

AGENDA ITEM NO. 1
December 11, 2012

1. APPROVAL OF MINUTES

Regular Meeting of November 20, 2012

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At this time, 8:32 A.M., in the County Commissioner Assembly Room, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, the following individuals were sworn in for their new terms as Pinellas County Commissioners: Commissioner Janet Long by Judge Pamela A.M. Campbell; Commissioner Charlie Justice by Judge Pamela A.M. Campbell; Commissioner Karen Williams Seel by Judge Patrick K. Caddell; and Commissioner Kenneth T. Welch by Judge Myra Scott McNary.

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**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, NOVEMBER 20, 2012 – 9:31 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: John Morroni, Chairman; Kenneth T. Welch, Vice-Chairman; Norm Roche; Karen Williams Seel; Susan Latvala; Charlie Justice; and Janet Long.

Others Present: Ken Burke, Clerk of the Circuit Court and Comptroller; James L. Bennett, County Attorney; Mark S. Woodard, Assistant County Administrator; and Tammy L. Burgess, Board Reporter, Deputy Clerk.

INVOCATION: Reverend Abhi Janamanchi, Unitarian Universalists, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Janet Long.

PRESENTATIONS AND AWARDS – None.

SCHEDULED PUBLIC HEARINGS – None.

CITIZENS TO BE HEARD

Patrick Lepeak, Clearwater, re HEP award/recognition to BCC (submitted brochure).
Michael Aubuchon, Tampa, re Agenda Item No. 7.
Greg Pound, Largo, re families.

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CONSENT AGENDA ITEMS NOS. 1 THROUGH 9 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 4c AND 7, WHICH WERE DISCUSSED AND APPROVED UNDER ITEM NO. 10.

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

1 Minutes of regular meeting of October 16, 2012 approved.

2 Reports received for filing:

- a. Reports of Expenses Incurred Under Incentives, Awards, and Recruitment Ordinance for Quarters Ended June 30, 2010, September 30, 2010, and December 31, 2010.
- b. Florida Department of Agriculture and Consumer Services, Florida Forest Service, Lakeland District, Annual Report to Pinellas County Commissioners for the period July 1, 2011 through June 30, 2012.
- c. Juvenile Welfare Board Monthly Financial and Investment Report dated September 30, 2012.
- d. Dock Fee Report for the month of October 2012.

3 Vouchers and Bills Paid

Period October 21 through October 27, 2012

Payroll

ACH – \$3,125,838.56 (2,982 documents)

Checks – \$16,805.66 (16 documents)

Third Party ACH – \$17,460.02 (74 documents)

Third Party Checks – \$2,179.96 (12 documents)

Accounts Payable

Checks – \$11,019,698.66 (554 documents)

ACH Transfers – \$4,930,815.08 (71 documents)

Wire Transfers – \$129,227.20 (5 documents)

- # 4 Miscellaneous items received for filing:
- a. City of Clearwater Notice of Public Hearings regarding proposed Ordinances Nos. 8365-12 through 8367-12 amending the Annexation, Land Use Plan, and Zoning Atlas; public hearings to be held December 6, 2012.
 - b. City of Largo Notice of Public Hearings to be held December 4, 2012, regarding proposed Ordinances Nos. 2013-01 through 2013-11, annexing certain property.
 - c. See Item No. 10.
 - d. City of Safety Harbor Resolution No. 2012-21 adopted October 15, 2012, opposing implementation of Priority Dispatch as proposed by Pinellas County Emergency Medical Services Authority.
 - e. Southwest Florida Water Management District Draft Five-Year Water Resource Development Work Program for Fiscal Year 2013.
- # 5a Resolution No. 12-173 adopted supplementing the Fiscal Year 2013 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated grants to the Pinellas County Sheriff's Office in the amount of \$1,226,770.00) (Management and Budget).
- # 5b Resolution No. 12-174 adopted supplementing the Fiscal Year 2013 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated State Homeland Security Grants to the Emergency Management Department in the amount of \$121,750.00) (Management and Budget).
- # 6 Award of bid to Anderson McQueen Company, d/b/a Alife Tribute Funeral Care, for Burial and Cremation Services (Contract No. 112-0396-B) approved for an estimated 24-month expenditure not to exceed \$815,033.00 on the basis of being the only responsive, responsible bid received meeting specifications; contract is for a period of 24 months with one 24-month term extension to be exercised only if all terms and conditions remain the same and the County Administrator grants approval; term extension will provide for price adjustments (increases/decreases) in an amount not to exceed the average of the Consumer Price Index (CPI) for all Urban Consumers, Not Seasonally Adjusted, U.S. City Average, for the 12 months prior to extension (Health and Human Services/Purchasing).
- # 7 See Item No. 10.

- # 8 Quarterly report of claim settlements for July 1 through September 30, 2012 for claims requiring the mutual consent of the County Attorney and Risk Management in the settlement area of \$25,001.00 to \$50,000.00 received for filing – no claims paid (Risk Management/County Attorney).
- # 9a Notice of new lawsuit and defense of the same by the County Attorney in the case of Stephen Cantor, et al. versus Estate of Nettie M. Keese, et al. – Circuit Civil Case No. 12-012842-CI-021 – Quiet Tax Title Action.
- # 9b Notice of new lawsuit and defense of the same by the County Attorney in the case of Leslie Pitts versus Pinellas County – Circuit Civil Case No. 12-11740-CI-21 – Allegations of Negligence Resulting in Personal Injuries.
- #10 Items pulled for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court and Comptroller).
- # 4c City of Pinellas Park Notice of Public Hearing regarding proposed Ordinance No. 3830 held November 22, 2012, de-annexing certain property.

In response to queries by Commissioner Seel, Tim Caddell, Government Relations Administrator, City of Pinellas Park, explained that the property is being de-annexed because of an encroachment issue; and Attorney Bennett advised that de-annexation can only occur if the property did not originally qualify for annexation; that when the property was originally annexed, it created an enclave, which was inappropriate; and that de-annexation remedies the issue; whereupon, he indicated that the County has not been maintaining the section of the roadway, but will be responsible for maintenance if de-annexation occurs; and that he has contacted the Real Estate Management and Traffic Departments to ensure that the section of roadway is maintained going forward.

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

- # 7 Ranking of firms and authorization for staff to negotiate an agreement with the number one ranked firm, Dewberry Architects Inc., for professional services – Upgrade Jail Campus Infrastructure – Phase 1 Design Criteria Package (Contract No. 112-0479-NC) approved. Final negotiated contract to be presented to the Board for consideration at a future date (Real Estate Management/Purchasing).

Referring to the comments by Michael Aubuchon under the Citizens to be Heard portion of the meeting and in response to queries by Commissioner Welch, Mr. Woodard related that the County's Purchasing Ordinance contains an anti-lobbying provision that prohibits proposers from contacting County staff or the Board from the time a Request for Proposal (RFP) or Request for Quotation (RFQ) is placed on the street until the time of the award; and that Mr. Aubuchon's comments earlier were a technical violation of the ordinance. Purchasing Director Joseph Lauro explained the protest process for firms that feel aggrieved by the potential award of a project, and indicated that the procedure is clear to all proposers at the beginning of the RFP/RFQ process; whereupon, in response to queries by Commissioner Roche, Messrs. Woodard and Lauro explained that Mr. Aubuchon could have protested prior to today's meeting, as the Board has not yet voted and an award has not been made; and that after the Board votes, there is not another opportunity for protest.

Commissioner Seel questioned the need for the project, pointing out that the County spent a considerable amount of money in March of 2010 on a jail update. Mr. Woodard noted that the project was presented to the Board earlier in the year; and related that the jail and jail infrastructure are in a flood zone; and that the infrastructure necessary to keep the jail running and the inmates on site is at risk in the event of a Category 2 or higher tidal surge; whereupon, he provided additional details regarding the need for the update and the master plan. Real Estate Management Director Paul S. Sacco provided input, indicating that the facilities did not flood hard during Tropical Storm Debby; that the design-build criteria process is for Phase 1 and is required per the Consultant Competitive Negotiation Act (CCNA) process in order to move forward with the hiring of a team to do the design-build for the whole master plan for the detention facility; that the project is supposed to be completed this decade with the \$225 million in the Penny for Pinellas, Court and Jail Projects; and that the update is a good checkpoint before a bigger investment is made.

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

- #11 Interlocal Agreement with the Tampa Bay Estuary Program for the Channel 5 and Feather Sound Restoration project (PID No. 000296A) approved. Pinellas County agrees to fund up to \$500,000.00 of restoration project costs with funding provided by the Infrastructure Sales Tax; all project tasks are to be completed within two years; Chairman authorized to execute the agreement and the Clerk to attest.

Motion - Commissioner Welch

Second - Commissioner Latvala

Chairman Morroni thanked the Tampa Bay Estuary Program staff for their hard work in the Feather Sound community.

Vote - 7 – 0

- #12 Purchase authorization for an Intelligent Traffic System (ITS) InSync Real-Time Adaptive Traffic Control System from Rhythm Engineering, LLC (Contract No. 112-0564-PB) approved; Fiscal Year 2013 estimated total expenditures for Projects Nos. 000197A, 000198A, and 000199A are \$480,000.00, \$215,000.00, and \$935,000.00, respectively. Pricing, terms, and conditions are per University of Kentucky Contract No. UK-1135-12 awarded February 23, 2012, with renewal options through 2017 (Department of Environment and Infrastructure/Purchasing).

Motion - Commissioner Latvala

Second - Commissioner Welch

In response to queries by Commissioner Seel, Ken Jacobs, Traffic Engineering, provided detailed information regarding where the new software would be utilized, relating that it would be deployed along sections of State Road 60, Tampa Road, and East Bay Drive.

Vote - 7 – 0

- #13 Resolution No. 12-175 adopted approving Project B2083044243 as a qualified applicant pursuant to Section 288.106, Florida Statutes, and identifying sources of local county financial support as local participation in the Qualified Target Industry (QTI) Tax Refund Program (total contribution of Pinellas County will not exceed \$43,000.00 to be paid over a series of fiscal years as determined by the State).

Motion - Commissioner Latvala

Second - Commissioner Roche

Vote - 7 – 0

In response to queries by Commissioner Welch, Economic Development Director Mike Meidel, with input by Assistant County Administrator Mark S. Woodard, discussed the benefits associated with the QTI Tax Refund Program, indicating that the applicant wants to expand its national headquarters in Pinellas County and plans to hire 86 employees at annual pay scales exceeding 115 percent of the local average annual wage; and that Pinellas County is competing with company locations in Minnesota and Louisiana; whereupon, Commissioner Morroni, for the benefit of the public, related that thorough discussion had taken place at a previous meeting regarding the benefits of the QTI program.

Mr. Meidel indicated that an estimated 161 direct and indirect jobs, including the aforementioned 86, would be created because of the expansion; that due to the creation of many indirect jobs in the local economy, the applicant would receive a \$2,000.00 high-impact sector bonus for each job created plus a \$3,000.00 per employee incentive for paying 115 percent of the local average annual wage; that the incentive returns a portion of taxes paid by the business after the company meets its job creation and wage commitments; and that no more than 25 percent of the total refund approved may be taken in any single fiscal year; whereupon, Mr. Meidel related that the project is at an early stage; that the name of the company would be recognized by the members if stated; and that the Economic Development Department is confident about the project and the jobs it will create.

- #14 Resolution No. 12-176 adopted establishing a \$500,000.00 financial commitment to Project B0050355875 to expand a business enterprise in Pinellas County subject to further approvals.

Motion	-	Commissioner Roche
Second	-	Commissioner Seel

In response to queries by Commissioner Seel, Economic Development Director Mike Meidel indicated that Project No. B0050355875 is a defense/homeland security company considering expanding in Pinellas County requesting a \$500,000.00 commitment to provide a portion of the local match needed to secure a State of Florida Governor's Quick Action Closing Fund.

Mr. Meidel indicated that the state incentive for the project would be \$4,000,000.00; that statewide competition exists for those dollars; that a commitment of \$500,000.00 by Pinellas County would likely make funding the project more attractive to the state; and that those dollars would be paid out to the applicant over a period of up to 15 years. He

related that the project is at an early stage; that the company's name would be recognized if stated and would be disclosed prior to the expenditure of any funds; that the applicant plans to hire 451 employees and retain 408 employees at annual pay scales exceeding 145 percent of the local average annual wage; and that over 400 jobs would be lost should the applicant leave the County.

In response to queries by Commissioner Roche, Mr. Meidel explained that the state program requires an applicant pay 125 percent of the local average annual wage; and that the current applicant exceeds that figure; whereupon, he provided statistical information relating to new direct and indirect jobs.

Thereupon, Mr. Meidel related that for each month of 2012, an estimated 2,000 jobs have been added in Pinellas County; and that the County unemployment rate is below eight percent for the first time in four years; whereupon, Assistant County Administrator Mark S. Woodard and Commissioner Morroni thanked Mr. Meidel and his staff for their hard work to attract and retain jobs in the County.

Vote - 7 – 0

- #15 Resolution No. 12-177 adopted approving issuance of not-to-exceed \$4,600,000.00 Pinellas County Educational Facilities Authority Refunding Revenue Bonds, Admiral Farragut Academy Project, Series 2012, on behalf of Admiral Farragut Academy, Inc. (County Administrator).

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

- #16 Contract with State of Florida, Department of Health for operation of the Pinellas County Health Department for Contract Year 2012-2013 approved retroactive to October 1, 2012; County's appropriated responsibility not to exceed \$3,184,350.00; Chairman authorized to sign the agreement and the Clerk to attest; County Administrator authorized to execute future amendments to the contract between the Board of County Commissioners and the State of Florida (Health and Human Services).

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

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- #17 First Amendment to the Agreement for Adopt-A-Program(s) Management Services with Keep Pinellas Beautiful, Inc. for addition of the Pinellas Trail Adopt-A-Mile Program approved, increasing the contract in the amount of \$2,000.00 (Contract No. 101-0036-B); revised estimated expenditure through May 23, 2013 not to exceed \$257,413.31; Chairman authorized to sign the amendment and the Clerk to attest after proper execution by the contractor (Parks and Conservation Resources/Purchasing).

Motion - Commissioner Roche
Second - Commissioner Seel

In response to the Chairman's call for citizens wishing to be heard, Mark Klutho, Largo, appeared and expressed his concerns.

Commissioner Seel discussed the Adopt-A-Pond Program, and suggested that since the program worked well in the past, it be reviewed during the upcoming budget cycle and reinstated if possible; whereupon, she related that many ponds in the County are in deplorable shape; that water quality and stormwater runoff are being affected; and that since federal regulations will soon be handed down, she would like to get ahead of the issue, and Commissioner Latvala expressed support for re-implementing the program provided that the funds can be found.

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At this time, 10:17 A.M., Commissioner Roche left the meeting.

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In response to queries by Commissioners Welch and Seel, Nancy Brown, Parks and Conservation Resources, discussed the Pinellas Trail Adopt-A-Mile Program, and presented detailed information regarding how individuals and organizations can adopt one-mile segments of the Trail and provide litter and debris removal; whereupon, she discussed how signs displaying 911 and pavement decals will be utilized to enhance safety on the Trail.

Vote - 6 - 0

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At this time, 10:19 A.M., Commissioner Roche returned to the meeting.

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- #18 Final negotiated agreement with Peter R. Brown Construction, Inc. for Professional Design Build Services (pre-construction) for the Pinellas County Justice Center Parking Garage (Contract No. 112-0202-NC) approved in an amount not to exceed \$905,000.00 (total project budget, \$12,500,000.00). Chairman authorized to sign the agreement and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney (Real Estate Management/Purchasing).

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

- #19 Other Administrative Matters – None.

- #20 County Attorney authorized to initiate litigation in the case of Pinellas County versus FM:Systems, Inc. – Software Defects.

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

- #21 County Attorney Miscellaneous – None.

Chairman Morroni thanked Attorney Bennett and his staff for their assistance with the Investiture ceremony.

- #22 County Administrator Reports (Initiatives and Projects) – None.

- #23 Daniel M. Andriso reappointed to the Unified Personnel Board for a two-year term commencing in January 2013.

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

- #24 Interim board appointments approved as delineated in the agenda memorandum dated November 14, 2012, which has been filed and made a part of the record.

Motion	-	Commissioner Roche
Second	-	Commissioner Welch

Following brief discussion and upon call for the vote, the item carried unanimously.

Vote	-	7 – 0
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- #25 Resolution No. 12-178 adopted recommending the name “Courtney Campbell Trail” to be applied to the multiple use trail facility to be constructed on the south side of the Courtney Campbell Scenic Highway.

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

- #26 Fluoridation of Public Water Supply

Chairman Morroni provided brief background information regarding the agenda item, and related that his intent is to determine if a majority of the Board wants to revisit the issue of reintroducing fluoride into the public water supply. He pointed out that member discussion, public comment, and a vote would be taken at today’s meeting to determine if the fluoridation issue would be brought back at the November 27, 2012 County Commission meeting for thorough discussion, public comment, and a vote; whereupon, Commissioners Latvala, Seel, and Welch expressed support for bringing the item back.

In response to queries by Commissioner Welch, Assistant County Administrator Mark S. Woodard briefly discussed water fluoridation in various cities within the county, and indicated that even though Pinellas County gave its fluoridation chemicals to the City of Dunedin, upon an affirmative vote of the Board, fluoride could be added to the water supply at a rate of 0.7 mg. per liter within three to five days of the vote.

Commissioner Roche read into the record a recommendation he had provided to the members titled *Pinellas County Water System Use Governance/Recommendation for Consideration*, a copy of which has been filed and made a part of the record; whereupon, he recommended that an overall County Charter water policy governance codification be included on an upcoming agenda for discussion by the members and input by the public; and Chairman Morroni related that following public comment, Commissioner Roche could see if Board support exists for discussion regarding a referendum.

Commissioner Long, for the record, directed staff to engage in due diligence over the next week in order to be prepared to reintroduce fluoride into the public water system following the Board’s vote; and Commissioner Justice indicated that he was in support of bringing the item back for discussion, public participation, and a vote; whereupon, Chairman Morroni indicated that although he had been on the prevailing side of the issue the last time it was voted on, he would follow the wishes of the public based on many conversations with his constituency.

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Responding to the Chairman's call for citizens wishing to be heard, the following individuals spoke in favor of bringing the item back at the November 27, 2012 BCC meeting:

Dr. Claude Dharamraj, Pinellas County Health Department, St. Petersburg.
Johnny Johnson, Tarpon Springs.
Karen Hodge, Palm Harbor.
Chris Lee, St. Petersburg.
Larry O'Leary, Oldsmar.
Cheryl Small, Dunedin.
Oscar Menendez, Palm Harbor.
Karen Pesce, Tampa.

Responding to the Chairman's call for citizens wishing to be heard, the following individuals spoke in opposition to bringing the item back at the November 27, 2012 BCC meeting:

Chris Steiner, Clearwater.
Mark Klutho, Largo.
Kim Cameron, Oldsmar.
Tony Caso, Palm Harbor.
Deb Caso, Palm Harbor.
Kurt Irmischer, Clearwater.

In response to queries by Commissioner Roche regarding the use of hydrofluorosilic acid to fluoridate the water supply, Dr. Dharamraj explained that there are various ways to introduce fluoride; and that such a question would be better left to the experts.

Following public comment and in response to queries by Chairman Morroni and Commissioner Seel, Robert M. Powell, Director, Water and Sewer Division, related that in 2003, when fluoride was initially introduced into the public water supply, the public was notified by bill stuffers, public media releases, the Pinellas County website, and similar methods; and that steps were taken to ensure that pediatricians were notified; whereupon, in response to queries by Commissioner Roche, Attorney Bennett advised that although disclaimers are signed with regard to many products purchased by the County, he would need to review the matter as it pertains to fluoride.

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Commissioner Roche reiterated that his desire is for thorough discussion on the issue and a referendum to be voted on by the citizens; whereupon, he related that he is comfortable with moving forward and bringing the item back for discussion at next week's BCC meeting.

Commissioner Welch related that he would support a motion at next week's BCC meeting to reinstate fluoride into the water supply; whereupon, Commissioner Seel provided historical background information regarding the United States Department of Health and Human Services and the Environmental Protection Agency and a January 7, 2011 news release regarding new scientific assessments and actions on fluoride.

Thereupon, Commissioner Long moved, seconded by Commissioner Justice and carried unanimously, that staff engage in due diligence over the next week in order to be prepared to reintroduce fluoride into the public water system after the Board's vote.

Motion	-	Commissioner Long
Second	-	Commissioner Justice
Vote	-	7 – 0

- #27 Chairman Morroni indicated that nominations were in order for the election of a Chairman and Vice-Chairman of the Board of County Commissioners for Calendar Year 2013.

Commissioner Roche moved that Commissioner Kenneth T. Welch be elected Chairman, which was seconded by Commissioner Seel. Upon call for the vote, the motion carried unanimously.

Commissioner Latvala moved that Commissioner Karen Williams Seel be elected Vice-Chairman, which was seconded by Commissioner Welch.

Discussion ensued regarding the process and criteria for determining the rotation for Chairman and Vice-Chairman of the Board; whereupon, in response to comments and queries by Commissioner Roche, Chairman Morroni indicated that while precedent exists regarding the rotation of the positions, it is based on common practice and not a defined policy. Upon call for the vote, the motion carried unanimously.

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#28 County Commission Miscellaneous:

The Commissioners welcomed the incoming Commissioners, thanked the outgoing Commissioners, and wished everyone a Happy Thanksgiving.

- a. Commissioner Latvala related that she had attended the ribbon-cutting ceremony for the new ball fields located on the Eldridge-Wilde property in the East Lake community and provided background information pertaining to their creation.
- b. Commissioner Justice extended thanks to staff and Commissioners' assistants.
- c. Commissioner Seel discussed the need to hold a workshop and set policy re digital signs for businesses.

encouraged United Healthcare and Baycare to find a solution re the health insurance issue prior to the November 26, 2012 deadline.

related that she had attended the Holiday Lights premier at the Florida Botanical Gardens.
- d. Commissioner Roche reported that he had attended the ground breaking ceremony for the Pinellas Heights Senior Apartments and expressed enthusiasm for the project.
- e. Commissioner Long extended thanks to staff and Commissioners' assistants.
- f. Chairman Morroni announced that the Florida Botanical Gardens will hold its annual Holiday Lights event from November 23, 2012 to January 1, 2013 from 5:30 to 9:30 P.M.

announced that an online e-town hall meeting will be held on November 28, 2012 from 7:00 to 8:00 P.M. re the watershed.

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#29 Meeting adjourned at 12:01 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk