

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, JULY 26, 2011 – 3:02 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

Not Present: Kenneth T. Welch.

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

INVOCATION: Commissioner Brickfield.

PLEDGE OF ALLEGIANCE: Commissioner Seel.

PRESENTATIONS AND AWARDS: None.

CITIZENS TO BE HEARD

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

Greg Pound, Largo, re Pinellas families.

Robert Hart, Seminole, re Parking.

Ingrid Comberg, St. Petersburg, re No. 27.

Deputy Noel Dunham, Pinellas County Sheriff's Office, re No. 27-Parking.

Jackie Galvin, Clearwater, re 123rd Parking (submitted copy of *State Municode Direct Copy*).

Jay Galvin, Largo, re Parking on 123rd Avenue.

Donna Cooper, Seminole, re No. 27-Parking.

Sharon Hochstadt, Seminole, re No. 7.

JoAn Totty, Palm Harbor, re Historic Downtown Palm Harbor.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 16 – APPROVED

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

1 Minutes of regular meeting of June 14, 2011 approved.

- # 2 Reports received for filing:
 - a. Division of Inspector General, Clerk of the Circuit Court, Report No. 2011-09 dated June 30, 2011 – Follow-Up Audit of Alternate Water Source Rebate and Conservation Program.
 - b. City of South Pasadena Comprehensive Annual Financial Report for the year ended September 30, 2010, together with Auditor’s Letter regarding South Pasadena Fire Department.

- # 3 Vouchers and Bills Paid – None.

- # 4 Miscellaneous items received for filing:
 - a. City of Clearwater Ordinance No 8251-11 adopted June 2, 2011, annexing certain property.
 - b. Florida Public Service Commission Consummating Order No. PSC-11-0292-CO-EQ issued July 6, 2011 regarding purchase power contract with Trans World Energy LLC by Progress Energy Florida, Inc.

- # 5 Fiscal Year 2011 Board Budget Amendments Nos. 10 and 11 were filed and made a part of the record.

- # 6 Receipt and file of quarterly reports:
 - a. Quarterly Report on Administrative Budget Amendments for the period April 1, 2011 through June 30, 2011 was filed and made a part of the record.
 - b. Quarterly Report on the Law Enforcement Trust Fund – Payments to the Sheriff for the period April 1, 2011 through June 30, 2011 was filed and made a part of the record.

- # 7 Award of bid to R.E. Purcell Construction Co. for The Glades Drainage Improvements (PID No. 1615; Bid No. 101-0276-CP) approved for an estimated total expenditure in the amount of \$940,068.10 on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be fully completed within 300 consecutive calendar days; Chairman authorized to sign and the Clerk to attest after proper execution by the contractor.

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Sharon Hochstadt, Seminole, President of The Glades Homeowners' Association (HOA), presented historical background information regarding the efforts to bring the drainage improvement project to fruition and thanked the members for their time, consideration, and public service on behalf of the HOA; whereupon, Commissioner Seel related that the residents have waited patiently for seven years; that Pinellas County will fund the project since its storm water system is the cause of the problem; and that staff will attempt to preserve as much vegetation as possible.

- # 8 Award of bid to American Lighting & Signalization, Inc. for the State Roads 580/584/586 Advanced Traffic Management System (ATMS) Stage II Device Installation (PID No. 2092; Bid No. 101-0271-CP) approved for an estimated total expenditure in the amount of \$586,471.50 on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be fully completed within 270 consecutive calendar days; Chairman authorized to sign and the Clerk to attest after proper execution by the contractor.
- # 9 Resolution No. 11-57 adopted appropriating unanticipated funds for a particular purpose in the Fiscal Year 2011 Capital Projects Fund; resolution recognizes \$1,000,000.00 of unanticipated funds from the sale of vacant parcels and likewise increases the appropriation for the Other General Government Projects category.
- #10 Agreement between the State of Florida Department of Health and Pinellas County reaffirming the ownership and maintenance responsibilities for the new Health Department Building located at 8751 Ulmerton Road in Largo approved for execution.
- #11 Award of bid to EQ Florida, Inc. for Grit/Sludge Removal at the William E. Dunn Water Reclamation Facility (Project No. 1992; Contract No. 101-0249-B) approved for an estimated total expenditure in the amount of \$983,032.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; contract term is 540 days from the date of award and any extension thereof.
- #12 Ranking of firms and authorization for staff to negotiate with the top-ranked firm, Parsons Water & Infrastructure, Inc., for South Cross Bayou Reclamation Facility UV Disinfection System and related improvements (Contract No. 101-0186-NC) approved.

Administrator LaSala reported that there is no conflict of interest associated with two selection committee members formerly being employed by the number one ranked firm; and that negotiations were properly coordinated with the County Attorney's Office and the Purchasing Department.

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- #13 Resolution No. 11-58 adopted approving an application for federal funding assistance in the amount of \$8,547,562.00 from the Federal Aviation Administration (FAA) for Airfield Improvement Projects and acquisition of a Fire Crash and Rescue (ARFF) Support Vehicle at the St. Petersburg-Clearwater International Airport; Chairman authorized to execute the grant agreement and the Clerk to attest after receipt of the agreement from the FAA and written approval as to form by the Office of the County Attorney (Airport).

In response to queries by Commissioner Morroni, Airport Director Noah Lagos indicated that lighting upgrades would not affect the neighbors; that rehabilitation would only take place on the airfield; and that none of the improvements in Agenda Items Nos. 13 and 18 would adversely affect the neighbors.

#14 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	Non-Tenant Rental Car Business Permit with DTG Operations, Inc. d/b/a Dollar Rent-A-Car for Rights and Privileges of Loading and Unloading Passengers at the Airport	\$600.00/year or eight percent of DTG's gross revenue	6.14.11
Business Technology Services	Contract Amendment and Change Order No. 2011-2 with Tyler Technologies for Extension of the Task 2 Milestone Gap Fit Analysis	\$4,080.00 Additional Cost	6.15.11
Business Technology Services	Change Order No. 2011-1 with Tyler Technologies Inc. for Extension of Task 2 Milestone Gap Fit Analysis	N/A	5.10.11
Economic Development	Cost Reimbursable Subagreement with the University of South Florida for Small Business Development Center 2011 Grant Support	\$153,359.00 Revenue	4.20.11
Health and Human Services	Amendment No. 5 to Standard Contract for Area Agency on Aging of Pasco-Pinellas, Inc. for Emergency Home Energy Assistance Program for the Elderly	N/A	5.31.11
Health and Human Services	Health Plan Specialty Provider Agreement for Specialty Care Treatment with Coastal Pulmonary and Critical Care PLC	\$30,000.00	5.24.11

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Health and Human Services	Memorandum of Understanding with the Early Learning Coalition of Pinellas County, Inc., the Juvenile Welfare Board, the Health and Human Services Coordinating Council for Pinellas County, Coordinated Child Care of Pinellas, Inc., the Pinellas County Department of Health and Human Services, and the Pinellas County Health Department to Combine Eligibility Processes	\$21,176.74	5.12.11
Health and Human Services	(a) Health Plan Specialty Provider Agreement for Specialty Care Treatment with Main Street Medical, PA	(a) \$25,000.00	5.9.11
Health and Human Services	(b) Amendment 1 to Health Plan Special Provider to Increase Funding Agreement with: i. Amitabh Gupta, M.D., P.A., d/b/a Coastal Orthopedic & Sports Medicine ii. Open MRI of Pinellas County, d/b/a Advanced Medical Imaging iii. St. Pete Cancer Treatment Center, PL	(b i.) \$125,000.00 (b ii.) \$50,000.00 (b iii.) \$125,000.00	
Health and Human Services	Health Plan Specialty Provider Agreement for Specialty Care Treatment with Tampa Bay Surgical Group, LLP	\$75,000.00	4.29.11
Health and Human Services	Health Plan Specialty Provider Agreement for Specialty Care Treatment with American Institute of Balance, Inc.	\$25,000.00	3.30.11
Health and Human Services	Health Plan Specialty Provider Agreement for Specialty Care Treatment with Florida Cancer Specialists PL	\$75,000.00	2.22.11
Justice and Consumer Services	Grant Application with Office of the Attorney General for Crime Stoppers of Pinellas County for Continuing Service Coordinated with all of Pinellas County's Law Enforcement Agencies	\$305,000.00 Grant, No Match Required	6.20.11
Justice and Consumer Services	Criminal Justice, Mental Health and Substance Abuse Reinvestment Grant Program Financial and Progress Reports for 10.1.10 to 3.31.11	N/A	5.23.11
Parks and Conservation Resources	(a) Notice of Limitation of Use/Site Dedication for Eagle Lake Park, Close Out of Phase III (b) Grant Funding Agreement with the Tampa Bay Estuary Program for Bat House Installation	(a) N/A (b) \$4,815.80 Grant, Total Non-Cash Match of \$9,396.91	5.14.11

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Parks and Conservation Resources	(a) Florida Department of Environmental Protection (FDEP) Grant Agreement No. S0527 for Title V Air Pollution Control Services	(a) \$154,449.88 Grant, No Match Required	4.18.11
	(b) Amendment 1 to Contract Y10-1022 with Orange County, Florida for Lab Analysis of VOCs	(b) \$18,090.00 Revenue	
	(c) FDEP Grant Agreement No. S0536 for Ambient Air Monitoring Services	(c) \$96,449.00 Revenue	
Public Works	(a) Interlocal Agreement with the City of Oldsmar for Utilization of Rights of Way for City Entrance Signs on Tampa Road and Forest Lakes Boulevard	(a) N/A	6.6.11
	(b) Amendment 1 to Contract for Physical Monitoring of Sand Key and Treasure Island/Long Key Nourishment Projects for No Cost Contingency Services	(b) N/A	
Public Works	Temporary Waiver with Old Palm Harbor Main Street for Consumption of Alcoholic Beverages at Annual Parrot Head Party	N/A	6.1.11
Real Estate Management	Distribution Easement with Florida Power Corporation d/b/a Progress Energy Florida, Inc. for the Relocation of Overhead Feeder Lines to Underground in Support of the South Cross Bayou Sanitation District	N/A	6.13.11
Real Estate Management	(a) Lease Agreement between Pinellas County Industrial Development Authority and Precision Circuit Solutions LLC for space at the Young-Rainey Star Center, Effective June 1, 2011	(a) \$1,338.67 Monthly Revenue for three-year term	5.24.11
	(b) Second Amendment to License Agreement with Suncoast Safety Council for Waiver of Rental Increase Requirement for Use of the PSTA Parking Area	(b) N/A	
Real Estate Management	Bus Shelter Access License with Pinellas Suncoast Transit Authority for Building and Maintenance of Covered Bus Shelter on County-Owned Premises	N/A	5.20.11

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Real Estate Management	(a) Custom Network Solutions Basic Agreement for Improved Cellular Signal Coverage at 400 South Fort Harrison Avenue	(a) N/A	5.14.11
	(b) Distribution Easement with Florida Power Corporation d/b/a Progress Energy for Pole Addition Supporting Development of County Property	(b) N/A	
	(c) Distribution Easement with Florida Power Corporation d/b/a Progress Energy for Installation of Electrical Facilities at Wall Springs Park	(c) N/A	
Real Estate Management	Residential License Agreements with:		5.10.11
	(a) Deputy Mark Wilder for Residence at Boca Ciega Millennium Park	(a-c) \$275.63 Monthly Rental Revenue for each	
	(b) Deputy William Short for Residence at A. L. Anderson Park		
	(c) Deputy Mark L. Eastty for Residence at War Veterans Memorial Park		
	(d) Occupancy License Agreement with Alliance for Weedon Island Archaeological Research and Education (AWIARE) for Research and Testing Facilities	(d) N/A	
	(e) Access License Agreement with AECOM Technical Services, Inc. for Natural Attenuation Monitoring	(e) N/A	
	(f) Amendment 21 to Lease Agreement with Raytheon Company for Additional Space at the Young-Rainey Star Center	(f) \$181,978.20 Increase of Annual Rent	
Utilities	Notices of Lien (28)	N/A	5.20.11
Utilities	Notices of Lien (26)	N/A	5.17.11
Utilities	Releases of Lien (18)	All liens are paid in full	5.17.11
Utilities	Releases of Lien (9)	All liens are paid in full	5.5.11
Utilities	Notices of Lien (12)	N/A	4.29.11
Utilities	Notices of Lien (20)	N/A	4.26.11

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Utilities	Releases of Lien (28)	All liens are paid in full	4.22.11
Utilities	Notices of Lien (31)	N/A	4.20.11
Utilities	Notices of Lien (27)	N/A	4.19.11
Utilities	Releases of Lien (18)	All liens are paid in full	4.5.11
Utilities	Releases of Lien (9)	All liens are paid in full	3.29.11

#15 Notice of new lawsuit and defense of the same by the County Attorney in the case of Pirate’s Treasure, Inc. versus City of Dunedin, Florida, a Municipal Corporation, and Pinellas County, Florida, a Political Subdivision of the State of Florida – Circuit Civil Case No. 11-005600-CI-011 – Allegations of Negligence and Alleged Inverse Condemnation.

#16 Sitting as the Emergency Medical Services Authority, the Board accepted the Annual Report of the Pinellas County Emergency Medical Services Office of the Medical Director for Fiscal Year 2009-2010.

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

#18 Amendment No. 2 to the agreement for consulting services with Kimley-Horn and Associates for St. Petersburg-Clearwater International Airport Rehabilitation Design of Runway 4-22 (Contract No. 090-0108-A) approved increasing the agreement by \$455,474.00 (revised agreement amount, \$1,236,380.00); Chairman authorized to sign the amendment and the Clerk to attest (Airport).

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

#19 Letter requesting transfer of Funding Agreement DE-EE0001207 with the Department of Energy to St. Petersburg College approved; Chairman authorized to sign and the Clerk to attest (Parks and Conservation Resources).

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

#20 Authorization granted to advertise a public hearing to be held on August 23, 2011, regarding a proposed ordinance regulating open burning for recreational purposes (Public Safety Services).

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

#21 Amendment No. 3 to State of Florida Department of Environmental Protection Contract No. DC839 with Humiston & Moore Engineers, P.A. for the Honeymoon Island Beach Restoration Project increasing the contract in the amount of \$68,250.00 approved (PID No. 922279); revised contract amount, \$634,410.00 with 75 percent to be reimbursed by the State through an existing contract; Chairman authorized to sign and the Clerk to attest (Public Works).

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

Following the vote and in response to queries by Commissioner Seel, Andrew P. Squires, Public Works Engineering and Environmental Services, indicated that the State of Florida has sufficient funds to reimburse Pinellas County for its portion of the project costs.

#22 Eldridge-Wilde Wellfield Transfer Agreement between Pinellas County and Tampa Bay Water for production wellsites, pipeline easements, and monitor well easements approved; estimated closing costs of approximately \$20,000.00 are included in the Utilities Water Enterprise Fund. Chairman authorized to sign and the Clerk to attest the Transfer Agreement and all associated closing documents (Utilities).

During discussion and in response to queries by the members, Senior Assistant County Attorney Joseph A. Morrissey, with input by Interim Director of Utilities Kevin Becotte, indicated that in 1998, Pinellas County entered into the Eldridge-Wilde Wellfield Transfer Agreement with Tampa Bay Water (TBW) to convey its interest in the Wellfield to TBW; that even though the County did not own the Wellfield property at that time, it had agreed that the wellsites and related easements would be conveyed to TBW when it did purchase the property; that the County purchased the property in 2008 with Penny for Pinellas dollars; that the County was compensated for the Wellfield at the time of the agreement; and that the payment of the closing costs was addressed during negotiations; whereupon, Attorney Morrissey provided additional information regarding the 1998 transaction, and reiterated that when it was negotiated, Pinellas County had agreed to

transfer the property to Tampa Bay Water; and that the County is executing a promise that was made at that time, and brief discussion ensued.

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

#23 Other Administrative Matters:

Administrator LaSala indicated that a workshop will be scheduled in the near future relating to the escalating costs of Medicare and Medicaid funding.

#24 County Attorney Miscellaneous – None.

#25 Sitting as the Emergency Medical Services Authority, the Board approved the reappointments to the Pinellas County Emergency Medical Services (EMS) Advisory Council for two-year terms, as delineated in the Board memorandum dated July 26, 2011.

In response to comments and concerns by Commissioners Morroni and Bostock regarding appointing someone residing outside the County to the Council and filling the consumer seat with a public health representative, EMS Division Manager Craig A. Hare and Assistant County Administrator Maureen A. Freaney, with input by Commissioner Seel, indicated that the representative is employed by the Pinellas County Health Department, operates in the Emergency Operations Center, and is currently serving on the Council; and that there are currently no residency restrictions in the Council Bylaws, but that the makeup of the Council will be revisited in the near future; whereupon, Commissioner Bostock suggested that the makeup of all the boards be reviewed.

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

#26 County Administrator Report:

INITIATIVES AND PROJECTS

Administrator LaSala noted that the consolidation of facilities is underway; and that more information will be reported in the near future.

Administrator LaSala provided an update on the status of the Enterprise Geographic Information System (GIS), indicating that the initial plans were to establish a governance committee and a data services bureau, update technology platforms, acquire the

appropriate aerial imagery, execute benchmarks, and develop a strategic plan. He related that the committee and bureau have been established, noting the composition of each; that the committee and staff are working on the development of a strategic plan; and that the bureau is focusing on the maintenance of critical data sets and support of key enterprise operations, and also providing data services to organizations that no longer have dedicated GIS resources; whereupon, he stated that the technology consolidation initiative in the overall enterprise initiative is to eliminate all duplicate and redundant technology, upgrade critical services in GIS to current software releases, implement a more resilient hardware infrastructure, and negotiate consolidated software licenses, pointing out that the aerial imagery license is in place and extends to municipalities and other agencies; and that he will provide an update to the Board as major milestones are reached.

#27 County Administrator Report:

UPDATE ON 123RD STREET-PARKING

Administrator LaSala pointed out that the agenda packet contains a report regarding the issue, a copy of which has been filed and made a part of the record; and that Director of Public Works and Transportation Peter J. Yauch is available to answer specific questions.

In response to queries by Commissioners Roche and Bostock, Deputy Noel Dunham, Pinellas County Sheriff's Office, stated that he was not asked to attend today's meeting; that he cannot speak as to whether the Sheriff's Office is recommending the signage for safety reasons; and that during his investigation, there seemed to be overwhelming support for the No Parking signs, including from the traffic engineers, the City of Pinellas Park, and the City's fire inspector.

Commissioners Bostock and Brickfield refuted the accusations of a conflict of interest; whereupon, Commissioner Bostock indicated that the passion of those involved reinforces her position that the County needs objective standards, such as health, safety, and infrastructure needs, to determine whether or not No Parking signs are erected.

Discussion ensued regarding the petition process and the need for objective criteria, and Mr. LaSala indicated that the current Parking Management Program sets out standards and outlines the petition program; whereupon, Commissioner Bostock indicated that she has concerns regarding the use of the petition process in a commercially zoned area; and Commissioner Roche concurred, indicating that the procedure staff followed did not apply to the current situation. Chairman Latvala pointed out that the neighborhood is mixed. Commissioner Bostock stated that while the neighborhood is mixed, it is zoned

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commercial; and that she would support the signs if there was a safety issue, but that staff indicated that the signs were put up because of the petition process and not safety issues.

Mr. Yauch related that the area did not meet the County's criteria related to safety, infrastructure damage, and traffic flow; that because there is not a documentable safety concern in the area, the petition process was used; and that while it has been used 14 times in residential neighborhoods, this is the first time the petition process has been used in a commercial or industrial area; whereupon, Commissioner Bostock stated that she does not believe the petition process was designed for commercial properties; and that it would set a dangerous precedent.

Commissioner Seel stated that the investigation from the Traffic Engineering and Transportation Safety Division indicated that the parking reportedly hampers ingress and egress to the subdivision and emergency vehicle access; that the Sheriff's Department has indicated that the road is not wide enough for emergency vehicles when there is parking in the right-of-way; and that it is a documented problem for the party bus business; whereupon, she stated that staff followed the process in place; that the No Parking signs need to remain; that the people in the area deserve to have a voice in the matter; and that she supports keeping the signs posted, as well as staff's process and action.

Commissioner Brickfield stated that the Watering Trough is ideally located on a commercial street, backing up to an industrial area, and buffered from most residential; and that the neighboring business owners want to ban parking on both sides of the street 24 hours a day for a problem that only impacts the area late at night; whereupon, he related that if a safety issue exists, parking could be banned on one side of the street.

During further discussion, Chairman Latvala stated that the item does not require action by the Board; that the Board can discuss the procedures in place during a workshop if necessary; and that staff has the ability to change the procedures at any time.

Commissioner Roche suggested that staff consider having a policy for industrial and commercial areas and one for residential neighborhoods; and Commissioner Morroni related that it is important that County staff work with any other cities involved; whereupon, Mr. Yauch indicated that staff did coordinate with the City of Pinellas Park.

During discussion, Chairman Latvala reiterated that neighborhood disputes should not be resolved at Board meetings; that the policy issue will be addressed in a workshop setting; and that staff has a procedure and is in charge of handling the issue; whereupon, Administrator LaSala stated that per Board action, staff has removed the signs; and that a

workshop will be scheduled in the near future regarding parking criteria; whereupon, Commissioner Bostock encouraged those affected to report vandalism and trespassing issues to the Sheriff's Office in order to have a record of the events, noting that they do not relate to parking.

#28 County Administrator Report:

PROPERTY ASSESSED CLEAN ENERGY (PACE)

Administrator LaSala related that since the last discussion regarding the item, the County's financial advisor has provided a review of the program, which is included in the agenda packet, a copy of which has been filed and made a part of the record; and that Flagler County and the City of Kissimmee have enacted the PACE program for statewide application, meaning that Pinellas County property owners can avail themselves of the program to create green energy and energy efficiency when it is up and running, with or without Pinellas County becoming a partner in the program.

Susan Churuti, Bryant Miller and Olive, related that since the April 26 presentation to the Board, the Pinellas PACE Funding Agency has been formed; that statewide legislation from 2010 will be implemented to create a statewide PACE system; that the program has repeatedly failed around the United States because it has been undercapitalized; that a \$2 billion bond validation has been filed and is scheduled for hearing on August 25 to approve the bonds and the entire legal structure for the sale of the securities; that all of the legal documents have been executed and the program is moving forward, with or without Pinellas County as a signer; and that Pinellas County has the opportunity to join as a signer, but that it must do so prior to the seating of the new board, which is anticipated to occur promptly after the bond validation hearing.

Ms. Churuti provided input regarding the value of Pinellas County participating as a signer and discussed potential obstacles to the program and the 2010 Florida legislation and federal legislation filed to resolve the issues; whereupon, discussion ensued wherein Commissioners Roche and Bostock expressed concerns regarding whether the PACE program creates redundancy with County programs currently available, whether similar programs are competitive or complementary, the need to hear from other organizations, how to decide which organization to partner with, County employee involvement to establish a local assessment district and to collect the assessment through property tax bills, and the positive potential benefits being dependent upon citizen participation; and Ms. Churuti responded to comments and queries by the members and provided details regarding the program, including the payback period, fees and costs, access to the program, job creation, and other smaller organizations and programs, indicating that who

the incorporators are may give the program legitimacy and help it successfully through the process.

In response to comments and queries by the members, Marianne Edmunds, Public Resources Advisory Group, explained how the program's fees and costs would be paid and the financial instruments referenced in her memorandum to the Board, and indicated that during her review of the program, no direct financial risks were identified; that participating governments will not pay any upfront costs; and that the program presented by Ms. Churuti is the only program with any momentum moving forward on a statewide basis; whereupon, she provided input regarding the advantages of a statewide program.

Commissioner Seel suggested that a resolution be drafted now so that the Board can address the resolution immediately after the bond validation hearing; and Chairman Latvala pointed out that September 6 is the first Commission meeting after the bond validation hearing on August 25; whereupon, she inquired as to the Board's interest in pursuing the program, indicating that Pinellas County's size and reputation would be an asset to the program, and discussion ensued.

County Attorney James L. Bennett expressed concern regarding the time constraints for performing due diligence related to the resolution and agreements, noting that he would need to retain someone to review the documents and would need the Board to authorize the expenditure; whereupon, he suggested that the Board provide him with the necessary authorization for the expenditure so as not to delay the process once the bond validation is complete, noting that the due diligence will run parallel to the bond validation.

At the request of Commissioner Bostock, Amy Elliott, Eco City Partners, provided input regarding other energy efficiency programs in development, a bill that would supersede the 2010 legislation and would change the 30-year assessments to 20-year assessments and reduce allowable percentage of the assessed value of a home from 20 percent to 10 percent, an industrial development agency, and the necessary due diligence; whereupon, she expressed interest in her organization making a presentation to the Board.

Following additional discussion, Commissioner Morrone moved, seconded by Commissioner Seel and carried, that the County Attorney review the documents; and that the Board discuss the issue at a workshop or be provided with as much information as necessary to make a decision.

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

#29 Appointment and reappointments to the Pinellas County Economic Development Council, as delineated in the Board memorandum dated July 26, 2011, for two-year terms ending July 31, 2013, approved.

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

#30 Appointment of John K. Giotis to the Educational Facility Authority for the remainder of the term expiring October 31, 2016, approved.

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

#31 Reappointment of Commissioner Susan Latvala to the Pinellas Suncoast Transit Authority (PSTA) Board of Directors for a three-year term (October 1, 2011 through September 30, 2014) approved.

Motion - Commissioner Morroni
Second - Commissioner Brickfield

Following discussion regarding the Board’s appointment process for the PSTA Board and upon call for the vote, the motion carried unanimously.

Vote - 6 – 0

#32 County Commission Miscellaneous:

a. Commissioner Brickfield provided historical information regarding the start of Pinellas County.

b. Chairman Latvala commended Kelli Levy on receiving the Environmental Leadership Award.

provided the volunteer opportunity of the week.

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At this time, 5:26 P.M., the meeting was recessed and reconvened at 6:32 P.M. with all members present, with the exception of Commissioner Welch.

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SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS

#33 Tax Equity Fiscal Responsibility Act (TEFRA) public hearing held and Resolution No. 11-59 adopted approving issuance of not to exceed \$10,000,000.00 Pinellas County Educational Facilities Authority Revenue Bonds, Series 2011 (Pinellas Preparatory Academy Project), pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended. No correspondence has been received. No citizens appeared to be heard.

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

#34 Ordinance No. 11-23 adopted amending Sections 2-178 and 2-189 of the Pinellas County Code, as modified, relating to purchasing; addition of Section 2-193 denied. Resolution No. 11-61 provided waiving the provisions of the Pinellas County Purchasing Ordinance to allow the Department of Health and Human Services authority to negotiate terms for contracts to build a specialty care network for provision of health care services (waiver expires October 2014). No correspondence has been received. No citizens appeared to be heard.

Purchasing Director Joseph Lauro displayed a document titled *Proposed Modifications to Purchasing Code*, a copy of which has been filed and made a part of the record, and provided input regarding the four proposed modifications, as follows:

Modification No. 1 – changes the Lobbying Code, Section 2-189, to include appointed officials.

- Inadvertently omitted when Lobbying Code was previously changed.
- Example of appointed officials – someone appointed to the Construction Prequalification Committee.

Modification No. 2 – changes the composition of the Request for Proposal (RFP) evaluation committees.

- Code currently does not allow a department to have a majority representation on an RFP evaluation committee.
- Due to consolidations, such as Utilities and Public Works into Department of Environment and Infrastructure, we now have large departments with multiple divisions.
- Proposed Code change would make divisions equal to departments, so that departments can have multiple representatives on an RFP evaluation committee provided they are not from the same division.

Modification No. 3 – clarifies and presents greater transparency to the County Administrator’s noncompetitive purchasing authority.

- Code has always allowed the County Administrator to noncompetitively procure services from a broad-based perspective, but does not address the kind of purchases authorized.
- Proposed change makes the County Administrator’s authority more specific to the way the Code currently reads and establishes a noncompetitive selection process.
- County Attorney James L. Bennett advised that the change clarifies that “other professional services” could include time sensitive special projects and consulting services and restricts the County Administrator’s exercise of authority.

Modification No. 4 – adds Section 2-193 to the Code, removing the competitive bidding requirements for the development of specialty care networks.

- Change proposed due to the lack of participation in the RFP process when Health and Human Services (HHS) was seeking a third-party administrator to develop a specialty care network.
- The Board waived the Code to allow HHS to negotiate directly with qualified doctors, which was successful.

During discussion and in response to comments and queries by Commissioner Roche, Mr. Lauro indicated that Modification No. 3 gives the County Administrator the authority to directly negotiate and build a network; and that although building a network is not stated in the ordinance, the Code is meant to reflect that the creation of networks is taken out of the competitive process.

Commissioner Morrone moved that the ordinance be approved; and Commissioner Brickfield suggested separating the issues, noting there are some parts he would support; whereupon, Commissioner Morrone withdrew his motion.

Commissioner Bostock moved, seconded by Commissioner Brickfield and carried, that Modification No. 1 be approved.

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

Commissioner Bostock moved, seconded by Commissioner Seel and carried, that Modification No. 2 be approved.

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

In response to Commissioner Bostock’s request for clarification, Attorney Bennett confirmed that the language in Modification No. 3 does not expand the County Administrator’s authority in any way; whereupon, Commissioner Roche moved, seconded by Commissioner Morroni and carried, that Modification No. 3 be approved.

Motion	-	Commissioner Roche
Second	-	Commissioner Morroni
Vote	-	4 – 2 (Commissioners Brickfield and Seel dissenting)

During discussion and in response to query by Commissioner Bostock regarding why Commissioners Brickfield and Seel voted against the motion, Commissioner Seel explained that her vote is no reflection on the current County Administrator and is consistent with how she has voted since the issue of changing the County Administrator’s authority to approve items began; and that while the language provides more detail, it also gives the County Administrator more authority for special projects, and Commissioner Brickfield agreed that his concerns do not relate to the current County Administrator; and indicated that he has concerns about giving the County Administrator or anyone else \$250,000.00 in purchasing authority to use for special projects or anything they may deem important.

Commissioner Bostock stated that she shares the same concerns, which is why she requested clarification prior to the vote being taken, pointing out that she would like to change her vote; and in response to her query, Commissioner Seel indicated that if the ordinance does not pass, the spending authority limits will not change; whereupon, Attorney Bennett clarified that when the issue was originally advertised, the original document did not state “other professional services”; that “other professional services,” which encompasses consultants, is stated in the current ordinance; and that from that standpoint, it is just a clarification that adds consultants.

Commissioner Bostock requested that the Board reopen Modification No. 3; whereupon, she moved, seconded by Commissioner Brickfield and carried, that the item be reopened for reconsideration.

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

Following brief discussion, Commissioner Brickfield moved, seconded by Commissioner Roche and carried, that Modification No. 3 be denied.

Motion - Commissioner Brickfield
Second - Commissioner Roche
Vote - 4 – 2 (Chairman Latvala and Commissioner
Morrone dissenting)

During discussion regarding Modification No. 4, Commissioner Bostock indicated that she would support waiving the Code for an appropriate period of time to assist the Health and Human Services staff with moving into its new model, but that she will not support a permanent change to the Code, and Commissioners Brickfield and Roche concurred.

Health and Human Services (HHS) Bureau Director Gwendolyn Warren indicated that extending the waiver of the Code would allow staff to respond to other health care initiatives forthcoming, would not interfere with staff's ability to move forward, and would allow an opportunity to see how the medical community responds to the HHS program.

Commissioner Roche moved, seconded by Commissioner Bostock and carried, to deny Modification No. 4.

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

Commissioner Roche moved, seconded by Commissioner Morrone, that the Board extend the waiver of the Code; and following brief discussion and in response to queries by the members, Ms. Warren indicated that a two-year extension of the waiver would be sufficient; whereupon, Commissioner Roche clarified that his motion is to extend the waiver of the Code until October 2014, and the seconder concurred.

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

- #35 Resolution No. 11-60 adopted granting the application of Northwest Little League, Inc. through Ronald L. Weaver, Esquire, representative, for a change of zoning from C-2, General Retail Commercial and Limited Services, to R-3, Single Family Residential; a special exception to allow for the approval of a fraternal club in a residential zoning district; a conditional use to allow the dispensing of alcoholic beverages in association with a fraternal/benevolent organization in a residential zone; and variances to allow the property to be accessed via a private ingress/egress easement, and to allow for the dispensing of alcoholic beverages within 750 feet of a church. Ordinance No. 11-24 adopted approving a change in land use designation from Recreation/Open Space to Residential Urban with the Institutional–Community Center Overlay (Z/LU/CU-2-5-11) (LPA 13-5-11), re a parcel of land containing approximately 2.37 acres located 485 feet east of 68th Street North and 608 feet north of 38th Avenue North in unincorporated St. Petersburg. Staff recommended approval of the application based on the recommendation of the Local Planning Agency (LPA) with modifications to Conditions Nos. 3, 4, 6, and 8 of the conditional use permit. No correspondence has been received.

Referring to an aerial photograph and the zoning and land use map, Mr. Cueva pointed out the location of the subject property and described surrounding land uses; whereupon, he related that in response to the changes requested by the applicant at the June BCC meeting, the Board sent the case back to the LPA for an additional public hearing and review; and that during the July LPA hearing, the members had modified Conditions Nos. 3, 4, 6, and 8 to read:

Modified Condition No. 3 – The Lodge will close the outdoor/pool area at 10:00 P.M., and will end/close indoor activities at 1:00 A.M.

Modified Condition No. 4 – No permanent outdoor public address speakers shall be permitted; however, this shall not preclude live musical performances or the playing of personal radios, televisions, boom boxes, stereos, or other similar devices that produce, reproduce, or amplify sound in the outdoor/pool area until sunset.

Modified Condition No. 6 – No outdoor activities or festivals will be permitted on the property, except traditional member pool activities, unless authorized by issuance of a County permit.

Modified Condition No. 8 – On Sundays, alcohol sales shall commence as provided by applicable ordinances.

Mr. Cueva reminded the members that the application also includes a zoning and land use change. He stated that in response to the Board's direction to staff at the June BCC meeting, notifications of the LPA and BCC meetings were sent to the surrounding property owners in excess of the standard notification area; whereupon, referring to the Future Land Use Map, he pointed out the properties that had received the public hearing notice, and in response to comments and queries by Commissioner Roche, indicated that none of the surrounding property owners appeared at the LPA hearing, but that an Elks Lodge representative was present.

In response to the Chairman's call for those in opposition to the application, Bruce Kaufmann, Clearwater, appeared and expressed his concerns.

In response to the Chairman's call for those in favor of the application, Phillip Morrissey, Marietta, Georgia, and John Spadafoir, Largo, appeared and expressed their support, and responded to queries by the members; whereupon, Mr. Morrissey indicated that he represents the applicant, Northwest Little League.

In response to comments and queries by Commissioners Bostock and Roche, Mr. Cueva related that the distance requirement to sell alcohol for commercial businesses is 750 feet; that a variance for the distance requirement is part of the application; and that the church is the closest property and the mobile home park is the closest residential property to the proposed Elks Lodge location; whereupon, Commissioner Roche pointed out that the residents of the mobile home park had previously appeared and had no objection to the application; and that the church previously submitted a letter of no objection.

Thereupon, Commissioner Roche moved, seconded by Commissioner Seel and carried, that the application be granted with the LPA's modifications to the conditions.

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

- #36 Ordinance No. 11-25 adopted amending Section 138-1334, Signs, of the Pinellas County Land Development Code pertaining to electronic changeable messages on billboards. Fourteen emails in opposition to and three emails in support of the proposed ordinance have been received. Two letters in support of and 12 letters and one email in opposition to the ordinance were received in connection with the April 12 and 26, 2011 public hearings.

County Attorney James L. Bennett advised the members that the enhanced penalties section of the ordinance requires a supermajority vote, while the remainder of the ordinance requires a simple majority vote.

Responding to the Chairman's call for citizens wishing to be heard, Bill Jonson, Clearwater, appeared and stated his concerns; and Todd Pressman, Palm Harbor, and Marilyn Healy and Tom O'Neill, Tampa, appeared and expressed their support; whereupon, Mr. Pressman distributed a list of Clear Channel Outdoor advertisers for four local locations, a copy of which has been filed and made a part of the record.

In response to queries by Commissioner Brickfield, Senior Assistant County Attorney David S. Sadowsky clarified the actions taken in the ordinance regarding taking down the billboards and provided additional details regarding the billboard removal schedule, indicating that, to date, none of the billboards have been removed; whereupon, Attorney Bennett indicated that the takedown schedules become effective immediately upon the adoption of the ordinance, noting that the passage of the ordinance is contingent upon the approval of the amendments to the agreements under Agenda Item No. 37.

Thereupon, Commissioner Brickfield moved, seconded by Commissioner Roche and carried, that the ordinance be adopted.

Motion	-	Commissioner Brickfield
Second	-	Commissioner Roche
Vote	-	5 – 1 (Commissioner Seel dissenting)

- #37 Ordinances Nos. 11-26, 11-27, and 11-28 adopted amending Pinellas County Ordinances Nos. 02-49, 02-50, and 03-19, respectively, authorizing the Chairman to execute a First Written Supplement to the Settlement Agreement with CBS Outdoor, Inc., as successor-in-interest to The Lamar Company, L.L.C., National Advertising Company, Infinity Outdoor of Florida, Inc., and Viacom Outdoor, Inc.; and Clear Channel Outdoor, Inc., GC Properties USA, Inc., and Sunus Corporation providing for contraction of the schedules for removal of all billboards from non-Federal-Aid-Primary highways in unincorporated Pinellas County. No correspondence has been received.

County Attorney James L. Bennett pointed out that minor changes were made to the state of incorporation for Lamar and CBS; and that no other changes have been made; whereupon, he provided copies of the revised ordinances to Chief Deputy Clerk Claretha N. Harris, which have been filed and made a part of the record.

Motion	-	Commissioner Roche
Second	-	Commissioner Bostock

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In response to Attorney Bennett’s request, Chairman Latvala clarified that the motion encompassed all three ordinances; whereupon, Commissioner Roche provided input regarding the opposition to the billboard ordinance under Agenda Item No. 36 and explained his position.

Thereupon, upon call for the vote, the motion carried by a vote of 4 to 2 with Commissioners Brickfield and Seel casting the dissenting votes.

Vote - 4 – 2 (Commissioners Brickfield and Seel dissenting)

* * * *

The meeting was adjourned at 7:41 P.M. and reconvened at 7:42 P.M., with all members in attendance, with the exception of Commissioner Welch. Chairman Latvala stated that a 4H group has again requested that she present an ordinance relating to chickens; and that absent any objection, she would bring the ordinance forward; whereupon, noting Commissioner Seel’s reluctance, she indicated that there is consensus for the ordinance to be brought forward for future consideration.

* * * *

#38 Meeting adjourned at 7:44 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk