

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, JANUARY 5, 2010 – 9:31 A.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; Clarethia N. Harris, Chief Deputy Clerk; and Michael P. Schmidt, Deputy Clerk.

INVOCATION: Pastor Rex Bullock, Cornerstone Community Church, St. Petersburg.

PLEDGE OF ALLEGIANCE: Commissioner Harris.

PRESENTATIONS AND AWARDS:

Presentation recognizing Calvin D. Harris's service as 2009 Chairman.

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

1 Ordinance No. 10-01 adopted creating the Coral Heights Subdivision Street Lighting District. Staff recommended approval of the proposed ordinance. No correspondence has been received; no citizens appeared to be heard (Companion Item No. 2).

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

2 Resolution No. 10-1 adopted approving the Uniform Method of Collecting Non-Ad Valorem Assessments for the servicing of Coral Heights Subdivision Street Lighting District within the Unincorporated Areas of Pinellas County as permitted by Section 197.3632, Florida Statutes. No correspondence has been received; no citizens appeared to be heard (Companion Item No. 1).

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

- # 3a Ordinance No. 10-02 adopted amending Sections 2-144(a)(c)(e) and (f) of the Pinellas County Code relating to the investment of surplus County funds. Staff recommended approval of the proposed ordinance. No correspondence has been received; no citizens appeared to be heard.

In response to queries by the members, Clerk of the Circuit Court Ken Burke presented an overview relating to the investment policy and investment portfolio of the County and provided detailed information regarding repurchase agreements, money market accounts, and Florida Statute 280, the Public Depository Law.

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

- # 3b Resolution No. 10-2 adopted approving the Pinellas County Board of County Commissioners Investment Policy. No correspondence has been received; no citizens appeared to be heard.

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

- # 4 Resolution No. 10-3 adopted approving amendments to the West Bay Drive Redevelopment Plan for the City of Largo pursuant to the Community Redevelopment Act (CRA) of 1969, Chapter 163, Part III, Florida Statutes. No correspondence has been received. No citizens appeared to be heard.

Authorization granted to advertise a public hearing to be held on February 2, 2010 to consider amending Ordinance No. 00-70 to include a 15-year review of redevelopment activities in the West Bay Drive Community Redevelopment District in the City of Largo.

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

5a Ordinance No. 10-03 adopted approving Case No. CW 97-62 (Special Area Plan Change No. 1-2009), the proposal by the City of Largo to amend the Countywide Future Land Use Plan by replacing the West Bay Drive Redevelopment Plan approved in 1997, re 315.4 acres m.o.l., located generally in an area included within and encompassed by 4th Avenue NW, Missouri Avenue, 2nd Avenue NE, 2nd Street NE, 1st Avenue NE, Central Park Drive (including Largo Central Park and Library), an area north of 6th Avenue SE, Seminole Boulevard, 4th Avenue SW, and extending further west to the western boundary of the Largo Medical Center, West Bay Drive, 14th Street NW, Pine Vista Drive, and the Pinellas Trail (regular amendment). One email and a petition with 254 signatures in opposition to Item No. 5a have been received; however, it was confirmed that the City of Largo revised the boundary lines, the object of the opposition, prior to this meeting. No citizens appeared to be heard. The Pinellas Planning Council (PPC) recommended approval of the proposed amendment subject to the following conditions, and staff concurred.

1. Submission by the City of any future amendment to the Special Area Plan for receipt and acceptance or for consideration as an amendment as is determined necessary under the Countywide Plan Map amendment process.
2. Submission by the City of an assessment of the Special Area Plan's progress with respect to its enumerated objectives five years from the effective date of the Countywide Plan Map amendments pursuant to this Special Area Plan.
3. Application of permitted densities and intensities based on their respective proportion to the affected total land area.
4. Amendment of the Scenic/Noncommercial Corridor Residential Subclassification to Mixed-Use for a portion of Clearwater-Largo Road and West Bay Drive.

In response to queries by Commissioner Welch, Commissioner LaSala indicated that a 15-year review resolves the issue involving the delegation of authority from the County; and that it applies for both the plan and the financial review, and Commissioner Seel provided input.

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

Following the vote, Chairman Seel expressed her thanks to the City of Largo for its hard work; whereupon, PPC Executive Director David P. Healey clarified that the recommendation to approve included all four PPC conditions.

5b Ordinance No. 10-04 adopted approving Case No. CW 09-28, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Recreation/Open Space to Commercial General, re 10 acres m.o.l., generally located east of the St. Petersburg-Clearwater International Airport, north of Old Roosevelt Boulevard and west of Evergreen Avenue (34th Street North) (regular amendment). Pinellas Planning Council (PPC) recommended denial of the proposal; staff recommended approval of the proposal. No correspondence has been received.

and

5c Ordinance No. 10-04 adopted approving Case No. CW 09-29, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Recreation/Open Space to Industrial Limited, re 118 acres m.o.l., generally located east of the St. Petersburg-Clearwater International Airport, north of Old Roosevelt Boulevard and west of Evergreen Avenue (34th Street North) (regular amendment). Pinellas Planning Council recommended denial of the proposal; staff recommended approval of the proposal. No correspondence has been received.

Mr. Healey discussed the recommendation of denial by the PPC regarding Cases Nos. CW 09-28 and CW 09-29 at its December 16, 2009 meeting. He indicated that the Council is primarily concerned with excessive traffic on Ulmerton Road, currently rated at a Level of Service (LOS) F, and maintaining a buffer area between the community of Feather Sound and the Airport. Mr. Healey related that the Council believes that the LOS F volume-to-capacity ratio on Ulmerton Road should be addressed concurrently with the proposed development; and that the buffer area should be designated Preservation concurrent with the proposed amendments, as it is critical to the residential community of Feather Sound and would protect and guard against incursion on the airport itself; whereupon, he discussed the Coastal High Hazard Area and, referring to the south end of the property, indicated that development is already encroaching on the residences to the east. Mr. Healey related that the Council recommends that a more comprehensive approach be considered to address the transportation and development issues; and that the County complete the Master Development Plan, including the Traffic Management Plan, for all 128 acres, before any action is taken.

Thereupon, Commissioner Morroni expressed the concerns of the residents of Feather Sound, relating that they oppose any encroachment on the buffer zone; that the buffer zone has already been breached with the construction of the Neighborly Senior Services Building; and that even with the projected transportation improvements over the next 10

January 5, 2010

to 15 years, Ulmerton Road will continue to have a volume-to-capacity ratio which exceeds the capacity of the roadway, and it is not going to improve.

In response to queries by Commissioner Latvala, Mr. Healey indicated that even though periodic changes would be made to a transportation management plan which projects 20 years into the future, staff can begin the process of identifying transportation issues and exploring options so that the site can be developed to its full potential; whereupon, Commissioner Harris related that he thinks it is important to consider transportation planning on a Countywide basis rather than pacifying the desires of individual communities.

In response to queries by Commissioner Welch, Mr. Healey indicated that once the Plan is changed, the die is essentially cast; and that decisions from that point forward which relate to traffic, placement of buildings, and similar issues, will be in response to the Plan change; whereupon, Mr. LaSala related that the County is committed to providing a buffer between the airport and the adjacent residential community.

During discussion and in response to queries by the members, Airport Director Noah Lagos presented information relating to the buffer area, indicating that he has yet to formally approach the Federal Aviation Administration (FAA) regarding the matter. Commissioner Seel pointed out that subsequent to the November 17, 2009 BCC meeting, she had anticipated that official contact would have been made and dialogue initiated to obtain FAA approval of the buffer; whereupon, Mr. Lagos indicated that if the Board desires, he will begin talks with the FAA regarding leaving the buffer area undeveloped, noting that the FAA does not look favorably upon the term "preservation."

In response to queries by Commissioner Latvala, Mr. Lagos, with input by Airport Real Estate Properties Manager Robert G. Humberstone, discussed the portion of the property containing Native American artifacts, and related that while areas near the Yat Kitischee archeological site can be developed, the actual Yat Kitischee site will remain untouched, thereby providing a level of comfort to the residents of Feather Sound; whereupon, he pointed out that aviation activities at the Airport are statutorily exempt from concurrency regulations.

Pinellas County General Planning Division Manager Gordon R. Beardslee provided a brief history regarding the Airco property, and indicated that the parcel is part of the Airco golf course; that the golf course is owned by the St. Petersburg-Clearwater International Airport; and that the FAA has stipulated that the property is to be used for a purpose in support of the airport, noting that the golf course was considered an interim

January 5, 2010

use until an Airport Master Plan was developed and approved; whereupon, he indicated that the BCC approved an Airport Master Plan update in 2004.

Providing further information, Mr. Beardslee indicated that the Market Feasibility Study, presented to the Board in 2008, concluded that the best use for the Airco property was for industrial, office, and commercial uses; and that due to Board concerns relating to transportation challenges in the area, staff moved forward with a mid-range development proposal. He related that airplane hangars will likely be built on the 45-acre portion of the property reserved for aviation uses, which will provide a very minor increase in traffic on Ulmerton Road; whereupon, he indicated that the BCC must approve the Master Development Plan at a public hearing and allow public input before any development can go forward; and that development will be phased dependent upon the progress of the road improvement projects in the surrounding area.

During discussion and in response to queries by Commissioner Welch, Director of Public Works and Transportation Peter J. Yauch, with input by Mr. Beardslee, provided statistical information pertaining to traffic counts along the affected portion of Ulmerton Road, relating that the roadway not only is a major east-west corridor, but is also used as a shortcut for north-south traffic attempting to access Interstate 275.

In response to the Chairman's call for persons wishing to be heard, Michael Schlensker and Michael Straw, Clearwater, appeared and expressed their concerns; whereupon, in response to the ecological concerns raised by Mr. Straw regarding the Gateway Tract of Weedon Island Preserve, Director of Environmental Management William M. Davis related that the Environmental Management and Engineering Departments have been working together to create a planted buffer on the west side of the canal; that his department is aware of the archeological value of the Yat Kitischee site; and that due to the significant wetlands in the area, the future pulling of permits may or may not happen, and Commissioner Morroni provided input.

Discussion continued, and in response to queries by Commissioner Welch, Mr. LaSala discussed the various mechanisms by which the County could protect the buffer area, including the placement of a physical berm, a transfer of development rights, or a dedication of the land for the purpose of no development; whereupon, he related that the County would deal with traffic impacts by assessing the various aspects of congestion that are generated by various types of development and determining what options are available to mitigate that traffic.

Mr. Healey related that three solutions exist for mitigating traffic: (1) reducing the scale and scope of the project; (2) enhancing the capacity of the roadway; or (3) providing alternative modes of transportation, which can be included as a part of the Traffic Management Plan. Commissioner Welch pointed out that the PPC and BCC appear to be in agreement that protections and limits should be in place prior to development on the site; whereupon, during discussion and in response to queries by Commissioner Bostock, Mr. LaSala related that applying the Preservation designation could potentially limit density bonuses and the transfer of development rights; and that the County's financial resources must be prudently used when conducting studies regarding alternative modes of transportation.

Thereupon, Commissioner Morroni stated that he will be voting against the item, reiterating that the volume of traffic on Ulmerton Road is extreme, with no chance of improvement; and that the FAA has provided no written confirmation that the buffer area will remain untouched; whereupon, Chairman Seel confirmed staff's understanding of the wishes of the Board, relating that the BCC intends to maintain a buffer area between the airport and the community of Feather Sound; and that transportation plans will be in place.

In response to queries by Chairman Seel regarding the various transportation improvements taking place on Ulmerton Road, Mr. Yauch discussed the scheduling of those projects, and indicated that although giving Ulmerton Road a higher priority on the Florida Department of Transportation five-year plan would be difficult, he would present the request.

Chairman Seel stated that a supermajority vote of the BCC would be required to overrule the PPC recommendation of denial; and Commissioner Bostock confirmed that the members were voting to approve the actual agenda items; whereupon, Commissioner Welch moved, seconded by Commissioner Latvala, that Items Nos. 5b and 5c be approved. Upon call for the vote, the motion carried 6 to 1, with Commissioner Morroni casting the dissenting vote.

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

5d Ordinance No. 10-05 adopted approving Case No. CW 09-30, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Low and Preservation to Preservation and Recreation/Open Space, re 101 acres m.o.l., located on the west side of U.S. Alternate Highway 19 and lying within Wall Springs County Park (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

CITIZENS TO BE HEARD

Lenore Faulkner, Madeira Beach, re Pinellas County Schools.
Edward Quinones, Clearwater, re Honoring Gabe Cazares.
June Wallace, Largo, re Campaign Against Human Trafficking.
Greg Pound, Largo, re Pinellas Families.

CONSENT AGENDA ITEMS NOS. 6 THROUGH 19 – APPROVED, WITH THE EXCEPTION OF ITEM NO. 14, WHICH WAS CONSIDERED UNDER ITEM NO. 20.

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

6 Minutes of regular meeting of November 17, 2009 approved.

7 Reports received for filing:

- a. Pinellas County Fiscal Year 2010 Executive Summary Budget.
- b. Quarterly Investment Report for the period ended March 31, 2009.
- c. Internal Audit Division, Clerk of the Circuit Court, Report No. 2007-05 dated April 19, 2007 – Audit of Emergency Communications Department Intergovernmental Radio Program, together with Report No. 2009-19 dated December 3, 2009 – Follow-Up Review to Audit of Intergovernmental Radio Program.
- d. Dock Fee Report for the month of November 2009.

January 5, 2010

- # 8 Vouchers and Bills Paid – Periods November 16 through November 20, 2009, November 23 through November 25, 2009, and November 30 through December 4, 2009.

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2308 (period November 23 through November 25)

Payroll checks numbered 565476 through 560171

Imprest Fund Expenditures

Manual checks numbered 751630 through 751632

System checks numbered 984678 through 986520

ACH Transfers numbered 3896 through 4094

Wire Transfers numbered 11156 through 11172

- # 9 Miscellaneous items received for filing:

- a. City of Clearwater Notice of Public Hearings re proposed Ordinances Nos. 8124-10 through 8126-10 amending the Annexation, Land Use Plan, and Zoning Atlas; public hearings to be held January 14, 2010.
- b. Town of Kenneth City Notice of Public Hearing held December 17, 2009, re proposed ordinances voluntarily annexing certain property.
- c. City of Pinellas Park Notice of Public Hearing regarding proposed Ordinance No. 3706 held November 24, 2009, annexing certain property.
- d. Pinellas Suncoast Fire & Rescue Resolution No. 2009-08 adopted November 17, 2009, adopting additional plan documents to make the benefits of an Internal Revenue Code Section 457 plan available to its employees, trusts and providers.

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

First Baptist Church of Indian Rocks – plat accepted and approved for recording.

- #11 Award of bid to Design Build Engineers & Contractors, Corp. for 49th Street Sidewalks (PID No. 941; Contract No. 090-0037-C) approved in the amount of \$612,009.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; Chairman authorized to sign and the Clerk to attest.

January 5, 2010

- #12 Award of bid to Kimmins Contracting Corp. for Pump Station No. 114 replacement (Project No. 1338-B; Contract No. 090-0031-C) approved in the amount of \$460,185.00 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.
- #13 Grant Application to the Southwest Florida Water Management District (SWFWMD) for funding for Sub Basins 2 and 7 of the Lake Seminole Alum Stormwater Treatment Project (PID 829) approved (\$1,305,145.00 anticipated County match [Penny for Pinellas]) (Environmental Management).
- #14 See Item No. 20.
- #15 Resolution No. 10-5 adopted reallocating reserve for future years in the Fiscal Year 2010 Tierra Verde Fire District Fund in the amount of \$483,000.00 for a particular purpose (Companion Items Nos. 14 and 27) (Office of Management and Budget).
- #16a Resolution No. 10-6 adopted appropriating earmarked receipts for a particular purpose in the Fiscal Year 2010 General Fund Budget for the American Recovery and Reinvestment Act Justice Assistance Grant Awards to the Pinellas County Department of Justice and Consumer Services (Management and Budget).
- #16b Resolution No. 10-7 adopted appropriating earmarked receipts for a particular purpose in the Fiscal Year 2010 General Fund Budget for a grant to fund activities of the Sixth Judicial Circuit (Management and Budget).
- #16c Resolution No. 10-8 adopted appropriating earmarked receipts for a particular purpose in the Fiscal Year 2010 General Fund Budget for unanticipated donations to the Department of Culture, Education, and Leisure (Management and Budget).
- #17 Resolution No. 10-9 adopted declaring personal property as surplus and transferring same by donation to Hardee County (Real Estate Management/Animal Services).
- #18 Sitting as the Countywide Planning Authority, the Board adopted Resolutions Nos. 10-10, 10-11, 10-12, 10-13, and 10-14 approving updated Determinations of Consistency with the Countywide Future Land Use Plan and Rules for the municipalities of Belleair, St. Pete Beach, Seminole, Tarpon Springs, and Treasure Island, respectively.

- #19a Sitting as the Countywide Planning Authority, the Board received and accepted a minor plan change to the City of St. Petersburg – Intown West Redevelopment Plan (Case No. CW 09-31, SAP Change No. 2-2009).
- #19b Sitting as the Countywide Planning Authority, the Board received and accepted a minor plan change to the City of St. Petersburg – Bayboro Harbor Redevelopment Plan (Case No. CW 93-26, SAP Change No. 4-2009).
- #20 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court)
- #14 Fiscal Year 2010 Budget Amendment No. 1 was deferred until later in the meeting (Companion Items Nos. 15 and 27) (Office of Management and Budget).

Commissioner Bostock questioned the process by which the item has been presented to the Board, and discussion ensued with Mr. LaSala and Assistant County Administrator James A. Dates providing input.

* * * *

At this time, Chairman Seel indicated that the vote on Item No. 14 will be deferred until after Companion Item No. 27 has been heard; and that a separate vote on Item No. 14 will be taken at that time.

* * * *

- #21 Resolution No. 10-15 adopted authorizing execution of Other Transaction Agreement between Department of Homeland Security Transportation Security Administration and Pinellas County Government relating to St. Petersburg-Clearwater International Airport In-Line Checked Baggage Inspection System Project (HSTS04-10-H-REC104) for eligible reimbursement expenses in an amount not to exceed \$808,184.00; Chairman authorized to sign and the Clerk to attest.

* * * *

At this time, 11:18 A.M., Commissioner Latvala left the meeting.

* * * *

In response to queries by Chairman Seel, Airport Director Noah Lagos indicated that the Department of Homeland Security Transportation Security Administration (TSA) requires that the bags be screened, but does not require the in-line system; and that the current equipment is approximately five years old; whereupon, he discussed automating bag screening and pointed out that the TSA is obligated to maintain the bag screening equipment, but not the system; and that the TSA is supplying the new equipment separate from the grant funding.

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

#22 Final negotiated contract with Paradigm Software, L.L.C. for software replacement, Solid Waste Scale House (estimated total expenditures, \$582,384.00, includes \$32,000.00 in contingency funds) approved (Contract No. 089-0065-P); Chairman authorized to sign.

Annual software maintenance and support to be provided for ten years with maintenance and support costs fixed for the first five years via a support services agreement effective after the initial 90-day warranty period; beginning year six, the term for software support may be extended for five successive one-year periods if all terms and conditions remain the same, subject to approval by the County Administrator or Purchasing Director; contract amounts for software support may be increased or decreased during the extensions in an amount not to exceed the average of the Consumer Price Index for all Urban Consumers, not seasonally adjusted, for the twelve months prior to extension.

Motion - Commissioner Welch
Second - Commissioner Bostock

In response to queries by Commissioner Brickfield, Director of Utilities Tom Crandall indicated that companies that sign up as part of the monthly billing process will be able to have their vehicles scanned as they enter the facility, which will speed up the weighing in process.

Vote - 6 – 0

* * * *

At this time, 11:21 A.M., Commissioner Latvala returned to the meeting.

* * * *

- #23 Resolution No. 10-16 adopted revising the fee schedule relating to activities, services, and charges at Utilities Solid Waste Operations (interim fee schedule effective from February 1, 2010 through December 31, 2010, subject to the Board's review prior to December 31, 2010).

Director of Utilities Tom Crandall indicated that discussions were held at the October 2009 Board of County Commissioners (BCC) meeting regarding the disparate charges between single-axle and dual-axle trailers; that staff recommended moving to the provision in the approved fee schedule requiring modified trailers to weigh in and weigh out and to pay the \$37.50 per ton charge; and that the Board directed staff to meet with the representatives of the trailer owners and work out an alternate recommendation; whereupon, he presented the recommended proposed plan consisting of three classes and a completion date for the plan, noting that the plan would terminate and the \$37.50 per ton charge would take effect automatically on January 1, 2011.

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

Brian Laughlin, Clearwater (designated representative)
Joe Paige, Clearwater
Joe Jayne, III, Seminole
David Kloczkowski, Clearwater
Robert Bullard, Largo
Carol Stupp, Largo
Robert M. Stupp, Largo
Bruce Mesagno, St. Petersburg

Referring to the concerns expressed, Mr. Crandall clarified that the rate change is not a new increase to fund the County assuming the recycling operations of the municipalities; that staff is only proposing to follow the provision within the current fee schedule that requires modified trailers to cross the scales; and that no one is being punished for following the rules. He indicated that the trailer's height measurement is dependent upon the height of the trailer's sideboards, not the height of the load; and that the proposed

January 5, 2010

plan does not discriminate against small roll-off trailers, noting that roll-off trailers are designed to carry extremely heavy loads, including concrete.

In response to queries by Commissioner Latvala, Mr. Crandall and Director of Solid Waste Robert Hauser indicated that the impetus to change the fee structure results from the findings that 88 percent of the loads brought in on single-axle trailers and approximately 20 percent of the loads brought in on the big roll-off trailers exceed the \$10.00 weight limit; that approximately 20 to 25 percent of single-axle trailers have been modified to carry very heavy loads; that weighing in and weighing out is the fairest and most equitable method; and that the proposal ends the flat fee on a date certain; whereupon, Mr. Hauser stated that he does not expect to see unintended consequences, such as illegal dumping.

Following lengthy discussion and in response to comments and queries by Commissioners Harris and Welch, Mr. Hauser stated that no changes are being proposed to the fee for pickup trucks or to the tipping fee; that the proposal would require any trailer to weigh in and weigh out beginning January 2011; that there will be visual markers at the site to assist in determining trailer size; and that there may be some increase in queuing during the initial few weeks while questionable trailers are measured, noting that a large majority of the trailers are repeat customers.

Mr. Hauser indicated that staff is unable to determine how many businesses will be impacted by the proposed plan as the majority are not account customers; and Mr. Laughlin stated that the majority of the haulers' trailers would fall under the Class "B" classification under the proposed plan; whereupon, Mr. Hauser noted that initially there were some safety issues relating to the modified trailers, and discussion ensued.

Mr. Hauser noted that the name of the representative for roll-off trailer owners is Tom Hammond; and indicated that Mr. Hammond did not express any objection to the explanation of how the roll-off trailers were proposed to be handled or to the proposed Class "C" classification; and Mr. Mesagno restated his objection to the proposal and the unfairness of the proposal to his company. Commissioner Welch noted Mr. Mesagno's objection and indicated that other roll-off trailer owners also do not agree with the proposed classification; whereupon, Mr. Hauser acknowledged that the proposed plan is not equitable to every customer, which is one reason for recommending that the plan be eliminated at the end of the year.

During discussion, Chairman Seel suggested that the three classes under the proposed plan move forward; and that the issue be revisited near the end of the year; and Commissioner Bostock concurred and suggested that the classification for roll-off trailers be revised to classify them based on their actual size. Commissioner Welch stated that he would prefer that roll-off trailers with interior height dimensions of four feet or less be classified under Class “B”; and concurred that the matter be revisited; whereupon, Mr. Crandall stated that the resolution would be modified to reflect the Board’s direction.

Commissioner Welch moved, seconded by Commissioner Latvala, that the three classes, with the change to Class “B” regarding roll-off trailers, be approved; and that the Board revisit the matter at the end of the year and the fee schedule not automatically terminate on January 1, 2011.

Motion - Commissioner Welch
Second - Commissioner Latvala

Commissioner Brickfield stated that he supported the delay in the change to the fee schedule relating to roll-offs to provide an opportunity for those who invested in them to recapture their investment before the changes are made; whereupon, he cautioned that custom made roll-off trailers should not be invested in, as the category is temporary and will be going away.

Vote - 7 – 0

Thereupon, in response to comments and queries by Mr. Crandall and County Attorney James L. Bennett, Chairman Seel confirmed that staff is directed to modify the resolution to reflect Class “B” as the classification for roll-off trailers with interior height dimensions of four feet or less; and that the resolution does not need to come back before the Board provided it is consistent with the approved motion; whereupon, she stated that she will sign the modified resolution and will ensure that it accurately reflects the Board’s intent.

#24 Ranking of firms and final negotiated contract with the two highest ranked firms for printing services (Contract No. 089-0592-P) approved as follows:

1. C & D Printing Company
2. Colorgraphx
3. On Demand Printing
4. The UPS Store

January 5, 2010

Estimated annual expenditure not to exceed \$275,000.00; Chairman authorized to sign and the Clerk to attest.

Contracts are for an initial 12-month period commencing January 7, 2010 and may be extended for four additional 12-month periods, subject to approval by the County Administrator or Purchasing Director (Communications).

* * * *

At this time, 12:23 P.M., Commissioner Latvala left the meeting.

* * * *

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

#25a Amendment No. 1 to the Grant Agreement with the Florida Department of Environmental Protection (FDEP) Bureau of Beaches and Coastal Systems for Treasure Island Beach Renourishment Project (FDEP Contract No. 09PI2) approved increasing the State share from \$400,000.00 to \$700,000.00 (total project cost, \$3,566,667.00; Pinellas County's portion, \$700,000.00) and changing the name of the County's project manager for the project (Environmental Management).

and

#25b Amendment No. 2 to the Grant Agreement with the Florida Department of Environmental Protection (FDEP) Bureau of Beaches and Coastal Systems for Sand Key Beach Renourishment Project (FDEP Contract No. 07PI1) approved increasing the State share from \$333,320.00 to \$3,933,230.00 (total project cost, \$20,021,299.00; Pinellas County's portion, \$3,933,230.00) and changing the name of the County's project manager for the project (Environmental Management).

Motion	-	Commissioner Harris
Second	-	Commissioner Morrone

* * * *

At this time, 12:24 P.M., Commissioner Latvala returned to the meeting.

* * * *

In response to queries by Chairman Seel and Commissioner Welch, Director of Environmental Management Andrew P. Squires confirmed that he will be the County's new project manager for the project; and explained that the increased funding amount was initially requested in September 2008, but that the funding was not appropriated until last summer due to funding cycle issues; that the funding agreements are being adjusted to coincide with the appropriation; and that the increase in the County's share of funding was anticipated and will be accommodated by capital improvement project funds.

Vote - 7 - 0

#26a Letter of Agreement between Pinellas County and the State of Florida, through its Agency for Health Care Administration, retroactive to July 1, 2009 (agreement effective July 1, 2009 through June 30, 2010) approved for an estimated expenditure not to exceed \$19,472,934.00 to be sent to the state in four quarterly payments (Health and Human Services).

and

#26b Master Florida Low Income Pool Program Agreement with local Pinellas County hospitals approved effective upon execution by the parties through September 30, 2010 or upon full draw down of funds received under the Agreement; authorization granted for execution of individual agreements and subsequent amendments and/or changes in allocated funds pursuant to the funding allocation chart in Attachment No. 1 to the Agreement (Health and Human Services).

Motion - Commissioner Latvala
Second - Commissioner Welch

Responding to queries by Chairman Seel and Commissioner Welch, County Administrator Robert S. LaSala and Director of Health and Human Services Maureen A. Freaney indicated that the participating hospitals are aware of the reductions; that the State formula to determine the amount of low income pool (LIP) funding to be received was not available at the time the Health and Human Services department budget was

prepared; and that the decrease in funding was unexpected; whereupon, Ms. Freaney explained that the LIP funding comes from federal dollars run through the State system and is actually local dollars matching federal dollars; and indicated that it is her understanding that the decrease in funding was due to a function of the formula.

Vote - 7 – 0

#27 Authorization granted to advertise public hearings to be held on February 2, 2010, to consider an amendment to Ordinance No. 88-30, authorizing a levy of a non-ad valorem assessment in the Tierra Verde Fire Control District Municipal Services Taxing Unit; and for a public hearing to be held on February 16, 2010, to consider a resolution establishing intent of the Pinellas County Board of County Commissioners to levy a non-ad valorem assessment in the Tierra Verde Fire Control District Municipal Services Taxing Unit and use the uniform method of collecting such assessment, pursuant to Florida Statute §197.3632, for the purchase of a ladder truck (Companion Items Nos. 14 and 15) (Public Safety Services).

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

* * * *

At this time, separate vote was taken on Agenda Item No. 14.

Chairman Seel suggested that language be added to the budget amendment to reflect that the funds are a loan.

Motion - Commissioner Morroni
Second - Commissioner Latvala

In response to queries by Commissioner Welch, Assistant County Administrator James A. Dates indicated that the removal of the funding from the radio system is the result of a timing issue; and that the funding will be replaced in the future.

Vote - 6 – 1 (Commissioner Bostock dissenting)

* * * *

#28 Ranking of firms and authorization for staff to negotiate an agreement for Board approval with No. 1 ranked firm, Bovis Lend Lease, Inc., for Construction Management (CM) At Risk Services for Public Safety Facilities and Centralized Communications Center as

January 5, 2010

outlined in the agenda memorandum dated January 5, 2010, which has been filed and made a part of the record, approved (Contract No. 089-0595-P) (Real Estate Management).

County Administrator Robert S. LaSala distributed an organizational chart, a copy of which has been filed and made a part of the record, and in response to Chairman Seel's request for clarification, indicated that the project director, director of preconstruction, project manager, and assistant superintendent were all originally with Matthews Construction of Tampa, Inc.; that the firm's ability to handle the duties as expected will be addressed during negotiations; and that the matter will be brought back before the Board if there is an issue; whereupon, he agreed to electronically provide the members with a color copy of the organizational chart.

During discussion and in response to comments and queries by the members, Purchasing Director Joe Lauro provided a brief report on the due diligence performed on Bovis Lend Lease, Inc. to address concerns previously expressed by the members and indicated that he discussed the information received with the County Attorney's Office; and that he feels there is nothing that will affect the firm's performance on the project. Mr. LaSala indicated that the project is scheduled three years out; and that the budgeted total project estimate is \$81,400,000.00, but that the actual contract amount will not be known until bids are received; whereupon, he provided the status of the architect selection and discussed how capital projects are scheduled.

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

#29 Resolution No. 10-17 adopted declaring 8.385 acres of vacant County-owned property located at 162nd Avenue North and 49th Street, southwest of the Bayside Bridge surplus and authorizing conveyance to the Pinellas Community Housing Foundation, Inc., as Trustee of the Pinellas County Surplus Land Trust – Bayside; Chairman authorized to execute and the Clerk to attest and record the County Deed (Real Estate Management/Community Development).

Motion	-	Commissioner Welch
Second	-	Commissioner Latvala

In response to comments by Chairman Seel regarding the community angst previously expressed associated with the property, County Administrator Robert S. LaSala indicated that the design of any development on the property will be subject to site plan review and

approval consistent with Board standards; whereupon, discussion ensued wherein Commissioner Bostock expressed concern regarding constructing new developments for affordable housing at the present time.

In response to queries by Chairman Seel and Commissioner Bostock, Assistant County Administrator Elithia V. Stanfield indicated that trust fund dollars may or may not be used to finance development of the property; and pointed out that the agenda item is administrative in nature and places the property in the County's land trust; whereupon, Ms. Stanfield related that there is a proposed development agreement associated with the subject property, but that it has not completed the necessary processes; and noted that the land will remain in the land trust if the project does not come to fruition.

Vote - 7 - 0

#30 Other Administrative Matters – None.

#31 County Attorney Miscellaneous – None.

#32a Final negotiated contract with Applications Software Technology Corporation, d/b/a AST Corporation, for implementation software services of the Oracle E-Business Suite (Contract No. 089-0255-P Re-Bid) approved; contract expenditure not to exceed \$7,600,806.00 (total estimated expenditure for OPUS Project, \$17.1 million); 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 (Companion Item No. 32b).

and

#32b Final negotiated General Services Administration Agreement (Contract No. GS-35F-0009T) and Ordering Document with Oracle USA, Inc. for software licenses and annual maintenance approved effective no earlier than January 13, 2010; contract expenditure not to exceed \$7,600,806.00 (total estimated expenditure for licenses, pro-rated back support [maintenance], and first-year annual recurring maintenance, \$6,396,334.45; annual recurring maintenance expense, \$947,831.85); 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, if the Master Agreement with Applications Software Technology Corporation, d/b/a AST Corporation, is in effect (Companion Item No. 32a).

January 5, 2010

Oracle Project Unified Solution (OPUS) Project Sponsor William M. Berger conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record, during which he provided an overview of the OPUS Project and discussed current issues, OPUS benefits, the timetable, implementation phases, estimated project costs, project budget, return on investment, and other Oracle enterprise resource planning implementations; whereupon, he requested that the Board approve the contracts with AST and Oracle Corporation and approve the delegation of approval authority to the County Administrator for implementation services contract change orders and highlighted the implementation services contract with AST.

Business Technology Services (BTS) Director Paul F. Alexander III provided an overview of the Oracle License Agreement and indicated that it supports OPUS and the enterprise at-large, leverages the County's current investment, utilizes the unlimited licensing model, and features aggressive discounting, caps on maintenance increases, and price holds for future needs.

Discussion ensued wherein Messrs. Berger and Alexander discussed funding for the OPUS and Justice Consolidated Case Management System (CCMS) projects and in response to comments and queries by the members, indicated that two cost centers within BTS appropriate \$2.7 million for the Justice project and \$7.2 million for the OPUS project; and that a future reserve fund of \$7.7 million exists within the budget that has not yet been appropriated; that the funding is sufficient to cover project expenses anticipated during Fiscal Year 2010; and that additional funds will be identified during the Fiscal Year 2011 and Fiscal Year 2012 budget processes to cover project expenses anticipated in future fiscal years. Mr. Berger related that the OPUS project has a gap of approximately \$2 million; that the gap exists because BTS does not do multi-year budgeting; and that when the appropriation of additional funds will be needed is dependent upon the staging of the Justice CCMS project implementation, noting that the two projects are interrelated at the present stage, making it difficult to segregate the gap for both projects; whereupon, Chairman Seel pointed out that the \$2.2 million contingency is equivalent to the funding gap, and Mr. Alexander discussed opportunities to reduce costs.

In response to the concerns of Commissioner Brickfield, Mr. Berger stated that there is no additional funding currently identified and appropriated for the OPUS or Justice CCMS projects; that the Justice CCMS project is not being de-funded; and reiterated that the \$7.7 million shared between the two projects has not been segregated; and that the gap is undefined because the real cost of the Justice CCMS project is unknown;

whereupon, he pointed out that BTS is being upfront with the Board before it begins its budgeting process for Fiscal Year 2011; and that additional funds will be necessary moving forward in order to successfully complete the projects.

In response to comments and queries by Commissioner Welch, Chief Deputy Clerk Claretha N. Harris stated that the Clerk's resources dedicated to functional participation include Finance Division managers and supervisors of operational areas; and pointed out that the Clerk's technology department will be responsible for providing primary technology support for financial functions and secondary technology support for human resource, budget, and purchasing functions; whereupon, she discussed the need to backfill positions dedicated to the OPUS project, extended Clerk of the Court Ken Burke's apologies for being unable to stay for the agenda item, and conveyed his commitment and support to the project and his intent to work diligently to ensure the project is a success on behalf of the County.

During discussion and in response to concerns and queries by Chairman Seel, Messrs. Berger and Alexander indicated that the delegation of approval authority to the County Administrator is unrelated to the contingency, but that it is specifically related to the contract with AST and allows for efficiency in processing change orders that do not impact the bottom line; whereupon, Chairman Seel requested that the Board be advised if the contingency funding is accessed.

Discussion ensued wherein Commissioner Bostock expressed concern regarding the delegation of approval authority language in the master agreement specifically reflecting change order authority limited to the total budget and Mr. Berger identified the location of the language within the master agreement; whereupon, in response to Commissioner Bostock's request for an opportunity to review and verify the language, Chairman Seel indicated that in the interest of time, the Board would continue with the agenda items while Commissioner Bostock reviewed the master agreement, and no objections were noted.

Later in the meeting, Commissioner Bostock indicated that she was satisfied with the delegation of approval authority language in the master agreement; whereupon, Commissioner Welch moved, seconded by Commissioner Harris and carried, that Agenda Items Nos. 32a and 32b be approved.

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

#33 Reappointment of Rodney S. Fischer to the Housing Finance Authority Board for a four-year term expiring on February 1, 2014 approved.

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

* * * *

Deviating from the agenda, Chairman Seel indicated that Item No. 35 will be addressed at this time.

* * * *

#35 Appointments and reappointments to the Pinellas County Cultural Council (term of January 2010 through December 2013) and appointment of Lenné Nicklaus-Ball to fill an unexpired term ending December 2011, as outlined in the agenda memorandum dated January 5, 2010, which has been filed and made a part of the record, approved.

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

#36 Appointment of Tyriona Johnson and Regina Spells to the Youth Advisory Committee (term of January 5, 2010 through July 31, 2010) approved.

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

#37 Appointment of Mirah Earle to the Pinellas County Park Board approved.

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

* * * *

Deviating from the agenda, Item No. 34 was heard at this time.

* * * *

#34 County Administrator Reports:

Convention and Visitors Bureau Update

Convention and Visitors Bureau Director D. T. Minich conducted a PowerPoint presentation titled *Visit St. Petersburg/Clearwater*, a copy of which has been filed and made a part of the record. He discussed the tourism development tax, how it is broken down, and how it can be used; provided an overview of the Tourist Development Council (TDC), Visit St. Petersburg/Clearwater and its focus areas, and partnerships; and discussed the 2008 destination profile, various forms of media, media spending, and advertising and marketing.

Mr. Minich related that the new website is live, but that the final tweaks are being made and should be worked out by the next TDC meeting; whereupon, in response to query by Chairman Seel, he agreed to provide the members with the final cost of the new website development.

In response to comments and queries by Commissioner Latvala, Mr. Minich discussed winter season and short-term bookings and provided a copy of the new visitor guide, which has been filed and made a part of the record; whereupon, Commissioner Harris provided input regarding the need to increase the number of friends and relatives visiting in Pinellas County, noting that that the TDC tracks the numbers; and that the numbers have been down and represent one of the big deficits in the tourist numbers.

#38 Appointment of Roger Johnson to the East Lake Community Library Advisory Board for a two-year term approved.

Ballots were distributed and each member was asked to vote for one candidate and the ballots were presented to Chief Deputy Clerk Claretha N. Harris for tabulation.

Later in the meeting, Chairman Seel indicated that Roger Johnson had been appointed by majority vote to the East Lake Community Library Advisory Board.

#39 Appointment of Harry Rabb to the Social Action Funding Advisory Board approved (term to expire on December 31, 2010).

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

#40 Appointment of Matthew J. Riggs to the Pre-Qualification Committee representing the Suncoast Utility Contractors Association approved.

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

#41 County Commission Miscellaneous:

a. Commissioner Harris discussed the impact of speed bumps on fire rescue response times.

provided a water conservation tip.

b. Commissioner Morroni discussed the County’s current ordinance re dangerous dogs and solicited the Board’s support for Attorney Bennett to review the ordinance, and no objections were noted; whereupon, Attorney Bennett indicated that he will explore the implications of changing the ordinance and report his findings to the Board.

c. Commissioner Bostock discussed including open board-appointed positions on the County’s internet website for public view to make the application process more inviting and broadening the County’s Volunteer Services; and suggested changing Volunteer Services to Community Involvement to encourage more participation and including Community Involvement in the presentations and awards portion of future meetings to promote volunteerism.

discussed including public notices on the County’s internet website, beyond publication of the agenda, to provide citizens access to information re upcoming public hearings and allow for increased community involvement, and Communications Department Operations Manager Mary Burrell and Chairman Seel provided input; whereupon, at the request of Commissioner Latvala, Mr. LaSala indicated that staff is researching the creation of a Volunteer Outreach Program and will bring a proposal before the Board at a later date.

January 5, 2010

d. Chairman Seel

congratulated Commissioners Latvala and Welch, along with State Representative Rick Kriseman, on being the 2009 recipients of the Suncoast Group of the Sierra Club Black Bear Award.

acknowledged receipt of Clerk of the Circuit Court Ken Burke's memorandum commending the BCC on being fiscally prudent and noting that the County's only debt relates to the Pinellas County sewer system.

#42 Meeting adjourned at 1:45 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk