

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, SEPTEMBER 8, 2009 – 3:00 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

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

INVOCATION: Dr. Dennis Reid, Trinity Presbyterian Church, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Seel.

PRESENTATIONS AND AWARDS:

Presentation of certificates in recognition of service to Florida Highway Patrol Troopers Rhonda Hendee and Gregory Taylor, and Auxiliary Trooper Eugene Lebrez.

CITIZENS TO BE HEARD

Lenore Faulkner, Madeira Beach, re Pinellas County Schools.
Mark P. Klutho, Largo, re stupidity, waste.
Greg Pound, Largo, re Pinellas families – submitted document.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 11 – APPROVED WITH THE EXCEPTION OF ITEMS NOS. 4f, 6, AND 9, WHICH WERE CONSIDERED UNDER ITEM NO. 12.

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

1 Minutes of regular meeting of August 4, 2009 approved.

2 Reports received for filing:

a. Quarterly Investment Report for the period ended December 31, 2008.

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- b. Affidavit of Publication of Legal Notices published in the Gulf Coast Business Review regarding Notice of Forfeiture of Unclaimed Money and Unclaimed Evidence pursuant to Section 116.21, Florida Statutes.
- c. Southwest Florida Water Management District Standard Format Tentative Budget Submission for Fiscal Year 2009-2010.
- d. Dock Fee Report for the month of July 2009.

3 Vouchers and Bills Paid – Periods July 20 through July 24, 2009, and July 27 through July 31, 2009.

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2382

Payroll checks numbered 563530 through 563724

Imprest Fund Expenditures

Replacement check numbered 751611

Manual checks numbered 761609 through 761610

System checks numbered 973186 through 974197

ACH Transfers numbered 2951 through 3081

Wire Transfers numbered 011035 through 011045

4 Miscellaneous Items to be Received for Filing:

- a. Pinellas Planning Council Resolutions Nos. 09-1 approving and adopting the budget and accompanying millage rate for Fiscal Year 2009-2010 and 09-2 regarding certain issues concerning the statutory and charter authority of the Council and the Board of County Commissioners in local government planning functions, adopted July 15, 2009.
- b. City of Clearwater Notices of Public Hearings re Ordinances Nos. 8043-09 and 8079-09 through 8083-09 amending the Annexation, Land Use Plan, Zoning Atlas, and the Clearwater Community Development Code, and a Notice of Intent to Consider a Development Agreement; public hearings held August 6, August 20, and September 3, 2009.

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- c. Correspondence from the City of Gulfport regarding discontinuation of proposed annexation of approximately 171 acres of unincorporated Pinellas County by referendum, and the cancellation of all hearings related thereto.
 - d. City of Largo Notice of Public Hearing regarding Ordinance No. 2009-37 held September 1, 2009, annexing certain property.
 - e. City of Pinellas Park Notice of Public Hearing regarding Ordinance No. 3695 to be held September 10, 2009, voluntarily annexing certain property.
 - f. See Item No. 12.
 - g. Notification from Smith & Nephew, Inc. pursuant to the Worker Adjustment and Retraining Notification (WARN) Act regarding the closing of the Starkey Road facility and the permanent lay off of 160 employees.
- # 5 First amendment to the agreements with the Homeless Emergency Project, Inc. (HEP) and Westcare Gulfcoast – Florida, Inc. regarding the provision of shelter beds for homeless adults approved granting a three-month time extension effective October 1, 2009 and continuing through December 31, 2009; revised total estimated expenditure not to exceed \$547,907.00 (revised three-month estimated expenditure for each not to exceed \$46,404.00); Chairman authorized to sign and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney (Health and Human Services).
- # 6 See Item No. 12.
- # 7 Fiscal Year 2009 Budget Amendments Nos. 11 and 12 were filed and made a part of the record (Management and Budget).
- # 8 Resolution No. 09-106 adopted appropriating earmarked receipts for a particular purpose in the Fiscal Year 2009 General Fund Budget for various grants and contracts to the Pinellas County Sheriff’s Office (Management and Budget).
- #9 See Item No. 12.
- #10 Award of bid to Air Mechanical & Service Corp. for air handler unit installation at 315 Court Street approved in the amount of \$354,500.00 on the basis of being the lowest responsive, responsible bid received meeting specifications (Contract No. 089-0470-CP);

Chairman authorized to sign and the Clerk to attest (Real Estate Management/Purchasing).

#11 Sitting as the governing body of the Lealman Solid Waste Collection and Disposal District, the Board adopted the non-ad valorem assessment roll for the period January 1 through December 31, 2009; Chairman or his designee authorized to certify the roll to the Tax Collector prior to September 15, 2009.

#12 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court).

4f Receipt and file of City of Seminole Notice of Public Hearing regarding Ordinance No. 26-2009 held August 25, 2009, voluntarily annexing certain property temporarily deferred.

Responding to query by Commissioner Seel, Director of Pubic Works and Transportation Peter J. Yauch related that he would review the annexation described in the notice of public hearing and provide additional information; and that a right-of-way is generally not used to make a diagonal jump across an intersection.

In response to query by Commissioner Bostock, Planning Director Brian K. Smith indicated that if a particular annexation does not conform with the County's policies, staff notifies the city and works on the issue with its staff; whereupon, Chairman Harris noted that receipt of this item will be deferred until further information has been provided, and no objections were noted.

6 In accordance with Resolution No. 05-61, the Report of Write-Offs for Accounting Purposes Delegated to the County Administrator for Approval for the period October 1, 2008 through March 31, 2009 was received for filing (Office of Management and Budget).

Responding to query by Commissioner Seel, Chairman Harris related that the large item to be written off for the STAR Center and referred to in the report will be presented to the Board for its approval at the meeting to be held on September 22, 2009.

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

- # 9 Declaration of miscellaneous County-owned equipment as surplus and authorization for sale of scrap material, disposal of junked material and removal of stolen and lost items from County fixed asset inventory as set forth in the agenda memorandum dated September 8, 2009 approved (Real Estate Management).

Responding to query by Commissioner Seel, Director of Environmental Management William M. Davis related that staff will contact additional organizations to see if there is interest in acquiring the Environmental Distance Learning Center and report back to the Board.

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

- #13 Submittal of an application for a Transportation Investment Generating Economic Recovery (TIGER) discretionary grant for Pinellas County Advanced Traffic Management System (ATMS)/Intelligent Transportation System (ITS) approved; County Administrator authorized to sign the final application on behalf of the Board.

Motion - Commissioner Welch
Second - Commissioner Brickfield

Responding to query by Chairman Harris, Mr. Yauch related that staff is still formulating the scope of the project and hopes to have a more defined estimate before the application is submitted; whereupon, discussion ensued relating to possible Bus Rapid Transit (BRT) on U.S. Highway 19; and Mr. Yauch noted that the emphasis for the project is not on BRT.

Responding to queries by Commissioner Welch, Mr. Yauch confirmed that the TIGER grant would enable the County to move forward with Phase II of the ITS project earlier than scheduled; provided information on the TIGER grant timeline; and confirmed that the primary reason the Florida Department of Transportation rejected the queue jumps for U.S. Highway 19 is that it would modify the geometry of the road significantly.

Mr. Yauch also related that for every dollar spent on the ITS project, motorists saw a \$7.00 return in fuel costs; and that rear-end crashes have decreased by 25 percent since the ITS project began.

Vote - 7 – 0

Responding to queries by the members, Mr. Yauch provided information relating to proposed TIGER grant applications to be submitted by various municipalities and the process he believes will be used by the federal government to evaluate applications. Noting that while he was not concerned with the competition that the Friendship Trail Bridge TIGER grant application might have provided, he indicated that he was concerned with the effort it would have taken to prepare that proposal; and related that the Friendship Trail Bridge was not really a transportation project.

- #14 Amendment No. 1 to the agreement for professional engineering consulting services with KCI Technologies, Inc. for 62nd Avenue North – 49th Street North to 34th Street North (PID No. 922276) approved in the amount of \$15,510.00; revised agreement amount, \$1,060,563.50; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Welch
Second - Commissioner Seel

Responding to query by Commissioner Brickfield, Mr. Yauch related that after receiving comment from the adjacent property owners, the plan for the road was changed from a four-lane divided roadway to a four-lane roadway with a center turn lane; and that there will be no islands, only a painted two way left-turn lane.

Vote - 7 – 0

- #15 Amendment No. 3 to the Agreement with TBE Group, Inc. for Consultant Services for Improvements to Bryan Dairy Road (County Road 296) from Starkey Road to 72nd Street North (PID No. 920588) approved providing for additional contingency compensation in the amount of \$100,000.00 for consultant services that may be needed to respond urgently to changes as part of the real estate acquisition process and the time constraints to receive Federal Highway Administration authorizations; revised agreement amount, \$1,143,831.00; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Welch
Second - Commissioner Latvala

Responding to queries by Commissioner Bostock regarding increases that are not well defined, Mr. Yauch related that federal funding had been obtained approximately four years ago which added required design features and specific right-of-way acquisition steps; and that this funding is needed to accommodate any design changes which may arise during right-of-way acquisition.

In response to queries by Commissioners Brickfield and Seel, Mr. Yauch related that the project is now scheduled to begin in Fiscal Year 2011; and confirmed that this is later than originally scheduled.

Vote - 7 – 0

- #16 Amendment No. 2 to the Pinellas County Resource Recovery Facility Service Agreement with Veolia ES Pinellas, Inc. (Contract No. 045-143-P) for waste-to-energy facility operator re-procurement services approved; amendment is contingent upon the concurrent approval by the Board of a Letter of Understanding with Progress Energy Florida providing for the temporary capacity reduction and the subsequent approval of the executed Letter of Understanding by the Public Service Commission (Companion Item No. 17); Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Latvala

Second - Commissioner Welch

Responding to queries by the members, Director of Solid Waste Operations Robert Hauser related that it is less expensive for the County to take waste to the landfill than to the plant, and provided information on the cost of each method. He indicated that the County will be held whole on capacity payments; that the construction projects were scheduled several years ago but were postponed due to generator failure; and that the work is being done at this time of year because it is the low season for waste load.

Mr. Hauser described the events that caused the reduction in the rolling capacity average; and referring to Companion Item No. 17, he noted that the rolling capacity higher average will be preserved; that the risk of losing future capacity payments over the long term will be reduced; and described alternatives to the temporary capacity reduction, noting that they were all very expensive. He related that after refurbishment, the plant will return to the capacity commitment of 55 megawatts; that total generation is 75 megawatts; that the plant uses approximately 12 to 15 megawatts; that this type of plant should run at approximately 90 percent; and that before the generator failure, the plant was running in the low 90 percent range.

Mr. Hauser related that although the generator came back on line in December 2008, some of the components necessary for the refurbishment require an 18-month lead time; that there were problems with downtime due to failures with some of the equipment; and that the temporary capacity reduction is not yet in effect. He provided information on the approximate revenue generated by power sales; and related that the waste-to-energy plant is profitable if you look at it as a single entity; and discussion ensued regarding the amount of waste going to the landfill and the reduction in the plant's rolling capacity.

Vote - 7 – 0

- #17 Letter of Understanding with Progress Energy Florida dated August 18, 2009 approved for modification to the Amended and Restated Power Purchase Agreement dated February 21, 1989; Chairman authorized to sign and the Clerk to attest (Companion Item No. 16).

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

- #18 First Amendment to the Agreement with Patton Boggs, LLP for federal governmental representation (Contract No. 034-596-P) approved; revised twelve-month estimated expenditure for Fiscal Year 2009-2010 not to exceed \$79,200.00; Chairman authorized to sign and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney (County Administrator).

Motion - Commissioner Latvala
Second - Commissioner Welch

Responding to query by Commissioner Brickfield, Assistant County Administrator Elithia V. Stanfield related that the current contract will expire September 30, 2010; that she will bring a new contract to the board for its review in the spring; that although Administrator LaSala has the authority to approve this item, it has been the desire of the members that any changes to the contract come before them; and Commissioner Latvala provided additional comment.

Vote - 6 – 1 (Commissioner Brickfield dissenting)

- #19 Legal Aid Services Agreement (Renewal No. 3) between Pinellas County and Gulfcoast Legal Services, Inc. for legal aid to indigent County residents approved in the estimated amount of \$357,467.47 effective October 1, 2009 through September 30, 2010 (Justice and Consumer Services).

Motion - Commissioner Welch
Second - Commissioner Morrioni

Responding to queries by Commissioner Bostock, Senior Assistant County Attorney Carl E. Brody indicated that Gulfcoast Legal Services, Inc. (Gulfcoast) has been the County's traditional partner in this effort; and that although staff examines other agencies, Gulfcoast is located in St. Petersburg and its focus is on Pinellas County; whereupon, Commissioner Bostock requested that in the future staff look at other agencies in order to ensure that the County is obtaining the most aid possible for the funds expended. Chairman Harris noted that there is not enough money to fund additional agencies; and

Commissioner Bostock indicated that her concern is not with the agency, it is with the number of citizens served; and that this cannot be determined without an occasional review.

During discussion and in response to Commissioner Bostock's concerns with the structure of the contract, possible methods which could be used to determine whether Gulfcoast is providing appropriate services, and whether the County is obtaining good value for monies spent, Mr. Brody related that the provision of services in the areas of domestic violence, elder law, immigration, and Social Security Insurance benefits impacts the County's Health and Human Services budget; and that the use of the term "focusing" in the contract leaves the County with the option of including other service areas if necessary; whereupon, Assistant County Administrator James A. Dates indicated that staff plays a role in defining the areas of service to be provided; and related that staff could ask Gulfcoast to provide a report detailing the funding spent on areas other than those enumerated in the contract. Mr. Brody pointed out that the contract requires Gulfcoast to keep the County up-to-date on how the funds are being expended; and Administrator LaSala indicated that staff can work in conjunction with the leadership of Gulfcoast to assess the application of dollars in terms of return on investment; and that staff will provide the Board with that information.

During discussion, Commissioner Bostock requested that the policy of spending Pinellas County taxpayer money on immigration issues be reviewed; and Commissioner Welch indicated that he would support a staff review of the matter, but no policy changes should be made without further discussion by the Board; whereupon Mr. Brody indicated that state law does not specify any particular legal services to be provided nor does it preempt the county from having control over the type of services offered; and that staff will review the matter to determine what options are available, and Attorney Bennett provided input.

Vote - 6 – 1 (Commissioner Bostock dissenting)

#20 Contract with Jon R. Thogmartin, M.D., P.A., for the provision of medical examiner and forensic laboratory services in the amount of \$4,169,230.00 for Fiscal Year 2009-2010 approved; Chairman authorized to execute and the Clerk to attest (Justice and Consumer Services).

Motion - Commissioner Latvala
Second - Commissioner Brickfield

Responding to queries by Commissioner Welch, District Medical Examiner Dr. Jon P. Thogmartin related that the DNA Laboratory is operational; that accreditation is in

process; that once the laboratory is accredited, the computers will be networked nationally; that work can be performed for every Pinellas County agency; and that Pasco County has not taken advantage of the laboratory for crime lab services since the Florida Department of Law Enforcement provides these services at no charge.

Vote - 7 – 0

#21 Other Administrative Matters – None.

#22 County Attorney authorized to defend in the case of Patricia Svajdlenka versus Pinellas County, Florida, a Political Subdivision of the State of Florida – Circuit Civil Case No. 09-013592-CI-013 – Allegations of Negligence Resulting in Personal Injuries.

Motion - Commissioner Welch

Second - Commissioner Seel

Vote - 7 – 0

#23 County Attorney authorized to initiate litigation in the cases of:

a. Pinellas County versus Karoushia T. James – Damages as the Result of an Automobile Accident.

b. Pinellas County versus Julian’s Construction, LLC and Bonifacio Ascencio – Failure to Use Reasonable Care While Excavating.

Motion - Commissioner Welch

Second - Commissioner Seel

Responding to query by Commissioner Brickfield, Attorney Bennett related that the cart referred to in Item No. 23a is a golf cart used to help patrol the Pinellas Trail.

Vote - 7 – 0

#24 Authorization granted to the Office of the County Attorney to pursue a public hearing before the Florida Department of Environmental Protection relating to establishment of rules regarding total maximum daily loads.

Noting that this is a request for authority after-the-fact, Attorney Bennett related that staff appeared at a public hearing before the Florida Department of Environmental Protection (FDEP); and that as a result of arguments made by staff and others, the FDEP has extended the comment period.

Motion - Commissioner Morroni

Second - Commissioner Latvala

Responding to query by Commissioner Brickfield, Attorney Bennett noted that the standards will be strengthened; and that it is the County's view that they should be strengthened on the basis of good science and achievable results.

Vote - 7 – 0

- #25 Resolution No. 09-107 adopted directing the Clerk and the Tax Collector, on behalf of the Board, to defer making application for deeds on all County-held tax certificates sold in 2007 and maturing in 2009 for an indefinite period of time on properties assessed by the Property Appraiser at values less than \$5,000.00, pursuant to Section 197.502(3), Florida Statutes.

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

- #26 Resolution No. 09-108 adopted directing the Property Appraiser of Pinellas County, Florida, to extend the 2009 tax rolls for the 2009 real property ad valorem taxes and the 2009 tangible personal property ad valorem taxes and to deliver them to the Tax Collector on or before October 9, 2009, pursuant to Section 197.323, Florida Statutes, to enable the Tax Collector to timely mail 2009 ad valorem tax bills; and directing the Clerk to deliver a copy of this resolution to the Property Appraiser immediately upon its adoption.

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

- #27 County Attorney Miscellaneous – None.

- #28 County Administrator Reports:

Confidentiality of Economic Development Records

Administrator LaSala referred to the resolution previously approved by the Board for an anonymous qualified applicant for the Qualified Target Industry (QTI) tax refund program and indicated that a recent article in a local paper announced the plans of the applicant; and that the name of the applicant is BOTH Holdings.

In response to comments and queries by Commissioner Bostock regarding the concerns previously expressed by the members relating to anonymous QTI applicants, Director of Economic Development Mike Meidel indicated that companies have had the option of

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requesting anonymity since November 2008; and that, in response to the Board's request for further discussion regarding the process, he and Chief Assistant County Attorney Dennis R. Long will make a presentation regarding the governing statute, why the Legislature created confidential records, and options for the future.

Attorney Long conducted a PowerPoint presentation titled *Confidentiality of Economic Development Records*, a copy of which has been filed and made a part of the record, and provided a legal review of Florida Statute §288.075. In response to comments and queries by Commissioner Welch, he indicated that the statute requires the company to make a written request for confidentiality; that the names of companies were previously disclosed through discussions with the Board, under the expansive view that the BCC was part of the economic development agency; and that disclosure of information on a prior QTI applicant raised issues and caused concerns regarding the sanctions for violating the statute, which resulted in the revision of the county's application form to include a check-off provision that companies could mark to allow disclosure to the BCC; whereupon, he noted that some cities are also taking a more narrow view of the statute.

Mr. Meidel continued with the presentation and discussed why the Legislature decided to make some of the records confidential and exempt from disclosure, noting that information in the hands of the company's competitors could prove detrimental; whereupon, he provided examples of some of the potential consequences of disclosure, such as identifying the company's potential market for its product, known as the "first to market" idea; identifying the company's potential sources of capital, which would allow a competitor to take away part of the financing available to the company; identifying the company's cost control measures; and the effects on the stock prices of public companies.

Mr. Meidel identified the three main reasons for changing the county's procedures: (1) to protect the BCC from civil and criminal penalties, (2) to eliminate pressure on commissioners to disclose confidential data, and (3) to provide further protection and assurance to sensitive prospects. He indicated that some information is protected throughout the life of the agreement, up to four to seven years, while other information, such as trade secrets or proprietary information, is protected indefinitely.

Mr. Meidel outlined the options available to the BCC: Option 1, to continue with the current procedures; Option 2, to return to the previous policy; and Option 3, to designate the BCC as part of the economic development agency, which would include adding the County Administrator and the Assistant County Administrator over economic development; whereupon, he related that it is recommended that the current policy remain in place.

During lengthy discussion wherein the members expressed their respective opinions, preferences, and concerns, and in response to queries by the members, Attorney Long indicated that Option 2 is the least desirable from a legal perspective; that a resolution has been prepared for the Board's review relating to Option 3; and that the two most viable options are Options 1 and 3 if it is the Board's desire to know the name of the company in every instance.

Thereupon, following lengthy discussion, with input by Attorney Long, Chairman Harris indicated that the consensus of the Board is to continue with the current procedure.

#29 County Administrator Reports:

Capital Improvement Program Projects Status Update

Administrator LaSala indicated that updates on the major components of the Capital Improvement Program (CIP) activity will be presented at future meetings to give the Board a better understanding of the breadth and scope of work performed; whereupon, Director of Public Works and Transportation Peter J. Yauch conducted a PowerPoint presentation titled *Pinellas County Capital Improvement Program, Project Status Update*, a copy of which has been filed and made a part of the record. He provided the four-month update and progress report on the CIP transportation, storm water/drainage, and environmental/parks projects, noting that Keystone Road – U.S. Highway 19 to East Lake Road is the largest upcoming transportation project; whereupon, he responded to concerns and queries by Commissioners Latvala and Seel regarding low bids, potential ramifications, and performance bonds.

Mr. Yauch pointed out that the Starkey Road – Ulmerton Road to East Bay Drive portion of the Park Street/Starkey Road projects was put on hold after the completion of the preliminary engineering report as funding is unavailable to construct either of the two northern sections of the project in the current decade.

Mr. Yauch indicated that the Belleair Causeway Bridge is the biggest project to date, with an estimated cost of \$76 million; and that a \$32 million federal earmark has been received; whereupon, in response to comments and queries by Commissioner Welch regarding the traffic and safety concerns previously expressed by the residents, he indicated that upon completion of the bridge and the opening of the boat ramp, staff has agreed to review the traffic issues from Indian Rocks Road to the bridge to determine what traffic improvements, if any, are necessary.

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In response to query by Chairman Harris regarding the Intelligent Transportation System/Advanced Traffic Management System Traffic Signal System Upgrades, Mr. Yauch indicated that the projects listed in the grant would be expansions of the projects that are currently underway.

Referring to the Tarpon Woods Storm Water Improvements, Mr. Yauch noted that the Southwest Florida Water Management District has finalized and signed off on the Brooker Creek watershed study, but that staff has not yet seen the report; whereupon, he pointed out that the current estimate for the project is approximately \$300,000.00, which is a substantial savings from the original estimate of approximately \$1 million.

In response to comments by Commissioner Brickfield regarding concerns raised by residents relating to the Mobbly Bayou Restoration project, Director of Environmental Management William A. Davis indicated that there are no plans to restrict the existing boat access or to close any of the existing open waterways; and that he believes the section managed by the City of Oldsmar will remain open, but that he will verify the City's plans.

Director of Real Estate Management Paul Sacco provided the four-month update and progress report for the CIP government buildings projects, and indicated that there is some contingency built into the cost of the Public Works Emergency Responder Building project that he hopes to return to the CIP to apply toward other unfunded projects; and that the pay-as-you-go scenario has delayed the St. Pete Judicial Tower Renovation project by approximately one year; whereupon, in response to queries by Commissioners Brickfield and Morroni regarding the airport projects, Mr. Yauch indicated that 95 percent of the funding for the projects is federal funding and will come from Federal Aviation Administration funding or passenger facility charges; and that construction for the rehabilitation of Runway 4/22 is expected to begin in mid-2010 and last 14 to 18 months.

Director of Engineering Mike Sweet provided the four-month update and progress report for the CIP enterprise – utilities projects, noting that the U.S. Highway 19 – Whitney Road to State Road 60 project is a significant transportation project with a large utility component; and that the difference between the original Florida Department of Transportation estimate and the lowest bid received for the project represents an approximate 40 percent savings; whereupon, in response to comment and query by Commissioner Brickfield regarding the possibility of receiving federal grants, he indicated that staff has looked into applying for federal grants while also pursuing an option to provide some funding for the utility projects.

#30 Appointments and reappointment to the Youth Advisory Committee (term of September 8, 2009 through July 31, 2010) as outlined in the agenda memorandum dated September 8, 2009, which has been filed and made a part of the record, approved.

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

#31 Appointment of Madelyn Liss to the Pinellas Public Library Cooperative Board approved (term to expire on September 30, 2011).

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

#32 County Commission Miscellaneous:

a. Commissioner Morroni inquired about appointments to the Economic Development Council, and Assistant County Administrator Elithia V. Stanfield stated that the appointments will be on the next BCC agenda.

b. Commissioner Seel discussed affordable housing and related that at the first budget hearing she will be proposing that approximately \$3 million be allocated to affordable housing.

c. Commissioner Harris discussed the citizen appointment to the Pinellas Suncoast Transit Authority Board; whereupon, Commissioner Latvala moved, seconded by Commissioner Seel and carried, that Deborah Kynes be appointed as the Board's citizen appointment to the PSTA Board.

Commissioner Welch moved, seconded by Commissioner Brickfield and carried, that Commissioner Latvala serve on the Canvassing Board on November 10, 2009, in Commissioner Seel's absence.

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At this time, 5:49 P.M., the meeting was recessed and reconvened at 6:30 P.M. with all members present.

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

SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS (BCC)

#33 Public hearing was held regarding the proposed 2009-2010 tentative millage rates and budgets for Pinellas County; resolutions adopted approving tentative millage rates and budgets for Pinellas County Countywide (Nos. 09-109 and 09-110), Pinellas County Emergency Medical Service Authority (Nos. 09-111 and 09-112), Pinellas County Municipal Service Taxing Units (Nos. 09-113 and 09-114), and Pinellas Planning Council (Nos. 09-115 and 09-116).

Chief Deputy Clerk Clareth N. Harris reported that a combined total of 24 letters, e-mails, and phone calls in support of the proposed budgets and a combined total of 72 letters, e-mails, and phone calls in opposition to the proposed budgets have been received.

At this time, Chairman Harris opened the first public hearing on the tentative millage rates and budgets proposed for the year 2009-2010, including the millage rate and budget of the Pinellas Planning Council.

Chief Deputy Clerk Clareth N. Harris reported that due notice has been provided by the mailing of the Truth in Millage (TRIM) notices to Pinellas County property owners as required by Chapters 129 and 200 of the Florida Statutes.

Chairman Harris announced that the Board of County Commissioners (BCC), as taxing authority for Pinellas County Countywide, including the Emergency Medical Services (EMS) Authority, the Unincorporated Area Municipal Services Taxing Units (MSTU), the Public Library Cooperative, the Special Fire Protection Districts, the Palm Harbor Community Services District, Feather Sound Community Services District, and the Pinellas Planning Council, will proceed with the public hearing.

Administrator LaSala related that the percentage decrease in the millage rate for all budgets, including the Pinellas Planning Council, from the rolled back rate based on the maximum rates on the TRIM Notice to fund the Fiscal Year 2010 proposed budget is 12.49 percent; whereupon, he announced the proposed changes to the budget as follows:

Modifications to the General Fund:

1. The Department of Real Estate Management reflects a consolidation of the Lease Management and Real Property departments. This reallocates appropriation within the department and does not change the bottom-line fund total.
2. The Human Resources Department reflects the adoption of an agreement with the Juvenile Welfare Board (JWB) to provide consultation and assistance in JWB's hiring, employee relations, communications, and non-technical in-house training. JWB will provide funding of \$100,000.00 for these services, and the General Fund reflects an increase of that amount.

Modifications to the Community Development Fund:

1. The Community Development Fund reflects an expenditure reclassification between Grants & Aids and Capital Outlay. This reallocates appropriation within the department and does not change the bottom-line fund total.

Modifications to the Special Revenue Funds:

1. For the Emergency Medical Services (EMS) Fund, the proposed budget included estimated amounts for First Responder contracts which were pending contract negotiations. Appropriation of \$1.9 million is reallocated within the EMS fund to reflect the updated contract figures. The bottom-line fund total is unchanged.
2. For the Fire Districts Fund, there is a reallocation of appropriation in the Clearwater, Dunedin, Safety Harbor, Tarpon Springs, and Seminole fire districts that resulted from contract negotiations, which did not change the bottom-line fire districts budgets. In the Largo and High Point fire districts, contract negotiations resulted in a decrease to the fire districts budgets and reduced the proposed millage rates. Largo's proposed

millage rate of 2.4769 is decreased to 2.4416 and High Point's proposed millage rate of 2.7478 is decreased to 2.7275. In the Tierra Verde fire district, a contract to provide fire services for this area was awarded to Lealman Fire Rescue and resulted in a decrease of \$79,010.00 to the fire district's budget and the proposed millage rate of 1.5000 is decreased to 1.3997 (which remains the same as the current Fiscal Year 2009 level). In the Belleair Bluffs Fire District, the passage of a referendum on September 1, 2009 resulted in the elimination of the Belleair Bluffs Fire Department and contracting with the City of Largo for fire protection services in this district. This decreases the fire district's budget by \$261,790.00 and decreases the proposed millage rate from 2.6430 to 1.7320.

3. In the Feather Sound Community Services District Fund, the proposed budget included an ad valorem millage rate of 0.7500 mill. On July 21, 2009, the Board approved a decrease in the millage rate to 0.5660 mill. This results in a decrease of \$49,600.00 in revenue and expenditures of the Feather Sound Community Services District Fund.

Office of Management and Budget Bureau Director John Woodruff conducted a PowerPoint presentation titled *FY10 Proposed Budget*, a copy of which has been filed and made a part of the record.

Chairman Harris announced that the Board will continue the hearing as taxing authority for the Countywide Levy, including Emergency Medical Services.

The Chairman inquired as to whether there are any proposed amendments adjusting the millages and budgets for the aforesaid funds; whereupon, Administrator LaSala referred to the previously mentioned proposed changes.

In response to Chairman Harris's call for public comment regarding the Countywide Levy, including Emergency Medical Services, the following individuals expressed their concerns and responded to queries by the members:

- Paul Koppie, Palm Harbor, re affordable housing
- Willie D. McClendon, Largo, re affordable housing trust fund
- Frank Hibbard, Mayor, City of Clearwater, re EMS (submitted City resolution)
- JoAn Totty, Palm Harbor, re budget
- Mike Bonfield, St. Pete Beach City Manager, St. Pete Beach, re budget (submitted letter)
- W. C. Snipes, Clearwater, re budget and MSTU
- Donna Davis, Clearwater, re affordable housing trust fund

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Rabbi Michael Torop, Largo, re affordable housing
Monsignor Anton Dechering, St. Petersburg, re affordable housing
Martha Brinsko, St. Pete Beach, re affordable housing
Mark Klutho, Largo, re stupidity and waste
Lawrence Poindexter, Clearwater, re housing trust fund
Don Wheeler, Palm Harbor, re budget
Reverend Todd Sutton, St. Petersburg, re affordable housing trust fund
John Lawrence, Palm Harbor, re affordable housing
Josephine A. Germann, Seminole, re affordable housing
Kathy Filippelli, St. Petersburg, re budget, affordable housing
Emma Mitchell, St. Petersburg, re housing trust fund
Carol Mitchell, Largo, re affordable housing
Father Joe Diaz, Clearwater, re affordable housing
Lew Homer, Clearwater, re budget

In response to comments by Mayor Hibbard, Commissioner Seel indicated that it is too late to increase the millage rate; and recommended that the interim use of reserves be considered.

In response to the Chairman's call for comments regarding the proposed budget, Commissioner Seel discussed fulfilling the Board's \$30 million funding commitment made to Faith and Action for Strength Together (FAST); whereupon, she moved, seconded by Commissioner Morroni, that funding be provided to fulfill the commitment to FAST. Commissioner Morroni clarified that the County has already funded \$19.2 million of the \$30 million commitment, and if the motion is approved, \$5.8 million would need to be funded in future years to fulfill the commitment; whereupon, following further discussion regarding community development, affordable housing, the Housing Trust Fund, and the role of the Community Development Department, Assistant County Administrator Elithia V. Stanfield confirmed that Penny dollars can only be used for land acquisition, not construction.

Following input by Administrator LaSala, Ms. Stanfield, and Assistant County Administrator Mark W. Woodward, the members each indicated their particular priorities should additional funding be made available or a decision be made to use the reserves, including off-setting the water and sewer rate increases, affordable housing, the hospital program, and Animal Services; whereupon, Administrator LaSala reminded the Board that removing funds from any of the reserves just expands the budget gap further.

Thereupon, Commissioner Bostock stated that any direction to staff, or any action taken by the Board to move forward on a project, should be handled by an official motion and vote, and no objections were noted.

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In response to comments by Commissioner Bostock, Commissioner Seel offered a substitute motion for the Board to direct staff to look for sources to fund the \$1.4 million shortfall for affordable housing and the Housing Trust Fund. Following discussion, Commissioner Seel indicated that it was not her intent to take action at tonight's meeting without giving staff an opportunity to identify possible funding sources; whereupon, she withdrew her original motion and Commissioner Morroni withdrew his second.

In response to concerns expressed by Commissioner Bostock that the water rate had not been voted upon first as the budget figures are dependent upon the outcome of that vote, Administrator LaSala discussed the calculation of water and sewer rates, and Utilities Director Tom Crandall indicated that typically the rates are established prior to the adoption of the budget, which did not happen this year. Administrator LaSala indicated that a public hearing will be held on September 29 to vote on the proposed rate increases; that the votes taken tonight will not preempt the Board's policymaking role on September 29; and that if the proposed rates are not approved, the budget would be amended to match the available revenue; whereupon, Chairman Harris indicated that he would like to see water conservation reflected in lower rates.

Later in the meeting and in response to Commissioner Seel's request for clarification regarding where the Board stands with respect to her substitute motion, the members provided input and shared their suggestions and concerns; whereupon, Chairman Harris indicated that it would be appropriate to consider the items during next year's budget discussions, as it is too late to do so for the current budget, and no objections were noted.

In response to Commissioner Brickfield's recommendation that the new countywide recycling program be implemented over multiple years and payments made across the funds, Commissioner Latvala stated that the program has not been approved; and that policy prevents taking money out of an enterprise fund and spending it on the general revenue budget; whereupon, Administrator LaSala stated that a Code change and public hearings would be required to change the policy.

Discussion ensued wherein Commissioner Bostock expressed concerns regarding how the Board makes its decisions regarding priority projects, and Chairman Harris stated that the Board's spending priorities are set by the Strategic Plan, which will need to be reviewed given the new budget considerations; whereupon, Administrator LaSala clarified that the County abides by the laws of the State of Florida and the regulations of the Governmental Accounting Standards Board and the Governmental Finance Officers Association in terms of governmental fund accounting.

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Chairman Harris announced that the Board will continue the meeting as a separate hearing for special dependent MSTU Districts within the unincorporated area including the MSTU, Public Library Cooperative, Special Fire Protection Districts, Palm Harbor Community Services District, and Feather Sound Community Services District.

The Chairman inquired as to whether there are any proposed amendments adjusting the millages and budgets for the MSTUs; whereupon, Administrator LaSala referred to the previously mentioned proposed changes.

Chairman Harris stated that Florida Law allows a taxing authority to adopt the tax levies for all of its dependent special taxing districts and MSTUs, and to adopt the budgets for all of its dependent special taxing districts and MSTUs, by a single unanimous vote. However, if a member of the general public requests that the tax levy or budget of a dependent special taxing district or MSTU be separately discussed and separately adopted, the taxing authority shall discuss and adopt that levy or budget separately.

In response to the Chairman's call for public comment regarding the MSTU Districts, W.C. Snipes, Clearwater, appeared and expressed his concerns.

There was no response to the Chairman's call for comments regarding the proposed budget.

Chairman Harris announced that the Board will continue the meeting as a separate hearing for the Pinellas Planning Council; and inquired as to whether there are any proposed amendments adjusting the millage and budget; whereupon, Administrator LaSala responded that there are no changes.

No one appeared in response to the Chairman's call for public comment regarding the Pinellas Planning Council.

There was no response to the Chairman's call for comments regarding the proposed budget.

Chairman Harris announced that resolutions will now be considered to set tentative millage rates and budgets for Pinellas County Countywide, Emergency Medical Services, Unincorporated Area Municipal Services Taxing Unit, Public Library Cooperative, Special Fire Protection Districts, Palm Harbor Community Services District, Feather Sound Community Services District, and the Pinellas Planning Council; and indicated

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that the resolutions adopt tentative millages and budgets, which will not be finalized until the public hearing on September 22, 2009.

Resolution No. 09-109 adopting tentative millage for Fiscal Year 2009-2010 for Pinellas County Countywide adopted.

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

Resolution No. 09-110 adopting a tentative budget for Fiscal Year 2009-2010 for Pinellas County Countywide adopted.

Motion	-	Commissioner Seel
Second	-	Commissioner Latvala
Vote	-	5 – 2 (Commissioners Welch and Brickfield dissenting)

Resolution No. 09-111 adopting tentative millage for Fiscal Year 2009-2010 for Pinellas County Emergency Medical Services Authority adopted.

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

Resolution No. 09-112 adopting tentative budget for Fiscal Year 2009-2010 for Pinellas County Emergency Medical Services Authority adopted.

Motion	-	Commissioner Latvala
Second	-	Commissioner Seel

Administrator LaSala, Director of Public Safety Services Dick Williams, and Assistant County Administrator James A. Dates responded to comments and queries by the members regarding consistency in the EMS funding.

Vote	-	7 - 0
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Administrator LaSala reiterated that the items setting the tentative millages for the MSTU and Special Dependent districts can be adopted in one resolution if the Board's vote is unanimous and no member of the public has called for an independent adoption; whereupon, no objections being noted, the Board proceeded with the adoption of one resolution.

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Thereupon, Administrator LaSala presented tentative millages for the MSTU and Special Dependent Districts and Fire Districts, which have been filed and made a part of the record.

Resolution No. 09-113 adopting tentative millages for Fiscal Year 2009-2010 for the MSTU and Special Dependent Districts and Fire Districts adopted.

Motion - Commissioner Latvala
Second - Commissioner Welch

Chief Assistant County Attorney Dennis R. Long and Mr. Dates responded to queries by Commissioners Welch and Seel regarding the threshold for requiring two-thirds or unanimous votes and the costs causing the increases in Tarpon Springs and Belleair Bluffs.

Vote - 7 - 0

Resolution No. 09-114 adopting a tentative budget for the MSTU and Special Dependent Districts and Fire Districts adopted.

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

Resolution No. 09-115 adopting a tentative millage for Fiscal Year 2009-2010 for the Pinellas Planning Council adopted.

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

Resolution No. 09-116 adopting a tentative budget for Fiscal Year 2009-2010 for the Pinellas Planning Council adopted.

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

At this time, Chairman Harris closed the first public hearing on the tentative millages and budgets for Fiscal Year 2009-2010.

#34 Authority granted to advertise a public hearing to be held on September 22, 2009, regarding the proposed Fiscal Year 2009-2010 final millage rates and budgets.

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

#35 Meeting adjourned at 9:25 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk