

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, JUNE 2, 2009 – 9:30 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

Members Late: Neil Brickfield.

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

INVOCATION: Reverend Rich Dennis, Presbyterian Church of Palm Harbor, Palm Harbor.

PLEDGE OF ALLEGIANCE: Commissioner Bostock.

PRESENTATIONS AND AWARDS:

1. Presentation of a Certificate of Recognition to Richard Carroll, Carroll Brothers Nursery, for leadership on promoting progressive environmental practices.
2. Presentation by Dave Moore, Executive Director of the Southwest Florida Water Management District (SWFWMD), regarding water restrictions.

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

SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS (BCC)

1 Resolution No. 09-63 adopted granting petition of Thomas J. Williamson and Jana M. Read to vacate a portion of a utility and drainage easement on Lot 59, Autumn Woods, Unit III Subdivision; authority granted for Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Latvala
Second	-	Commissioner Seel
Vote	-	6 – 0

2a Ordinance No. 09-33 adopted amending Section 18-66(h) of the Pinellas County Code relating to the establishment of St. Petersburg-Clearwater International Airport user fees by resolution. Staff recommended approval of the proposed ordinance. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Seel
Vote - 6 – 0

2b Resolution No. 09-64 adopted establishing St. Petersburg-Clearwater International Airport user fees for the issuance, replacement, and renewal of Airport-issued identification badges and terminal building tenant keys.

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

3a Dredge and Fill Application No. DF1958-08/Revised submitted by Leo Mac Sweeney, 612 Florida Boulevard, Crystal Beach (St. Joseph Sound) approved; no correspondence has been received; no citizens appeared to be heard; the biological report has been filed as part of the record; and approval is subject to the following conditions:

1. Turbidity control devices must be properly maintained throughout dredging. In the event of turbidity problems outside of the immediate work area, the applicant or contractor must take immediate corrective action.
2. Prior to commencing dredging, the applicant must obtain any required permission to place the dewatering container in the right-of-way.

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

3b Dredge and Fill Application No. DF2001-09 submitted by Admiral Farragut Academy, 501 Park Street North, St. Petersburg (Boca Ciega Bay) approved; no correspondence has been received; no citizens appeared to be heard; the biological report has been filed as part of the record; and approval is subject to the following conditions:

1. Turbidity control devices must be properly maintained throughout dredging. In the event of turbidity problems outside of the immediate work area, the applicant or contractor must take immediate corrective action.

2. The applicant may begin dredging during the appeal period at their own risk. Should an appeal be received during the 30-day appeal period, the applicant is advised that it may result in a rehearing of the application and possible revocation of the permit pursuant to the appeal procedures in Section 166-288 of the Pinellas County code.

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

- # 3c Commercial dock Application No. CC39618-09 submitted by the City of Clearwater, 210 Drew Street to 112 South Osceola Avenue, Clearwater (Clearwater Harbor) approved; no correspondence has been received; and the biological report has been filed as part of the record.

Director of Environmental Management William M. Davis displayed a computer rendition and an aerial photograph of the subject property, pointed out the location of the site and surrounding uses in the area, and presented background information regarding the request of the City of Clearwater to construct a new municipal marina in Clearwater Harbor; whereupon, he related that Environmental Management is in support of the request; and recommended that the application be approved.

City of Clearwater Assistant City Manager Rod Irwin presented an overview relating to the City's request and provided general and statistical information regarding amenities to be provided to the public, the number of boat slips to be constructed, and the marina's role in the overall redevelopment plan of Downtown Clearwater; whereupon, he noted that Clearwater received a \$1.2 million national grant from the U.S. Fish and Wildlife Service; and pointed out that subsequent to extensive public participation, the project was approved by Citywide referendum in 2006.

David Gildersleeve, Wade-Trim Engineering Consultants, provided additional information regarding the location, specifications, and environmental impact of the marina; whereupon, he provided information relating to the initial feasibility study and the follow-up study, and related that Misener Marine has been chosen as the City's design builder.

No one appeared in response to the Chairman's call for individuals wishing to be heard.

Commissioner Latvala praised the City of Clearwater for providing additional access to the water; whereupon, she moved, seconded by Commissioner Seel, that the application be approved.

Motion	-	Commissioner Latvala
Second	-	Commissioner Seel
Vote	-	6 – 0

CITIZENS TO BE HEARD

Alan Snel, Tampa, re Bicycle Bash by the Bay.
Lenore Faulkner, Madeira Beach, re Pinellas Schools.

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Commissioner Brickfield entered the meeting at 10:33 A.M.

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CONSENT AGENDA ITEMS NOS. 4 THROUGH 18 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 9a AND 16a, WHICH WERE CONSIDERED UNDER ITEM NO. 19.

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

4 Minutes of regular meeting of May 5, 2009 approved.

5 Reports received for filing:

- a. Office of the Clerk of the Circuit Court budget request for non-court related expenditures for the Fiscal Year 2009-2010.
- b. Internal Audit Division, Clerk of the Circuit Court, Report No. 2009-10 dated April 30, 2009 – Audit of Construction Licensing Board.
- c. Continuing Bond Disclosure Report dated April 30, 2009 pursuant to Rule 15c2-12 of the Securities and Exchange Commission for:
 - \$104,795,000 Sewer Revenue and Revenue Refunding Bonds, Series 1998; \$86,580,000 Sewer Revenue Bonds, Series 2003; \$25,205,000 Sewer Revenue Refunding Bonds, Series 2006; \$155,520,000 Capital Improvement Revenue Bonds, Series 2000; and \$26,620,000 Capital Improvement Revenue Bonds, Series 2002.

- d. Pinellas County EMS Office of the Medical Director Annual Report for Fiscal Year October 1, 2007 to September 30, 2008.
- e. City of Tarpon Springs Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2008, together with the Pinellas County Fire Services Agreement dated September 30, 2008.
- f. Southwest Florida Water Management District Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2008 (Computer Disk), together with the Annual Local Government Financial Report, Fiscal Year 2007-2008.
- g. Dock Fee Report for the month of April 2009.

6 Vouchers and Bills Paid – Period of April 20, 2009 through May 1, 2009:

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2401 (period April 27 through May 1)

Payroll checks numbered 562284 through 562486

Imprest Fund Expenditures

Manual check numbered 751579

System checks numbered 963685 through 965141

ACH Transfers numbered 2352 through 2466

Wire Transfers numbered 010949 through 010962

7 Miscellaneous items received for filing:

- a. City of Clearwater Public Hearing Notices of Annexation, Land Use Plan, and Zoning Atlas Amendments regarding Ordinances Nos. 8050-09 through 8058-09 and 8062-09 through 8067-09; public hearings to be held June 4, 2009.

8 Resolution No. 09-65 adopted approving an application for federal assistance requesting \$2,267,237.00 in funds from the Federal Aviation Administration (FAA) for terminal renovation and other projects at the St. Petersburg-Clearwater International Airport; Chairman authorized to execute and the Clerk to attest.

9a See Item No. 19.

- # 9b Bids of American Office Systems and Deanne's Office & Computer Supply Inc., and the bid of Arconas rejected as being non-responsive for failure to submit a bid bond, and meet bid specifications, respectively, for the St. Petersburg-Clearwater International Airport Terminal Area Improvements 2009 – Airport Seating (Bid No. 089-0367-CP); bid of Office Pavillion South Florida, Inc., d/b/a Workplace Resource of Tampa Bay accepted in the amount of \$726,461.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney.

- #10 Change Order No. 1 (Final) to the contract with Caladesi Construction Company for the Sheltair Taxiway and Terminal Apron Hardstand (Airport Contract No. AP-65, Bid No. 078-0040-C) approved increasing the contract amount by \$3,109.09 (revised contract total, \$689,404.09) and extending the contract by 70 days; contract accepted as complete as of September 18, 2008; remaining retainage released; Chairman authorized to sign and the Clerk to attest.

- #11a Award of bid to Kamminga & Roodvoets, Inc., for Allen's Creek Erosion Control (PID No. 836; Bid No. 089-0241-C) accepted in the amount of \$895,690.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney.

- #11b Award of bid to G.E.C. Associates, Inc., J.O. Delotto & Sons, Inc., Tran Construction, Inc., and New Vista Builders Group LLC, for Job Order Contracting 2009-2010 (Bid No. 089-0152-C) accepted in the amount of \$3,000,000.00 on the basis of being the lowest responsive, responsible bids received meeting specifications; Chairman authorized to sign and the Clerk to attest after proper execution of the agreements by the contractor and written approval as to form by the Office of the County Attorney.

- #12 Bid for corrosion inhibitor (Contract No. 089-0327-B) awarded to Carus Corporation d/b/a Carus Phosphates Inc., on the basis of being the lowest responsive and responsible bid received meeting specifications; 12-month contract with three additional 12-month term extensions, contingent upon all terms and conditions remaining the same and approval by the County Administrator or Director of Purchasing; total contract estimated annual expenditure is not to exceed \$264,500.00; term extensions allow for price adjustments in an amount not to exceed the average of the Producer Price Index for Chemicals and Allied Products – Series ID: WPU06, Not Seasonally Adjusted, including renewals.

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- #13 Change Order No. 2 (Final) to the agreement with Centrisys Corporation for South Cross Bayou Centrifuge Repair and Retrofit (Project No. 1898, Bid No. 067-0183-C) approved increasing the agreement amount by \$48,132.51, for a revised total of \$1,012,043.51, and providing for a 67-day time extension; contract accepted as complete as of September 1, 2008; remaining retainage released; Chairman authorized to sign and the Clerk to attest.
- #14 Grant Agreement with the Florida Department of Environmental Protection (FDEP) Bureau of Beaches and Coastal Systems for Treasure Island beach renourishment project (FDEP Contract No. 09PI2) approved for execution (total project cost, \$2,000,000.00; Pinellas County's portion, \$400,000.00) (Environmental Management).
- #15 Fiscal Year 2009 Budget Amendment No. 8 was filed and made a part of the record (Management and Budget).
- #16a See Item No. 19.
- #16b Ranking of firms for consultant selection, Construction Management at Risk Services for the Sheriff's Tech Buildings 1, 2, and 3 Renovations (PID No. 2009) approved as follows:
 - 1. Hennessy Construction Services Corp.
 - 2. Biltmore Construction Co., Inc.
 - 3. Creative Contractors Inc.
 - 4. Peter R. Brown Construction, Inc.
 - 5. Ajax Building Corporation
 - 6. Moss & Associates, LLC
 - 7. W.G. Mills, Inc.
 - 8. Walbridge Aldinger Company
 - 9. Kraft Construction Company, Inc.
 - 10. Ellis Construction Company, Inc.
 - 11. Bandes Construction Company, Inc.
 - 12. Cutler Associates, Inc.
 - 13. Turner Construction Company
 - 14. The Terbo Group, Inc.
 - 15. Howell Construction Group, Inc.
 - 16. Sterling Construction Management, Inc.

Staff authorized to negotiate an agreement for Board approval with the number one ranked firm, Hennessy Construction Services Corp. (Real Estate Management).

- #17 Resolution No. 09-66 adopted declaring personal property as surplus and transferring same to the Town of Belleair, Town of Indian Shores, City of Pinellas Park, City of Tarpon Springs, City of St. Pete Beach, City of St. Petersburg, City of Treasure Island, and the Pinellas County Sheriff's Office, as requested by the Justice and Consumer Services Department (Real Estate Management/Justice and Consumer Services).
- #18 Sitting as the Emergency Medical Services Authority, the Board approved execution of a Certificate of Public Convenience and Necessity to 1st Choice Transportation, L.L.C. to provide non-medical wheelchair transport services in Pinellas County.
- #19 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court).
 - # 9a Bid of Christiano Construction Co., Inc., rejected for being non-responsive due to prequalification bid limit requirements. Award of Bid to Ajax Building Corporation for Terminal Area Improvements relating to the American Recovery and Reinvestment Act (ARRA) of 2009 (Bid No. 089-0322-CP) accepted in the amount of \$4,550,663.34 on the basis of being the lowest responsive, responsible bid received meeting specifications; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney.

Responding to queries by the members, Airport Director Noah Lagos provided information relating to the bidding process and explained why few contractors chose to bid on the Terminal Area Improvements project. Mr. Lagos related that all potential bidders were informed of the limited opportunity to submit change orders; and that due to a provision in the American Recovery and Reinvestment Act of 2009, change orders cannot be funded with non-stimulus dollars; whereupon, he indicated that stimulus money will only be used for improving the terminal, not for its expansion.

In response to queries by Commissioner Bostock, Mr. Lagos, with input by Director of Public Works and Transportation Peter J. Yauch, provided information relating to the various personnel involved in the project, including outside contractors and in-house staff, and Commissioner Welch provided input.

Commissioner Seel disclosed that she must abstain from voting on this matter 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.

Motion - Commissioner Bostock
Second - Commissioner Latvala
Vote - 6 – 0 (Commissioner Seel abstaining)

#16a Ranking of firms for consultant selection, Construction Management at Risk Services for St. Petersburg Judicial Tower Renovation, Phase 3 (PID No. 831) approved as follows:

1. Ajax Building Corporation
2. J. Kokolakis Contracting, Inc.
3. Creative Contractors, Inc.
4. Peter R. Brown Construction, Inc.
5. HCBeck, LTD
6. Hennessy Construction Services Corp.
7. Biltmore Construction Co., Inc.
8. Walbridge Aldinger Company
9. Mathews Construction of Tampa, Inc.
10. Moss & Associates, LLC
11. The Diaz/Fritz Group, Inc.
12. Cutler Associates, Inc.
13. Ellis Construction Company, Inc.

Staff authorized to negotiate an agreement for Board approval with the number one ranked firm, Ajax Building Corporation (Real Estate Management).

Commissioner Seel disclosed that she must abstain from voting on this matter 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.

Motion - Commissioner Welch
Second - Commissioner Bostock
Vote - 6 – 0 (Commissioner Seel abstaining)

20 First Amendment to the Airline Operating Agreement between Pinellas County and Allegiant Air, LLC, approved amending the way Allegiant reports flight activity, changing the benchmarks for the airline to receive direct marketing cost reimbursement for years three and four, revising the number of loading ramps available from four to five, and codifying that Allegiant is responsible for meeting the Air Carrier Access Act's requirements as to the loading and unloading of passengers, as stipulated in Exhibits C, E, F, and G, respectively; Chairman authorized to execute and the Clerk to attest.

Responding to query by Commissioner Seel pertaining to Exhibit E, Airport Director Noah Lagos provided information regarding marketing support provisions for year five.

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

- #21 Agreements with Ardaman & Associates, Inc., Mactec Engineering and Consulting, Inc., Nodarse & Associates, Inc., Professional Service Industries, Inc., URS Corporation Southern, and Williams Earth Sciences, Inc. approved for environmental and geotechnical professional engineering services for capital improvement projects on an “as-needed” basis for countywide use; three-year agreements with one additional three-year term extension; value of each agreement for the initial three-year term, \$1,000,000.00; total value of the six agreements for the three-year term, \$6,000,000.00; Chairman authorized to execute the agreements and the Clerk to attest.

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

- #22 Change Order No. 2 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 \$400,000.00 and extending the contract 209 calendar days to a revised completion date of January 4, 2010 (revised contract amount, \$3,651,926.70); Chairman authorized to sign and the Clerk to attest (Environmental Management/Public Works).

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

- #23 Third Amendment to Trail Lease with Florida Power Corporation, d/b/a Progress Energy Florida, Inc., approved accepting the first segment (Segment B4, from Belleair Road to Bright House Field) of the Trail Utilization Area and amending the Insurance paragraph; Chairman authorized to execute and the Clerk to attest (Facility Management/Public Works/Culture, Education & Leisure).

Responding to queries by Commissioner Seel, Director of Public Works and Transportation Peter J. Yauch provided information regarding the cost of Segment B4 and the progress and anticipated cost of Segment B2; whereupon, he related that Progress Energy is responsible for design and construction of the facilities; that a number of errors were encountered during and after the construction process, causing delays; and that the County does not have control of the engineering process. He indicated that the value of

the insurance policy has been reduced from \$50,000,000.00 to \$25,000,000.00 and agreed to provide information on the cost of the policy.

Referring to a map, Mr. Yauch responded to queries by Commissioner Bostock regarding project phasing and the status of various segments, and Commissioner Seel provided input. Commissioner Bostock expressed the need to look at the entire trail project in light of the current economic situation; and Mr. Yauch indicated that the County has been addressing certain sections as opportunities and funding have presented themselves.

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

- #24 Fourth Amendment to the Agreement for Pharmacy Services with Albertson’s LLC (Contract No. 045-278-P) approved extending the contract from June 30, 2009 to July 31, 2009; estimated cost for the extension period, \$400,000.00; Chairman authorized to sign and the Clerk to attest after proper execution of the amendment by the contractor and written approval as to form by the Office of the County Attorney (Health and Human Services).

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

- #25 Final negotiated contract with Kash n’ Karry Food Stores, Inc., d/b/a Sweetbay Supermarket, for Pharmacy Services for Health and Human Services (Contract No. 089-0197-P) approved; budgetary impact for Fiscal Year 2009 is \$4,600,000.00; 36-month contract is effective June 2, 2009 (pharmacy dispensing services will commence on August 1, 2009) and allows for a term extension of two additional 12-month periods at the same terms and conditions, subject to the availability of funds and approval by the County Administrator or Director of Purchasing; Chairman authorized to sign and the Clerk to attest after proper execution of the amendment by the contractor and written approval as to form by the Office of the County Attorney (Health and Human Services).

Motion	-	Commissioner Welch
Second	-	Commissioner Latvala

Responding to queries by the members, Director of Health and Human Services Maureen A. Freaney related that the proposed Fiscal Year 2010 budget is \$4,600,000.00, the same as the projected Fiscal Year 2009 amount; that the contract provides the County the ability to renegotiate the terms should Sweetbay receive a pricing decrease due to competitive market conditions; that any rebate or money back received by Sweetbay from pharmaceutical companies will be passed on to the County; and that the contract contains

a fiscal non-funding clause, as well as a provision for termination following a 30-day written notice by the County.

Referring to the contract features described in the Board Memorandum, Commissioner Bostock pointed out that the antibiotics provided free of charge to the clients are not free to the County but are provided under the contract funded by taxpayer dollars.

Vote - 7 - 0

- #26 Ranking of firms and authorization for staff to negotiate an agreement for Board approval with the No. 1 ranked firm for Real Estate Management – Design Professional Services for the Public Safety Facilities and Centralized Communications Center (PID No. 1635) denied. Estimated cost of Design Professional Services is \$2,800,000.00; total project estimate is \$81,400,000.00 (Real Estate Management).

The top five firms were ranked as follows:

1. ARC3 Architecture, Inc.
2. Harvard Jolly, Inc.
3. HKS Architects, Inc.
4. Schenkel & Schultz, Inc.
5. Ranon & Partners, Inc.

Mr. LaSala requested direction from the Board whether to pursue Leadership in Energy and Environmental Design (LEED) certification or to simply design the facilities to LEED standards and not seek certification, which would save approximately \$15,000. In response, Commissioner Latvala stated that certification is important for the future as the County moves forward with its “green” efforts; that it will ensure that the criteria has been met; that \$15,000.00 is a nominal amount of money; and that she believes it is worth taking the extra step to receive LEED certification, and Commissioner Welch concurred. Commissioner Bostock disagreed, pointing out that incurring small fees on many projects adds up to a large amount; and that the importance lies in designing the facility to make a positive environmental impact; whereupon, Commissioner Seel indicated that the County Extension Office has two Urban Sustainability staff members who could review the criteria and come up with Pinellas County’s own green designation.

Commissioner Seel indicated that the project was originally proposed to use the Design-Build construction methodology, but the Construction Manager at Risk (CM At Risk) method is now proposed; that ARC3 Architecture, Inc. was responsible for the planning of the campus; that the intent to use a different architect was clearly communicated; and that she believes it is important to have a “different set of eyes” to complete the design;

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whereupon, she expressed concern that three of the four references provided by ARC3 were given by Pinellas County staff who oversaw the planning project and have no knowledge of construction projects completed by the firm, other than that gained in discussions with Martin County regarding a \$13 million, 71,000 square-foot facility.

Commissioner Bostock expressed concern regarding the switch from Design-Build to CM At Risk and requested an explanation of the reason for the change and assurance that the process was fair to all parties; whereupon, Mr. LaSala related that a change in departmental leadership had occurred in an attempt to improve the overall management, direction, and guidance of the County's real estate and construction management activities and, in part, to avoid problems such as those experienced at the Jail Health Facility; that there had been a conscious and deliberate decision by the members of the Board to raise the level of accountability and responsibility of construction management activities; and that it was the opinion of the new Director of Real Estate that the County would be better served by switching to the CM At Risk method.

Mr. LaSala explained that, under Design-Build, ARC3 Architecture would not have been eligible to submit a proposal for Design Professional Services; and that, because it was eligible to submit for a CM At Risk contract, staff worked with the County Attorney's Office to review the standard operating procedures and ensure that the appropriate checks and balances and accountability were included in the process, including the appointment of a new evaluation committee. He indicated that he believes the decision to use CM At Risk methodology was a prudent one that provides the controls and quality assurance needed for the project.

Thereupon, Director of Real Estate Management Paul S. Sacco provided a brief history of the project, noting that ARC3 had been awarded a \$2.25 million contract in 2007 to develop a campus master plan, to develop design criteria for Phase I, and to provide quality assurance and oversight during the design and construction of Phase I. He indicated that his decision to change the construction method was based on the size and complexity of the project; that the Construction Manager will provide valuable input to assist with the design, planning, and costing of the project; and that the County will have more control of the construction process and budget and a better ability to manage changes in the scope of the design throughout the construction process.

Responding to queries by Commissioner Welch, Mr. Sacco provided additional information regarding the differences between the two construction methods; and County Attorney Bennett and Chief Assistant County Attorney Dennis R. Long provided input. Mr. Long indicated that both the Consultant's Competitive Negotiation Act (CCNA) statute and county ordinance preclude an architectural firm hired to do a design criteria

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package from acting as the architect of record as part of a Design-Build team; that the new project scope and construction methodology required a new CCNA process; that neither the statute nor the ordinance precluded ARC3 from participating; and that the County Attorney's Office worked with Mr. Sacco and the Real Estate Management staff to do everything possible to build a wall between the former work effort and the new process.

During discussion, the members expressed concern regarding the qualifications of ARC3 for a project of this size and complexity; qualifications of the other bidders; scoring by the review team, including the weight assigned to the various review criteria; obtaining references relevant to the project being bid; the use of internal references; and the perception that ARC3 received an unfair advantage; whereupon, Mr. LaSala stated that the County Attorney's Office, Purchasing, Public Works and Engineering were all involved in the selection process; that he has reviewed the process and believes a level playing field was established for all the firms; that ARC3 has demonstrated sufficient expertise to successfully complete the project; and that there will be a Construction Manager overseeing the project. Responding to queries by Commissioners Seel and Brickfield, Mr. Sacco agreed to consider eliminating the parking structure to save money; and indicated that drought-tolerant landscaping will be used.

Discussion continued, and Commissioner Bostock suggested that the Board discuss the practice of using internal references at an upcoming workshop; and that it may wish to postpone action on the matter until after that discussion. In response, Commissioner Latvala indicated that the Board has the option to approve or deny the item; and that now is not the time to consider changes to the process currently in place; whereupon, she moved approval of staff's recommendation. Chairman Harris noted that the motion died for lack of a second.

Expressing concern that the top ranked firm had no experience with a project of this size, their biggest project being about one-fourth as large; and noting that three of the four references are from the subject project, Commissioner Brickfield moved, seconded by Commissioner Bostock, that the ranking of firms and authorization to negotiate an agreement be denied.

Responding to query by Commissioner Morroni, Messrs. Sacco and LaSala related that, upon denial, the County would be required to begin the CCNA process over again; that it would be six to eight weeks before the matter would come back before the Board; that Construction Manager presentations are scheduled to be held on June 22; and that the delay should not affect project scheduling, as construction is not imminent. Attorney Bennett indicated that the Board can officially reject all bids and begin the process again;

and that he does not foresee any legal issues in doing so; and Attorney Long noted that another option would be to reject the top-ranked firm for the reasons stated and award the bid to the No. 2 firm.

Discussion ensued regarding the criteria to be considered and the means of identifying evaluation committee members. Mr. LaSala indicated that it may be necessary to bring in outsiders, at County expense, to consult with staff and sit as the review panel; whereupon, he disclosed that he had been approached by one of the other firms with information and opinions about the capability and performance of the No. 1 ranked firm; and Attorney Bennett advised that, rather than exposing the County to concerns by ARC3, the best option would be to approve the motion and start the process over.

Upon call for the vote, the motion carried by a vote of 7 to 0.

Mr. LaSala requested guidance from the Board regarding constitution of the review panel; and suggestions included the use of staff from surrounding counties, architects not bidding on the project, and retired members of the local construction community. Chairman Harris stated his preference that the panel not include members from outside Pinellas County; and Commissioner Seel suggested that the County pursue references other than those submitted by the bidders, including Pinellas County staff members and construction companies who have worked with the firms on other projects.

Thereupon, Mr. LaSala indicated that staff will take into consideration the interests and concerns expressed by the Board and will fashion a review panel that is appropriate for the project.

Commissioner Welch referred to a document titled *Proposal/Interview Evaluation Summary of Ratings*, a copy of which has been filed and made a part of the record, and requested that the new review panel complete a similar matrix showing the evaluation categories and firms.

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At this time, 12:13 P.M., Commissioner Latvala left the meeting.

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#27 County Attorney authorized to defend the cases of:

- a. BankUnited, FSB versus Charles A. Robbins, et al. – Circuit Civil Case No. 09-06658-CI-13 – Mortgage Foreclosure Involving a Code Enforcement and Utility Liens.
- b. EverHome Mortgage Company versus George F. Stevenson and Barbara L. Stevenson, et al. – Circuit Civil Case No. 09-6860-CI-11 – Mortgage Foreclosure Involving a Subordination Agreement and Mortgage.
- c. Regions Bank versus Theodore Vien, et al. – Circuit Civil Case No. 09-06579-CI-17 – Mortgage Foreclosure Involving a Utilities Lien.
- d. Wells Fargo Bank, N.A. versus Alfred F. Conversi, et al. – Circuit Civil Case No. 09-07909-CI-15 – Mortgage Foreclosure Involving a Utilities Lien.
- e. Kim Colin Cox and Eileen Mary Cox versus James B. Phillips; the Unknown Spouse, Heirs, Devisees, Grantees, Assignees, Lienors, Creditors, Trustees, or Other Claimants Claiming By, Through, Under, or Against John Strelec, Deceased; Chester M. Cornwell and Kathleen E. Cornwell; Pasco County, Florida; Pinellas County, Florida; and the Unknown Spouses, Heirs, Devisees, Grantees, Assignees, Lienors, Creditors, Trustees, or Other Claimants Claiming By, Through, Under, or Against the Individually Named Defendants Herein – Circuit Civil Case No. 51-2009-CA-4316-ES – Seeking Access to Real Property Over Property of Others.

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

#28 County Attorney authorized to initiate housing discrimination litigation on behalf of Santford L. Martin in the claim of Santford L. Martin versus Crosswinds Mobile Home Park, Inc. – HUD No. 04-09-0023-8; Pinellas County Case No. 08-045.

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

#29 Resolution No. 09-67 adopted correcting a scrivener’s error within the legal description contained in Exhibit E to Resolution No. 08-18, adopted on January 22, 2008, determining the necessity to construct roadway and drainage improvements to Keystone Road, from U.S. Highway 19 to East Lake Road, and directing the condemnation of the necessary properties and property rights required for construction.

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

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Commissioner Latvala returned to the meeting at 12:15 P.M.

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#30 County Attorney Miscellaneous – None.

#31 Sitting as the Industrial Development Authority, the Board approved for execution the First Amendment to Purchase and Sale Agreement between the Pinellas County Industrial Development Authority, d/b/a the Pinellas County Economic Development Authority, and Florida Gateway Development I, LLC, for sale of the Toytown site, extending the current due diligence period by up to 12 months and eliminating one of two six-month extensions to the development approval period.

Motion - Commissioner Bostock
Second - Commissioner Morroni

Director of Economic Development Mike Meidel provided historical background information regarding the Purchase and Sale Agreement approved by the Board on July 1, 2008; whereupon, he reviewed the provisions of the Agreement and the reasons behind the request for extension of the due diligence period, noting that the current economic environment has made it difficult to obtain financing and secure commitments from retail tenants and citing regulatory uncertainties created by the Governor’s signing of the Growth Management Bill, Senate Bill 360.

At the request of Administrator LaSala, Mr. Meidel provided a summary of due diligence activities conducted to date by the buyer; whereupon, Bill Tippmann, Development Partner with Bear Creek Capital and Project Manager for Florida Gateway Development I, LLC, thanked the Board for its consideration of the extension and assured the members that, if the extension is granted, the buyer would not merely wait for the market to improve, but would continue its due diligence efforts. He related that research completed to date indicates that the proposed development will be financially viable when the economy improves; that there has been speculation in the press regarding placement of a stadium on the site; that discussions have not been held with the Tampa Bay Rays or citizen advisory groups researching stadium locations; and that, despite recent reports in the *St. Petersburg Times* pertaining to the due diligence summary report, the experts have not concluded that a stadium would not be viable from a geotechnical perspective.

Thereupon, Mr. Tippmann responded to queries by the members, indicating that the environmental study is approximately 20 percent complete, with the lion's share of the investment and research to take place during the development approval period; that a particular vendor has been paid in full; and that lenders and vendors are on board and cooperating with the intent to move forward with the project.

During discussion and responding to queries and concerns by the members, Mr. Meidel provided information pertaining to various provisions of the contract and proposed extension, including financial implications of moving from the due diligence period to the development approval period; the possible impact of Senate Bill 360; the results of research pertaining to the current financial status of the development partners; and opportunities for public input before the City of St. Petersburg and the County in connection with required zoning and land use changes.

Vote - 7 - 0

#32 County Administrator Reports – None.

#33 Appointment of Steve Mixson to serve on the WorkNet Pinellas Board of Directors for the term of June 2, 2009 through June 30, 2011, approved.

Motion - Commissioner Brickfield
Second - Commissioner Welch

Responding to query by Commissioner Bostock, Chairman Harris confirmed that Mr. Mixson was nominated by the St. Petersburg Chamber of Commerce to fill the Chamber's seat on the Board.

Vote - 7 - 0

#34 County Commission Miscellaneous:

- a. Commissioner Welch related that the Consolidated Justice Information System (CJIS) Board will review the Request for Proposal for the CJIS system tomorrow; reminded citizens to be prepared for the 2009 hurricane season.
- b. Commissioner Bostock expressed concerns regarding the Countywide curbside recycling program.
- c. Commissioner Brickfield requested clarification of a timeframe relating to Countywide trash pickup.

June 2, 2009

d. Chairman Harris

noted that a ceremony will take place at the Brooker Creek Preserve to dedicate the Wilde Tract on June 6, 2009, at 11:00 A.M., which will coincide with National Trails Day; provided a water conservation tip.

#35 Meeting adjourned at 12:57 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk