

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, JANUARY 19, 2010 – 3:02 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

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

INVOCATION: Rabbi Treiser, Temple B’Nai Israel, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Latvala.

PRESENTATIONS AND AWARDS:

Youth Advisory Committee Presentation.

CITIZENS TO BE HEARD

Lenore Faulkner, Madeira Beach, re Pinellas County Schools.
Largo City Commissioner Curtis Holmes, Clearwater, re annexation – submitted map.
Alan Wilcox, Dunedin, re Pinellas Trail vandalism.
Holly Greening, St. Petersburg, re consortium declaration – submitted list of participants.
Mark Klutho, Largo, re stupidity, waste.
Greg Pound, Largo, re families.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 10 APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 5 AND 6a, WHICH WERE CONSIDERED UNDER ITEM NO. 11.

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

1 Minutes of the regular meetings of December 1 and December 15, 2009 approved.

2 Reports received for filing – None.

3 Vouchers and Bills Paid – Period December 7 through December 11, 2009.

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2308.

Payroll checks numbered 565651 through 565825.

Imprest Fund Expenditures

System checks numbered 986521 through 987185.

ACH Transfers numbered 4095 through 4151.

Wire Transfers numbered 11173 through 11178.

4 Miscellaneous items received for filing:

- a. City of Largo Notices of Public Hearings regarding Ordinances Nos. 2010-16 through 2010-19 to be held January 19, 2010, annexing certain property, together with revised maps regarding Ordinances Nos. 2010-16 through 2010-19, and second revised maps regarding Ordinance No. 2010-18.
- b. City of Pinellas Park Notices of Public Hearings regarding Ordinances Nos. 3714 through 3716 to be held January 28, 2010, annexing certain property.
- c. Pinellas Park Water Management District minutes of Regular Authority Meetings Nos. 1 and 2 dated October 15 and November 19, 2009, respectively.

5 See Item No. 11.

6a See Item No. 11.

6b **PROCUREMENT ITEMS APPROVED BY THE COUNTY ADMINISTRATOR FOR THE QUARTER ENDING DECEMBER 31, 2009 – RECEIVED FOR FILING (COUNTY ADMINISTRATOR)**

<u>CONTRACT NO.</u>	<u>ACTION</u>	<u>COMMODITY</u>	<u>DEPARTMENT</u>	<u>VENDOR</u>	<u>DOLLAR VALUE</u> <u>County Code</u>	<u>AWARD DATE</u>
078-0386-PB (PF)	Change Order No. 1 (Final) – Increase	Installation of Bay Pines Reclaimed Water Main, Project No. 1706	Utilities	Mole Head Construction and Boring, Inc.	\$23,038.00	12/24/09

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090-0130-S (SS)	Purchase Authorization	Telephony Equipment for Public Works Emergency Responders Building	Public Works	Siemens Enterprise Communications, Inc.	246,004.83	12/24/09
090-0030-B (CR)	Change Order No. 1 – Increase	Mechanical Work, STAR Center	Department of Real Estate Management – Young – Rainey Star Center	Bentzel Mechanical, Inc.	13,750.00	12/23/09
078-0007-B (RM)	First and Final Term Extension	Water Meters, Potable/ Reclaimed Water	Utilities	Neptune Technology Group Inc. and Hersey Meters Co., LLC	662,000.00 2-176	12/22/09
067-0383-B (CN)	Name Change	Advanced Traffic Management System Equipment	Public Works	From Advanced Traffic Management System Equipment with Atlantic Scientific Corporation To Cooper Crouse-Hinds MTL, Inc.	N/A	12/18/09
067-0673-B (RM)	Correction to Change and First Term Extension	Parts, Backflow Repair	Utilities	Backflow Apparatus & Valve, d/b/a BAVCO and American Pump & Supply Company, Inc. and Ferguson Enterprises, Inc., d/b/a Ferguson Waterworks	236,486.44	12/17/09

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067-0349-A (DM)	Term Extension	Limerock Bearing Ratio (LBR) Geotechnical Testing Services	Public Works	Driggers Engineering Services, Inc.	N/A	12/17/09
067-0328-B (CN)	Decrease in Funds for Contract Purchase Order	Landscape Installation and Related Maintenance of Belcher Road Sites	Public Works – Operations	Accend, Inc., d/b/a JC Tree and Landscape	(14,224.00)	12/10/09
067-0124-B (CN)	Decrease in Funds for Contract Purchase Order	Landscaping Installation and Related Maintenance of South Area Medians and Separators (Re-Bid)	Public Works – Operations	Vila & Son Landscaping Corp.	(11,250.00)	12/10/09
045-311-B (CN)	Decrease in Funds for Contract Purchase Order	Landscape Maintenance on CR611 Corridor Contract L1: Route Sections 1, 2, & 3	Public Works – Operations	Vila & Son Landscaping Corp.	(20,365.00)	12/10/09
045-262-B (CN)	Decrease in Funds for Contract PO	Landscape Installation & Related Maintenance of North County Area	Public Works – Operations	Vila & Son Landscaping Corp.	(10,075.40)	12/10/09
078-0152-B (CN)	Decrease in Funds for Contract Purchase Orders	Mowing and Related Maintenance of Roadways & Ponds	Public Works – Operations	Peter VROUTOS FLACMS, LLC, d/b/a Commercial Maintenance Services Daniel Kondos Enterprises, Inc., d/b/a Golden Hills Landscaping	(18,213.07)	12/10/09

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078-0508-C (CN)	Change Order No. 3 – Time Only	Walsingham Road Sidewalks & Walsingham Road – 119 th /Old Ridge Road	Public Works	David Nelson Construction Co.	N/A	12/8/09
045-374-P (CLM)	Increase in Funds for Contract Purchase Order	Construction Management Software	Public Works – Operations	Aurigo Software Technologies, Inc. (Aurigo)	10,000.00	12/8/09
089-0535-B (CR)	Increase in Funds for Master Purchase Order	Garbage/Trash Collection Services	Various	Waste Services of Florida, Inc.	15,804.72	12/8/09
089-0471-P (AM)	Approval of Ranking Firms	Emergency Medical Services Study	Public Safety Services Department	Integral Performance Solutions	N/A	12/4/09
056-0507-B (SS)	Change Order No. 6	Equipment, E 9-1-1 Plant & Nortel Private Branch Exchange (PBX)	Public Safety Services Department	Verizon Business Network Services Inc. (Verizon)	N/A	12/4/09
089-0535-B (CR)	Increase in Funds for Master PO	Garbage/Trash Collection Services	Various	Waste Services of Florida, Inc.	5,268.24	12/4/09
045-0789-B (CR)	Name Change	Services, Fire Safety Testing, Inspection, and Certification	Various	From Cintas Corporation No. 2, d/b/a Pye-Barker Fire & Safety, d/b/a Cintas Fire Protection, to Cintas Corporation No. 2, d/b/a Gulfcoast Fire & Safety	N/A	12/4/09
067-0345-C (RM)	Change Order No. 2 – Decrease	Final to North County Reclaimed Water Transmission Main Project No.: 1659	Utilities	Westra Construction Corp	(1,184,486.80)	12/1/09

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089-0459-B (LN)	Name Change	Laser Printing/Direct Mail/Clearing-house Services for Emergency Medical Services	Public Safety Services Department – EMS Division	From Northeast II, Inc. d/b/a TC Specialties to Northeast II, Inc., d/b/a TC Delivers	N/A	12/01/09
034-911-P (RM)	Sixth Amendment	Agreement for Consultant Services, Customer Information System (CIS)	Utilities	Langham Consulting Services, Inc.	N/A	12/01/09
090-0006-IP (CR)	Approval of Ranking of Firms	Services Coordination for Business Resource Network Program	Economic Development	Clearwater Neighborhood Housing Services, Inc. Hispanic Business Initiative Fund of Florida University of South Florida	110,000.00	11/20/09
078-0219-C (CN)	Change Order No. 1 – Final, Decrease	Eagle Lake Park PID No. 625	Public Works	Diaz/Fritz Group, Inc., d/b/a Diaz Fritz Isabel	(711,982.15)	11/20/09
090-0030-B (CR)	Award of Bid	Mechanical Work – STAR Center	Department of Real Estate Management – Young – Rainey Star Center	Bentzel Mechanical, Inc.	136,200.00	11/19/09
089-0405-B (CN)	Award of Bid	Signage, Reflective Sheeting & Sign Faces (Co-op)	Public Works – Transportation	3M Company Osburn Associates, Inc.	127,796.24 Pinellas County 24 Months 138,162.50 Co-op 24 Months 2-176	11/19/09
056-0100-P (LN)	Second and Final Term Extension/ Contract Increase	Temporary Employment Services	Various	Randstad US, L.P. (Randstad)	1,250,000.00 2-176	11/18/09

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067-0365-B (CR)	Increase in Funds for Master Purchase Order	Motors and Parts for Lawn Equipment – Co-op	Various	Wesco Turf, Inc.	7,500.00	11/18/09
034-942-B (CN)	Decrease in Funds – Contract Purchase Order	Landscape Installation and Related Maintenance of Belcher Road from Palmetto Street to Main Street (SR 580) and from Curlew Road to Tampa Road	Public Works – Operations	Vila & Son Landscaping Corp.	(8,557.54)	11/17/09
056-0507-B (SS)	First and Final Term Extension	Equipment, E 9-1-1 Plant & Nortel Private Branch Exchange (PBX)	Public Safety Services Department	Verizon Services, Inc. (Verizon)	800,000.00 24 Months 400,000 12 Months	11/17/09
078-0206-C (CN)	Change Order No. 1 (Final) - Decrease	Park Boulevard Bridge Bascule Span Painting (PID No. 1625)	Public Works	Seminole Equipment, Inc.	(128,300.00)	11/17/09
090-0014-B (SS)	Award of Bid	Computer Hardware, Peripherals, and Services – HP	Business Technology Services	Insight Public Sector, Inc.	605,795.00 36 Months 201,931.67 12 Months 2-176	11/12/09
967-0007-N (SS)	Increase in Contract Purchase Funds and Agreement	Software License Maintenance	Business Technology Services	Oracle USA, Inc.	5,660.76	11/12/09
089-0150-C (DM)	Change Order No. 1 (Final) – Decrease	Intersection Improvements (PID No. 922147)	Public Works	Highway Safety Devices, Inc.	(28,516.59)	11/5/09

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089-0268-B (LN)	Emergency Re-Award of Contract	Janitorial Services, Various County buildings	Various	OJS Systems, Inc. (OJS) American Facility Services, Inc. (AFS)	21,244.80	11/5/07
067-0234-B (CR)	Third Extension	Batteries, Vehicles (Co-op)	Fleet Management	Fisher, Inc.	40,000.00 Pinellas 120,272.36 Co-op	11/2/09
067-0707-P (LN)	Second and Final Term Extension	Answering Service	Convention and Visitors Bureau	Phase V of Southwest Florida, Inc.	180,000.00	11/2/09
034-283-P (AM)	Approval of Funds and Corrective Action	Ambulance Services Agreement	Public Safety Services Department – EMS Division	Paramedics Plus, LLC	240,000.00 2-184	10/30/09
078-0341-C (DM)	Change Order No. 1 – Time Only	Fred Howard Park Bridge Replacements	Public Works	ZEP Construction, Inc. (ZEP)	N/A	10/30/09
089-0541-CP (CR)	Award of Bid	Re-Roof, Waterproofing (STAR Center – Southwest Addition)	Department of Real Estate Management – Young – Rainey STAR Center	Anderson & Shah Roofing, Inc.	128,600.00 2-176	10/27/09
089-0518-P (SS)	Rank and Approval Contract	Insurance Agent – Broker Services	Risk Management	Arthur J. Gallagher Risk Management Services, Inc. and Marsh USA, Inc.	519,000.00 36 Months 173,000.00 12 Months 2-176	10/27/09
089-0075-PB (PF)	Consent to Assignment	Services: Rehabilitation of Sanitary Sewer Tanks – Fat, Oil and Grease (FOG) Facility	Utilities	From Dallas 1 Corporation to Select Environmental Services, Inc.	N/A	10/22/09
089-0268-B (LN)	Suspension of Contract	Janitorial Services, Various Buildings	Various	Intergrated Building Maintenance Service (IBMS)	N/A	10/22/09

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067-0717-B (CR)	Name Change	Herbicides, Insecticides & Other Chemical Products (Co- op) (Re-Bid)	Public Works	From LESCO, Inc. To LESCO, Inc., d/b/a John Deere Landscapes, Inc.	N/A	10/19/09
090-0028-M (CM)	Sole Source Purchase	Software Maintenance and Support: Accela	Business Technology Services	Accela, Inc.	132,087.79	10/19/09
067-0666-C (DM)	2 ND and Final Option of Renewal	Agreement for Public Works Job Order Contracting (JOC) Building Contract (Re- bid)	Public Works	Walbridge Aldinger Company	1,000,000.00 2-176	10/17/09
089-0419-P (LN)	Approval of Final Negotiated Contract	Consultant Services – Energy Efficiency and Conservation	Culture, Education & Leisure	Ecoasset Solutions, LLC	136,035.00	10/17/09
089-0164-C (DM)	Change Order No. 1 – Time Only	Dynamic Message Sign Installation Project No. 1941	Pinellas County	Highway Safety Devices, Inc.	N/A	10/17/09
045-0698-P (SS)	Second and Final Term Extension	Services, Bill Review & Electronic Data Integration System – Medical Billing	Risk Management	Corvel Corporation	140,000.00	10/16/09
078-0289-P (AM)	Second Amendment	Advertising and Promotions Services Agreement	Convention and Visitors Bureau	Birdsall, Voss & Associates (BVK)	967,344.00 2-62(a)(2)	10/13/09

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078-0227-C (DM)	Change Order No. 1 – Final	Advanced Traffic Management System (ATMS) Signal Construction Project No. 743	Public Works	Florida Safety Contractors, Inc.	(316,362.50)	10/12/09
078-0160-S (GG)	Change Order No. 2	Electronic Payment Provider Services, Additional Location	Economic Development	BA Merchant, LLC	12,580.00	10/7/09
089-0409-R (DM)	Rejection of Bids	Sale of Surplus Property – Commercial Parcel – Walsingham Road and Hamlin Boulevard	Department of Real Estate Management	N/A	N/A	10/5/09
045-0789-B (CR)	Second Term Extension	Fire Safety Testing, Inspection and Certification	Various	Piper Fire Protection, Inc. and Cintas Corporation No. 2 d/b/a Gulfcoast Fire & Safety, f/k/a Pye-Barker Fire Safety, Inc	170,000.00	10/5/09
045-470-C (DM)	Corrective Instrument	General Storm Sewer Construction 2005-2006 PID No. 1190	Public Works	David Nelson Construction Co.	(2,163.60)	10/2/09
045-473-P (GG)	Time Extension	Fourth Amendment and Corrective Contract - Real Estate Financial Consulting & Conceptual Campus Planning Services	Department of Real Estate Management	UGL Equis Corporation	N/A	10/2/09

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089-0433-P (AM)	Approval of Ranking and Finalized Agreement	Oral Surgery Services	Health and Human Services	Oral Surgery Specialists (OSS)	200,000.00	10/1/09
089-0488-S (PF)	Purchase Authorization	Tires	Fleet Management	Superior Auto Centers, Inc.	400,547.50 30 Months 160,219.00 12 Months 2-185	10/1/09
078-0516-C (DM)	Change Order No. 2 – Final	Belcher Road ATMS, Stage 1 Project No. 1626	Public Works – Transportation	Highway Safety Devices, Inc. (HSD)	N/A	9/29/09
045-410-P (CLM)	Time Extension Amendment No. 4	Computerized Maintenance Management System	Public Works – Operations	Agileassets Inc.	N/A	9/25/09
090-0004-S (CM)	Purchase Authorization	Telephone Switch Maintenance: Private Automatic Branch Exchange	Business Technology Services	Siemens Enterprise Communications Inc.	294,300.22 2-185	9/20/09
089-0459-B (LN)	Award of Bid	Laser Printing/Direct Mail/Clearing-house Services	Public Safety Services Department – EMS Division	Northeast II, Inc., d/b/a TC Specialties Zirmed, Inc.	186,999.00	9/17/09
089-0521-CP (SS)	Award of Bid	Chiller Upgrade – 14 South Fort Harrison	Utilities	Tampa Bay System Sales, Inc., d/b/a Tampa Bay Trane	207,648.00	9/15/09
089-0432-B (RM)	Award of Bid	Recycling and De-manufacturing Electronics Services	Utilities	Creative Recycling Systems, Inc.	400,000.00 36 Months 133,334.00 12 Months 2-176	8/31/09
067-0083-P (AM)	Time Extension	Homeless Street Outreach Program	Health & Human Service	Directions for Mental Health, Inc and Operation PAR, Inc.	45,149.00	8/25/09

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089-0413-B (CR)	Award of Bid	Roof, Waterproofing (STAR Center – Watson III)	Department of Real Estate Management – Young – Rainey Star Center	Restocon Corporation	106,728.00	8/10/09
089-0342-B (RM)	Award of Bid	Computer Hardware and Software (IBM, EMC, Acronis, Microsoft and Veritas Brands), Purchase and Install	Public Safety Services Department	Big Sur Technologies, Inc.	109,241.99	7/22/09
TOTAL					\$7,696,747.74	

- # 7 Receipt and file of quarterly reports (Management and Budget):
- a. Quarterly Report on Administrative Budget Amendments for the period October 1, 2009 through December 31, 2009 was filed and made a part of the record.
 - b. Quarterly Report on the Law Enforcement Trust Fund – Payments to the Sheriff for the period October 1, 2009 through December 31, 2009 was filed and made a part of the record.
- # 8 Fiscal Year 2010 Board Budget Amendments Nos. 2 and 3 were filed and made a part of the record (Management and Budget).
- # 9a Resolution No. 10-4 adopted supplementing the Fiscal Year 2010 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated grants to the Pinellas County Sheriff’s Office totaling \$2,033,600.00) (Management and Budget).
- # 9b Resolution No. 10-18 adopted supplementing the Fiscal Year 2010 General Fund Budget to appropriate earmarked receipts for a particular purpose (American Recovery and Reinvestment Act Justice Assistance Grant awards in the amount of \$200,000.00 to the Department of Justice and Consumer Services) (Management and Budget).

- #10a Resolution No. 10-19 adopted supplementing the Fiscal Year 2010 General Fund Budget to appropriate unanticipated fund balance in the amount of \$1,542,090.00, as requested by the Sheriff (Management and Budget).

Following approval of the Consent Agenda and in response to query by Commissioner Welch, Assistant County Administrator Mark S. Woodard indicated that the funds will provide some support toward the Fiscal Year 2011 budget, but noted that the funds are one-time in nature, not recurring; and that further information will be provided at the January 26 work session as part of the Budget Forecast item.

- #10b Resolution No. 10-20 adopted supplementing the Fiscal Year 2010 General Fund Budget to appropriate unanticipated beginning fund balance in the amount of \$41,870.00, and transfer to the Culture, Education & Leisure, Cultural Affairs Department budget (Management and Budget).

- #10c Resolution No. 10-21 adopted supplementing the Fiscal Year 2010 General Fund Budget to appropriate unanticipated fund balance in the amount of \$20,000.00 and transfer to the Animal Services Department budget (Management and Budget).

- #11 Items for Discussion from Consent Agenda (County Administrator and Clerk of Circuit Court).

- # 5 Supplemental Agreement No. 4 to the Local Agency Program (LAP) Agreement with the Florida Department of Transportation for the Belcher Road Advanced Traffic Management System/Intelligent Transportation System Project (PID Nos. 1501, 1626, 1810, and 2059) approved moving \$98,060.07 from the construction phase to the design phase for additional design cost (LAP Agreement total remains the same); Chairman authorized to sign and the Clerk to attest.

Responding to queries by Chairman Seel, Director of Public Works and Transportation Peter J. Yauch indicated that the agreement was negotiated using rough cost estimates; that actual costs are higher than anticipated; that the Supplemental Agreement represents a re-proportioning of design and construction costs within the fixed agreement amount; and that additional cost was incurred for conduit traversing the causeway bridge.

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

6a 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>
Building and Development Review Services	First Amendment to Interlocal Agreement with the City of Safety Harbor for Services Provided by the County	N/A	12.29.09
Community Development	Release of Lien (1)	Lien is paid in full.	12.23.09
Community Development	Second Amendment to Pinellas County Community Development Specific Performance Agreement (SPA) with the City of Gulfport for Streetscape Project	N/A – time only	12.29.09
Community Development	(a) Satisfaction of Mortgage (1); and (b) Releases of Lien (1)	(a-b) All liens are paid in full.	12.22.09
Community Development	(a) SPA with Community Service Foundation, Inc. for Housing Services to Applicants in Need of Affordable Rental Housing; (b) Satisfaction of Mortgage (1)	(a) \$14,820.15 in Housing Trust Funds; and (b) Lien is paid in full.	12.1.09
Community Development	Satisfaction of Mortgage (2)	Liens are paid in full.	11.30.09
Community Development	Releases of Lien (2)	All Liens are paid in full.	11.24.09
Community Development	Satisfactions of Mortgage (2)	All liens are paid in full.	10.27.09
Culture, Education and Leisure	Agreement with the School Board of Pinellas County for Teaching Artist Residency Program	\$15,600.00	12.22.09
Culture, Education and Leisure	County Agreement Letter with the University of Florida IFAS Extension (UF) for Support of a Family Nutrition Program	\$31,186.00 grant revenue, plus \$10,480.00 County in-kind match, plus \$24,756.00 UF Extension match for Extension Agent Salary	12.4.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Culture, Education and Leisure	Final Report Grant Report Form with the Florida Department of State, Division of Cultural Affairs for 2008-2009 Support for Heritage Village	N/A	12.1.09
Culture, Education and Leisure	(a) Cultural Development Grant Agreements with Twenty-Six (26) Organizations for Fiscal Year (FY) 2010 Support of Cultural Programming; and (b) Grant Funding Agreements with Thirteen (13) Arts and Cultural Organizations for FY 2010 Project and Programs Designed to Encourage Cultural Tourism	(a) \$79,999.00 total funds awarded; and (b) \$350,000.00 total funds awarded	11.16.09
Culture, Education and Leisure	First Amendment to Agreement with Southwest Florida Water Management District (SWFWMD) for Pop Stansell Stormwater Treatment and Habitat Restoration	\$90,000.00 additional CIP match, plus equal Public Works cash match from MSTU, plus \$70,000.00 CIP Drainage Fund match for project design and sidewalk improvements, plus time extension, and change in scope	10.26.09
Culture, Education and Leisure	Grant Agreement with the National Fish and Wildlife Foundation for Wall Springs Park Ecosystem Restoration Treatment of Invasive Exotic Plants, Installation of Native Plants, and Educational Signage	\$67,650.00 grant revenue, no additional cash match, \$6,200.00 in-kind County match	10.19.09
Economic Development	Application for Land Use Plan Amendment and/or Rezoning with the City of St. Petersburg for the Toytown Site Rezoning	N/A	12.28.09
Environmental Management	Special Magistrate Services Contract with Herbert E. Langford, Jr. for Magistrate Services	\$15,000.00 per year	12.17.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Environmental Management	Lobbying and Litigation Certification for Grants and Cooperative Agreements to Close-Out Documentation Procedures for the Air Pollution Control Assistance Agreement	N/A	12.15.09
Environmental Management	(a) Special Magistrate Services Contract with Harold W. Youmans for Magistrate Services; and (b) First Amendment to Agreement with SWFWMD for Starkey Basin Watershed Evaluation and Management Plan	(a) \$15,000.00 per year; and (b) N/A	12.10.09
Environmental Management	Joint Environmental Resource Permit Application for with the U.S. Army Corps of Engineers and the Department of Environmental Protection with Tampa Bay Watch as Authorized Agent for Weedon Island Oyster Bar Creation Project, Phase II	N/A; \$70,000.00 estimated total project cost to be paid by Tampa Bay Watch	12.2.09
Environmental Management	Third Amendment to Joint Project Agreement with the Florida Department of Transportation (FDOT), District Seven for the Design, Permitting, Construction, Maintenance and Operation of an Alum Treatment System Located at the FDOT Pond at East Oakwood Drive and U.S. 19 in Tarpon Springs	N/A	12.1.09
Environmental Management	2011 Cooperative Funding Initiative Application Form with Southwest Florida Water Management District for: (a) Allen's Creek Watershed Management Plan; (b) Water Quality Studies; and (c) Pollutant Loading Assessment Project	(a) \$125,000.00 requested funds, plus equal County match; (b) \$35,000.00 requested funds, plus equal County match; (c) \$30,000.00 requested funds, plus equal County match	11.24.09
Environmental Management	Amendment No. 2 to the Agreement with State of Florida Department of Environmental Protection for Ambient Air Monitoring Services	\$96,449.00 reimbursement revenue, no County match	10.26.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Environmental Management	Short-Term Facility License Agreements (STFLA) (1)	N/A	10.5.09
Environmental Management	STFLA (1)	\$680.00 estimated revenue	9.22.09
Environmental Management	STFLAs (3)	\$250.00 total estimated revenue	9.15.09
Environmental Management	STFLA (1)	\$30.00 estimated revenue	9.3.09
Environmental Management	STFLA (1)	\$84.00 estimated revenue	8.31.09
Environmental Management	STFLA (1)	N/A	8.17.09
Environmental Management	STFLAs (10)	\$260.00 total estimated revenue	8.10.09
Environmental Management	STFLAs (3)	\$100.00 total estimated revenue	7.15.09
Health and Human Services	Amendment No. 2 to the Agreement with Area Agency on Aging of Pasco-Pinellas, Inc. for Emergency Home Energy Assistance Program for the Elderly	N/A	11.23.09
Health and Human Services	Letter of Agreement with the State of Florida, Agency for Health Care Administration for Medicaid Buy-Back Agreement	N/A	10.20.09
Justice and Consumer Services	Service Funding Agreement (SFA) with Family Resources, Inc. for an Edward Byrne Memorial Justice Assistance Grant for the Community Placement Intake Service Project	\$46,000.00	12.23.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Justice and Consumer Services	(a) SFA with Suncoast Center, Inc. for an Edward Byrne Memorial Justice Assistance Grant for the Jail Diversion Services; and (b) Recovery Act SFA with Operation PAR, Inc. for an Edward Byrne Memorial Justice Assistance Grant (JAG) for Pinellas County Reentry Project	(a) \$20,000.00; and (b) \$200,000.00	12.22.09
Justice and Consumer Services	(a) Certificate of Acceptance of Subgrant Award and Application for Funding Assistance with the Florida Department of Law Enforcement, Office of Criminal Justice Grants (FDLE) for a JAG for Operation PAR and the Pinellas Adult Drug Court to Expand and Enhance Outpatient Substance Abuse Treatment Capacity; and (b) Agreement with the Pinellas County Sheriff and the Town of Belleair for Law Enforcement Services	(a) \$100,000.00 grant revenue, no required County match; and (b) \$29,648.85 revenue	12.17.09
Justice and Consumer Services	Certificate of Acceptance of Subgrant Award and Application for Funding Assistance with the FDLE for the American Recovery Act Justice Assistance JAG for Operation PAR, Inc./Pinellas Reentry Project	\$200,000.00 grant revenue, no required County match	12.15.09
Justice and Consumer Services	(a) Amendment No. 1 to the Funding Agreement with Westcare Gulfcoast – Florida, Inc. for the Operation of Turning Point Licensed Homeless Inebriate Receiving Facility; (b) Interlocal Agreement Renewal with the Pinellas County Sheriff for the Reentry Project; and (c) Certificates of Acceptance of Subgrant Award and Applications for Funding Assistance with the FDLE for JAGs with Family Resources, Inc. for the Community Placement Intake Service Project and Suncoast Center, Inc. for Jail Diversion Program	(a) \$120,000.00 additional funding from ARRA revenue; (b) N/A; and (c) \$66,000.00 grant revenue, (\$46,000.00 Community Placement and \$20,000.00 Jail Diversion Program); no required County match	12.10.09
Justice and Consumer Services	Recovery Act SFA with Brookwood Florida-Central, Inc. for Therapeutic Residential Bed Program	\$46,600.00	12.7.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Justice and Consumer Services	SFA with Pinellas Ex-Offender Re-Entry Coalition, Inc. for the COMPLETE Program	\$60,000.00	12.2.09
Justice and Consumer Services	(a) Three Re-entry Navigator Project Agreements with St. Petersburg Dream Center, Inc., Pinellas Ex-Offender Re-Entry Coalition, Inc., and Kids in Need of Families Offering Love, Kindness and Support, Inc. for the FY 2009 Congressionally Selected, Pinellas Reentry Project; (b) Certificate of Acceptance of Subgrant Award and Application for Funding Assistance with the FDLE for the American Recovery Act Justice Assistance Grants for Brookwood Florida-Central, Inc. Therapeutic Residential Bed Program; and (c) Traffic Law Enforcement Agreement with East Lake Woodlands Community Association, Inc. and the Sheriff for Law Enforcement Services for Eastlake Woodlands; and (d) Recovery Act SFA with Pinellas Ex-Offender Re-Entry Coalition, Inc for the Pinellas County Re-Entry Expansion Project	(a) \$60,000.00 each; (b) \$46,600.00 grant revenue, no County match required; and (c) \$13,000.00 estimated annual revenue; and (d) \$80,000.00	12.1.09
Public Safety Services	Change Order No. 09-001 with Motorola Inc. for Nextel Rebanding Phase 2	N/A	12.8.09
Public Safety Services	Subrecipient Agreement with the State of Florida, Department of Financial Services for Expenditure of Local Government Unit Funding for Florida	\$56,785.00 total estimated reimbursement revenue	10.1.09
Public Works	Joint Project Agreement with the City of Clearwater for Utility Installation by Contractor for Dansville Redevelopment Area Phase III	\$42,200.00	12.24.09
Public Works	Correspondence with the FDOT for a Time Extension of County Incentive Grant Program Agreements for Field Hardware Replacement Traffic Control Signal System Project	N/A – time only	12.15.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Public Works	Interlocal Agreement with Pinellas Park Water Management District for Purchase of Property in the Lealman Area to Construct Drainage Improvements	\$187,500.00 for reimbursement of 50% of property purchase cost	12.10.09
Public Works	Correspondence with FDOT for a the Local Agency Program Agreement for Walsingham Road Sidewalk Project from 119 th Street North to Seminole Boulevard	N/A – time only extension	12.1.09
Real Estate Management	License Agreement with the Pinellas Suncoast Transit Authority for Continued Use of Leased Premises, Terminating Existing Agreement for Parking Devices, and Adding Updated Language that Changes the Fee Split 50%/50% Level, Defines Maintenance Responsibilities, and Adds Additional Consideration for a Proposed Crosswalk Adjacent to Premises in the Town of Redington Shores	N/A	12.24.09
Real Estate Management	Distribution Easement with Florida Power Corporation, d/b/a Progress Energy Florida, Inc. for Installation of a Power Line for Street Lighting in an Overflow Parking Area at Sunderman Complex	N/A	12.22.09
Real Estate Management	Acceptance of Various Easements (6)	N/A	12.8.09
Real Estate Management	Lease Agreement with The S.M. Stoller Corporation for Rental Space at the Young – Rainey STAR Center, Commencing December 1, 2009	\$278.05 monthly rental revenue	12.4.09
Real Estate Management	Correspondence with the Department of Agriculture & Consumer Services, Division of Forestry for Lease Renewal of Booker Creek Forestry Site	N/A	11.13.09
Utilities	Joint Participation Agreement Amendment No. 2 with the FDOT for Bridgeway Acres Landfill Slurry Wall Relocation Project	N/A; clarification of disposal pricing and establishment of billing procedures	11.13.09

Chairman Seel indicated that she would like more information on the Teaching Artist Residency Program (Culture, Education and Leisure); that she would like an update regarding Bear Creek Capital's progress pertaining to the Toytown site (Economic Development); and referring to the Interlocal Agreement with the Pinellas Park Water Management District (Public Works), she questioned the County's 50-percent participation in the property purchase cost.

Following discussion with input by Mr. Yauch, Commissioner Brickfield moved, seconded by Commissioner Welch, that the item be deferred pending provision of additional information regarding the land purchase agreement.

Vote - 7 - 0

Later in the meeting, Commissioner Morrone referred to the Interlocal Agreement and related that the County had purchased the property for a retention pond; that the District agreed to reimburse the County for half the cost, as the pond will benefit both parties; that the work to be provided by the County is stipulated in the agreement; and that he had not been present at last month's District meeting when the matter was discussed.

Thereupon, Chairman Seel requested that Item No. 6a be reconsidered for approval at this time.

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

- #12 Authorization granted to advertise a Tax Equity Fiscal Responsibility Act (TEFRA) public hearing to be held at the Board of County Commissioners meeting on February 16, 2010, for issuance of not to exceed \$3,000,000.00 in Pinellas County Industrial Development Authority Industrial Revenue Bonds on behalf of Family Resources, Inc. (Economic Development).

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

- #13 Declaration of the Tampa Bay Nitrogen Management Consortium to implement the 2009 Reasonable Assurance Addendum for Nitrogen Load Allocations to Tampa Bay approved (Environmental Management).

In response to query by Commissioner Bostock, Director of Environmental Management William M. Davis indicated that the County had taken this opportunity to join with the communities and industries in the Consortium to come to an agreement on allocations among the entities in order to meet Total Maximum Daily Load (TMDL) nitrogen loading requirements for Tampa Bay for the period of 2008-2012; whereupon, he introduced Kelli H. Levy, Department of Environmental Management Watershed Management Division Director, who provided information on how the allocations were determined, noting that the County's allocation for stormwater is variable based on rainfall; that the allocation is calculated as a percentage of the whole, rather than a fixed number; and that Pinellas County is currently in compliance with the loads specified in the Reasonable Assurance document.

Mr. Davis noted that the County's allocation is based on its load during the 2003 to 2007 time frame, which was in compliance; and responding to additional query by Commissioner Bostock, indicated that he is of the opinion that the County's allocation is fair; that Utilities Director Tom Crandall and Director of Engineering and Transportation Peter J. Yauch participated in the discussions and are satisfied with the allocation; that sewage treatment plant permits have been obtained; and that, had the County not participated as part of the Consortium, it could have been subject to more stringent requirements; whereupon, Ms. Levy noted that the team approach is much more cost effective than working with the authorities on an individual basis.

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

- #14 Resolution No. 10-22 approved rescinding Pinellas County Resolution No. 08-110, bringing negotiations under the Interlocal Service Boundary Agreement Process in Chapter 171, Part II, of the Florida Statutes to an end (Planning).

Mr. LaSala indicated that the County will be working with individual cities to seek annexation agreements on a city-by-city basis; and responding to queries by Commissioner Welch, explained that some cities have indicated general agreement, with modest issues to be resolved; that some have indicated agreement with boundaries proposed during the negotiation process; and that staff will meet with those cities where no agreement has been reached to try to find common ground. He stated that there are no annexation boundaries at the present time, and in the absence of an agreement with

certain cities, they will continue to operate under Florida state law with regard to annexation.

Vote - 7 – 0

Following the meeting, it was determined that no motion and second preceded the vote; therefore, the item will appear on the February 2, 2010 meeting agenda for confirmation of the approval and adoption of the resolution.

- #15 First amendment to the lease agreement with Workman Properties, Inc. for the Clerk of Court Print Shop approved decreasing the annual rent effective July 1, 2009 from \$158,308.00 (\$10.92 per square foot) to \$131,923.33 (\$9.10 per square foot), changing the term effective July 1, 2009 to a two-year term with two additional six-month renewal options, and changing the addresses for both parties required under the Notices provision of the lease; Chairman authorized to execute the amendment and the Clerk to attest (Real Estate Management).

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

Responding to query by Chairman Seel regarding the possibility of renegotiating additional property leases, Mr. LaSala indicated that staff will address the issue as part of upcoming discussions with the Board regarding the proposed space consolidation plan.

- #16 Other Administrative Matters – None.

- #17 County Attorney authorized to defend the case of Frances M. Cote versus Pinellas County, Florida, a political subdivision of the State of Florida, Pilot Construction Technology, Inc., a Florida Corporation – Circuit Civil Case No. 09-0021995CI-021 – Allegations of Negligence Resulting in Personal Injuries.

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

- #18 County Attorney authorized to initiate litigation in the case of Pinellas County, a Political Subdivision of the State of Florida versus Flightshops, Inc. – Refusal to Vacate Pinellas County Property.

Motion - Commissioner Harris
Second - Commissioner Welch

Responding to queries by Commissioner Brickfield, Chief Assistant County Attorney Dennis R. Long provided information relating to the statute governing residential and nonresidential leases, specifically holdover tenants; and Airport Real Estate Properties Manager Robert G. Humberstone provided a historic overview of the landlord/tenant relationship with Flightshops, Inc.

Vote - 7 – 0

#19 County Attorney Miscellaneous – None.

#20 First Amendment to the Novell Master Software License and Support Agreement with Softchoice Corporation (Contract No. 056-0752-B) approved; no additional funds required; Chairman authorized to sign the Addendum to the Master License Agreement and the Clerk to attest.

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

#21 County Administrator Reports – None.

#22 Reappointment of Robert P. Symanski to the Value Adjustment Board approved.

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

#23 Appointment of Commissioner Kenneth T. Welch as an alternate to the Tampa Bay Area Regional Transportation Authority Board of Directors approved.

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

#24 County Commission Miscellaneous:

- a. Commissioner Morrone provided additional information re Agenda Item No. 6a; extended his congratulations to Commissioner Welch on a recent feature article in *The Power Broker Magazine*; and announced that his annual Law Enforcement Dinner will be held on Friday, January 29, 2010, at the Hilton St. Petersburg Carillon Park at 6:00 P.M.

b. Commissioner Harris thanked Director of Public Works and Transportation Peter J. Yauch for addressing the Youth Advisory Committee; and provided a water conservation tip.

* * * *

At this time, 3:58 P.M., the meeting recessed and reconvened at 6:30 P.M., with all members present.

* * * *

PRESENTATIONS AND AWARDS (continued):

Certificate presented to the Countryside Junior Cougar Varsity Midgets in recognition of an outstanding season.

#25a Resolution No. 10-23 adopted appropriating unanticipated fund balance in the Fiscal Year 2010 Emergency Medical Services Fund Budget. No correspondence has been received. No citizens appeared to be heard.

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

#25b Resolution No. 10-24 adopted appropriating unanticipated fund balance and realigning appropriation in the Fiscal Year 2010 Business Technology Services Fund budget. No correspondence has been received. No citizens appeared to be heard.

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

#26a Resolution No. 10-25 adopted approving the application of Ashwinkumar C. Shah for a change in zoning from RM-10, Residential, Multiple Family District, 10 units per acre, and P-1, General Professional Office District, to P-1, General Professional Office District (Z-1-12-09), re a parcel of land containing approximately 0.76 acre of which 0.19 is being amended to P-1, located 250 feet south of Roosevelt Boulevard and 150 feet east of Michigan Drive, Clearwater (street address: 6358 Roosevelt Boulevard). Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard.

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

#26b Resolution No. 10-26 adopted approving the application of Scott Cook for a change of zoning from M-2, Heavy Manufacturing and Industry, to M-1, Light Manufacturing and Industry (Z-2-12-09), re a parcel of land containing approximately 0.44 acre located 300 feet east of 12th Street Southeast and lying 400 feet south of Donegan Road, Largo (street address: 792 12th Street Southeast). Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard.

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

#26c Application of the City of Tarpon Springs through Arlena Dominick for a conditional use to allow an underground well site and a variance to allow well site use on less than 7,500 square feet of land area (CU-3-12-09), re approximately 0.06 acre located on the east side of Old Dixie Highway, 133 feet north of July Drive, denied. Local Planning Agency recommended approval of the application; staff recommended approval of the application based on the Local Planning Agency (LPA) Report, subject to the following conditions:

1. No exterior storage of machinery or equipment shall be permitted.
2. The "well area" shall be enclosed with a six-foot high chain link fence.
3. The fenced area shall be landscaped along the sides and rear by vegetation in keeping with the landscape ordinance of Pinellas County.
4. The well pump shall be submerged (below ground).
5. The site shall be unmanned and only visited for periodic inspection or maintenance.
6. Appropriate site plan review.
7. If the site is lit, lighting shall be at a minimum and shall be shielded from adjacent residences.
8. In the event that the above conditions are not met, the board shall reserve the right to rescind the conditional use permit.

No correspondence has been received.

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Planning Department Zoning Manager John F. Cueva referred to an aerial photograph and the zoning and land use map, pointed out the subject property, and indicated that the entire area is designated Residential Urban. He provided an overview of the application and related that staff reviewed the request subject to the standards set forth in the Land Development Code and recommends approval of the application based on the Local Planning Agency report, a copy of which has been filed and made a part of the record.

Responding to queries by Commissioner Latvala, Mr. Cueva related that the two members of the LPA who were opposed to approval of the application had concerns with the adverse affect water extraction may have on adjacent property owners; and that the City of Tarpon Springs has indicated that there will be a mitigation plan in place if the application is approved.

Tarpon Springs City Attorney James Yacavone stated that the City agrees to all conditions set forth by staff; provided information relative to the mitigation required by Southwest Florida Water Management District (SWFWMD); related that studies performed by the City of Tarpon Springs show that there is a minimal chance of any adverse effects due to the sinking of the well; and noted that the City will promptly mitigate any adverse effects that occur. He provided information on the SWFWMD mitigation requirements, noting that SWFWMD is contributing \$20 million to the project; and related that the well field extends over a two square-mile area and will consist of between 20 and 25 well sites drawing 150 to 300 gallons per minute for each well; whereupon, in response to queries by Commissioner Latvala, engineering consultant Michael Carballa, Camp Dresser McKee, indicated that each well could pump between two and four million gallons per day; and that the system will not be stressed because operation of the wells will be rotated.

Responding to comments by Commissioner Harris, hydrogeologist David Wiley related that in coastal areas small capacity wells are preferred; that the recent sink holes and dried up wells were created by farmers running large capacity wells constantly in order to save their crops; and that the draw down for these wells would only be between two and three feet, which does not compare with the situation causing the recent sink holes in the Dover area.

Referring to a graphic representation of a cross-section of the ground water system in Tarpon Springs, Mr. Wiley indicated that test wells confirm that a clay confinement layer is present and will serve to minimize the potential for sink holes; and Mr. Yacavone

noted that as a condition of the site plan, the City will have to perform specific sink hole studies at the well site.

In response to queries by the members, Mr. Yacavone related that three of the proposed wells are located in the county and each will need approval for a conditional use; that the object of drilling 25 wells is to disburse the pumping capacity throughout the well field; and that the well sites in the City have all been purchased or obtained; whereupon, Mr. Carballa pointed out the location of each of the well sites; and provided information regarding the progress the City has made in obtaining the various permits required for the project, noting that he is confident that all permits will be granted.

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared, expressed their opinions, stated their concerns, and responded to queries by the members:

Cindy Adams, Tarpon Springs
Carol Mountain, Tarpon Springs
Skip Mountain, Tarpon Springs
Thomas Palisi, Tarpon Springs
Maryellen Sondgerath, Tarpon Springs
Cherlyn Fletcher, Tarpon Springs
Glenn Fletcher, Tarpon Springs
Peter Hagicostas, Tarpon Springs
Joanne D'Angelo, Tarpon Springs
Larry Crow, Tarpon Springs

Responding to concerns raised by the objectors, Mr. Yacavone indicated that all of the pertinent data is being reviewed by SWFWMD; that SWFWMD will decide whether the City gets the water use permits; that the well will have an 18-inch case, but will be a 10-inch well; that a City representative met at length with Skip and Carol Mountain to discuss their concerns; and that the City will have to perform a specific sink hole study on the property and provide mitigation, if necessary; whereupon, he requested that approval of the application be granted.

In response to queries by Commissioner Welch, Mr. Yacavone indicated that while six of the sites are within the County, three of them can operate without a conditional use approval because they are in nonresidential areas; that the property is currently vacant land; and that it was purchased by the City on October 31, 2009; whereupon, City of Tarpon Springs Land Acquisition Project Manager Arlena Dominick provided

information relative to the locations and purchases of the various well sites; and indicated that City staff is currently working through the approval process for proposed well sites.

The City's representatives responded to the concerns of the members regarding the location of the proposed well site; provided additional information relating to mitigation measures required by SWFWMD; indicated that the variance is necessary because the conditional use is only requested for a part of the property; and stated that the application was structured in such a way to provide reassurance to the surrounding property owners.

Responding to queries by Commissioner Brickfield and Chairman Seel, Attorney Long and Mr. Cueva provided information relative to the standards which must be met in order to obtain conditional use approval; related that approval of a conditional use does not have to be granted simply because the applicant meets those standards; and indicated that the County cannot require that additional conditional language be added to a permit granted by SWFWMD.

During discussion and in response to queries by Commissioner Bostock, Mr. Cueva suggested that the recommendations made by the LPA be incorporated into any approval granted; and provided information on current notice procedures. Following further discussion wherein the members expressed their concerns regarding the location of the well site and the possible adverse impact on adjoining property owners if a sink hole should occur, Commissioner Morrioni moved, seconded by Commissioner Latvala and carried, that the application of the City of Tarpon Springs for a conditional use to allow an underground well site and a variance to allow well site use on less than 7,500 square feet of land area be denied.

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

* * * *

At this time, 8:15 P.M., Commissioner Latvala left the meeting.

* * * *

26d Application of Jim Purdue for a Conditional Use to allow the raising of chickens in conjunction with egg and chicken production in an A-E, Agricultural Estate, zoning district (CU-5-3-09), re a parcel of land containing approximately two acres located on

the east side of Baldwin Road lying north of Hermosa Drive, Palm Harbor denied without prejudice. Staff recommended denial without prejudice of the application based on the Local Planning Agency Report. No correspondence has been received. Earlier correspondence submitted for the Local Planning Agency hearing held June 11, 2009 includes one letter and a petition containing 24 signatures in opposition to the application. No citizens appeared to be heard.

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

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At this time, 8:16 P.M., Commissioner Harris left and Commissioner Latvala returned to the meeting.

* * * *

#27 Ordinance No. 10-06 adopted regulating landscape maintenance practices and the use of fertilizers containing nitrogen and/or phosphorus within Pinellas County. Staff recommended approval of the proposed ordinance. Correspondence received includes a document titled *Pinellas County Fertilizer Briefing Packet*, 39 email messages and letters, and a petition signed by 503 citizens, (452 of whom have also submitted email messages or letters) in support of, and 46 email messages and letters in opposition to the proposed ordinance.

Managing Assistant County Attorney Jewel While Cole provided background information relative to Senate Bill 494; indicated that local governments with impaired waters are required, at a minimum, to adopt the model ordinance developed by the state; and related that certain local governments are permitted to adopt an ordinance containing more stringent conditions if they meet certain criteria as set forth in the statute.

* * * *

At this time, 8:19 P.M., Commissioner Harris returned to the meeting.

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Ms. Cole indicated that the local government must consider input from the Florida Department of Environmental Protection (FDEP), the University of Florida Institute of Food and Agricultural Sciences (IFAS), and the Florida Department of Agriculture and Consumer Services with regard to the need for more stringent conditions; and that documents relative to this scientific information have been filed with the Clerk and made a part of the record.

Ms. Cole stated that the proposed ordinance is written as a countywide ordinance; that if a city chooses to adopt its own ordinance, the provisions of that ordinance would prevail; and that although there is no controlling precedent in Florida for the ban on retail sales of fertilizer as contained in the proposed ordinance, staff is comfortable that the courts would be persuaded by the fact that the ordinance is not intended to restrict commerce, but is intended to preserve water quality.

Department of Environmental Management Watershed Division Director Kelli H. Levy provided a review of the scientific information contained in the comprehensive program documents submitted for the record, including budgetary information, information regarding the implementation of numerous programs as required through the National Pollutant Discharge Elimination System Permit, and information relative to the programs conducted by the Department of Environmental Management and various other County departments which relate to the protection of surface and ground water, as well as water quality improvement.

Department of Environmental Management Director William M. Davis provided a review of the proposed ordinance, including the definitions of terms and an explanation of various provisions, and information on three minor corrections to be made; whereupon, responding to query by Commissioner Welch, he indicated that the proposed ordinance is consistent with the ordinance being proposed by the City of St. Petersburg; and that City of St. Petersburg staff has indicated that it would abide by the provisions of the proposed County ordinance if it is adopted; and Ms. Levy indicated that the City of Gulfport has also indicated it would accept the terms of the proposed County ordinance. Discussion ensued wherein Mr. Davis provided information relative to the definition of slow-release fertilizer products; and Ms. Levy provided a comparison of the State's model ordinance and the proposed County ordinance.

In response to the Chairman's call for persons wishing to be heard, Tom Hillyer, Tampa, appeared, indicated that he is undecided relative to the proposed ordinance, and offered his comments.

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In response to the Chairman's call for persons wishing to be heard in support of the proposed ordinance, the following individuals appeared:

Brandy Love Reid, Safety Harbor
Douglas Don Hickman, Redington Shores
Rodger Silvers, Seminole
Joyce Walters, Sr. Petersburg
Holly Greening, St. Petersburg
Chris Costello, Sarasota
Michael Manlowe, St. Petersburg
Kira Barrera, Clearwater
Emmanuel Raux, St. Petersburg
Robin Baldwin, Clearwater
Jan Allyn, Largo
Joe Murphy, Dade City
Philip Compton, St. Petersburg
Mike Flanery, Clearwater
Cathy Harrelson, St. Petersburg
Terrie Weeks, St. Petersburg
Patricia Kiesylis, St. Petersburg
Rebecca Falkenberry. St. Petersburg
Early Sorenson, Dunedin
Allen Hunter, St. Petersburg
Gerri Raymond, Clearwater

In response to the Chairman's call for persons wishing to be heard in opposition to the proposed ordinance, the following individuals appeared and stated their concerns:

Chris Wible, Columbus, Ohio
Dan Gerber, Orlando
Richard C. Carroll, St. Petersburg
Patrick K. Dugan, St. Petersburg
G. Prentice Dort, Largo
Travis M. Hansen, Tampa
Peter Eells, Dunedin
Tom Creshaw, Lutz
Mike Janus, Largo
Joe Welch, Casselberry
Patrick Corbett, Clearwater
Michael Beckers, Tamarac
Mary Hartney, Winter Haven
Patrick McDonald, Palm Harbor
Barry Troutman, Orlando

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Alex Kocher, Tampa
Joseph Amarosa, Wesley Chapel
John Amarosa, Odessa
Erica Santella, Sorrento
Jayme Atchley, Sarasota
Mark Lantane, Odessa
Ed Sleyzak, Odessa
John Cornelius, Odessa
Brian Niehaus, St. Petersburg
Joe Pazourek, St. Petersburg
Debby Laramée, Gulfport
Caela M. Paioff, Clearwater
Steve Meeker, New Port Richey
Richard Bareg, New Port Richey
Tom Fields, Venice
Brent Davis, Riverview
Darius R. Dennis, Parrish

During discussion and in response to queries by Commissioners Morroni and Harris, Mr. Davis discussed the reasons for setting the effective date to begin the ban on retail sales of fertilizer on May 1 and the restricted season on June 1; whereupon, he agreed that the May 1 date for the ban of retail sales should be amended to June 1. Responding to queries by Commissioner Brickfield, Mr. Davis related that there is no science supporting the restrictive season, but there is a conclusion reached in IFAS Publication SL21, *General Recommendations for Fertilization of Turfgrasses on Florida Soils*, by J.B. Sartain, that this restriction will decrease the amount of nitrogen put down in the County and create less leeching into the ground water.

Referring to comments by Commissioner Welch regarding the education of point-of-sale retail distributors and the general public, Mr. Davis related that County staff is capable of covering the education and enforcement for those operations; and that it is expected that the public education campaign will be handled by IFAS and through the Estuary Program. Discussion ensued wherein Commissioners Latvala and Morroni and Chairman Seel expressed their support for the proposed ordinance; and Commissioner Bostock expressed her concerns relative to the lack of an existing comprehensive program.

Thereupon, Commissioner Latvala moved, seconded by Commissioner Welch, that the proposed ordinance regulating landscape maintenance practices and the use of fertilizers containing nitrogen and/or phosphorus within Pinellas County be adopted, as amended.

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During additional discussion and in response to query by Commissioner Brickfield, Attorney Long related that there is substantial science or data on the record to support the adoption of the proposed ordinance; and responding to query by Commissioner Morroni, the maker of the motion confirmed that it includes the three minor revisions noted by Mr. Davis during discussion and the change in date to June 1 for the ban of retail sales; and the seconder concurred.

Thereupon, upon call for the vote, the motion carried 6 to 1, with Commissioner Bostock dissenting.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	6 – 1 (Commissioner Bostock dissenting)

#28 Meeting adjourned at 11:40 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk