

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, APRIL 6, 2010 – 9:33 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; Claretha N. Harris, Chief Deputy Clerk; and Arlene J. Kennare, Deputy Clerk.

INVOCATION: Monsignor Patrick Irwin, St. Cecelia Catholic Church, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Brickfield.

PRESENTATIONS AND AWARDS:

1. Presentation of National Public Health Week Proclamation to Health Department Director Dr. Claude M. Dharamraj.
2. Presentation of the 2009 Financial Statement and Audit Results, Required Communications and Financial Analysis by John DiSanto, Ernst & Young.

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. 10-55 adopted granting petition of Larry A. Wysong and Claire A. Wysong to vacate a portion of an easement in Lot 9, Block A, Boot Ranch – Eagle Watch – Phase B – II Subdivision; authority granted for Clerk to record the resolution. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

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

2a Private dock Application No. P40341-09/Revised-A submitted by Johann Koller Leigenschaftsverwaltungs / GMBH Inc., 2100 Pelham Road North, St. Petersburg (Boca Ciega Bay) approved; one letter and one email message in opposition to the application have been received; no citizens appeared to be heard; the biological report has been filed as part of the record; and approval is subject to the following conditions:

1. It is expected that minimal mangrove trimming will be necessary during initial installation of the walkout. Mangrove trimming during construction must be limited to the footprint of the structure.
2. Future trimming of mangrove branches which overhang the deck surface and are within eight vertical feet of the deck surface is allowed without further approvals from the County. Trimming beyond this may require permits from the Department of Environmental Management.

Responding to comments by Commissioners Latvala and Morrioni relative to an email message received from a citizen expressing her concerns with respect to the location of the dock, Director of Environmental Management William M. Davis referred to an aerial photograph and identified the applicant's property, provided information on the dock plans, and noted that the only reason the application is before the board is that it exceeds the 500-square-foot limit for administrative approval. Environmental Program Manager David L. Walker indicated that he is not aware of any existing sewer line; that there is drainage on the south side of the property; and that City of St. Petersburg staff had approved the application; and Bob Brownridge of Dolphin Marine Equipment, Inc. provided additional information.

Commissioner Morrioni suggested that staff follow up with the concerned citizen.

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

2b Private dock Application No. P40315-09/Revised-A submitted by Anita Noelle Norvell, 111 Driftwood Lane, Largo (Clearwater Harbor) administratively approved; no action by the Authority is required.

County Administrator LaSala related that since the application was advertised for public hearing, surrounding property owners have approved a revised design eliminating the

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need for a variance; and that the application has been administratively approved; whereupon, Chairman Seel noted that there is one objector and requested that a presentation be made.

County Attorney Bennett noted that the Board is free to hear the objector's concerns, but does not have any role in approving or denying the application since it has already been administratively approved; and that any appeal of that decision would have to be based on some error in staff's findings; whereupon, Mr. LaSala confirmed that any concerns of the objector can be administratively reviewed.

Director of Environmental Management William M. Davis referred to an aerial photograph and identified the applicant's property, provided information on the dock, and noted that since a revised plan has been approved by the objector, the permit has been issued administratively.

Noelle Norvell, Largo, provided additional information relative to the revisions made to the application at the request of the objector; and indicated that it was her understanding that since the application had been administratively approved, the hearing today was just a formality; and Gene Jericho of Dolphin Marine Equipment, Inc. provided additional information.

In response to the Chairman's call for persons wishing to be heard, Tiffany Ofenlogh, Largo, stated her concerns, submitted a written statement which has been filed and made a part of the record, and responded to query by the Chairman. Mr. Bennett noted that the County regulates docks, not boats; that the objector's concerns have been heard; and that these concerns can be addressed by the applicant or by staff through appeal; whereupon, John Ofenlogh, Largo, indicated that he and his wife do not intend to bring the matter to appeal or to stand in the way of the construction of the dock; and that they believed that the public hearing was the appropriate forum in which to voice their last minute concerns.

Following additional discussion, Chairman Seel indicated that no action is required and requested that the parties work together to mitigate the situation.

COUNTYWIDE PLANNING AUTHORITY (CPA) PUBLIC HEARINGS

- # 3a Ordinance No. 10-21 adopted approving Case No. CW 10-02, the proposal by the City of Gulfport to amend the Countywide Future Land Use Plan from Residential Urban to Institutional, re 4.3 acre m.o.l., located at 2014 52nd Street South (Gulfport Elementary

School) (regular amendment). Pinellas Planning Council (PPC) recommended approval of the proposed amendment and staff concurred. No correspondence has been received.

and

3b Ordinance No. 10-21 adopted approving Case No. CW 10-03 (SAP adoption 2010), the proposal by the City of Gulfport to amend the Countywide Future Land Use Plan from Commercial General, Commercial Limited, Residential Urban, Residential Low Medium, Recreation/Open Space, and Institutional to Community Redevelopment District, Recreation/Open Space, and Institutional, re 131.3 acre m.o.l., located generally within an area bounded by the following: starting at the intersection of the Pinellas Trail and 49th Street South, then south along 49th Street South to Gulfport Boulevard, then west to 51st Street South, then north to 20th Avenue South, then west to 55th Street South, then north to 18th Avenue South, then east to 52nd Street South, then north to the Pinellas Trail, then east to the beginning (regular amendment). PPC recommended approval of the proposed amendment and staff concurred. No correspondence has been received. Approval is based upon the Special Area Plan titled *City of Gulfport 49th Street Redevelopment Plan Update*, a copy of which has been filed and made a part of the record, and inclusive of the following conditions:

1. Application of permitted densities and intensities on their respective proportion to the affected total land area except as specifically noted in the Special Area Plan for the Commercial Mixed Use Overlay District.
2. 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.
3. 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.

In response to the Chairman's call for persons wishing to be heard, Preddy Irwin, Gulfport, stated his concerns.

PPC Executive Director David P. Healey related that Case No. CW 10-02 is an amendment to recognize part of the Gulfport Elementary School property in its existing use as Institutional; that Case No. CW 10-03 is an amendment updating the City's 49th Street Redevelopment Plan; that it has been unanimously supported by the Planners Advisory Committee and the PPC; that it will become an appendix to the earlier approved redevelopment plan; that it will apply the Community Redevelopment Designation under the Countywide Plan; and that the specifics relative to allowable uses are set forth in the Special Area Plan.

Responding to queries by Commissioner Welch and Chairman Seel, Mr. Healey indicated that public hearings on these cases were held by the City of Gulfport and the PPC. City of Gulfport Director of Community Development Fred Metcalf related that Case CW 10-03 will allow for the designation of overlay districts; that the districts will have varying intensities of use; that they will not change the underlying zoning; that none of the currently permitted uses will be changed; and that it will allow some flexibility in permitting mixed residential and commercial uses.

Responding to additional queries by Commissioner Welch and Chairman Seel, Mr. Metcalf indicated that City staff followed the statutory requirements for future land use amendments relative to public hearings; that a transmittal and first reading was held on January 29, 2010 by the Gulfport City Council; that the process has been ongoing for approximately 18 months; that property owners in the area were notified through legal advertisement; that if citizens have any questions they can get in touch with him directly; and that no mailer was sent by the City.

Responding to the concerns of Mr. Irwin and in response to query by Commissioner Brickfield, Mr. Metcalf related that the City has no intention of buying any of the residences or businesses in the affected area.

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

- # 3c Ordinance No. 10-22 adopted approving Case No. CW 10-04, the proposal by the City of Largo to amend the Countywide Future Land Use Plan from Residential Low to Institutional, re 5.0 acres m.o.l., located at 2050 58th Street North (regular amendment). Pinellas Planning Council recommended approval of the proposed amendment subject to the accompanying Development Agreement and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 4 Ordinance No. 10-23 adopted amending the Countywide Rule regarding transfer of development rights and density/intensity averaging. Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received.

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

CITIZENS TO BE HEARD:

Lenore Faulkner, Madeira Beach, re Pinellas Park Middle World Class Career & Technology School.

Barbara Green, Clearwater, re Homeless Emergency Project.

Jeanne Akopova, St. Petersburg, re help to fix air conditioner (submitted letters).

Greg Pound, Largo, re families.

Mark Klutho, Largo, re stupidity, waste.

Kevin Hing, St. Pete Beach, re Long Key beach renourishment (Agenda Item No. 20).

CONSENT AGENDA ITEMS NOS. 1 THROUGH 14 – APPROVED.

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

- # 5 Minutes of the regular meeting of March 2, 2010 approved.

- # 6 Reports received for filing:

- a. Reports of Expenses Incurred Under Incentives, Awards, and Recruitment Ordinance for the quarters ended September 30, 2009 and December 31, 2009.
- b. Audit Services, Division of Inspector General, Clerk of the Circuit Court, Report No. 2010-05 dated March 12, 2010 - Follow-Up Review to Audit of Pinellas County Utilities Water Distribution System Mains Expenditures.

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Responding to query by Commissioner Brickfield, Director of Utilities Tom Crandall related that standard policy for Utilities reserves is two and one-half months of operating expenses plus five percent of revenue; that the level of reserves varies throughout the year; and that at present Utilities has reserves in the amount of approximately \$15 million, with a goal of close to \$20 million.

- c. Housing Finance Authority of Pinellas County Independent Auditor's Reports, Financial Statements, and Required Supplementary Information for the Year Ended September 30, 2009.
- d. Dock Fee Report for the month of February 2010.

7 Vouchers and Bills Paid – Period February 22 through February 26, 2010

Imprest Fund Expenditures

Manual check numbered 751654

System checks numbered 993415 through 994193

ACH Transfers numbered 4787 through 4902

Wire Transfers numbered 11241 through 11252

8 Miscellaneous items received for filing:

- a. City of Clearwater Ordinance No. 10-02 adopted February 4, 2010, encouraging Pinellas County Board of County Commissioners to adopt anti-tethering regulations.
- b. City of Largo Ordinances Nos. 2010-21 through 2010-23 adopted February 16, 2010, annexing certain property.
- c. City of Seminole Ordinance No. 01-2010 adopted February 23, 2010, voluntarily annexing certain property.
- d. Pinellas Park Water Management District minutes of Regular Authority Meeting No. 4 dated January 21, 2010.
- e. Pinellas Suncoast Fire and Rescue District Resolution No. 2010-01 adopted February 16, 2010, fixing the rate of non-ad valorem assessments in compliance with the Charter of the District.
- f. Florida Public Service Commission Final Order (Dockets Nos. 030458-WU, 070084-WU, 100033-WU) re Holiday Utility Company, Inc. issued March 5, 2010, approving transfer to Florida Governmental Utility Authority, cancelling certificate, and acknowledging withdrawal of petition.

- # 9 Joint Project Agreement with Peoples Gas System for utility installation by roadway contractor for Bryan Dairy Road (County Road 296) from Starkey Road to 72nd Street North (PID No. 920588) in the amount of \$254,515.80 (no cost to the County) approved; Chairman authorized to sign and the Clerk to attest.
- #10 Bid for Sanitary Sewer Cured-In-Place Pipelining for Madeira Beach Collection System Improvements (Project No. 11982A; Contract No. 090-0107-C) awarded to Lanzo Lining Services, Inc.-Florida on the basis of being the lowest responsive, responsible bid received meeting specifications. Work is expected to be completed within 365 consecutive calendar days; by mutual agreement of both parties, contract may be extended for an additional 12 months beyond the original contract period subject to the same terms, pricing, and conditions as the original contract and the approval of the County Administrator; 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.
- #11 Revised Notice of Grant Award from the United States Department of Health and Human Services, Health Resources and Services Administration approved for funding in the amount of \$176,671.00, representing the second 50 percent of the target Fiscal Year 2009-2010 funding under the Health Center Program for Pinellas County and identifying \$651,604.00 in local appropriations for the Pinellas County Mobile Medical Unit (Health and Human Services).
- #12 Fiscal Year 2010 Board Budget Amendments Nos. 4 and 5 were filed and made a part of the record (Management and Budget).
- #13a Resolution No. 10-56 adopted supplementing the Fiscal Year 2010 County Transportation Trust Fund Budget to appropriate earmarked receipts for a particular purpose (Highway Safety Fund Grant Award to the Public Works Department totaling \$114,000.00) (Management and Budget).
- #13b Resolution No. 10-57 adopted supplementing the Fiscal Year 2010 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated grant revenues to the Department of Health and Human Services \$87,840.00) (Management and Budget).

- #14 Ranking of firms and authorization for staff to negotiate with the No. 1 ranked firm, Tyler Technologies, for purchase and implementation of a Consolidated Case Management System (Contract No. 089-0408-P) approved.

Commissioner Welch noted that this project is important because it has provided an opportunity for all constituents to review their business processes; and that it will save the County a great deal of money going forward; and Chairman Seel provided additional comment.

- #15 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court) – None.

- #16 Award of bid to David Nelson Construction Co. for improvements to Keystone Road from U.S. Highway 19 to East Lake Road (Project No. 920522, Bid No. 090-0019-CP) approved for an estimated expenditure in the amount of \$31,602,804.10 on the basis of being the lowest responsive, responsible bid received meeting specifications. Chairman authorized to sign the agreement and the Clerk to attest after proper execution by the contractor.

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

- #17 Resolution No. 10-58 adopted changing the name of Bay Street to Kayli Lane, from Shore Drive to North Street. Clerk authorized to record the Resolution in the public records of Pinellas County. County's cost to replace two existing street signs is estimated at \$400.00.

Motion - Commissioner Welch

Responding to queries by Commissioner Welch, Director of Public Works and Transportation Peter J. Yauch related that Kayli is the name of the daughter of one of the residents on the street; and that all residents are in concurrence regarding the name change; whereupon, referring to an aerial photograph, he explained that there are two separate segments of Bay Street; that the residents requested the change after having problems with a 9-1-1 response; that the County worked with the residents on determining an appropriate name; and that name changes are considered when requested by emergency responders or by a majority of residents on the street.

Second - Commissioner Latvala

Commissioner Bostock noted that she has spoken with Administrator LaSala and Attorney Bennett suggesting minor changes to the County's policy regarding street name changes; whereupon, Attorney Bennett indicated that the procedures are very old and need clarification and revision; and that staff will review and modify them as appropriate.

Vote - 7 - 0

- #18 Approval of the first amendment and first and final extension to the agreement for consultant services with the six firms listed in the Agenda Memorandum for ongoing land survey and mapping services (Contract No. 067-0500-A) denied; staff directed to issue a Request for Proposals (RFP) and to prepare an amendment extending the current contract term for six months and/or as needed for project completion, utilizing the re-negotiated rates.

Commissioner Latvala moved for approval of the staff recommendation, Commissioner Welch seconded, and discussion ensued wherein Commissioner Brickfield questioned the parity of the renegotiated rates, Commissioner Seel inquired why the agreement was not put out to bid, and Commissioner Harris suggested that a new RFP would provide an opportunity for other qualified firms to be added to the list.

Thereupon, Purchasing Director Joseph Lauro explained that when a contract contains an option for renewal, there is a reasonable expectation on behalf of the consultant that, if they have performed up to standard, the contract will be renewed. He indicated that the six firms have done a good job; that they were selected solely on the basis of their qualifications, in accordance with the Consultants Competitive Negotiation Act (CCNA) process; that rates are negotiated based on what other government agencies are paying for similar services; and that staff had chosen to give them the right of first opportunity when seeking to re-negotiate the rates based on the current market. In response to query by Chairman Seel, Mr. Lauro indicated that the County could choose the lowest rates and offer the consultants the option to "take it or leave it"; that he does not recommend taking that approach; and that while the County should not pay more for services than other agencies do, it should pay fair rates that allow the contractors to make a profit. Acknowledging changes that have taken place in the marketplace during the initial contract term, Commissioner Bostock suggested that the County reconsider its practice of including renewal options in its original agreements.

Following further discussion with input by Messrs. LaSala and Lauro, Commissioners Latvala and Welch repeated their motion and second for approval; whereupon, the

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motion failed by a vote of 3 to 4, with Chairman Seel and Commissioners Morroni, Brickfield, and Harris casting the dissenting votes.

Commissioner Brickfield moved, seconded by Commissioner Harris, that staff proceed with an RFP for ongoing land survey and mapping services. Responding to query by Commissioner Welch, Mr. LaSala indicated that the RFP process will create an additional workload for the Purchasing Department, which has been reduced in size; and that provision must be made for continuation of services during the interim. Attorney Bennett indicated that the existing contracts will terminate shortly; and that it will be necessary to execute contracts for continuation with the current firms. Mr. Lauro indicated that the RFP process will take 90-120 days, and that some of the firms are currently working on projects.

In response to query by Commissioner Welch, Commissioner Brickfield indicated that the intent of the motion is to recognize that the market has changed and offer the opportunity for more firms to bid on County business, hopefully resulting in a further reduction in prices, and Commissioner Harris concurred; whereupon, Mr. LaSala noted that there is less County work than was anticipated when the existing contracts were written and there will be even less work in the future; that firms will not submit hourly rates, only qualifications; and that there is a tradeoff based on the additional staff workload to conduct the process. Commissioner Latvala noted that an RFP may raise expectations in the community for work that may not become available; and Director of Public Works and Transportation Peter J. Yauch provided input.

Commissioner Brickfield, at the suggestion of Chairman Seel, amended his motion to provide that any company currently working on a project be allowed to continue until completion of the project. Discussion ensued wherein Mr. Yauch voiced concern regarding the ability to assign new work, as necessary, during the interim period until new contracts are in place; and Mr. LaSala indicated that any extensions should include the lower re-negotiated rates.

Commissioner Bostock asked that, in the future, staff allow additional lead time when a decision must be made to exercise a renewal option; and Messrs. LaSala and Lauro responded, indicating that they will do so, where possible; that achieving a reduction in costs was the first priority; and that renegotiation of the rates required an extensive effort including a statewide survey that took approximately 60 days.

Thereupon, following additional discussion with input by Messrs. LaSala, Yauch, and Attorney Bennett, Commissioner Brickfield amended the motion to provide that the current contracts be extended for a period of six months at the new rates, with the provision that any contractor with a continuing project or assigned a new project during the extension term be allowed to continue to provide services until completion of the project; and the seconder of the motion concurred.

Vote - 5 – 2
(Commissioners Latvala and Welch dissenting)

- #19 Approval of the first amendment and first and final extension to the agreement with the 15 firms listed in the Agenda Memorandum for roadways, drainage, structural, site, and traffic engineering consulting services (Bid No. 067-0538-A) denied; staff directed to issue a Request for Proposals (RFP) and to prepare an amendment extending the current contract term for six months and/or as needed for project completion, utilizing the re-negotiated rates.

Acknowledging the sentiment of the members during discussion of Agenda Item No. 18, County Administrator Robert S. LaSala suggested that the Board may wish to consider a companion motion for Item No. 19; whereupon, Commissioner Brickfield moved, seconded by Commissioner Harris and carried, that the current contracts be extended for a period of six months at the new rates, with the provision that any contractor with a continuing project or assigned a new project during the extension term be allowed to continue to provide services until completion of the project.

Vote - 4 – 3
(Commissioners Latvala, Welch, and Bostock dissenting)

- #20 Amendment No. 6 to the Agreement for Consultant Services for Treasure Island, North Segment, and Long Key, North Segment (Upham Beach) Beach Renourishment Projects with Coastal Planning & Engineering, Inc. (Contract No. 956-0190-A) approved increasing the agreement amount by \$64,077.00 (County's share, \$32,038.50) for a total revised contract in the amount of \$424,134.36; Chairman authorized to sign the agreement and the Clerk to attest.

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

- #21 Consent Order No. 09-4255 between Pinellas County and the Florida Department of Environmental Protection (FDEP) approved; Chairman authorized to execute and the Clerk to attest. Payment of the \$6,000.00 fine approved, and authorization granted to proceed with the proposed corrective actions required by the Consent Order (estimated total cost of corrective actions, \$26,800,000.00).

Motion - Commissioner Latvala

Responding to query by Commissioner Welch, Director of Utilities Tom Crandall explained that the County had recognized some time ago the need for dredging and stabilization of the banks of Pond A at the Solid Waste Operations site; that the water quality has degraded over time and there is a need for additional treatment so it can be used in the cooling towers at the Waste-to-Energy facility; that during design of the improvements last July and August, significant rainfall resulted in discharge from the pond on six occasions, causing violation of the FDEP permit; and that the FDEP has acknowledged the fact that the County had taken affirmative action in advance of the violations, noting those actions already taken in the Consent Order and reducing the amount of the fine.

Thereupon, Director of Solid Waste Robert Hauser described the location of the pond and related that the current water treatment plant does not treat for conductivity, or salt, in the water, which was cited by the FDEP along with nitrogen; and that a water study on the site recommended deepening of the pond to increase storage capacity and eliminate or minimize discharge and the need to utilize reclaimed water for the cooling towers. He indicated that the Consent Order will provide some relief to the discharge problem; that the high pond level is causing a compliance issue with gradient control under the landfill permit; that the County has been working with the State to address the issue; that a comprehensive program is in place as a result of the study conducted four or five years ago; and that the water treatment plant, which will be a partial reverse osmosis facility, is the key element of the plan.

Responding to query by Commissioner Welch, Mr. Hauser related that the Consent Order stipulates that the work will be done by the end of the year 2012; that the schedule calls for completion around September 2012; and that a pilot treatment plant began operation on the site last week.

Second - Commissioner Welch
Vote - 7 – 0

- #22 Resolution No. 10-59 adopted approving and authorizing the Chairman to execute and the Clerk to attest three Brownfield Site Rehabilitation Agreements with the Florida Department of Environmental Protection for the historic neighborhood landfills in the designated Dansville Brownfield Area; authorizing the County Administrator to execute access agreements, the Community Development Director to sign and file reports, plans and other administrative documents, and Community Development Department staff to hold required meetings and public hearings. Funding is to be provided by a U.S. Environmental Protection Agency Brownfield Grant (\$600,000.00) and the federal Community Development Block Grant Program (\$400,000.00 to \$485,000.00) (Community Development).

Motion - Commissioner Harris
Second - Commissioner Welch

Chairman Seel requested information relative to the timeline of the work and the party responsible for cleanup of the sites; staff to provide at a later date.

Vote - 7 – 0

- #23 Resolution No. 10-60 adopted approving the Pinellas County Local Mitigation Strategy (Emergency Management).

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

- #24 Resolution No. 10-61 adopted declaring a portion of County-owned land surplus, authorizing a private sale to the St. Petersburg College Foundation, Inc., establishing a sale price of \$725,000.00, and authorizing the Clerk to record the resolution in the public records of Pinellas County; Chairman authorized to execute and the Clerk to attest the Contract for Sale and Purchase and the County Deed (Real Estate Management).

Motion - Commissioner Harris
Second - Commissioner Brickfield

Commissioner Welch disclosed that he must abstain from voting on this matter due to his employment with St. Petersburg College, and in accordance with the provisions of the Standards of Conduct Law, submitted a Memorandum of Voting Conflict, which has been filed and made a part of the record.

Vote - 6 – 0 (Commissioner Welch abstaining)

- #25 County Deed approved transferring all real property interests in that portion of property described in Exhibit “C” to Robert G. Brotherton and Mae B. Brotherton (property address: 2801 Willow Trace, Tarpon Springs) in connection with the Keystone Road - U.S. Highway 19 to East Lake Road Project, PID No. 920522; Chairman authorized to sign the County Deed and the Clerk to attest (Real Estate Management).

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

- #26 Other Administrative Matters – None.

- #27 County Attorney authorized to initiate litigation in the case of Pinellas County versus Lake Shore Development, LLP – Allegations of Violations of the National Emissions Standards for Hazardous Air Pollutants.

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

- #28 County Attorney Miscellaneous – None.

- #29 Authorization granted to advertise public hearings to be held on May 18 and June 1, 2010 to consider a proposed ordinance amending the Countywide Rules regarding agricultural and community garden uses.

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

- #30 Social Action Funding Update

Director of Health and Human Services Maureen A. Freaney provided historical information regarding the Social Action Funding (SAF) Board, noting that it is a seven-member board established in 1980 whose members are appointed by the Board of County Commissioners; and that its function is to do social service grant screening and to submit funding recommendations to the BCC.

Ms. Freaney indicated that the County set aside \$1 million in one-time funding during last year’s budget discussions and used the SAF Board process to award the funds; and that the BCC expressed some concern regarding the process and suggested staff look at

how the funds are targeted to ensure the greatest impact is being achieved. She related that in response to that concern, staff had a healthy discussion with the members of the SAF Board serving in 2009 wherein the Board moved to disband; that a new SAF Board has been established consisting of some of those same members and some new members; that it has indicated its willingness to continue making recommendations regarding the distribution of funds if it is determined to be in the best interest of the County; and that it is requesting direction from the BCC and staff.

Ms. Freaney pointed out that the long-time Health and Human Services coordinator retired in December and the position has been frozen; and that staff is working to maintain the critical components of the 48 current contracts, which is labor intensive; whereupon, she conducted a PowerPoint presentation titled *Social Action Funding*, a copy of which has been filed and made a part of the record, discussed the agency minimum criteria to apply for grant funding, described the funding categories and services provided, and highlighted the current process.

In response to comments and queries by Commissioner Welch, Ms. Freaney discussed the prior joint collaboration with the City of St. Petersburg SAF Board and related that there is no longer a joint process, but there is some coordination. She discussed the strengths and weaknesses of the broad-based general grant focus used now versus a targeted grant focus; and during discussion and in response to queries by Chairman Seel, indicated that the grant process can be streamlined and the number of contracts reduced.

Thereupon, Ms. Freaney summarized the thinking of the SAF Board as follows:

- ▶ Public input is important
- ▶ Focus more on clear criteria
- ▶ Reduce labor intensiveness of process
- ▶ Increase staff input – staff take a more proactive role with the Board
- ▶ Cannot be all things to all agencies with limited dollars
- ▶ Supports creating priority levels
- ▶ Ensure there is no duplication of services
- ▶ Current system may not be sustainable due to less money
- ▶ Flexible to the input of the Board of County Commissioners

During discussion, Commissioners Brickfield and Morrone expressed their appreciation for the SAF Board and questioned where the idea to do away with the SAF Board is coming from and why the previous Board had felt that they were no longer needed; and

Commissioner Harris indicated that the SAF Board is vital and he supports doing whatever is needed to keep faith with the community.

Commissioner Bostock noted that the Board's responsibility is to fund community needs, not necessarily non-profit agencies, and suggested that all the social services monies allocated by the County be combined and put back into the general fund budget; and that the different departments work together to prioritize the funding, and Commissioners Latvala and Welch concurred that a review is necessary. Commissioner Seel suggested that there could be a role for the SAF Board in prioritizing assistance, even if the funds are combined, and noted the importance of the critical match programs and agency mergers; whereupon, Ms. Freaney agreed to provide the Board with funding data for human services going back to 2005, along with funding data for the homeless initiative funding since its inception.

County Administrator LaSala related that staff's recommendation for funding during this year's budget process will be less than last year and sought the Board's guidance as to whether to continue with the present process or initiate changes; whereupon, Chairman Seel directed staff to scrutinize the entire budget, review the overall needs of social services, and utilize the SAF Board and other experts for guidance, and no objections were noted.

#31 Legislative Update

Assistant County Administrator Elithia V. Stanfield provided information on the activities of the legislature during the first half of the 2010 session, and indicated that:

- Off-shore Oil and Gas Drilling. Little activity on the state level.
- Department of Juvenile Justice. Bill submitted by Representative Sandra "Sandy" Adams could potentially increase detention costs for juveniles if passed. The bill has been through several committees, but no action has been taken on its Senate companion. Staff has been notified that the County will receive a \$600,000.00 credit for detention costs. Many smaller counties do not have the staff to pursue these refunds, and the anticipated staff reductions in Pinellas County will make the task more difficult to accomplish in the future.
- Tourist Development Tax. Several bills have been filed in support of the county's position on the tourist development tax issue as it relates

to online travel companies, but they remain in committee. It does not appear that any of these bills will pass during this session.

- ▶ Taxpayer Bill of Rights. Senator Mike Haridopolis has filed his bill, but the Senate Community Affairs Committee amended the bill to take out the cap on local government. It appears that this bill will not go forward this year.
- ▶ Beach Renourishment/Budget. Senate bill contains proviso language which specifically includes the Sand Key project. House has set aside approximately \$5.2 million and the county's lobbyist team is working with the Florida Shore and Beach Association in pursuing funding. State dollars help the county to pull down federal funds for these projects.
- ▶ 9-1-1. Legislation requiring all 9-1-1 operators to obtain certification by October 2012 has been filed and is in the Appropriations Committees of both the House and the Senate. If passed, there will be costs to the County.
- ▶ Sovereign Immunity. Bill filed in the House increases the cap on sovereign immunity and allows local government to negotiate claims; bill on the Senate side increases the limitations but not in a significant way; House has indicated that it will take the Senate bill.
- ▶ Pinellas County Fertilizer Ordinance. There have been efforts in Tallahassee to pre-empt the county's ordinance. The lobbying team is working with the Florida Association of Counties (FAC) and the industry to find a solution.
- ▶ Recycling. Bills have been proposed in the Senate and the House; House bill is in committee; Senate bill is moving forward. The last amendment to the Senate bill increases the recycling goal to 50 percent except for waste-to-energy facilities which have debt; Pinellas County does not have debt. It is likely that this bill will come to fruition.
- ▶ Retirement Bills. Several bills have been filed; only three are still active. HB 5607 changes the contribution rate; HB 5703 suspends the requirement to fulfill contributions for up to three years; and the Senate bill continues the regular contribution rate and requires contributions from employees beginning in January 2011. A House bill has passed that would go into effect in July that eliminates the health care retirement subsidy; the bill is now in the Senate and an amendment has been filed.

Responding to queries by the members, Ms. Stanfield provided information relative to the pre-trial release issue; related that all of the local bills are still in committee; and provided information regarding the County's lobbying team. She indicated that while the County did not take a position on the bill relating to the Pinellas Park Water Management District, there is a conflict of interest provision contained in the contracts with the lobbyists; and that all of the local bills, including the *All or Nothing* bill on annexation, are in committee.

#32 Progress Report Leading to Staff Recommendation re Reserves

County Administrator Robert S. LaSala indicated that the purpose of today's report is to provide background information relating to the amount of money the County would need to have in reserves to cover essential operating expenses in case of a disaster and to assist the Board in deciding how much risk it is willing to absorb by reducing the reserves.

Office of Management and Budget Director John E. Woodruff conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record. He indicated that new standards adopted by the Government Accounting Standards Board (GASB), described earlier in today's meeting, will be in effect for the County's Fiscal Year 2011 budget; and that Fiscal Year 2010 Reserves of \$94.1 million are consistent with the current budget policy target of 15 percent of revenues; whereupon, he provided a detailed review of components and considerations relative to the following reserve funds:

Contingency Reserve	\$30.6 million
Encumbrance Reserve	\$22.5 million
Cash Flow Reserve	\$21.0 million
Disaster Reserve	\$20.0 million

Mr. Woodruff reviewed the costs for recent hurricanes in various Florida counties; explained how Contingency and Cash Flow Reserves could be used to supplement the Disaster Reserve, if necessary, providing a total of up to \$71.6 million; and referring to the new GASB requirements, summarized various tasks to be undertaken by staff as part of the Fiscal Year 2011 budget process.

#33 Commissioners Seel, Harris and Morroni appointed to the Joint Land Use/Transportation Committee.

Chairman Seel related that the Pinellas Planning Council (PPC) had appointed John Doran, Patricia Gerard, and Jim Ronecker; that the Metropolitan Planning Organization (MPO) appointees are Chris Arbutine, Jeffrey Danner, and Dave Eggers; that she wishes to balance the membership geographically; and that she and Commissioners Harris and Morroni have all served on both the PPC and the MPO.

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

- #34 Derrick S. Gaiter appointed to the Pinellas County Youth Advisory Committee for the term of April 6, 2010 through July 31, 2010 as per nomination by the Family Neighborhood Service Center.

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

- #35 Appointment to the Pinellas Community Housing Workgroup – Item withdrawn.

- #36 Resolution No. 10-62 adopted opposing the elimination of State Aid to Public Libraries funding, as requested by the Pinellas County Library Cooperative.

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

- #37 County Commission Miscellaneous:

- a. Commissioner Harris provided information relative to the Feed the Children program at Skycrest Baptist Church that he and Commissioner Brickfield recently attended.

referred to memoranda regarding the Friendship Trail Bridge; related that updated engineering information had been received; that the Friendship Trail Bridge Committee recommended that the bridge be demolished with the cost estimated at \$13 million to be shared by Pinellas and Hillsborough Counties; and that part of the cost would be offset by a total of approximately \$4 million currently in the repair

budget. Responding to queries by the members, Director of Public Works and Transportation Peter J. Yauch provided additional information.

Commissioner Morroni reminded the members of the suggestion he made previously for the Convention and Visitors Bureau to contact individuals in the film industry to determine if there is any cinematic interest in blowing up the Friendship Trail Bridge at little or no cost to the County; whereupon, Commissioner Harris related that this is being considered, and discussion ensued.

- b. Commissioner Brickfield noted that 440 families attended the Feed the Children program; and that dental care and medical screening was available.

wished the Tampa Bay Rays luck in the upcoming baseball season.

referenced an email message he received from a citizen relative to overbilling by an office supply store; and queried as to whether the County will be looking into whether or not it is being overbilled; and Assistant County Administrator Mark Woodard provided information.

- c. Commissioner Welch wished the Tampa Bay Rays good luck in the upcoming baseball season.

commended Chairman Seel on her work relative to the Transportation Summit.

- d. Commissioner Latvala related that she has received emails and telephone calls from citizens who want to save Brooker Creek and Weedon Island from closure; that she is keeping a log of these communications that she will provide to the County Administrator; and that citizens are

also indicating that they will be happy to pay a fee for use of the preserves.

- e. Commissioner Morroni announced that he has completely recovered from his bout with cancer; and expressed his appreciation for the prayers and good wishes he received.
- f. Commissioner Bostock noted that this budget period has become an opportunity to bring in volunteers and look at better ways of doing things.
- g. Chairman Seel announced that she received a request to appoint Clearwater Mayor Frank V. Hibbard to the Tourist Development Council; motion by Commissioner Harris, seconded by Commissioner Morroni, and carried unanimously.

indicated that she will be meeting with the Friends of Florida State Parks; that she has been talking with other partners and educational institutions; that there is interest from the private sector; and that a work session will be scheduled when something concrete and definable is available.

thanked everyone involved with the Transportation Summit.

#38 Meeting adjourned at 1:12 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk