

**BOARD OF COUNTY COMMISSIONERS MEETING  
TUESDAY, AUGUST 4, 2009 – 9:29 A.M.  
ASSEMBLY ROOM, FIFTH FLOOR  
315 COURT STREET, CLEARWATER, FLORIDA**

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

**Late Arrival:** Nancy Bostock.

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

**INVOCATION:** Reverend Louis Murphy, Mount Zion Progressive Baptist Church, St. Petersburg.

**PLEDGE OF ALLEGIANCE:** Commissioner Seel.

**PRESENTATIONS AND AWARDS:** None.

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

**SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS (BCC)**

# 1 Resolution No. 09-91 adopted amending the Development Order for the Trinity Communities Development of Regional Impact (Resolution No. 89-512) as per staff recommendation; Board determined that the amendment does not constitute a substantial deviation from the Development Order. No correspondence has been received. No citizens appeared to be heard.

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

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Commissioner Bostock entered the meeting at 9:33 A.M.

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**COUNTYWIDE PLANNING AUTHORITY (CPA) PUBLIC HEARINGS**

# 2a Ordinance No. 09-48 adopted approving Case No. CW 09-17, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential/Office General to Commercial General, re 0.4 acre m.o.l., located at the southeast corner of 46th Avenue North and 79th Way North (subthreshold amendment). Pinellas Planning Council recommended approval of the proposed amendment and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

# 2b Ordinance No. 09-49 adopted approving Case No. CW 09-19, the proposal by the City of Largo to amend the Countywide Future Land Use Plan from Residential Medium to Residential/Office General, re 0.6 acre m.o.l., located at 1460 East Drive and an adjacent parcel to the east (subthreshold amendment). Pinellas Planning Council recommended approval of the proposed amendment and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

# 3 Ordinance No. 09-49 adopted approving Case No. CW 09-18, the proposal by the City of Largo to amend the Countywide Future Land Use Plan from Residential Medium and Preservation with Water/Drainage Feature Overlay to Commercial General and Preservation with Water/Drainage Feature Overlay, re 1.6 acres m.o.l., located at 2174 and 2180 62nd Street North (regular amendment). Pinellas Planning Council recommended approval of the proposed amendment and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

**CITIZENS TO BE HEARD**

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

**CONSENT AGENDA ITEMS NOS. 4 THROUGH 23 – APPROVED WITH THE EXCEPTION OF ITEMS NOS. 5b, 5e, 9b, 10, 12, 17, and 23, WHICH WERE CONSIDERED UNDER ITEM NO. 24.**

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

# 4 Minutes of regular meeting of July 7, 2009 approved.

# 5 Reports received for filing:

- a. City of Dunedin Comprehensive Annual Financial Report and the Single Audit Report for the Fiscal Year ending September 30, 2008.
- b. See Item No. 24.
- c. City of Safety Harbor Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2008.
- d. City of South Pasadena Comprehensive Annual Financial Report for the year ended September 30, 2008, together with Auditor's Letter regarding South Pasadena Fire Department.
- e. See Item No. 24.
- f. Public Risk Management of Florida Intergovernmental Cooperative Agreement for the Towns of Belleair and Kenneth City, and the Cities of Gulfport, Safety Harbor, South Pasadena, Indian Rocks Beach, and St. Pete Beach for the provision of insurance, together with an Affidavit of Authenticity.
- g. Dock Fee Report for the month of June 2009.
- h. Quarterly Report of Routine Dock Permits issued from April 1, 2009 through June 30, 2009.

# 6 Vouchers and Bills Paid – Period June 22 through June 26, 2009:

Payroll Journal Expenditures  
Payroll Journal page numbers 1 through 2392  
Payroll checks numbered 563116 through 563320

Imprest Fund Expenditures  
System checks numbered 970204 through 971025

ACH Transfers numbered 2776 through 2808

Wire Transfers numbered 011007 through 011013

- # 7 Miscellaneous items received for filing:
- a. Notice of Amendment to the Clearwater Community Development Code re Ordinance No. 8044-09; public hearing to be held September 3, 2009.
  - b. City of Pinellas Park Notice of Public Hearing regarding Ordinances Nos. 3686 and 3688 annexing certain property and No. 3689 correcting a scrivener's error in a zoning classification for a certain parcel of land; public hearings held July 23, 2009.
  - c. Pinellas Park Water Management District minutes of Regular Authority Meeting No. 8 dated May 21, 2009.
- # 8 Plats, Guaranties, Sureties, and Agreements:  
Harbor Ridge of Palm Harbor – plat accepted and approved for recording; private street sign installation guarantee and sidewalk guarantee from GGR Harbor Ridge, LLP accepted for recording.
- # 9a Award of bid to Econolite Control Products, Inc. for Traffic Controller Assemblies – ATMS (Contract No. 089-0420-B) approved on the basis of being the lowest responsible, responsive bid received; 12-month contract with two 12-month extension options; pricing to be held firm for the initial contract period; term extensions allow for price adjustments in an amount not to exceed the average of the Producer Price Index for Vehicular and Pedestrian Traffic Control Equipment, PCU 3342903342902, Not Seasonally Adjusted, for the 12 months prior to extension. Price adjustments and term extension options are contingent upon availability of funds and approval by the County Administrator; total estimated annual expenditure is not to exceed \$800,000.00.
- # 9b See Item No. 24.
- #10 See Item No. 24.
- #11 Acceptance of a Notice of Grant Award from the United States Department of Health and Human Services, Health Resources and Services Administration, approved providing one-time Capital Improvement Project grant funding in the amount of \$327,175.00 for replacement of the Mobile Medical Unit van (estimated replacement cost is \$400,000.00; remaining balance, estimated at \$72,825.00, to be provided from the Fleet Vehicle Replacement Fund) (Health and Human Services).
- #12 See Item No. 24.

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- #13 Recommendation of the Substance Abuse Advisory Board for distribution of \$1,962,437.00 in Edward Byrne Memorial Justice Assistance Grant, American Recovery and Reinvestment Act of 2009, funds for Fiscal Year 2009-2010 approved providing for distribution among 20 applicants, as detailed in the attachment to the Board Memorandum dated August 4, 2009 (Justice and Consumer Services).
- #14 Contract for Law Enforcement Services between the City of Seminole, Jim Coats as Sheriff of Pinellas County, and Pinellas County for the period from October 1, 2009 through September 30, 2010, in the amount of \$1,762,867.80 approved, reflecting a 2.93 percent increase in service costs compared to last year; Chairman authorized to execute the contract (Justice and Consumer Services).
- #15 Fiscal Year 2009 Budget Amendment No. 10 was filed and made a part of the record (Management and Budget).
- #16a Resolution No. 09-92 adopted supplementing the Fiscal Year 2009 General Fund Budget (unanticipated grant from the U.S. Department of Homeland Security in the amount of \$20,000.00) to appropriate earmarked receipts for a particular purpose and transfer to the Department of Environmental Management, Air Quality – General cost center budget (Management and Budget).
- #16b Resolution No. 09-93 adopted supplementing the Fiscal Year 2009 General Fund Budget (various grants to the Pinellas County Sheriff's Office in the total amount of \$298,390.00) to appropriate earmarked receipts for a particular purpose and transfer to the Sheriff (Management and Budget).
- #17 See Item No. 24.
- #18 Purchase authorization for office supplies from Staples Business Advantage, a division of Staples Contract & Commercial, Inc. (Contract No. 089-0497-PB) approved for an estimated annual expenditure not to exceed \$400,000.00; prices, terms and conditions are per the National Joint Powers Alliance cooperative contract with the State of Minnesota, Contract No. 072005; County's purchase authorization begins immediately and continues through July 31, 2010 and is in addition to the existing Office Depot purchase authorization (Purchasing).
- #19 Quarterly report of claim settlements for April 1, 2009 through June 30, 2009 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 (no claims paid) received for filing (Risk Management/County Attorney).

- #20 Sitting as the Countywide Planning Authority, the Board officially accepted five 2009 Countywide Plan Map Adjustments.
- #21 Sitting as the Countywide Planning Authority, the Board approved a Notice of Transfer of Development Rights filing form.
- #22 Sitting as the Countywide Planning Authority, the Board adopted Resolutions Nos. 09-94, 09-95, 09-96, and 09-97 approving updated Determinations of Consistency with the Countywide Future Land Use Plan and Rules for the municipalities of Belleair Beach, North Redington Beach, Oldsmar, and South Pasadena.
- #23 See Item No. 24.
- #24 Items for Discussion from Consent Agenda (County Administrator and Clerk of Circuit Court):
  - # 5 Reports received for filing:
    - b. City of Gulfport Urban Services Report for proposed annexation of 171.12 acres of unincorporated Pinellas County by referendum, the Legal Notice of Public Hearing, and the Notice of Public Hearing re Ordinance No. 2009-10 to be held August 4, 2009.

Commissioner Welch noted that he had received calls from residents voicing concern regarding the proposed annexation; whereupon, responding to his queries, General Planning Division Manager Gordon R. Beardslee pointed out the proposed annexation area on a map; provided information regarding the referendum date, acreage, and land uses within the area; and indicated that the City and County will work together to provide information to the public, including cost and service comparison data. Commissioner Morroni confirmed that the Pinellas Planning Council web site contains a *Truth in Annexation* worksheet to assist property owners in evaluating the costs and benefits of annexation into any municipality.
    - e. Juvenile Welfare Board Interim Financial Report (Unaudited) dated June 30, 2009.

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Commissioner Latvala referred to the Combined Balance Sheet and pointed out that the Totals columns are erroneously labeled *July 1, 1905* and *June 30, 1905*.

- # 9b Award of bid to Coastal Marine Construction Incorporated for repairs to the Dunedin Causeway Bridge (PID No. 1778; Bid No. 089-0400-C) approved in the amount of \$1,638,946.81 on the basis of being the lowest responsive, responsible bid received meeting specifications; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney.

Responding to a request by Commissioner Latvala, Jan R. Herbst, Director of Capital Improvement Projects and Production, Public Works, related that an analysis conducted approximately five years ago estimated the cost of bridge replacement at \$127 million; that the Operations Department continually conducts inspections, preventive maintenance, and repair; that the subject project includes repairs to structural steel, paint, and the fender system, extending the life of the bridge by approximately eight years; that construction will start in approximately 30 days; and that another repair program will be undertaken in five to six years; whereupon, she noted that a consultant is currently conducting a replacement feasibility study to determine costs and alternatives.

- #10 Award of bid to Central Florida Mulch, Inc. for sale of surplus pine straw (Bid No. 089-0382-R) approved on the basis of being the only responsive, responsible bid received meeting specifications; 63-month contract effective from April 1, 2010 through June 30, 2015 (monthly revenue, \$37,762.50; total revenue for 63 months, \$2,379,037.50); 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.

In response to queries by Commissioner Seel, Utilities Director Tom Crandall related that the County was receiving approximately \$621,000.00 annually under the previous contract, which is about 27% greater than the current bid; that the market is weakened; that the trees are becoming mature and are yielding less straw; that the County consults with a land manager who monitors changing conditions in the market; that the possibility of structuring the bid to include a future price increase was discussed; that the consultant believes the County is fortunate to have received a bid for a long-term contract at a steady price; that further constraints may have resulted in no bids being received; and that the straw sale provides revenue for the Cross Bar/Al Bar Ranch; whereupon, Mr. LaSala

indicated that there is a 30-day termination clause, under which the County could re-open the contract if the market improves.

- #12 Acceptance of two revised Notices of Grant Award from the United States Department of Health and Human Services, Health Resources and Services Administration, approved providing additional grant support in the amount of \$25,820.00 for the budget period of November 1, 2008 to October 31, 2009, providing an ongoing base adjustment to the County's Health Center funding level, and establishing a new target level of support for Fiscal Year 2010. Grants relate to operating expenses associated with the County's Mobile Medical Unit (MMU) (Health and Human Services).

Commissioner Seel requested that staff provide current information regarding the number of patients served by the MMU and the per-patient cost.

- #17 Award of bid to Verizon Select Services, Inc. for maintenance of 9-1-1 emergency telephone/recording equipment (Contract No. 089-0371-M) approved for an estimated annual expenditure in the amount of \$985,295.78 plus \$10,000.00 for unspecified work during the contract term (total estimated contract expenditure, \$2,965,887.34); 36-month contract effective from October 1, 2009 through September 30, 2012 with one additional 24-month extension option. Term extension allows for a price adjustment in an amount not to exceed the U.S. Bureau of Labor Statistics Employment Cost Index, Professional Scientific and Technical Services, for the 12 months prior to the term extension. Terms and conditions are set forth in the existing System Agreement, approved by the Board on August 9, 2006. County Administrator authorized to sign future change order requests that are directly related to this contract and are part of the System Agreement (Public Safety Services).

In response to queries by Commissioner Seel, Charles C. Freeman, Public Safety Services, related that the County's cost last year was \$830,000.00; that the estimated annual expenditure amount of \$331,000.00, crossed out on the Contract Review Transmittal document, was an error; that prices increase with each contract according to the market; that budget constraints have caused Verizon to cut back on the amount of time its technicians spend at County facilities; that the current bid price includes two full-time, on-site technicians dedicated to Pinellas County; and that the agreement provides for a two-hour response time on a 24-hour, 7-day per week, 365-day per year basis for necessary repairs.

- #23 Receipt and file of the Fiscal Year 2008/2009 Third Quarter Report on the Pinellas Community Housing Trust Fund from the Housing Finance Authority approved.

Commissioner Welch commended staff and the Commissioners for the efforts put forth to fund affordable housing and related that over 1,000 units were supported by the County's \$19 million investment; and in response to his query, Assistant County Administrator Elithia V. Stanfield indicated that the jurisdiction totals do not include the total units for Pinellas Hope II, Leo Lane, and Ashley Place.

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

- #25 Preliminary Engineering Report from TBE Group, Inc. for Starkey Road (County Road One), Ulmerton Road to East Bay Drive project (PID No. 870) accepted; design phase postponed until a later date due to reduced Penny for Pinellas revenues (total estimated project cost, excluding construction, \$3,767,920.00).

In response to queries by Commissioner Seel, Jan R. Herbst, Director of Capital Improvement Projects and Production, Public Works, indicated that two lanes were not constructed northbound due to traffic counts, reduced travel lane size, and a minimally sized median; that the intersection build-out at East Bay Drive and Starkey Road is complete with the exception of the intersection improvement on the south side, which will likely be the next phase in the transportation program; and that negotiations to purchase the church property have been terminated.

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

Mr. LaSala related that the project has been postponed due to funding; and that the project will be undertaken when funding is available; and in response to queries by Commissioner Brickfield, indicated that there may be other preliminary engineering reports for projects that are unable to proceed due to lack of funding; and that the preliminary engineering reports are done for projects lacking funding in anticipation of moving forward timely when funding becomes available.

- #26 Change Order No. 3 to the contract with Pepper Contracting Services, Inc. for 2007-2008 Countywide Americans with Disabilities Act (A.D.A.) Ramp, Sidewalk, Drainage, and Intersection Improvements (PID No. 1459, Bid No. 067-0381-C) approved increasing the

contract by \$227,142.68 (revised contract amount, \$3,557,205.08); Chairman authorized to sign and the Clerk to attest.

In response to queries by Commissioner Bostock, Ms. Herbst indicated that there was no change in the scope of the project; and that the extra payment is a result of additional work orders within the scope that were not contracted; whereupon, she explained how work orders are issued and Commissioner Seel suggested that a report be compiled and put on the County's website reflecting the length of the full project and a list of the projects completed.

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

- #27 Interlocal Agreement with the City of Treasure Island for Advanced Traffic Management System/Intelligent Traffic Systems (ATMS/ITS) and Roadway Transfer Agreement to Transfer Traffic Control Authority approved; Chairman authorized to sign and the Clerk to attest.

Motion	-	Commissioner Latvala
Second	-	Commissioner Seel

In response to queries by the members, Ms. Herbst, with input by Mr. LaSala, indicated that the Interlocal Agreement with the City of Treasure Island represents the last of the Interlocal Agreements with all of the municipalities and completes the ATMS/ITS system.

Responding to comments by Chairman Harris regarding the effectiveness of the system and at Commissioner Seel's request, Public Works Traffic Division Manager Kenneth A. Jacobs indicated that the Interlocal Agreements give the County the authority to build the ATMS/ITS system within the various municipalities; that not all of the systems have been built yet, but that the system has been implemented on U.S. Highway 19 and State Road 60, is about to be implemented on McMullen Booth Road, and is under construction on Belcher Road; whereupon, he related that installing and completing the system is a multi-year project. He indicated that the post-testing studies show significant improvements in travel time, reduction in delay, and gas savings for motorists; and that the benefits should soon be evident.

In response to query by Commissioner Brickfield, Mr. Jacobs indicated that \$18 million has been expended on the project, which includes McMullen Booth Road; that an additional \$5.3 million will be expended for Belcher Road; and that for every \$5.00 of the \$18 million expended, \$1.00 was local funds and the remaining \$4.00 were grant

dollars. Commissioner Seel indicated that state and federal grants have been acquired to augment the gas tax; whereupon, Mr. Jacobs indicated that funding for U.S. Highway 19 was provided by the Florida Department of Transportation; that funding for McMullen Booth Road will be a fifty-fifty split between local and grant dollars; and that Belcher Road will be fully funded by grant dollars.

In response to comments and queries by Commissioners Seel and Welch, Mr. Jacobs explained the use of sun-powered microwave detection stations to perform traffic counts and indicated that the Ninth Cent is relatively more stable than sales tax, noting that funding from the Ninth Cent experienced a three percent reduction while sales taxes dropped approximately 15 to 20 percent.

Vote - 7 - 0

- #28 Agreements with Ardaman & Associates, Inc., Nodarse & Associates, Inc., Professional Service Industries, Inc., and Tierra, Inc. approved for environmental and geotechnical professional engineering services for materials testing during construction projects on an “as-needed” basis for countywide use; three-year agreements with one additional three-year term extension by amendment; value of each agreement for the initial three-year term, \$600,000.00; total value of the four agreements for the three-year term, \$2,400,000.00; Chairman authorized to sign the agreements and the Clerk to attest.

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

- #29 Resolution No. 09-98 adopted supporting actions by the Florida Department of Environmental Protection and the Environmental Regulation Commission to consider reasonable, science-based amendments to the designated uses and classification system of surface water bodies (Environmental Management).

Motion - Commissioner Latvala  
Second - Commissioner Bostock

In response to queries by Commissioners Brickfield and Seel, Environmental Management Assistant Director Andy Squires provided background on the National Pollutant Discharge Elimination System and the state and federal regulatory Total Maximum Daily Load program, and discussed the existing water quality classification system and the challenges associated with complying with the current water quality standards. He indicated that the current system has been in place for over 40 years, incorporates five designated uses, and has a set of established water quality standards for each designated use; that the current designations and standards do not accurately reflect the true uses of the water bodies; and that if the State moves forward with the

amendments, new water quality classifications will be developed that correspond with the designated uses of the water bodies, new water quality standards will be applied to each classification, and the water bodies will be assigned to the appropriate classifications; whereupon, he clarified that the intent is to match protection with the designated use; and that the proposed resolution will better define the designated uses of the water bodies.

Vote - 7 – 0

#30 Resolution No. 09-99 adopted requesting inclusion of Pinellas County beach erosion control projects in the Florida Beach Management Program FY 2010-11 Long-Range Budget Plan (Environmental Management).

Motion - Commissioner Morroni

Second - Commissioner Bostock

In response to queries by Commissioner Seel, Coastal Management Coordinator Nicole A. Elko, Ph.D., indicated that the budget packet has been updated since it was submitted; that \$1.9 million is being requested from the State share for the Honeymoon Island project; that installation of structures and beach renourishment will be attempted in FY 10-11, depending on permitting; that design and permitting will occur this year; that the funding is being requested in advance as State parks are now the lowest priority on the State's ranking system under the State's new policies; and that the project will be more formalized by the middle of the fiscal year, once the funding for construction is known; whereupon, she discussed the interim project on Honeymoon Island completed in 2007; and related that the current project will address the worst erosion hotspot in the entire county; and that one option being considered in design and permitting is softening the headland by reducing some parking spaces, pulling the shoreline back, and installing a structure on the new shoreline position.

At Commissioner Morroni's request, Dr. Elko provided an update on the Sand Key project, noting that it is a nine-mile project extending from Clearwater to North Redington Beach; and that it is part of a federal shore protection program for Pinellas County and is the County's largest federal project. She indicated that projects of this nature are being done around the country through project cooperation agreements with the federal government; that for years the President has failed to include funding in his budget for any shore protection projects, despite the existing agreements; and that the stimulus program did not provide any funding for beach restoration projects.

Dr. Elko discussed her meeting with Congressman Bill W. Young's office and Congressman Young's involvement in pursuing the funding; and related that when the President's budget came out, it showed a \$6 million allocation to the Sand Key project; whereupon, she outlined the congressional, federal, and state funding for the project and

indicated that a total of \$7 million is needed from the State; that \$3.5 million was received from the State last year; and that the remaining \$3.5 million is being requested this year.

Vote - 7 – 0

- #31 Final negotiated contract with DataFutures, Inc. for the purchase of software implementation for Health and Human Services (Contract No. 078-0417-P) (Rebid) approved; Chairman authorized to sign and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney (Health and Human Services).

Motion - Commissioner Latvala

Second - Commissioner Welch

Director of Health and Human Services (HHS) Maureen A. Freaney conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record, and related that the Community Help and Electronic Data Application System (CHEDAS) is a process and business redesign and an information system replacement and upgrade. She outlined the steps taken to date and in response to queries by Commissioner Welch, indicated that the business process redesign began about a year ago; and that consultants have flowcharted how the systems currently work and how to create efficiencies within those systems, and will continue to do so; whereupon, HHS Financial Manager Clark Scott indicated that the current system, which was installed in 2002, was not constructed in-house, but that the vendor built the system according to the specifications provided by HHS.

Responding to queries by Commissioners Brickfield and Seel, Ms. Freaney, with input by Mr. Scott, indicated that the system is certified by the Certification Commission for Health Information Technology; that the software will interface with Oracle, but is not an Oracle application; and that Oracle Project Unified Solution (OPUS) team members were consulted during the negotiation of the contract terms to ensure that certain information would be connected with the Oracle financials. Business Technology Services (BTS) Director F. Paul Alexander, with input by Chief Deputy Clerk Harris, indicated that Oracle does not have the functionality needed in the medical arena; that CHEDAS will integrate with the Oracle financial package; that CHEDAS is a proven package; and that there may be opportunities for the package to be leveraged across the organization; whereupon, Commissioner Welch requested a diagram showing how the multiple software/systems work, how the data flows, and how it integrates with Oracle.

Ms. Freaney highlighted the alternative benefits available as a result of the integration of financial and medical assistance and discussed the key terms of the agreement, indicating

that the contract avoids cost creeping; that there is a 12-month implementation schedule, although the package reflects an 18-month schedule; and that the 90-day warranty period begins when the system is declared functional and ensures that the system is functional for 90 days before the final payment is made; whereupon, in response to queries by Commissioners Bostock and Brickfield, Ms. Freaney indicated that the software is flexible enough to accommodate current and future changes in the department; and clarified that \$771,000.00 is the correct not-to-exceed fixed contract amount with DataFutures, Inc.

In response to queries by Commissioners Seel and Welch, Ms. Freaney, with input by Mr. Clark and BTS Project Manager Vicki Beckman, explained why the maintenance, support, and licensing costs are higher in the second year than the rest of the years and why so much of the expense was for a consultant; and indicated that BTS is doing the project management; that the department has looked into getting federal stimulus dollars; and that the project will involve customizations; whereupon, Mr. Alexander indicated that the maintenance agreement will cover upgrades, patches, and enhancements and BTS will support the hardware, host the applications, and maintain it from that aspect; and that if there are problems and issues, BTS will coordinate that through a customer support center, but will have to engage the vendor for any changes to the software.

Thereupon, in response to query by Commissioner Brickfield, Ms. Freaney confirmed that the \$1.7 million covers the entire project, including the consultant, the software, and the hardware.

Vote - 7 – 0

#32 Other Administrative Matters:

Sitting as the Pinellas County Emergency Medical Services (EMS) Authority, the Board adopted Resolution No. 09-100 establishing First Responder funding for Fiscal Year 2009-2010 and memorializing the agreement between the City of St. Petersburg and the EMS Authority.

Motion - Commissioner Latvala  
Second - Commissioner Welch

Mr. LaSala indicated that the City of St. Petersburg filed a legal action against the EMS Authority during the course of contract negotiations with the 19 first responder fire districts; that the City has now agreed to withdraw its lawsuit and accept the terms of the first responder contract; and that the St. Petersburg City Council has taken formal action to withdraw its lawsuit.

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Commissioner Bostock questioned the timing of the item and indicated that late items sometimes raise red flags with respect to public notice, and in response to her comments and queries, Mr. LaSala discussed the timing involved in coordinating the agreement with the City of St. Petersburg, and indicated that the item was added to the agenda and placed on the website yesterday as the matter could not be placed on the agenda and brought to the Board until the final document adopted by the City of St. Petersburg had been received. Assistant County Administrator James A. Dates indicated that the resolution acknowledges that an agreement has been reached and litigation avoided, but that the formal contracts still need to come before the Board for approval; whereupon, Commissioner Bostock reiterated concerns regarding the untimely presentation of the item; and suggested that items of this nature be put on the agenda as placeholder items to ensure proper public notice.

Responding to comments and queries by the members, Mr. LaSala indicated that the level of funding was determined based on the consistent application of criteria used for each provider; that efforts to establish an average cost across all 19 jurisdictions will be looked at when the EMS program is reevaluated; that pension is part of total compensation; and that the overall funding is \$1.2 million less than this fiscal year; whereupon, discussion ensued regarding criteria used to determine total compensation for each fire district.

Commissioner Welch commended everyone involved in reaching an agreement and preventing further litigation expenses, and agreed that there are other disparities to address in the EMS and fire system; and in response to his query, Mr. LaSala confirmed that the \$18 million deficit has been erased.

Mr. LaSala indicated that the EMS study will look at every element of the EMS system; that the study has not begun yet, but that the request for proposal and qualifications is being put together; and that fair and reasonable costs will be determined in time for next year's budget process; and Commissioner Latvala provided input.

Responding to comments and queries by Commissioner Brickfield, Senior Assistant County Attorney Robert C. Swain explained the last minute addition of the item to the agenda; and indicated that 30 days after the stipulation has been entered and approved the City will dismiss its lawsuit without prejudice and the lawsuit will then be resolved, noting that the 30 days represents the appellant time; that the resolution does not affect the base level of service or any part of the 1989 final judgment; and that the City of St. Petersburg filed the lawsuit when it did to protect its rights due to the different views of the City and County legal departments on the effect of the lawsuit with the passage of time; whereupon, Mr. LaSala provided input and in response to Commissioner

Brickfield’s request, agreed to provide a spreadsheet reflecting all 19 contracts, how they changed, and where the adjustments occurred.

Discussion ensued and in response to comments and queries by the members, Mr. LaSala indicated that the level of funding agreed upon is the same level that was proposed from the outset; explained the purpose of the fire districts’ reserves and the need for the cities to pull from the reserves, noting that all 19 contracts reflect the use of reserves; and clarified that the reserves are held by the fire districts; and that the EMS Authority does not replace the reserves expended; whereupon, he indicated that the millage levy will remain the same as last year; and in response to Commissioner Morroni’s request, agreed to provide the amount of reserves held by each fire district.

Commissioner Seel indicated that she is satisfied with the outcome of the negotiations, but that she has concerns regarding setting precedence for negotiations in the future; whereupon, Mr. LaSala offered assurance that no precedent has been set. Mr. Dates indicated that St. Petersburg has accumulated approximately \$450,000 in reserves and will be spending down the reserves; and in response to queries by Commissioner Brickfield, stated that the fire districts are paid once a month in arrears regardless of whether or not the full payment is expended; and that each fire district will now have to account for its expenditure requests at the end of the year, which will eliminate the accumulation of reserves in each fire district.

Vote - 7 – 0

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At this time, 11:33 A.M., Commissioner Welch left the meeting.

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#32b Revised Pinellas County Commission Public Participation and Decorum Rules approved.

Motion - Commissioner Bostock  
Second - Commissioner Seel

Mr. LaSala distributed the revised Pinellas County Commission Public Participation and Decorum Rules, a copy of which has been filed and made a part of the record, and indicated that the rules have been revised, per the Board’s direction, to reflect that any person wishing to address the BCC may speak on any matter whether or not it is on the agenda.

Responding to query by Chairman Harris, Mr. LaSala indicated that the revised rules will be placed on the BCC website and on the Citizens to be Heard cards; whereupon, Commissioner Bostock expressed her appreciation for the Board's willingness to make changes to the rules and reiterated her concerns regarding items being presented to the Board untimely.

Vote - 6 - 0

#33 County Attorney authorized to defend the cases of:

- a. April L. Diersing and Robert P. Diersing versus Pinellas County, Florida, City of St. Petersburg and Car Clean, Inc., a Florida Corporation – Circuit Civil Case No. 09-011171-CI-019 – Allegations of Negligence Resulting in Personal Injuries.
- b. Paul Doric, et al versus Pinellas County – Circuit Civil Case No. 09-11008-CI-07 – Allegations of Negligence Resulting in Personal Injuries.

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

#34 County Attorney authorized to initiate litigation in the case of Pinellas County versus McGeehan Construction, Inc. – Action to Recover Settlement Paid on a Sewer Backup Claim.

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

#35 Settlement approved in the case of Vicki Groff versus Pinellas County Government – Workers' Compensation Date of Accident – May 21, 2007 in accordance with the confidential memorandum from County Attorney James L. Bennett dated August 4, 2009.

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

\* \* \* \*

At this time, 11:36 A.M., Commissioner Welch returned to the meeting.

\* \* \* \*

#36 County Attorney Miscellaneous:

County Attorney authorized to submit a claim in the case of *Simonet v. SmithKline Beecham, D.P.R.* – Action to Recover Portion of Costs Incurred by the Pinellas County Group Health Plan.

Attorney Bennett indicated that a proposed settlement has been reached and funding for the settlement is available; that August 10 is the deadline to file a claim; and that the matter is being presented to the Board without ample notice due to difficulties in obtaining the necessary information from a prior contractor to determine the County's eligibility to file a claim; whereupon, he sought the Board's approval to file a claim on behalf of Pinellas County's Group Health Plan to become a member of the class action.

Motion - Commissioner Latvala  
Second - Commissioner Welch

Commissioner Bostock related that she still has concerns regarding items being presented to the Board untimely, but understands that sometimes the circumstances are beyond staff's control; whereupon, she indicated that the information provided in Attorney Bennett's memorandum explaining why the item was being presented untimely is the type of information that should be included on all items presented to the Board at the last minute.

Vote - 7 – 0

#37 County Administrator Reports – None.

#38 Appointments and reappointments to the Youth Advisory Committee (term of August 4, 2009 through July 31, 2010) as outlined in the agenda memorandum dated August 4, 2009, which has been filed and made a part of the record, approved.

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

#39 County Commission Miscellaneous:

a. Commissioner Welch discussed the Transit Summit to be held on August 10 at the Hilton Carillon.

displaying photographs, noted that the Pinellas Trail is patrolled by a group of volunteer Trail Rangers trained by the St. Petersburg Police Department, as well as by County park rangers.

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related that the Job Corps facility is now complete and an announcement will be forthcoming on the Department of Labor's selection of an operator for the facility.

asked about the current Southwest Florida Water Management District water restrictions; and Utilities Director Tom Crandall provided an update and indicated that the restrictions are posted on the County's website.

b. Commissioner Brickfield

discussed solar powered trash cans/compactors; and Mr. LaSala agreed to research their cost effectiveness and applicability for use in various County applications.

c. Chairman Harris

provided a water conservation tip.

#40 Meeting adjourned at 11:42 A.M.

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Chairman

ATTEST: KEN BURKE, CLERK

By \_\_\_\_\_  
Deputy Clerk