home is excessive. Commissioner Welch indicated that the project will offer information and increase knowledge to both the building community and county residents; that the base construction is actually only \$175,000.00; and that he considers the project a worthwhile long-term investment for the community, and Chairman Latvala concurred; whereupon, she related that Habitat for Humanity sees the value in building green homes; that the public desires information regarding green practices and a place to see those practices put into action; that utility costs will only increase over time; and that learning to do things better, cheaper, and faster is beneficial to county government and to the citizens.

Thereupon, Commissioner Welch indicated that he would not vote on the item if it were to involve St. Petersburg College due to a conflict of interest and, in accordance with the provisions of the Standards of Conduct Law, submitted a Memorandum of Voting Conflict, which has been filed and made a part of the record.

In response to queries by Chairman Latvala, Administrator LaSala confirmed that St. Petersburg College is willing to proceed with a partnership; and that placing the home at the SPC Campus would require a grant modification; whereupon, Mr. Cozzie pointed out that the grant was obtained through the office of Congressman Bill Young; and emphasized that the County would need to work with the Congressman's office as part of the grant application modification to be submitted to the Department of Energy.

Thereupon, Dr. James Oliver, Seminole Campus Provost for St. Petersburg College, presented information relating to the facilities and programs at the Seminole Campus, including the Environmental Science Technology program and the Natural Habitat Park, and confirmed that the college is interested in exploring the possibility of having the grant transferred to the college and taking over the project, but cannot make a commitment at this time. Susan Reiter, SPC Vice President of Facilities Planning and Institutional Services, provided further information and reiterated that the college would be interested in discussing the project; whereupon, Commissioner Morroni restated his preference that the project home be located at any one of the SPC campuses and not at the Extension property.

Thereupon, Commissioner Brickfield moved, seconded by Commissioner Morroni and carried, that staff be authorized to begin negotiations to transfer the grant out of the authority of Pinellas County and to St. Petersburg College. Upon call for the vote, the motion carried 5 to 0, with Commissioner Welch abstaining.

Motion	-	Commissioner Brickfield
Second	-	Commissioner Morroni
Vote	-	5 – 0 (Commissioner Welch abstaining)

#25 Authorization granted to advertise public hearings to be held on April 12 and 26, 2011 to consider proposed amendments to Chapter 138 (zoning provisions) of the Pinellas County Land Development Code regarding restrictions on the location of health care facilities and mobile home parks within hazardous coastal areas (Planning).

Motion	-	Commissioner Morroni
Second	-	Commissioner Welch

In response to queries by Commissioner Roche, Administrator LaSala agreed to provide the members with a listing of existing health care facilities and mobile home parks that are located within hazardous coastal areas, and clarified that the proposed amendments would be to restrict future construction in those areas.

Vote	-	6 – 0
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#26 Other Administrative Matters

Administrator LaSala provided a report regarding the Salvation Army and a Request For Information (RFI) relating to the provision of probation services, noting that the request will be released within 30 days.

#27 Authorization granted to advertise a public hearing to be held on April 12, 2011 on a proposed ordinance amendment relating to adult use hours of operation.

Motion - Commissioner Roche
Second - Commissioner Welch
Vote - 6 – 0

#28 Recommendation of settlement in the case of Kimberly Simpkins versus Pinellas County – Workers’ Compensation Case approved in accordance with the confidential memorandum from County Attorney James L. Bennett dated March 22, 2011.

Motion - Commissioner Welch
Second - Commissioner Roche
Vote - 6 – 0

#29 Recommendation of settlement in the case of Larry Weglarz versus Pinellas County Sheriff and Risk Management – Workers’ Compensation Case approved in accordance with the confidential memorandum from County Attorney James L. Bennett dated March 22, 2011.

Motion - Commissioner Morroni
Second - Commissioner Welch
Vote - 6 – 0

#30 County Attorney Miscellaneous – None.

#31 County Administrator Reports:

INITIATIVES AND PROJECTS

Administrator LaSala provided an update regarding the initiatives and projects 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.

Administrator LaSala reported that on March 7, 2011 a meeting took place between staff and Chairman Latvala to initiate the process and agenda the item; and that on April 15, 2011 staff and the Chairman will meet with Chief Judge J. Thomas McGrady.

- Further consolidation of Fleet Maintenance Operations and Facilities.

Administrator LaSala reported that a preliminary agreement has been reached with the Sheriff regarding the maintenance of vehicles and utilization of the County's bulk fuel service contract.

- 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 on March 16, 2011 Emergency Medical Services and Tax Collector staff conducted a site visit with the contractor; that a document is being prepared which will clearly outline the services being performed and will allow the opportunity for a valid comparison; and that on March 30, 2011 the information will be transmitted and a proposal explored with the parties.

Administrator LaSala reported that on March 18, 2011 staff met with the Utilities Department and agreed to develop a business plan; that the Tax Collector and Utilities will provide their current Vendor Service Level Agreement; and that a meeting will be scheduled in April to identify the next steps.

- Printing Services/Procurement/Mailroom.

Administrator LaSala reported that a meeting is being scheduled with staff, the Constitutional Officers, and the BCC Chairman to discuss topics pertaining to consolidation within the mailroom and the Printing Services and Procurement Departments.

- Enterprise Geographic Information System (GIS).

Administrator LaSala related that he has nothing to report on Enterprise GIS at the current time.

Administrator LaSala related that in the near future, project updates would be better suited to a monthly report; and that he would make that suggestion at the appropriate time; whereupon, Chairman Latvala expressed her appreciation to the Administrator and staff for their progress.

#32 Appointments to the Suncoast Health Council, as delineated in the Board memorandum dated March 22, 2011, for a two-year term ending March 2013, approved.

Motion	-	Commissioner Brickfield
Second	-	Commissioner Roche
Vote	-	6 – 0

#33 County Commission Miscellaneous:

- a. Commissioner Roche clarified comment in recent newspaper article.
- b. Commissioner Brickfield commented on the *2011 State Legislative Priorities – Revision Two* document, and Assistant County Administrator Carl Harness identified the two basic changes.
- c. Commissioner Bostock referred to Agenda Item No. 13 and discussed the need for the Board to take an active role in determining how to best spend the affordable housing resources for the benefit of the citizens; whereupon, Chairman Latvala suggested that a workshop be held; and Administrator LaSala reported that staff will provide a presentation on the topic in the near future.
- d. Commissioner Morrioni discussed complaint from a citizen re the County’s dog ordinance. County Attorney James L. Bennett indicated that even though local government has limited control over the matter and the dispute is really between two neighbors, he would provide information re counties that limit the number of dogs allowed in a residence.
- e. Chairman Latvala provided the volunteer services opportunity of the week.

announced that several Commissioners will attend the Florida Association of Counties meetings tomorrow in Tallahassee and will report back at the next BCC meeting.

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#34 Meeting adjourned at 12:50 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk