

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, OCTOBER 25, 2011 – 3:02 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

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

INVOCATION: Reverend Abhi Janamanchi, Unitarian Universalists, Clearwater, Florida.

PLEDGE OF ALLEGIANCE: Commissioner Seel.

PRESENTATIONS AND AWARDS:

1. Presentation of a proclamation in recognition of Pro Bono Week.

CITIZENS TO BE HEARD

JoAn Totty, Palm Harbor, re raucous noise; Item No. 9 (submitted documents).

Richard Query, St. Petersburg, re machete (referred to staff).

Mark Klutho, Largo, re stupidity, waste (submitted document).

Greg Pound, Largo, re Pinellas families.

Norman Atherton, re four-way stop (Item No. 9).

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

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

- # 1 Minutes of regular meeting of September 15, 2011 approved.

2 Reports received for filing:

- a. Division of Inspector General, Audit Services, Clerk of the Circuit Court, Report No. 2011-15, dated September 22, 2011 – Audit of the Utilities’ Sewer Department Enterprise Reserve Funds and Sewer Maintenance Plans.
- b. Dock Fee Report for the month of September 2011.
- c. Quarterly Report of Routine Dock Permits issued from July 1, 2011 to September 30, 2011.

3 Vouchers and Bills Paid – None.

4 Miscellaneous items received for filing:

- a. City of Clearwater Public Hearing Notice of Annexation, Land Use Plan, and Zoning Atlas amendments regarding proposed Ordinances Nos. 8289-11 through 8291-11; public hearings to be held November 3, 2011.
- b. City of Oldsmar Notice of Public Hearing regarding proposed Ordinance No. 2011-11 held October 18, 2011, voluntarily annexing certain property.
- c. City of Pinellas Park Resolution No. 11-19 adopted September 22, 2011, supporting Emergency Medical Care First Response and Ambulance Transport by the Fire Service of Pinellas Park.
- d. City of Seminole Ordinance No. 20-2011 adopted September 14, 2011, voluntarily annexing certain property.
- e. Florida Public Service Commission (1) Consummating Order No. PSC-11-0406-CO-EI issued September 23, 2011, re nuclear cost recovery clause; (2) Order No. PSC-11-0439-PAA-EQ issued October 3, 2011, approving a negotiated power purchase agreement between Progress Energy Florida, Inc., and U.S. EcoGen Polk, LLC; (3) Notice of Issue Identification Meeting (telephonic) (1-888-808-6959, Conference Code 4136206) to be held October 5, 2011, regarding the demand-side management plans of Florida Power & Light Company and Progress Energy Florida, Inc.; and (4) Notice of Commission Hearing and Prehearing issued September 27, 2011, to be held on November 1, 2, and 3, 2011 in Tallahassee re fuel and purchased power cost recovery clause with generating performance incentive factor.
- f. See Item No. 12.

- g. Correspondence from the Chairman of the Board of Fire Commissioners, Pinellas Suncoast Fire & Rescue, regarding an upcoming resolution outlining the Board's position on the Emergency Medical Services (EMS) transport issue.

- # 5 Amendment No. 3 to Cooperative Funding Agreement with the Southwest Florida Water Management District (SWFWMD) for Bear Creek Channel Improvements (L379) (SWFWMD No. 06C00000024; PID No. 922306) approved extending the expiration date of the agreement from December 31, 2011 to December 31, 2013; Chairman authorized to sign and the Clerk to attest.

- # 6 Award of bid to Ortega Industrial Contractors for Water Treatment Plant (PID No. 1903-SW; Contract No. 101-0312-CP) approved for an estimated total expenditure in the amount of \$14,345,007.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; all work to be fully completed by December 31, 2012; Chairman authorized to sign the agreement and the Clerk to attest after proper execution by the contractor.

- # 7 Resolution No. 11-169 adopted approving the amendment to the County Incentive Grant Program Agreement with the Florida Department of Transportation (FDOT) for the installation of conduit and fiber optic cable from the Clearwater Traffic Communications Center at Myrtle Avenue and Pierce Street to Curlew Road (State Road 586) (FDOT Financial Project No. 428970 1 58 01; PID No. 1501), including the installation of Advanced Traffic Management System devices along Alternate U.S. Highway 19, and revising the construction letting date. Chairman authorized to execute the amendment and the Clerk to attest.

- # 8 Plats, Guaranties, Sureties, and Agreements:

Dansville Redevelopment Area – Phase 4 and 5A – plat accepted and approved for recording.

- # 9 See Item No. 12.

October 25, 2011

#10a 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	Emergency Use Access Permit with Pinellas Suncoast Transit Authority for Vehicle Storage	N/A	9.13.11
Building and Development Review Services	Interlocal Agreement with the City of Oldsmar for Building and Development Review Services	\$100,000.00 Revenue	9.12.11
Business Technology Services	Change Order No. 008 and Custom Report Authorization 008 with Applications Software Technology Corporation for Additional Services and Custom Reports for the OPUS Project	\$163,760.00	10.6.11
Business Technology Services	Change Order No. 007 with Applications Software Technology Corporation for Development of Interface Customizations for the OPUS Project	\$52,200.00	9.15.11
Communications	Agreement with Bright House Networks, LLC d/b/a/ Bay News 9 for Closed Circuit Television Access	\$1,500.00 Revenue	9.21.11
Community Development	Specific Performance Agreements with: (a) City of Pinellas Park for Sidewalk and Streetscape Construction. (b) City of Safety Harbor for Park Design and Construction. (c) City of Largo for Single Family Rehabilitation and Down Payment Assistance Programs	 (a) \$150,000.00 Grant Revenue, No Match (b) \$150,000.00 Grant Revenue, No Match (c) \$218,074.00 Grant Revenue, No Match	10.3.11
Community Development	(a) Lobbying and Litigation Certification for Grants and Cooperative Agreements for Grant Closeout Report to U.S. Environmental Protection Agency (EPA) for Dansville Area Project (b) Local Government Verification Forms to the Florida Housing Finance Corporation for Renovation of Affordable Housing Project at the Landings at Cross Bayou	(a) N/A (b) N/A	9.22.11

October 25, 2011

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Community Development	Specific Performance Agreement with YMCA of the Suncoast, Inc. for the Greater Ridgecrest Branch YMCA Omni Center Scoring Tower Rehabilitation	\$23,000.00 Grant Revenue, No Match	9.21.11
Community Development	Specific Performance Agreement with Personal Enrichment Through Mental Health Services, Inc. for Facility Rehabilitation	\$30,180.00 Grant Revenue, No Match	9.13.11
Convention and Visitors Bureau	Tourism Promotion Agreement with Tampa Bay Charities, Inc. for Promotional and Marketing Activities for the Clearwater Super Boat National Championship	\$50,000.00	9.27.11
Convention and Visitors Bureau	Approval of Indemnification Provision with Bright Business Media, LC for Smart Meeting Events	N/A	9.22.11
Department of Environment and Infrastructure	Amendment No. 2 to the Interlocal Agreements with Fifteen (15) Municipalities for Maintenance of Traffic Control Signals and Devices	N/A Time Extension Only	10.3.11
Department of Environment and Infrastructure	(a) Releases of Lien (10)	(a) All Liens are Paid in Full	8.29.11
	(b) Notices of Lien (21)	(b) N/A	
Department of Environment and Infrastructure	(a) Notices of Lien (32)	(a) N/A	8.23.11
	(b) Releases of Lien (26)	(b) All Liens are Paid in Full	
Department of Environment and Infrastructure	District Seven Off System Maintenance Agreement with the Florida Department of Transportation (FDOT) for Improvements to S.R. 595 at 8th Avenue SE Intersection	N/A	8.17.11
Department of Environment and Infrastructure	Releases of Lien (9)	All Liens are Paid in Full	8.12.11
Department of Environment and Infrastructure	Notices of Lien (17)	N/A	8.5.11
Department of Environment and Infrastructure	Releases of Lien (10)	All Liens are Paid in Full	8.3.11

October 25, 2011

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Department of Environment and Infrastructure	Notices of Lien (12)	N/A	7.27.11
Economic Development	Extension of Agreement with the U.S. and Foreign Commercial Service International Trade Administration	N/A	9.8.11
Economic Development	Agreement with the Agency for Workforce Innovation for Data Used for Targeting Industries, Performance Measurement, and Development Strategies	N/A	8.17.11
Emergency Management	Scope of Work Acceptance for the Hazard Analysis Update with the State of Florida	\$14,699.00 grant revenue, no match	9.29.11
Emergency Management	Federally Funded Sub-Grant Agreement with the State of Florida, Division of Emergency Management for Planning, Training, and Exercises	\$49,000.00 Grant Revenue, No Match	8.8.11
Health and Human Services	Matrix of Critical Care Letters of Agreement for Emergency/Critical Care Services with: (a) Babat Katz Samuelson MD PA (b) Dr. Vladmir Alexander (c) Edward Rosanelli, Jr. (d) Edward Rosanelli, Jr. (e) Larry Williams, MD (f) Surgical Assoc of West FL (g) Cardiac Surgical Associates (h) Cardiac Surgical Associates (i) Interventional Cardiac Associates (j) Allergy and Asthma (k) MRI Associates of St. Petersburg (l) MRI Associates of St. Petersburg (m) MRI Associates of St. Petersburg (n) MRI Associates of St. Petersburg (o) Anil Raiker, MD (p) Anil Raiker, MD (q) Anil Raiker, MD (r) Urology Specialists of West Florida (s) Urology Specialists of West Florida (t) Himanshu Chandaranda	 (a) \$1,524.69 (b) \$4,239.15 (c) \$1,105.07 (d) \$675.68 (e) \$1,500.00 (f) \$35.45 (g) \$658.94 (h) \$85.37 (i) \$1,163.56 (j) \$543.09 (k) \$231.96 (l) \$204.95 (m) \$231.96 (n) \$500.00 (o) \$39.00 (p) \$82.65 (q) \$82.65 (r) \$550.30 (s) \$288.87 (t) \$82.65	9.30.11

October 25, 2011

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Health and Human Services	Service Funding Agreement with Bayfront Medical Center, Inc. for Financial Support of the Pinellas County Health Program (PCHP) for Indigent Residents	\$7,550,000.00 Increase in Available Funds in the PCHP Trust and Agency Account	9.27.11
Health and Human Services	Donation Agreement with Bayfront Medical Center, Inc. for PCHP Trust and Agency Account	\$2,318,830.45 Funds Transfer to PCHP Trust and Agency Account	9.23.11
Health and Human Services	(a) Community Health Centers of Pinellas, Inc. Primary Care Grant Federally Qualified Health Centers Low Income Pool Program Funding Agreement/Letter of Agreement Between Pinellas County and the State of Florida, Agency for Health Care Administration	(a) \$467,691.00 Grant Revenue, \$179,471.00 County Match	9.21.11
	(b) Community Health Centers of Pinellas, Inc. Federally Qualified Health Centers Low Income Pool Funding Agreement/Letter of Agreement Between Pinellas County and the State of Florida, Agency for Health Care Administration	(b) \$158,042.00 Grant Revenue, \$124,479.00 County Match	
Health and Human Services	Master Homeless Initiatives Funding Program Agreement for Various Social Service Agencies in Pinellas County	\$200,000.00	9.9.11
Health and Human Services	Grant Agreement with Early Learning Coalition of Pinellas County, Inc. for Consolidation of Eligibility Determination Process	\$17,710.00	9.1.11
Health and Human Services	Amendment No. 1 to the Specialty Provider Agreement with Pinellas Surgical Associates, Inc. for Increased Funding for Specialty Healthcare	\$25,000.00	8.25.11
Health and Human Services	Amendment No. 1 to the Specialty Provider Agreement with Jeff Kopelman, LLC for Increased Funding for Specialty Healthcare	\$20,000.00	8.11.11
Health and Human Services	First Option of Renewal and Amendment No. 1 to the Community Mental Health Substance Abuse Funding Agreement with Suncoast Center, Inc. for the Forensic Focused Outreach Program	\$311,140.00	8.1.11 & 9.19.11

October 25, 2011

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Justice and Consumer Services	Interlocal Renewal Agreements (Two) with the Public Defender of the Sixth Judicial Circuit for Incompetent to Proceed Misdemeanants Program for Persons with Mental Health Issues and an Information Technology Position for Information Services Technology Assistance	\$206,402.00	9.13.11
Justice and Consumer Services	Amendment No. 1 to the Grant-In-Aid Agreement, Time Extension	N/A Time Extension	9.9.11
Parks and Conservation Resources	Interlocal Agreement with Tampa Bay Water for Florida-Friendly Landscaping Program	\$68,000.00 Revenue	10.6.11
Parks and Conservation Resources	Agreement for Metered Parking with the City of Clearwater for the Downtown Clearwater Campus Lots and Sand Key Beach Lot	\$72,000.00 Revenue	7.7.11
Planning	Letter of Commitment for Regional Coordination HUD 2011 Sustainable Communities Regional Planning Grant Application	N/A	9.30.11
Planning	Hazard Mitigation Grant Program, Post Disaster Redevelopment Health and Human Services Component; Sub-grant Agreement with the Florida Department of Emergency Management and a Memorandum of Agreement with the Juvenile Welfare Board	\$30,000.00 Grant Revenue; \$10,000 County Match	9.23.11
Planning	Change Order No. 001 with the Florida Department of Environmental Protection (FDEP) to Modify Budget Narrative of Contract	N/A	9.15.11
Real Estate Management	Amendment No. 6 to the Lease Agreement with National Information Assurance Corporation	\$1,966.36 Monthly Revenue	10.6.11
Real Estate Management	Sovereignty Submerged Lands Easement with the FDEP for Dredging in the Gulf of Mexico	N/A	7.5.11

#10b Quarterly Report on Administrative Budget Amendments for the period July 1, 2011 through September 30, 2011 was filed and made a part of the record (Management and Budget).

#10c Quarterly Report on the Law Enforcement Trust Fund – Payments to the Sheriff for the period July 1, 2011 through September 30, 2011 was filed and made a part of the record (Management and Budget).

#10d PROCUREMENT ITEMS APPROVED BY PURCHASING FOR THE QUARTER ENDING SEPTEMBER 30, 2011 – RECEIVED FOR FILING (PURCHASING)

	<u>CONTRACT NO.</u>	<u>ACTION</u>	<u>COMMODITY</u>	<u>DEPT.</u>	<u>VENDOR</u>	<u>DOLLAR VALUE</u> <u>County Code</u>	<u>AWARD DATE</u>
1.	101-0377-B (DF)	Corrective Contract	Bridge Preventative Maintenance & Emergency Response Services	Department of Environment & Infrastructure	Florida Drawbridges, Inc.	N/A	9/21/11
2.	078-0357-B (RM)	Second Amendment	HVAC/AC Systems Preventative Maintenance and Repairs – Utilities	Department of Environment and Infrastructure	Engineered Air Systems, Inc.	N/A	9/21/11
3.	045-374-P (SS)	Second Amendment – Time Extension	Construction Management Software, Public Works	Business Technology Services	Aurigo Software Technologies, Inc.	N/A	9/21/11
4.	101-0348-B (SS)	Award of Bid	Software License and Support – CA Products	Business Technology Services	CA, Inc.	185,500.00	9/19/11
5.	090-0162-C (DF)	Change Order No. 1 (Final)	Dansville Phase III	Public Works	Woodruff & Sons	(3,063.27)	9/13/11
6.	101-0395-CP (RM)	Award of Bid	South County Reclaimed Water Aquifer Storage Recovery (ASR) Test Program – Well IWE, Pumping/Piping and Electrical Systems (Rebid) (PID1752)	Department of Environment and Infrastructure	RTD Construction, Inc.	241,858.00	9/8/11
7.	090-0204-C (DF)	Change Order No. 1 (Final)	ATMS – Phase 1 S.R. 580/584	Public Works	American Lighting and Signalization, Inc.	(115,561.51)	9/8/11
8.	101-0196-G (SS)	Purchase Authorization Modification	Software Upgrade and Implementation Services – Real Estate Management	Business Technology Services	FM: Systems, Inc.	9,450.00	9/8/11
9.	101-0084-B (DF)	Rescind of Award/Contract Cancellation and Re-Award of Bid**	Maintenance – Landscape and Grounds (Facility Management) Group II	Parks and Conservation Resources	Ameri-Pride, Inc.	90,578.36	9/8/11

October 25, 2011

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10.	078-0533-B (CR)	Third Term Extension	Fuel: Gasoline and Diesel (Co-op)	Fleet Management	B.V. Oil Company, Inc. J.H. Williams Oil Company, Inc. Port Consolidated, Inc.	7,043,063.00 County 3,519,320.00 Co-op 2-176	9/8/11
11.	101-0227-P (LN)	Approval of Ranking and Final Contract	Research Services	Various	Research Data Services, Inc.	240,000.00	9/8/11 (9/2/11)
12.	090-0303-S (SS)	Purchase Authorization Modification and Increase to Blanket Purchase Agreement	Staffing Resources for Business Technology Services	Various	From Comsys Information Technology Services, Inc., d/b/a Comsys Services, Inc. to Comsys Information Technology Services, LLC, d/b/a Experis IT Services US, LLC	675,000.00 2-185	9/2/11
13.	078-0357-B (RM)	Second and Final Term Extension	HVAC/AC Systems Preventative Maintenance and Repairs	Department of Environment and Infrastructure	Engineered Air Systems, Inc.	111,500.00	9/1/11
14.	067-0490-P (AM)	Second Amendment and Second Term Extension	Managed Behavioral Services	Human Resources	MHNET of Florida, Inc.	150,000.00 Annual	9/1/11
15.	101-0329-CP (DF)	Award of Bid	Terminal Roofing Area 20 (PID No. 2289)	Airport	Sutter Roofing Company of Florida	123,750.00	8/31/11
16.	101-0026-CP (DF)	Change Order No. 1 – Time Only	315 Court Street Fire Alarm System Upgrade (PID No. 1490)	Department of Real Estate Management	Integrated Systems of Florida, Inc.	N/A	8/30/11
17.	067-0328-B (DF)	Cancellation of Contract	Landscape Installation and Related Maintenance of Belcher Road Sites	Department of Environment and Infrastructure	Accend, Inc., d/b/a JC Tree and Landscape	(14,224.00)	8/29/11

October 25, 2011

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18.	090-0205-CP (DF)	Change Order No. 2 – Time Only	Pinellas County Jail – Security Operated Water Closet/Lavatory & Shower Control (Phase 2) (PID No. 2077)	Public Works	Intelligent Conservation Systems, Inc.	N/A	8/26/11
19.	101-0025-N (PF)	Change Order Two	Non Competitive Purchase – Strategic Planning	Office of Management and Budget	Leadership Research Institute	67,500.00	8/24/11
20.	067-0488-P (AM)	Second Term Extension	Group Dental Plan Prepaid for Pinellas County Employees	Human Resources	Safeguard Health Plans, Inc.	187,600.00	8/24/11
21.	078-0152-B (DF)	Increase Contract Purchase Order	Mowing and Related Maintenance of Roadways & Ponds	Parks and Conservation Resources	Peter Vroutos	4,625.00	8/22/11
22.	089-0432-B (RM)	Increase in Funds for Contract 231538 Purchase Order	Electronics Recycling Demanufacturing Services	Utilities	Creative Recycling Systems, Inc.	110,000.00	8/22/11
23.	045-0006-A (DM)	Time Extension-Amendment No. 4	Agreement for Professional Consultant Services for Improvements to Bryan Dairy Road (County Road 296) from Starkey Road to 72 nd Street North – PID No. 920588	Public Works	TBE Group, Inc.	N/A	8/19/11
24.	101-0467-E (CM)	Emergency Purchase	Pipe Failure 95 th Terrace	Department of Environment & Infrastructure	Reynolds Inliner LLC	150,000.00	8/19/11
25.	090-0496-IP (JL)	Amendment No. 2	Consultant Services Community Development	Community Development	Management Partners Incorporated	2,500.00	8/17/11
26.	101-0434-PB (CM)	Purchase Authorization	Computer Peripherals & Equipment	Various	Insight Public Sector Inc.	138,000.00 Annual	8/17/11
27.	090-0275-B (SS)	Cancellation and Re-Award of Bid	Software Maintenance/Support – IBM	Clerk and Business Technology Services	Midrange Support & Service, Inc.	50,136.98 Clerk 48,974.32 County	8/16/11
28.	101-0389-B (SS)	Rejection of Bids	9-1-1 Telephone Equipment	Emergency Communications	N/A	N/A	8/16/11

October 25, 2011

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29.	089-0450-M (CM)	Technical Service Support Agreement Addendum	Medical Services: EKG Defibrillator Maintenance Services	Department of Public Safety Services – EMS Division	Physio-Control, Inc.	(76,639.60)	8/16/11
30.	101-0012-PB (CM)	Contract Correction and Continued Purchase Authorization	Service: Aerial Mosquito Spraying	Public Works	Clarke Environmental Mosquito Management	250,000.00	8/15/11
31.	078-0372-B (DF)	Second Term Extension	Traffic Marking Materials and Installation Services (Co-op)	Public Works	AKCA Incorporated	230,000.00 County 490,000.00 Co-op	8/15/11
32.	089-0268-B (LN)	Change Order No. 1	Janitorial Services – Various Buildings	Various	Top Job Janitorial Services, Inc.	N/A	8/8/11
33.	056-0439-P (AM)	Increase in Funds for Contract Purchase Order	Indigent Burial/Cremation Services	Health and Human Services	Anderson-McQueen Company d/b/a Alife Tribute Funeral Care	40,000.00	8/8/11
34.	101-0133-A (LN)	First and Final Term Extension	Marketing Representation – Washington, D.C., Virginia, Maryland and Mid-Atlantic Region	Convention & Visitor's Bureau	Michelle W. Jones	185,000.00	8/4/11
35.	101-0114-PB (RM)	Time Extension and Increase in Funds	Purchase Authorization Reclaimed and Virgin Methanol	Utilities	Polydyne, Inc.	27,000.00	8/4/11
36.	067-0686-C (DF)	Correction to Contract	2008-2009 Countywide Americans With Disabilities Act (A.D.A.) Ramp, Sidewalk, Drainage and Intersection Improvements	Department of Environment & Infrastructure	Pepper Contracting Services, Inc.	(7,600.00)	8/4/11
37.	089-0386-P (LN)	Increase in Funds for Contract Purchase Order	Parking Meters (Pay & Display/Multi-Space) – Delivery & Installation	Parks, Conservation & Resources	Cale Parking Systems, USA Inc.	85,000.00	8/4/11
38.	056-0597-B (DM)	Time Extension	Testing, Medical Exams, Vaccinations & Toxicology Tests	Various	Lakeside Occupational Medical Center	N/A	8/4/11

October 25, 2011

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39.	101-0183-P (LN)	Approval of Ranking and Final Contract	Answering/Mail Fulfillment Services	Convention and Visitor's Bureau	Phase V of Southwest Florida, Inc.	230,000.00	7/28/11
40.	101-0142-B (RM)	Second Amendment	Laboratory Testing Services	Utilities	Southern Analytical Laboratories, Inc.	N/A	7/22/11
41.	101-0323-B (LN)	Award of Bid	Headspace Gas Chromatograph – Mass Spectrometer System	Medical Examiner	Agilent Technologies, Inc.	103,871.20	7/19/11
42.	089-0182-C (DF)	Release of 60% Retainage	46th Avenue – 80th Street N to 62nd Street N	Public Works	Hubbard Construction Co., Inc.	283,713.98 2-62(a)(3)	7/19/11
43.	101-0278-CP (DF)	Rejection of Bids	Building Lighting Retrofits	Department of Real Estate Management	N/A	N/A	7/19/11
44.	101-0285-B (RM)	Rejection of Bids	Methanol – Reclaimed and Virgin	Utilities	N/A	N/A	7/19/11
45.	090-0316-CP (DF)	Change Order No. 1 – Time Only	S.R. 60 Advanced Traffic Management Systems (ATMS) / Intelligent Transportation Systems (ITS) Project – Stage II, (PID No. 1810)	Public Works	Highway Safety Devices, Inc.	N/A	7/19/11
46.	090-0138-CP (DF)	Change Order No. 1 – Time Only	McMullen-Booth Road at Drew Street, McMullen-Booth Road at Enterprise Road and McMullen-Booth Road Pavement Preservation from Drew Street to S.R. 60 (PID Nos. 817, 1619 & 2108)	Public Works	R.E. Purcell Construction Co., Inc.	N/A	7/19/11
47.	101-0304-CP (RM)	Award of Bid	Headworks Control Panel Upgrades – South Cross Bayou Water Reclamation Facility (WRF) (P.I.D. No. 2065) (Rebid)	Utilities	Benro Enterprises, Inc., d/b/a Rocha Controls	121,357.00	7/18/11
48.	090-0047-B (NP)	Change Order No. 2 (Final)	Air Handling Unit Replacement – STAR Center	Department of Real Estate Management – Young-Rainey STAR Center	Air Mechanical & Service Corporation	31,636.00	7/18/11

October 25, 2011

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49.	090-0355-CP (DF)	Change Order No. 2 – Time Only	Fort DeSoto Fort Rehabilitation (PID No. 623)	Public Works	Caladesi Construction Co.	N/A	7/18/11
50.	089-0013-A (DM)	Time Extension	Extension to the Agreement for ATMS/ITS and Traffic Engineering Consulting Services	Public Works	Concurrent Technologies Corporation of Pennsylvania DKS Associates, Inc. HNTB Corporation Kimley-Horn and Associates, Inc. PB Americas, Inc. TBE Group, Inc. TransCore ITS, LLC Gannett Fleming, Inc. formerly Vanus Engineering Evolution, Inc dba VANUS, Inc.	N/A	7/18/11
51.	101-0207-B (NP)	Change Order No. 1 – Increase and Contract Time Extension	Boiler Upgrade-South Cross Bayou Water Reclamation Facility	Utilities	Mason Engineering Sales Company, Inc.	4,984.00	7/13/11
52.	090-0003-CN (GG)	Increase Contract Purchase Order	Coastal Management Consultant Services	Environmental Management	Coastal Planning & Engineering, Inc.	93,228.10	7/15/11
53.	067-0545-B (RM)	Time Extension	Liquid Chlorine Cylinders	Utilities	Allied Universal Corp.	N/A	7/5/11
54.	101-0325-B (SS)	Award of Bid	Software Maintenance Support – IBM	Business Technology Services	Midrange Support & Service, Inc	109,548.88	6/30/11

October 25, 2011

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55.	078-0513-P (GG)	First Term Extension	Disclosure Counsel Services	County Attorney	Nabors, Giblin & Nickerson, P.A.	15,000.00	6/30/11
56.	101-0277-B (SS)	Award of Bid	Software Maintenance/Support – IBM Maximo Licenses	Business Technology Services	International Business Machines Corporation	141,451.59	6/28/11
57.	101-0142-B (RM)	First Amendment	Laboratory Testing Services	Utilities	Southern Analytical Laboratories, Inc.	N/A	6/27/11
58.	078-0357-B (RM)	First Amendment	HVAC/AC Systems Preventative Maintenance and Repairs	Utilities	Engineered Air Systems, Inc.	N/A	6/27/11
59.	078-0445-P (GG)	First and Final Term Extension	Consulting Services, FEMA and FHWA Reimbursement Documentation Management	Office of Management and Budget	Adjusters International, Inc.	150,000.00	6/27/11
60.	090-0314-P (GG)	First and Final Term Extension	Services – Adult Drug Court Treatment Division Z	Justice and Consumer Services	Westcare Gulfcoast-Florida	544,092.00 2-176	6/27/11

Total: \$ 12,008,693.05

#10e Quarterly report of claim settlements for July 1 through September 30, 2011 for claims requiring the mutual consent of the County Attorney and Risk Management in the settlement area of \$25,001.00 to \$50,000.00 (total claims paid, \$37,500.00) received for filing (Risk Management/County Attorney).

#11 Ranking of firms and authorization for staff to negotiate with the No. 1 ranked firm, Florida Gulf Coast Center for Fishing Foundation, Inc., d/b/a Florida Gulf Coast Center for Fishing & Interactive Museum, for the lease of the Gulf Coast Museum of Art – Pinewood Cultural Park (Contract No. 101-0343-R) approved (Real Estate Management/Purchasing).

Board affirmed that the leasing procedures adopted November 16, 2010 have been complied with; and declared that the property is not needed for other County purposes and is available for lease.

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

4 Miscellaneous Items Received for Filing:

f. Pinellas Suncoast Fire & Rescue Resolution No. 2011-06 adopted September 20, 2011, adopting the 2011/2012 final budget, adopting rates of assessments, and establishing pay raises for administrative staff/personnel.

In response to queries by Commissioner Roche, Chairman Latvala and Commissioner Seel indicated that Pinellas Suncoast Fire and Rescue (Suncoast) is an independent fire district; and that Suncoast established the pay raises for administrative staff/personnel.

Motion	-	Commissioner Seel
Second	-	Commissioner Morrone
Vote	-	6 – 1 (Commissioner Roche dissenting)

Following the vote, Commissioner Bostock clarified that the Board voted to approve receipt of the document, not to approve its content; and in response to query by Administrator LaSala, Commissioner Roche stated that he understood the vote; and that his vote stands.

9 Installation of one four-way stop to be located at Illinois Avenue and 11th Street in accordance with the Residential Traffic Management (RTM) program adopted pursuant to Resolution No. 97-291 dated October 14, 1997 and revised June 4, 2002 and June 7, 2005 denied.

At the request of Chairman Latvala, Director of Transportation and Stormwater Peter J. Yauch provided an overview of the request, stating that Item No. 9 is a Residential Traffic Management item; and that the item was brought before the Board previously, but that he did not have the backup to adequately respond to the Board's questions. He related that the Residential Traffic Management Program was adopted by the Board as policy several years ago and has been periodically amended to reflect special conditions; and that the program qualifiers are speeding through neighborhoods or cut-through traffic in neighborhoods; whereupon, he explained the process for determining neighborhood interest in installation of traffic management devices, noting that only residential property owners in the impacted area are polled.

Mr. Yauch pointed out that there have been numerous concerns raised regarding heavy traffic volume and speeding in the area, which resulted in the prior installation of a number of four-way stops. He indicated that the qualifier for the subject location is traffic volume in excess of 500 vehicles per day; and that everyone in the impacted area seems to be in favor of adding the four-way stop; whereupon, Mr. Yauch displayed a traffic map, identified the subject location, provided statistical data regarding traffic volume and speed at the subject location and in the area, and identified the existing traffic management devices in the area.

Mr. Yauch related that staff spoke with Palm Harbor Fire Chief James Angle; and that Chief Angle indicated that the fire engines may experience some minor delays as they approach the fire signal at U.S. Alternate Highway 19, but that he had no objections to the installation of a four-way stop to increase safety; whereupon, in response to comments and queries by Commissioner Roche, Mr. Yauch provided additional information regarding the emergency signal and the existing traffic management devices in the area.

In response to the Chairman's call for citizens wishing to be heard, Norman Atherton and JoAn Totty, Palm Harbor, appeared and expressed their concerns.

In response to comments and queries by the members, Mr. Yauch related that the proposed installation of a four-way stop sign at the subject location arose from a neighborhood request; that requests are usually generated by one resident; and that Traffic Engineering staff then checks with the residential property owners in the neighborhood to determine whether there is interest in proceeding. He stated that the policy was developed in response to public demand, but that from a traffic engineering standpoint, multi-way stops are not the preferred method to address the issues; whereupon, he provided input regarding the threshold for speed limits to be considered a safety issue, noting that the issue in the area is more of an exposure issue than a safety issue.

Thereupon, Commissioner Seel moved that the installation of the four-way stop be approved, and Commissioner Morroni seconded the motion for discussion purposes only.

Motion	-	Commissioner Seel
Second	-	Commissioner Morroni

In response to comments by Commissioners Brickfield and Roche regarding the traffic volume and number of existing stop signs and speed humps in the area, Mr. Yauch explained that the traffic volume is not usually distributed evenly throughout the day; and that peak volume is usually considered ten percent of the 24-hour total, which would represent about 50 to 55 cars during peak hour passing through the subject intersection; whereupon, he pointed out that the strategy is based on a driver's tendency to travel the path of least resistance.

In response to comments and query by Commissioner Bostock relating to the Board's previous concern about when the property owners were surveyed regarding the subject intersection, Mr. Yauch clarified that the survey is more recent than the previous stop sign installation; and that the installation of the other stop sign does not impact the citizens or data presented relating to the issue at hand.

Vote - 2 – 5 (Chairman Latvala and Commissioners
Morrone, Welch, Brickfield, and Roche
dissenting)

Following the vote, Chairman Latvala stated that the motion failed; and Commissioner Bostock questioned whether the County is using the correct process, noting that the process and outcome should match; whereupon, she suggested that the standards and process be reviewed.

- #13 Final negotiated agreement with URS Corporation Southern for Terminal Building Schematic Analysis Design Development and Project Implementation for St. Petersburg-Clearwater International Airport (Contract No. 101-0129-NC) approved in the amount of \$773,140.00 (total anticipated project design and construction cost, \$4,610,000.00); Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney (Airport/Purchasing).

Administrator LaSala noted a scrivener's error in the agenda, incorrectly identifying the consultant; whereupon, he announced for the record that the spouse of the airport director is employed by the consultant; that a legal opinion was previously rendered regarding a possible conflict of interest; and that no conflict was found to exist.

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

#14 Chairman authorized to execute and the Clerk to attest a new plat titled Oak Ridge South, in the capacity of First Mortgagee, for an affordable housing redevelopment project within the City of Tarpon Springs (Community Development).

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

#15 Final negotiated agreement with Parsons Water & Infrastructure, Inc. for professional architectural/engineering services for South Cross Bayou Water Reclamation Facility UV disinfection system and related improvements (Contract No. 101-0186-NC) approved in the estimated amount of \$2,884,455.00 (total estimated engineering and construction cost, \$22,930,000.00); Chairman authorized to sign the agreement and the Clerk to attest (Department of Environment and Infrastructure/Purchasing).

In response to queries by Commissioners Roche and Welch, Jorge Quintas, Bureau Director, Public Works Operations, discussed the engineering costs, noting that the costs are in line with what the firm is being asked to undertake in order to meet the Department of Environmental Protection (DEP) permit requirements; and Project Manager William Harrington indicated that it is expected that this project will meet any foreseeable DEP requirements; and that the project is budgeted and funded under the Department of Environment and Infrastructure Wastewater Fund account.

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

#16 Cancellation of the Pinellas County Hospital Health Care Services Agreement with Edward White Hospital, Largo Medical Center, Northside Hospital, St. Petersburg General Hospital, and Suncoast Hospital (HCA Affiliated Hospitals) approved for execution (Health and Human Services).

Mr. LaSala indicated that some difficulties have arisen with the agreement with the HCA hospitals; and that the project is no longer needed; whereupon, Health and Human Services (HHS) Bureau Director Gwendolyn Warren indicated that the pilot project was intended to provide additional emergency service assistance for indigent, homeless individuals; that the services at one of the hospitals have not been used as projected; that HHS is in the process of negotiating with its hospital partners for a new healthcare delivery system; and that the funds will be used under the new partnership with the hospitals to fund step-down ambulatory services for those individuals.

In response to queries by Commissioner Roche, Ms. Warren indicated that HCA dropped out of the contractual relationship to be a service provider; and that a full report on the pilot program is not available at this time, but will be provided. She indicated that discussions with the hospitals regarding the HHS service delivery structure will begin soon; that HHS will be asking the Commission for permission to do other pilot programs; and that the funds for the pilot projects come from the General Fund; whereupon, in response to query by Commissioner Seel, Ms. Warren provided information about two items in the Administrator's delegated items list: the \$7.5 million service funding agreement with Bayfront Medical and a \$2.3 million donation agreement.

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

- #17 Interlocal Agreement between the Pinellas County Sheriff's Office and Pinellas County for the Pinellas Safe Harbor project approved providing one-time funding of up to \$210,000.00 in the form of utility costs and granting the use of the Annex II facility at 40,404 square feet of space; Chairman authorized to execute the agreement (Justice and Consumer Services).

Motion	-	Commissioner Welch
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Commissioner Welch noted that the Agenda Memorandum refers to "one-time funding in the form of utility costs," stating that it is important to be clear on the Board's intent with regard to future funding; whereupon, Justice and Consumer Services Director Tim L. Burns related that the intent of the agreement is to codify the Board's discussions in December 2010; that the agreement is retroactive to the opening of the facility in January 2011 and extends through September 2012, in order to capture the full fiscal year; that the agreement amount represents the maximum amount of funding previously agreed to by the Board; and that any requests for additional funding would have to be brought back to the Board.

Chairman Latvala indicated for the record that she expects Pinellas Safe Harbor to continue to operate; and that she does not wish to imply that the County will only provide funding for the Fiscal Year ending September 30, 2012; whereupon, she suggested that the Board take action during the next budget cycle to provide funding on a permanent basis for as long the facility exists.

Commissioner Seel requested that the Sheriff be asked to provide an update to the Board including a report as to savings realized as a result of diverting offenders from the jail to

the Safe Harbor facility, an accounting of contributions by the various cities, and information regarding any increase in crime since the opening of the facility.

Discussion ensued, and Commissioner Bostock requested that staff prepare a single document showing all the money spent by the County on homeless services programs, in order to ensure that the money is being spent in the most effective areas. Commissioner Roche referred to Board discussions at the December meeting, recalling that several members had strongly expressed their intention to provide one-time-only funding; and that the Sheriff had made a commitment that the savings would completely cover the cost of the facility; whereupon, Commissioner Welch stated his understanding that the County would provide no additional cash funding but would continue to make an in-kind contribution by covering utility costs on an ongoing basis; and noted that the Sheriff's report will provide further clarification of the issues.

Second - Commissioner Roche
Vote - 7 – 0

- #18 Authorization granted to advertise a public hearing to be held on November 8, 2011 regarding a proposed ordinance amending Article V, Chapter 86, Sections 86-126 through 86-140 of the Pinellas County Code regarding pain management (Justice and Consumer Services).

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

- #19 Local Arts Agency Transitional Funding Agreement with Creative Pinellas, Inc. approved designating Creative Pinellas, Inc. as the Local Arts Agency, independent of Pinellas County, pursuant to Section 90-143, Pinellas County Code, and providing one-time-only transitional funding in the amount of \$300,000.00; Chairman authorized to sign the agreement and the Clerk to attest (Parks and Conservation Resources).

Commissioner Welch moved that the funding agreement be approved. Commissioner Seel seconded the motion, with the caveat that the business plan be provided to the Board. In response to queries by the members, Mr. LaSala indicated that staff deemed the business plan to be acceptable and appropriate; and that the plan accounts for all of the \$300,000.00, over a period of time. Commissioners Morrone and Bostock expressed frustration that projects labeled one-time-funding-only tend to come back before the Board for additional funding; whereupon, Commissioner Bostock commented that she was pleased that the Creative Pinellas, Inc. first-year plan kept some of the \$300,000.00

in reserve for future years; and agreed that the Board would need an accounting of the money.

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

#20 Other Administrative Matters – None.

#21 Resolution No. 11-170 adopted declaring a portion of County-owned property surplus and authorizing exchange of same for property owned by Richard J. and Jenny Bergeron in settlement of Circuit Civil Case No. 08-019573-CI-015; Chairman authorized to execute and the Clerk to attest the exchange agreement and deed.

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

#22 Consent for Bryant Miller Olive to engage in dual legal representation granted in accordance with the memorandum from County Attorney James L. Bennett dated October 25, 2011.

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

#23 Sitting as the Pinellas County Industrial Development Authority, the Board of County Commissioners adopted Resolution No. 11-171 authorizing certain amendments to the financing documents, the sale, and the conversion of interest rate methodology for the Pinellas County Industrial Development Authority Industrial Development Revenue Bonds (Bovie Medical Corporation Project), Series 2008.

In response to queries by Commissioners Roche and Welch, County Attorney Bennett and Grace E. Dunlap, Bryant Miller Olive P.A., indicated that the changes do not impact the funding dollar figure; and that it is basically a refinancing and the modifications are to accommodate the new lender.

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

#24 County Attorney authorized to settle litigation in the case of Pinellas County versus Verizon, Florida, LLC, Circuit Civil Case No. 10-16961-CI-015 (Verizon to pay Pinellas

County a settlement in the total amount of \$70,000.00); County Administrator authorized to execute the Settlement and Release document.

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

#25 County Attorney Miscellaneous – None.

#26 Initiatives and Projects Report

County Administrator LaSala indicated that two major presentations are planned in the immediate future: (1) consolidation of facilities with the Courts and Constitutional Officers; and (2) an update on the Geographic Information System.

#27 Announcement of a Tax Equity Fiscal Responsibility Act (TEFRA) public hearing to be held at the Board of County Commissioners meeting on November 8, 2011 at 6:30 P.M., on behalf of Clearwater Christian College, 3400 Gulf to Bay Boulevard, Clearwater.

Responding to query by Commissioner Roche, Mr. LaSala confirmed that no Board action is necessary at this time.

#28 Reappointment of Dave Barnes, Craig Brethauer, Paul Renker, Nick DiCeglie, Michelle Helms, and Gary Stempinski, each for a two-year term ending October 31, 2013, to the Pinellas County Economic Development Council approved.

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

#29 County Commission Miscellaneous:

Chairman Latvala queried whether the Board is interested in taking up the issue of on-premise digital signs for businesses; whereupon, following discussion, she directed that the sign ordinances of area cities be obtained and the issue brought before the Board for discussion and possible action.

Chairman Latvala announced the Volunteer Opportunity of the Week.

* * * *

At this time, 4:53 P.M., the meeting was recessed and reconvened at 6:33 P.M. with all members present.

* * * *

Administrator LaSala announced that Planning Director Brian K. Smith will be retiring on November 4 after over 40 years of service to the County; whereupon, the Commissioners joined Mr. LaSala in thanking Mr. Smith for his contributions to the community and wishing him well in his retirement.

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

#30 Ordinance No. 11-42 adopted amending the Pinellas County Land Development Code regarding countywide authority to develop and operate certain County properties denominated as Properties of Countywide Importance (second public hearing). One letter and eleven emails in opposition to the proposed amendment were received for the September 27, 2011 public hearing; three additional letters with two resolutions in opposition have also been received.

Administrator LaSala recommended that the Board adopt the proposed ordinance implementing its authority to control Properties of Countywide Importance, as set forth under Section 2.04, Special Powers, of the Pinellas County Charter; whereupon, County Attorney Bennett indicated that, subsequent to the first public hearing, Managing Assistant County Attorney Jewel White has held conversations with representatives of several cities; and that the ordinance before the Board today incorporates certain changes resulting from those conversations.

Attorney White reviewed various regulatory powers held by the County and cities, noting that the proposed ordinance specifically does not attempt to exercise control over zoning and land use within municipal boundaries; that the County will retain its authority over county roads and major drainage; that city fire departments and fire districts will retain responsibility for fire inspections, as the County does not have a fire department; that the County will be responsible for paying municipal water and sewer service connection fees; and that the transportation fee ordinance contains an exemption for certain government

uses, but other impact fees would be payable by the County to the cities. Referring to those areas that would be impacted by the ordinance, Attorney White related that the County would be responsible for enforcement of land development regulations, primarily through its site plan review process; and that items to be regulated include setbacks, height requirements, floor area ratio, habitat and landscaping requirements, parking requirements, and ingress/egress. She noted that the Florida Building Code requirements are already applied throughout all 25 jurisdictions, and that Code review will be conducted by Pinellas County Building Department staff.

Attorney White reviewed a document titled *Issues Raised in Discussions with Cities*, a copy of which has been filed and made a part of the record, and indicated that:

- › The County will pay municipal connection and impact fees.
- › Fire departments/districts will provide fire inspection and plan review services; the County will pay appropriate fees.
- › The County will review municipal zoning and land use categories and apply the most comparable County standards to the development in order to ensure compatibility with existing neighborhoods.
- › The ordinance has been amended to clarify that intergovernmental coordination will take place prior to review and issuance of any permits.
- › Addressing development concerns on a city-by-city basis would make sense for certain unique areas. The ordinance specifically states that the County would entertain interlocal agreements to govern development of Properties of Countywide Importance; wording has been added to specify that the County would comply with any alternative process established by interlocal agreement.
- › Since the ordinance is intended to apply to future development, it is not possible to list every property that may be developed. The County's schedule of capital improvements can provide guidance as to future projects.
- › The cities have expressed concern that the ordinance might lead to pre-emption of other city ordinances; but the ordinance is very specific in that it relates only to issuance of permits for development of County-owned properties.

In summary, Attorney White recommended that the Board adopt the proposed ordinance, noting that minor changes have been incorporated to address concerns of the cities, although not every modification requested has been made; and reiterated that the opportunity exists to address the concerns of specific communities through interlocal agreements.

Responding to queries by Commissioners Roche and Welch, Attorney White indicated that the revisions are minor in nature and serve only to clarify the original intent of the ordinance; that the power is provided under Pinellas County Charter, but an ordinance has never been passed to exercise it fully, although the Solid Waste Code contains a provision exercising the power; and that it has been implemented informally with many of the cities; whereupon, Attorney Bennett confirmed that the Board had failed to pursue a similar ordinance a number of years ago due to concerns raised by many of the cities; and that many of the changes have been made in response to those concerns.

During discussion and responding to queries by Commissioners Welch and Seel, Attorneys White and Bennett discussed correspondence received from the Cities of Largo and St. Petersburg, copies of which have been filed and made a part of the record, indicating a willingness to continue discussions with the County and proposing the possible revision of fees to put the County in a cost-neutral position. Attorney Bennett indicated that the Board cannot agree to terms that would bind a future Commission; that doing so would be problematic; and that various issues exist beyond those relating to price; whereupon, Administrator LaSala indicated that staff would be happy to engage in continued dialogue with the City of Largo to seek opportunities for collaboration and to work through as many issues as possible regarding the Public Safety Complex.

In response to Chairman Latvala's call for public comment, the following individuals spoke on behalf of their respective cities:

Jeff Danner, City Councilmember, City of St. Petersburg

Mark Winn, Chief Assistant City Attorney, City of St. Petersburg

Rick MacAulay, Planning and Economic Development Department Manager, City of St. Petersburg

Michael Staffopoulos, Assistant City Manager, City of Largo

Alan Zimmet, City Attorney, City of Largo

Councilmember Danner indicated that the City of St. Petersburg had engaged in a seven-year visioning process involving hundreds of meetings with thousands of participants to develop award-winning, accurate land development codes that reflect the wishes of the community; that the City believes it is important to maintain those codes; and that the

October 25, 2011

County should work with them and not exempt itself from what the residents want; whereupon, he submitted Resolution No. 2011-444 of the City Council expressing strong opposition to the proposed ordinance, requesting that the County Commission reject the ordinance, and recommending that it initiate discussions with the cities to establish interlocal agreements that address the concerns of all parties.

Attorney Winn discussed various legal issues of concern to the City of St. Petersburg, expressing the opinion that the Pinellas County Charter does not grant the County the ability to exempt itself from building codes and land regulations; and noting that the list of review processes is more extensive than indicated by Attorney White; whereupon, he urged that the members not adopt the ordinance, noting that the City has offered to help resolve the issues by entering into an interlocal agreement with the County.

Referring to statements by Attorney White, Mr. MacAulay indicated that the City of St. Petersburg does not believe that the County Code or the County zoning compares to the new land development regulations developed as part of Vision 2020; that, while he has not seen a list of properties to be developed, there are likely only a handful of cities that will be impacted; and that the City of St. Petersburg does not believe the ordinance is needed. Referring to Mayor Bill Foster's October 25, 2011 letter to Chairman Latvala, a copy of which has been filed and made a part of the record, Mr. MacAulay indicated that the City is committed to working with County staff on an interlocal agreement under which the City would charge the County the same fees as the County would charge for similar reviews on projects under its jurisdiction.

Assistant City Manager Staffopoulos indicated that the City of Largo is of the strong opinion that it is statutorily obligated to maintain the authority for issuance of permits and regulation of land development within the City; and that the County has developed multiple projects utilizing the City's processes and regulations and has made no complaints regarding the timeliness of the work or the amount of the fees. He expressed concern that the ordinance makes no guarantees to the municipalities regarding opportunities for public input, compatibility of proposed uses with adjacent properties, compliance with environmental and maintenance programs, and the issuance of ancillary permits beyond the boundaries of County-owned property. Indicating that the impetus for the proposed ordinance was a \$205,000 difference between City and County permitting fees, Mr. Staffopoulos stated that the City has proposed alternatives to address the financial differences; that the County appears to have put the proposal on hold; that the City does not believe the County should proceed with the ordinance when alternatives

exist; and that, while the proposed ordinance does not preclude an interlocal agreement, it does not mandate that all opportunities be exhausted.

Noting that he is in agreement with the legal opinions presented by Attorney Winn, Largo City Attorney Zimmet indicated that he has provided the City with a written legal opinion regarding the issue, a copy of which has been filed and made a part of the record. Attorney Zimmet provided an overview of the City's proposal to resolve the issue of the Public Safety project, including a means to make the project revenue-neutral from a permitting fee standpoint; and indicated that, having received no response from the County, the proposal has not been presented to the City Commission for approval, although he is confident they would be agreeable to the process. Attorney Zimmet indicated that adoption of the proposed ordinance would pre-empt the local government's authority for enforcement of the building code; that all permitting would be pre-empted, necessitating interlocal agreements for fire inspection and permitting; and referring to Section 1.4(d) of the proposed ordinance, expressed concern that, regardless of the intent expressed by Attorney White, the ordinance would govern *all* "other County-owned property."

Responding to queries by Commissioners Welch and Roche, Attorney Zimmet discussed the legal mechanism proposed to render the fees revenue neutral; and at the request of Commissioner Bostock, he elaborated on his concerns regarding Section 1.4(d) of the proposed ordinance. Discussion ensued wherein Attorney White indicated that the wording is taken verbatim from the Pinellas County Charter; and that Subsection (d) covers County-owned parks and environmental lands, which are not addressed elsewhere in the document.

Thereupon, Chairman Latvala closed the public hearing, and the members expressed their respective opinions, as follows:

- Commissioner Roche indicated his opinion that the County should exercise the governance authority afforded by its Charter, thereby avoiding the need to deal with the 24 municipalities on a battle-by-battle basis, while allowing the opportunity to address specific issues by interlocal agreement.
- Commissioner Bostock stated that she concurs with statements by Commissioner Roche and will support adoption of the ordinance, but expressed concern regarding inclusion of the phrase "and other County-owned property" in Section 1.4(d).

- › Commissioner Brickfield provided historical background information regarding adoption of the Pinellas County Charter in 1980, indicating that the cities had the opportunity to provide input to the Legislative Delegation; that the issues were fully debated; and that the citizens' intentions were reflected by their overwhelming vote in favor of the Charter.
- › Commissioner Welch stated that he does not support moving forward with the ordinance at this time, noting the need to maintain a positive environment for working with the cities on important issues such as Emergency Medical Services; that it appears the fiscal issues have been resolved and there is no compelling reason to proceed; and that he is in favor of working with the cities to address the issues by interlocal agreement.
- › Chairman Latvala indicated that the County Commissioners represent citizens in the municipalities as well as the unincorporated area; that they would never take actions that would violate the wishes of the community; that County employees ensure compliance with codes and state requirements on a daily basis; that the Board has the right and authority to proceed with the ordinance and should do so at this time; and that the County would work with any city to accommodate specific project-related requests.
- › Commissioner Seel expressed reservations regarding the ordinance, indicating that it would be good to have in place along with direction to staff to pursue interlocal agreements; and that she can see the picture from both sides, questioning how the members would feel if the roles were reversed and expressing uncertainty as to the actions of future County Commissions or Administrators.

Administrator LaSala stated his intention to continue discussions with the City of Largo even if the ordinance is adopted; whereupon, referring to the sentiment expressed by the members, he suggested that the Board adopt the ordinance while going on record to express its intent that the Administration will attempt to secure interlocal agreements; and failing to do so, that the Administrator justify to the Board's satisfaction that good faith efforts were made.

Referring to concern expressed in Mayor Foster's October 25 letter, Commissioner Morroni stressed the importance of public participation in the development process, indicating that a mandatory public hearing would be his No. 1 requirement for inclusion in an interlocal agreement; whereupon, Attorney White related that the cities will be

given notice prior to any action by the County; that the ordinance provides for public notice and public hearings in accordance with County Code; and that interlocal agreements can include requirements for public participation.

Commissioner Morroni indicated that, while he understands the reasoning behind removal of the property list from an earlier version of the ordinance, a list would have helped mitigate some of the angst on the part of the cities; and Attorney White reviewed various considerations pertaining to removal of the list.

Thereupon, Commissioner Roche moved, seconded by Commissioner Bostock, that the Board adopt the ordinance while providing clear direction to staff to make all good faith efforts to negotiate an interlocal agreement with any affected municipality and to provide verification to the Board that such efforts have been made.

Referring to Section 2.1 of the ordinance, Commissioner Bostock suggested that an annotation pertaining to the language of Section 1.4(d) be added. Following discussion with input by Attorneys Bennett and White, Commissioner Seel indicated that, if it is the intent of the Board to modify or “tighten up” the language, the item should be deferred to allow additional staff input and deliberation; and Commissioner Morroni concurred.

Chairman Latvala referred to the motion on the floor, and Commissioner Bostock indicated that her second is without reservation; whereupon, the Chairman called for the vote.

Vote - 4 – 3 (Commissioners Morroni, Welch,
and Seel dissenting)

Responding to comment by Commissioner Bostock, Commissioner Roche noted that the motion was to approve the ordinance with the staff directive; whereupon, Commissioner Bostock clarified that staff is required to seek an interlocal agreement, but not required to obtain it; and Chairman Latvala indicated that, in instances where there is no interlocal agreement, it would be the Board’s decision as to how to proceed.

- #31 Resolution No. 11-172 adopted approving the application of GCR Osprey, LLP, George Zutes Trust, and George P. Stamas Trust through George P. Stamas, Representative, for a change of zoning from RPD-2.5, Residential Planned Development, 2.5 units per acre, and RPD-7.5, Residential Planned Development, 7.5 units per acre, to RPD-7.5, and a Development Agreement; and Ordinance No. 11-43 adopted approving a change in land use designation from Residential Suburban to Residential Urban (Z/LU-1-9-11), re

approximately 6.49 acres (of which 0.79 acre is being amended) located at the northern terminus of Ridge View Road in the unincorporated area of Tarpon Springs.

Twenty-one letters and emails and a petition with 46 signatures in opposition to the application have been received. Sixteen letters and emails in opposition were received in connection with the Local Planning Agency (LPA) hearing. Staff recommended denial of the application based on the recommendation of the LPA.

Referring to an aerial photograph and the zoning and land use map, Planning Department Zoning Manager John F. Cueva pointed out the location of the subject property, described surrounding land uses, and provided historical background information relating to the application. He indicated that the site was before the Board for a zoning change in 2005, at which time the Board entered into a Development Agreement allowing multi-family housing on the westerly portion of the property and five single-family homes on the parcels abutting Lake Tarpon, for a total of 31 units; that the property was never developed due to economic reasons; and that the new buyer also proposes to construct 31 units.

Mr. Cueva displayed the site plan submitted in 2005, as well as the current concept plan, noting that the multi-family units would be disbursed on the westerly portion of the property; that the five buildings next to Lake Tarpon would each contain two units; and that a recent rule change pertaining to Transferable Development Rights (TDRs) limits the amount that can be transferred between land use designations to 25 percent, forcing the applicant to propose a zoning and land use change on 0.79 acre, formerly a road right-of-way, to allow five additional units adjacent to the lake.

Mr. Cueva indicated that the 2005 Development Agreement approved variances allowing a setback of 25 feet from a private roadway, where 35 feet are required; that the current application proposes 23-foot front building setbacks from a private roadway where a sidewalk is located and 19-foot setbacks where there is no sidewalk; and that the proposed agreement amends the previous single-family restriction to allow two units in each of the five buildings located along the lake.

Mr. Cueva related that the LPA had felt the request was not consistent with the Pinellas County Comprehensive Plan based on testimony from residents to the north and south that the previous agreement stipulated five single-family homes. During discussion and responding to queries by Chairman Latvala and Commissioner Morroni, he clarified that staff had recommended approval to the LPA; that the LPA members disagreed,

recommending denial by a vote of 4 to 3; and that staff is presenting the case today on behalf of the LPA.

In response to queries by Commissioner Roche, Mr. Cueva provided additional information regarding TDR requirements, and noted that 31 units will be built on the property regardless of the Board's action today; that approval of the application would increase the density along the lakefront to allow ten units instead of five; that there is a height restriction of 45 feet; and that the developer would be bound to the configuration shown in the concept plan, which is incorporated in the proposed Development Agreement.

Upon the Chairman's call for the applicant, George Stamas, Tarpon Springs, related that GGR Osprey purchased the property a little less than a year ago; that the previously approved site plan includes four- and six-unit buildings and five single-family pads; and that the market has changed drastically in the last five years. Referring to illustrations, he indicated that purchasers are no longer interested in the traditional townhome configuration with exposed garage doors and interior units; and that the intent was to re-plan the property to create a product that looked like a community of large single-family homes.

Mr. Stamas indicated that it is not desirable to mix single-family and townhomes in a small community; that it would be difficult for a homeowners' association to accommodate the needs of all residents; that it could take a long period of time to find purchasers for the single-family lots; and that the density transfer is necessary to accommodate the revised plan; whereupon, alluding to concerns previously expressed by the objectors, Mr. Stamas related that the buffer along the lake is the same size as originally proposed; that the townhome buildings will be smaller than single-family homes, creating additional green space; and that townhomes typically have fewer occupants per unit than large single-family homes, reducing the potential impact to the lake. Responding to queries by Commissioner Roche, he related that the retention pond and other infrastructure elements were completed by the previous owner and have been incorporated into the proposed concept plan.

Responding to the Chairman's call for citizens wishing to be heard, the following individuals appeared and stated their concerns:

D. Michael O'Laughlin, Palm Harbor (displayed photograph and sketch)
Allyson Hughes, New Port Richey

October 25, 2011

Harry B. Turner, Jr., Palm Harbor

Daniel D. Witt, Palm Harbor

Dixie Eklund, Palm Harbor (displayed photographs and sketch; distributed copies)

Susan Proffitt, Palm Harbor

Mr. O’Laughlin indicated that a lot of energy had been invested in the existing Development Agreement; that the neighbors had agreed to many concessions, believing that the agreement was “in stone”; and that lakefront property to the north and south of the subject parcel contains single-family homes; whereupon, he expressed concern that the applicant, an experienced, respected developer in the area, had purchased the property prior to seeking approval of the proposed revisions.

Ms. Hughes expressed her support for the LPA’s recommendation of denial. Messrs. Turner and Witt indicated that they had been under the impression that high-rise condominiums would be built; and that they do not object to the proposed structures. Ms. Eklund’s comments echoed the sentiments of Mr. O’Laughlin.

Referring to the zoning and land use plan and an aerial photograph, Ms. Proffitt pointed out the location of her property and that of single-family lots in the area that have sold, indicating that there are willing buyers, many of whom are empty-nesters. She noted that the area is an estuary, home to bald eagles and other species, located in the Atlantic Fly Zone; and expressed concern regarding the potential environmental impact of the project, citing a recently constructed dock which may require dredging and the potential for additional docks; whereupon, she stated her preference that the subject parcel be returned to its pre-2005 zoning and land use designations.

Responding to comments by the objectors, Mr. Stamas displayed the proposed site plan, indicating that only a small portion of the community will be visible from the public roadway; that the idea behind re-planning the community was to create the impression of large single-family homes; and that he believes the proposed configuration will be a vast improvement for nearby residents as well as those who live within the community.

In closing, Mr. Stamas reiterated that the application proposes the same 31-unit density as is currently approved; that the development will look less intense and more like a single-family community; that the townhome units will be more marketable than single-family homes; that approximately 900 workers will be employed for 18 to 24 months during the build-out; that there will be no change to the buffer; and that the smaller footprint will create additional green space, reducing the impact to the environment.

Commissioner Bostock noted that the neighbors had used the language, “we negotiated, we gave up, and we conceded,” but there was no indication that the community held any property interest at the time.

Responding to queries by the members, Mr. Stamas related that the docks were constructed under the existing Development Agreement; that no additional docks will be allowed under the proposed concept plan; that the docks are to be shared by the community; that each dock will accommodate two boats; that he and his partner have had a few meetings with members of the community; and that they had spoken with them briefly after the LPA meeting to explain their intentions and the benefits of the redesign. In response to queries by Commissioner Roche, Mr. Cueva related that the original Development Agreement is still valid; and that approval of the new agreement would dissolve the original agreement.

Commissioner Roche referred to the TDR issue and expressed concern that the Board would be setting precedent by approving the application. Attorney Bennett and Mr. Smith explained that TDR, or density averaging, has been used in the past; that the only thing different about this request is the change in zoning on the receiving parcel to comply with the new 25-percent restriction; that the number of units and the impact will be the same; and that the only issue is compatibility with the neighborhood. Commissioner Roche pointed out that even though the plan limits construction to 31 units, the zoning change will increase the allowable density by five units per acre; whereupon, he inquired whether criteria will be established to limit the size of the “linking parcel” for future applications. Discussion ensued, and Attorney Bennett indicated that there are no criteria limiting the size of the donating parcel for TDRs, other than a requirement to maintain compatibility with the surrounding area.

Responding to queries by Commissioner Welch, Mr. Cueva confirmed that there is a height limitation of 45 feet, or roughly two stories, which is the same as in single-family zoning districts.

Commissioner Brickfield indicated that the TDR will allow the developer to improve the project; that the density or intensity will not be increased; that the size of the buildings will be reduced; that the buffer will be maintained to protect the environment and maintain the “Old Florida” feel of the area; and that the proposed buildings are attractive; whereupon, he moved that the application be approved.

Second - Commissioner Morrone
Vote - 7 – 0

October 25, 2011

#32 Meeting adjourned at 8:55 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk