

AGENDA ITEM # 1
February 25, 2014

1. APPROVAL OF MINUTES:

Regular meeting held January 14, 2014.

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, JANUARY 14, 2014 – 9:32 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

Others Present: James L. Bennett, County Attorney; Robert S. LaSala, County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Michael P. Schmidt, Board Reporter, Deputy Clerk.

INVOCATION: Dr. John Thompson, Countryside Christian Church, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Justice.

PRESENTATIONS AND AWARDS:

Chairman Seel reported that the Pasco County presentation regarding the Al Bar/Cross Bar Ranch has been postponed until the January 28, 2014 meeting in order to lighten today's agenda.

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 – COUNTYWIDE PLANNING AUTHORITY (CPA)

- # 1 Ordinance No. 14-01 adopted amending Section 54-2 of the Pinellas County Code relating to false alarms. Staff recommended approval of the proposed ordinance. No correspondence has been received. No citizens appeared to be heard.

Chief Deputy George Stefan, Pinellas County Sheriff's Office (PCSO), and Shannon Kennedy Lockheart, PCSO General Counsel, discussed changes relative to the false alarm ordinance adopted in 2009, relating that the new ordinance adds an enforcement mechanism and changes the fee structure to be consistent with the Code and to recover Hearing Officer costs; whereupon, in response to queries and comments by Commissioner Welch, Attorney Lockheart provided a red-lined copy of the ordinance, a copy of which has been filed and made a part of the record.

During discussion and in response to queries and comments by Commissioner Roche, Attorney Lockheart presented information relating to specific language within the ordinance, indicating that a security alarm malfunction and a false alarm are essentially the same; and that the fee structure is intended to encourage non-registered users to become registered users; and Attorney Bennett indicated that by having current registration information in its files, the PCSO will reduce administrative costs and staffing hours; whereupon, Attorney Lockheart discussed the notification process and, at the suggestion of Commissioner Roche, Chief Deputy Steffen agreed to contact both registered and non-registered users.

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

- # 2 Ordinance No. 14-02 adopted amending Section 138-1332 of the Pinellas County Land Development Code relating to the dispensing of alcoholic beverages within the M-1 zoning district (Second Public Hearing). No correspondence has been received. No citizens appeared to be heard.

Administrator LaSala indicated that because craft beer businesses are becoming prevalent in Pinellas County, the ordinance seeks to allow the dispensing of alcoholic beverages in a manufacturing district, which is not currently permitted; whereupon, Chairman Seel noted that retail sales are already permitted as long as those sales are accessory to the principal use on the property and do not exceed 25 percent of the floor area ratio.

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

- # 3 Resolution No. 14-1 adopted appropriating unanticipated fund balance in the Fiscal Year 2014 General Fund budget for the Department of Justice and Consumer Services, within the Department of Safety and Emergency Services. No correspondence has been received. No citizens appeared to be heard.

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

- # 4a Ordinance No. 14-03 adopted approving Case No. CW 13-15, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Urban (up to 7.5 units per acre) to Residential/Office General, re 0.1 acre m.o.l., located at 3211 Alternate U.S. Highway 19, Palm Harbor (subthreshold amendment). Pinellas Planning Council recommended approval of the proposed amendment and staff concurred. No correspondence has been received. No citizens appeared to be heard.

and

- # 4b Ordinance No. 14-04 adopted approving Case No. CW 13-16, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from Residential Low (up to five units per acre) to Residential Urban (up to 7.5 units per acre), re 0.4 acre m.o.l., located at 1569 and 1571 Sunset Point Road (subthreshold amendment). Pinellas Planning Council recommended approval of the proposed amendment and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 5a Ordinance No. 14-05 adopted approving Case No. CW 13-17, the proposal by the City of Pinellas Park to amend the Countywide Future Land Use Plan from Industrial General and Water/Drainage Feature to Industrial Limited, re 9.8 acres m.o.l., located at 5465 126th Avenue North (regular amendment). Pinellas Planning Council recommended approval of the proposed amendment and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Morroni
Second	-	Commissioner Latvala

In response to queries by Commissioner Roche, Michael C. Crawford, Interim Executive Director, Pinellas Planning Council, indicated that the water designation on the site is a former borrow pit that will be filled.

Vote	-	7 – 0
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- # 5b Sitting as the Countywide Planning Authority, the Board approved the Written Exceptions associated with the denial of Case CW 13-2 and denied the Recommended Order and the Pinellas Planning Council (PPC) recommendation, re the proposal by the City of Safety Harbor to amend the Countywide Future Land Use Plan from Industrial Limited, Residential/Office Limited, Residential Low, Residential Urban, Preservation,

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and Water/Drainage Feature Overlay to Residential Medium, Residential/Office Limited, Preservation, and Water/Drainage Feature Overlay, re 34.6 acres, m.o.l., located at 1585 10th Street South (State Road 590) and generally to the northeast of the intersection of 10th Street South (State Road 590) and McMullen Booth Road (regular amendment). By correspondence and petition, 308 people expressed opposition to the proposal and 302 expressed opposition when the case was heard at the PPC public hearing.

County Administrator LaSala provided background information, indicating that the PPC approved the proposed amendment on April 10, 2013 and recommended it to the Board; that the Board, at its May 7, 2013 meeting, voted unanimously to deny the amendment; that on May 28, 2013 the Richman Group of Florida, Inc. filed a Petition for an Administrative Hearing; that on November 18, 2013, the Administrative Law Judge issued a Recommended Order recommending that the Board issue a Final Order approving the proposed amendment; that the Recommended Order granted the parties the right to submit Written Exceptions within 15 days from the date of the Recommended Order; and that on December 3, 2013, Written Exceptions were filed.

Attorney Bennett indicated that the Recommended Order, Exceptions (filed by the County) to the Recommended Order, and a Joint Stipulation by the parties agreeing to the Exceptions are included in the agenda packet, which has been filed and made a part of the record, and explained the protocol of today's hearing. He discussed consistency issues and other items that were brought out at the Administrative Hearing, the existing designation of the property relating to the Scenic Non-Commercial Corridor, and the provision in the Countywide Plan that the Plan will bow to the will of the local government with respect to handling non-conformities.

In summation of the Findings, Attorney Bennett indicated that the Residential category was consistent with the Countywide Plan and there were inconsistencies related to the existing Industrial designation. He advised that after a full evidentiary hearing, the Board is bound to the Findings of Fact that are in the Administrative Hearing Officer's Recommended Order unless they are not supported by competent substantial evidence; whereupon, he answered queries by the members.

In response to a suggestion by Commissioner Roche, Chairman Seel indicated that the Exceptions would be taken as one vote and the PPC Recommendation and the Judge's Order by a second vote.

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Commissioners Justice and Long expressed frustration that the Board had been put in the position of voting based on incomplete and/or erroneous information; whereupon, County Administrator LaSala indicated that the public hearings on industrial land scheduled for today and later in the month will address the issues and bring uniformity and consistency with the Board's preference into the realm of policy; and County Attorney Bennett provided input, indicating that former PPC Director Dave Healey had been correct in 2006 when he advised that the PPC policy on industrial land should be folded into the Countywide Plan.

In response to queries by the members, Attorney Bennett indicated that the Board is not free to make a ruling based on its previously-stated intent; and later clarified that while the intent of the Board is important, an intent devoid of implementing criteria where criteria is important, is not sufficient; that, as of now, the Countywide Rules cover the preservation of industrial land in the unincorporated area only; and that the Pinellas County Charter allows the Board to implement the industrial land preservation criteria in the Countywide Rules wherein the municipalities could not opt out and the Countywide Rules would take precedence.

Commissioner Roche cited wording contained in the PPC Recommendation and stated that the BCC is the Countywide Planning Authority and not bound by the letter of the Comprehensive Plan; and that the Plan is a staff function, and if it were the final authority, there would be no need for the BCC or the CPA.

E.D. Armstrong, Esquire, Hill Ward Henderson, indicated that he represents the Richman Group, and stated that in order to simplify the case, he has stipulated with the County Attorney's Office as to certain Exceptions they have taken to the Order with the understanding that those Exceptions are not relevant to today's decision: whereupon, he stated that given the Findings of Fact contained in the Order, which are binding upon the CPA under the Countywide Rules, the appropriate action of the Board today would be to approve the Richman case.

Chairman Seel indicated that the Board would hear from the public at this time; whereupon, Attorney Bennett indicated that the sole basis for the decision-making on this item is the Recommended Order; and that it would not be appropriate for the citizens to talk about site plan related issues.

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

Les Buchanan, Safety Harbor
Karen Kallal, Safety Harbor
Barbara Hollen-Hugg, Safety Harbor
Steven Rosenthal, Safety Harbor*
Russell Norman*
Michael Frangedis, Safety Harbor
Angel Berlinger, Safety Harbor

*Representing neighborhood group or speaking for four or more people present.

Chairman Seel closed the public hearing and, in rebuttal, Attorney Armstrong reiterated that the process called for in the Countywide Rules was followed; that there is a Recommended Order; and that the Findings of Fact are binding upon the Commission as a matter of law; whereupon, he requested that the Board approve the Richman case.

In response to query by Commissioner Justice, Attorney Bennett explained the scenarios that would follow a vote of approval and a vote of denial:

Denial of the PPC Recommendation:

Five votes are required, or a Super Majority, for the Board to differ from the PPC recommendation, as built into the Special Act. If there is a Super Majority vote for denial, the case is deemed denied. The issue would then go to Circuit Court should the applicant decide to pursue the issue.

Denial with Less than a Super Majority Vote

No affirmative action would have been taken, and the case would stand as approved and would be remanded to the City of Safety Harbor for its consideration.

Approval of the PPC Recommendation

Requires a majority vote. The Full record, including the Recommended Order, would be remanded to the City of Safety Harbor for its consideration.

Attorney Bennett explained the four Exceptions, and following discussion, Commissioner Latvala moved, seconded by Commissioner Welch and carried unanimously, that the Exceptions be accepted.

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

In response to query by Chairman Seel regarding procedure, Attorney Bennett indicated that should the Board vote to merely receive and file the Judge's Recommendation, the City of Safety Harbor could reconsider the land use change. Commissioner Welch stated that at the time Pinellas by Design was approved, the Board had understood that the industrial land use policy would apply countywide, and discussion ensued, with the Commissioners stating their opinions and sentiments.

Thereupon, Commissioner Latvala moved, seconded by Commissioner Welch, that the Recommended Order and the PPC Recommendation be denied. Upon call for the vote, the motion carried unanimously.

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

- # 6 First public hearing held regarding a proposed ordinance amending the Countywide Rules relating to Preservation of Industrial Lands. Pinellas Planning Council (PPC) recommended approval of the proposal and staff concurred. No correspondence has been received. Second public hearing to be held January 28, 2014.

Michael C. Crawford, Interim Executive Director, PPC, provided background information regarding what the PPC is doing to bolster the preservation of industrial land, and related that staff is in the process of updating the Countywide Plan and intends to incorporate a number of changes to preserve and protect industrial land, including expanding some of the uses within the Industrial categories and establishing criteria to evaluate amendments that seek to convert industrial land to other categories, noting that the Planners Advisory Committee and other stakeholders provided input.

He indicated that on November 3, 2013, the PPC adopted Resolution No. 13-3 approving the changes; and that on January 8, 2014, following the Administrative Law Judge's Recommended Order for Safety Harbor Case CW 13-2 (the Richman Group), the PPC heard the item a second time; that it reviewed the changes staff had made as a result of the Order; and recommended that the BCC, sitting as the Countywide Planning Authority, approve the proposed changes to the Countywide Plan Rules.

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Mr. Crawford reviewed the sections in the Countywide Rules regarding the preservation of industrial lands. He indicated that in the Classifications section, the words “consolidated” and “mass transit” have been removed, as it is felt they caused confusion and set unintended limits. In the Conversion Criteria section, he discussed the five criteria to be used in evaluating Plan amendments that would convert land currently designated Industrial to another category:

- Target Employment Opportunities
- Amendment Site Characteristics
- Amendment Area Characteristics
- Supporting Transportation and Infrastructure Characteristics
- Supporting Redevelopment Plans and/or Special Area Plans

Mr. Crawford indicated that preservation of industrial land has been added in the Relevant Countywide Consideration section, and some words and phrases have been clarified in the Definition section.

In response to queries by Commissioner Seel, Mr. Crawford related that if the BCC approves the ordinance at the January 28 public hearing, the ordinance will apply countywide; and that even though the municipalities will not be required to include it as part of their Comprehensive Plans, they will be actively encouraged to add some of its tenets. He discussed the proposal to reduce the countywide land use categories from 33 to 11, indicating that the Council will consider the item in February; and that since the PPC and BCC will need to review and approve the changes, the process could take until the middle of the summer; whereupon, Chairman Seel requested a presentation be scheduled prior to the item being presented to the PPC.

In response to queries by Commissioner Welch, Attorney Bennett, with input by Mr. Crawford, indicated that the “glitch” regarding industrial lands will be gone following adoption of the ordinance at the January 28 meeting; and that with the exception of the beach communities, most of the larger local governments have an Industrial land use category; whereupon, Commissioner Latvala, with input by Mr. Crawford and Attorney Bennett, discussed the importance of having a mechanism so that local governments and developers know which parcels are categorized as Industrial and preserved by County ordinance before they expend funds to convert the land to another use, and Commissioner Long concurred.

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In response to queries by Commissioner Roche, Attorney Bennett indicated that a second public hearing on the preservation of industrial land will take place on January 28; and that any action on the item is completely separate from action taken on the previous item (Agenda Item 5b), and one has no bearing on the other; whereupon, Attorney Bennett indicated that his staff will review Section 4.2.7.9.1 of the ordinance with regard to the following revision proposed by Commissioner Roche:

In conducting this evaluation, the PPC and CPA shall make a determination based upon, **but not limited to**, a balancing of the following criteria...

During discussion and in response to queries by Commissioner Justice regarding conflicts which may arise between a County ordinance and a local ordinance, Mr. Crawford, with input by Attorney Bennett, indicated that the County does not necessarily create a hierarchy of criteria to preserve the balancing role of the Board.

In response to the Chairman's call for citizens wishing to be heard, Nancy Besore, Clearwater, spoke in support of preserving industrial land and the proposed ordinance; whereupon, Chairman Seel indicated that no action would be taken on the item today, but would take place at the next public hearing.

CITIZENS TO BE HEARD

David Ballard Geddis, Jr., Palm Harbor, re Constitution and water (submitted document).

Greg Pound, Largo, re Families.

Ed Sambriski, Palm Harbor, Parcel (spoke for group of five).

- Provided an update re Innisbrook Parcel F and Bee Pond Road, and discussed issues related to construction, traffic, safety, wildlife, and the environment.
 - In response to queries by Commissioner Latvala, Richard Coates, Department of Environment and Infrastructure (DEI) discussed heavy trucks accessing the construction site via Bee Pond Road, and related that while the developer has agreed to consider an alternate path, it would require an amendment to the ordinance; and that Bee Pond Road would likely require widening to accommodate trucks; whereupon, he explained the process to amend the ordinance, relating that it would take until March or April; and that two community meetings have taken place, and two more have been scheduled.
 - In response to comments and queries by Commissioner Roche, Mr. Coates, with input by Attorney Bennett, discussed enforcement of the truck ordinance, indicating that, for all practical purposes, it is not enforced. He indicated that the project will encompass three to five years of development activity; and that there is no mechanism in place that would temporarily waive the truck route ordinance without going through the entire review process;

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whereupon, Commissioner Latvala related that she would support a temporary waiver of the ordinance while going through the process.

- At the request of the members, David Scott, Executive Director, DEI, indicated that he will continue to provide updated information as available.

Jennifer Ottoson, Palm Harbor, re Parcel F.

Donald Martin, Palm Harbor, re Parcel F – Bee Pond Road.

Ted Legakis, Pinellas Park, re Reliable Septic Wastewater Odors.

- Provided an update re Reliable Septic & Sewer, Inc., and discussed issues pertaining to air, soil and water quality, objectionable odors, and local business hardships.
 - Attorney Bennett related that the site plan is nearly complete and designed to manage water on the parcel by directing it to a retention pond rather than the stormwater system; and that because the corporation appears to have been dissolved, a notice letter has been sent by the Industrial Pretreatment Program informing the company that it needs to reapply or transfer its permit; whereupon, he related that a confidential memorandum will be presented to the members at the January 28, 2014 BCC meeting regarding a proposed settlement offer by Reliable Septic & Sewer, Inc.
 - During discussion and in response to queries by Commissioner Long, Mr. Legakis presented additional information regarding facility operations; and Attorney Bennett related that compliance on the part of Reliable Septic and Sewer has been nominal throughout the process.

Nancy Besore, Safety Harbor, re Other item of interest.

CONSENT AGENDA ITEMS NOS. 7 THROUGH 18 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 7, 8, 11 AND 14, WHICH WERE CONSIDERED UNDER ITEM NO. 19.

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

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Deviating from the agenda, Chairman Seel indicated that Item No. 28 would be addressed at this time, and no objections were noted.

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#28 Proposed Charter of the Greater Pinellas Country Fair Association, Inc. approved (Parks and Conservation Resources).

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

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Later in the meeting, Marjorie Hynish and Bobbie Barnes, Pinellas Park, appeared and provided information about the fair and, in response to query by Commissioner Roche, Mr. Barnes confirmed that a press release has been prepared.

* * * *

At this time, 12:40 P.M., the meeting was recessed and reconvened at 1:14 P.M. with all Commissioners in attendance.

* * * *

7 See Item No. 19.

8 See Item No. 19.

9 Vouchers and Bills Paid

Period October 27 through November 2, 2013

Payroll – None.

Accounts Payable

Checks – \$9,386,531.67

ACH Transfers – \$36,745,214.29

Wire Transfers – \$583,927.89

Period November 3 through November 9, 2013

Payroll

ACH – \$2,923,562.10

Checks – \$43,449.05

Third Party ACH – \$13,434.56

Third Party Checks – \$1,993.40

Accounts Payable

Checks – \$8,347,806.77

ACH Transfers – \$5,629,858.70

Wire Transfers – \$64,533.71

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Period November 10 through November 16, 2013

Payroll – None.

Accounts Payable

Checks – \$3,562,231.00

ACH Transfers – \$2,204,098.11

Wire Transfers – \$1,098,954.40

#10 Miscellaneous items received for filing:

City of Largo Notice of Public Hearing held January 7, 2014 regarding proposed Ordinance No. 2014-16, annexing certain property.

#11a See Item No. 19.

#11b See Item No. 19.

#12a Award of bid to Ajax Paving Industries of Florida, LLC, for Fiscal Year 2014-2016 Countywide Pavement Preservation (Bid No. 123-0527-CP; Project No. 001647A) approved for an estimated total expenditure in the amount of \$11,239,032.60 on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be fully completed within 730 consecutive calendar days; Chairman authorized to sign and the Clerk to attest.

#12b Award of bid to Ajax Paving Industries of Florida, LLC, for Nursery Road Safe Routes to School Sidewalk Improvements Phase 2 – South Haven Drive to Chateaux De Ville Court (Rebid) (Bid No. 123-0545-CP; Project No. 000325A) approved for an estimated total expenditure in the amount of \$268,368.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be fully completed within 180 consecutive calendar days; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor.

#13a Resolution No. 14-2 adopted supplementing the Fiscal Year 2014 General Fund Budget to appropriate earmarked receipts for a particular purpose (various reimbursement grants in the amount of \$588,780.00) - Justice and Consumer Services.

- #13b Resolution No. 14-3 adopted supplementing the Fiscal Year 2014 General Fund Budget to appropriate earmarked receipts for a particular purpose (grants and other revenues in the amount of \$1,521,040.00 to the Pinellas County Sheriff's Office).
- #13c Resolution No. 14-4 adopted supplementing the Fiscal Year 2014 General Fund Budget to appropriate earmarked receipts for a particular purpose (grant revenues in the amount of \$712,180.00 to the Pinellas County Sheriff's Office).
- #13d Resolution No. 14-5 adopted supplementing the Fiscal Year 2014 General Fund Budget to appropriate earmarked receipts for a particular purpose (grant revenues in the amount of \$25,000.00 to the Emergency Management Department).
- #13e Resolution No. 14-6 adopted supplementing the Fiscal Year 2014 General Fund Budget to appropriate earmarked receipts for a particular purpose (Cooperative Agreement to Support Navigators in Federally-Facilitated and State Partnership Exchanges grant funds in the amount of \$600,000.00 to Health and Community Services).
- #14 See Item No. 19.
- #15a Amendment No. 1 to Lease No. 3376 (Gateway Tract) between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Pinellas County, Florida (CATS No. 43675) approved, changing submission of management plan to State from five-years to ten-years as prescribed by rule (Real Estate Management, Lease Management Division/Parks and Conservation Resources).
- #15b Amendment No. 2 to Lease No. 3985 (Weedon Island Preserve) between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and Pinellas County, Florida (CATS No. 43673) approved, changing submission of management plan to State from five-years to ten-years as prescribed by rule (Real Estate Management).
- #16 Notice of filing Counterclaim in the case of Ronald C. Jacobs and Sharon K. Jacobs v. Pinellas County – Circuit Civil Case No. 13-CA-009922, Division G – Breach of Contract.

#17 Notice of new lawsuits and defense of the same by the County Attorney approved in the cases of:

- a. Stephen W. Bloom, Jr. versus Pinellas County – Circuit Civil Case No. 13-011274-CI-21 – Allegations of Negligence Resulting in Personal Injury.
- b. Andrew W. Carpenter versus Pinellas County – Circuit Civil Case No. 13-010480-CI-21 – Allegations of Negligence Resulting in Personal Injuries.
- c. Jean F. Rossignol and Patricia G. Rossignol versus Pinellas County – Circuit Civil Case No. 13-11100-CI-13 – Inverse Condemnation.
- d. Theocharis Varitimidis and Sevasti Varitimidis versus Pinellas County – Circuit Civil Case No. 13-010614-CI-021 – Allegations of Negligence Resulting in Personal Injury.

#18 Ranking of firms and authorization for staff to negotiate an agreement with the highest ranked firm, BayCare Employee Health Clinics, LLC, to provide services for the Medical – Employee Health Center (Clinic) Project (Rebid) (Contract No. 123-0512-P) approved. Final negotiated contract to be presented to the Board for consideration at a future date (estimated five year projected fees prior to negotiation, \$4,994,456.00).

#19 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court).

7 Minutes of regular meeting of November 19, 2013 approved with correction.

Commissioner Roche pointed out a scrivener's error in the minutes of the November 19 meeting on Page 19, second from the last paragraph, noting that the word should be repeal, not appeal; whereupon, he moved that the minutes be approved with the correction.

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

8 Reports received for filing:

- a. Division of Inspector General, Audit Services, Clerk of the Circuit Court and Comptroller, Report No. 2013-40 dated December 12, 2013 – Follow-Up Audit of Solid Waste Municipal Recycling Reimbursement Grants.

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Commissioner Roche requested that an update be provided at a work session, or otherwise, re management's meeting the Auditor's recommendation to develop statistical measurements to determine the effectiveness and benefits of the Municipal Recycling Reimbursement Grant Program; and in response to comments by the Chairman, clarified that perhaps the Board should direct or encourage management to comply with the recommendation and provide a time period to do so. Commissioner Long stated that when she questioned the County Administrator, he had provided an explanation as to why the department is not complying; whereupon, Administrator LaSala indicated that it is the opinion of staff that as the grants to the cities to encourage recycling are relatively small, the return on the investment would not outweigh the cost to collect the data to make the evaluation.

Chairman Seel suggested that the recycling measurement shown in the back-up information be updated each year; and Department of Environment and Infrastructure Director David Scott discussed the difficulty of measuring the amount of money spent by the cities on recycling in relation to the County's grants; and related that staff is recommending that it be measured as the diversion away from the landfill and be tracked at the state level; and Administrator LaSala stated that the County will not do any additional work beyond what it has already done.

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

- b. Florida Model Jail Standards Annual Facility Inspection Report for Pinellas County Jail inspection held October 28-29, 2013.

#11a Cooperative Funding Agreement (No. 14C00000033) with the Southwest Florida Water Management District (SWFWMD) for the Lake Tarpon Water Quality Management Plan (PID No. 001893A) approved; Chairman authorized to sign and the Clerk to attest.

In response to query by Commissioner Roche regarding the funding structures for Items Nos. 11a and 11b, Department of Environment and Infrastructure Section Manager Kelli Levy indicated that the study for Lake Tarpon is being paid for by the stormwater fee; and that the Capital Improvement Project is being paid for by

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the Penny for Pinellas, noting that it is consistent with the Board's Surface Water Management Program.

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

- #11b Cooperative Funding Agreement (No. 14C00000030) with the Southwest Florida Water Management District (SWFWMD) for implementation of Best Management Practices in the Coastal Zone 5 Watershed Area at Antilles and Oakhurst Streets (N534) (PID No. 000105A [1820]) approved; Chairman authorized to sign and the Clerk to attest (See Agenda Item No. 11a).

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

- #14 Promotional Fund Grant Agreement with Deepwater Horizon Economic Claims Administration, BP, and the Plaintiff Steering Committee for the promotion and marketing of four programs in support of Gulf tourism and seafood industries (CATS No. 43639) approved in the amount of \$500,000.00; term of agreement is from September 2, 2013 to December 31, 2014; Chairman authorized to sign and the Clerk to attest (Convention and Visitors Bureau).

Commissioner Welch indicated that he initially had concerns about the safety of the seafood, and discussed the matter with staff; whereupon, he stated for the record that the Food and Drug Administration (FDA) has performed extensive research, testing and monitoring of Gulf waters to ensure seafood safety. He suggested that a link or explanation be provided on the County website to indicate that the Board is in support of the grant based on the science; and that additional information is available at www.fda.gov. Commissioner Latvala stated that the University of South Florida Fish and Wildlife Institute in St. Petersburg is conducting research in the Gulf as well.

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

- #20 Second amendment and final term extension to the contract with Boyett Timber, Inc. for the sale of pine timber at the Cross Bar/Al Bar Ranch (Contract No. 112-0176-R) approved; estimated revenue, \$690,580.00. Chairman authorized to sign the agreement and the Clerk to attest.

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

- #21a Ranking of firms and final contracts with the top three firms: Vanasse Hangen Brustlin, Inc.; Entrix, Inc., d/b/a Cardno Entrix; and Water and Air Research, Inc. for environmental planting, monitoring and maintenance services (Contract No. 123-0445-P) (CATS No. 42976) approved. Services shall commence upon executed agreement and continue for thirty-six months, and may be extended for one 24-month term extension beyond the initial contract's term pending Administrator approval; estimated annual expenditure not to exceed \$800,000.00. Authority granted to the County Administrator to amend the work scope to expedite minor changes to the contract. Chairman authorized to sign the agreement and the Clerk to attest.

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

- #21b Ranking of firms and final contract with the highest ranked firm, ICON Consultant Group, Inc., for professional engineering services State Road 580/County Road 1/Curlew Road and related Americans with Disabilities Act (ADA) ramps Local Agency Program (LAP) (Contract No. 112-0539-NC) (CATS No. 42953) approved. Agreement term is effective through January 31, 2016; total estimated aggregate value of the contract is not to exceed \$265,393.56 for the term of the contract. Chairman authorized to sign the agreement and the Clerk to attest.

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

- #22 Fiscal Year 2014 Board Budget Amendment No. 2 approved realigning funds from the General Government Non-Program cost center to the Supervisor of Elections cost center for the unanticipated special elections required by law to fill the vacancy for U.S. Representative District 13.

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

- #23 Infrastructure Surtax Funding Agreements between Pinellas County and the Palm Harbor Special Fire Control District (Project No. 001131A) and Pinellas County and the East Lake Tarpon Special Fire Control District (Project No. 001132A) in the total amount of \$3,000,000.00 for the purchase of one squad pumper and two engine pumpers per district approved; term of agreements January 14, 2014 to September 30, 2014, unless terminated or extended as provided in the agreements. Chairman authorized to sign the agreements and the Clerk to attest.

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

- #24 Resolution No. 14-7 adopted supplementing the Fiscal Year 2014 General Fund Budget to appropriate earmarked receipts for a particular purpose (Safety Harbor Fire District Reserve for Future Years in the amount of \$42,210.00).

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

- #25 Resolution No. 14-8 adopted granting the Juvenile Welfare Board of Pinellas County and the Pinellas County School Board preferred status for the purpose of donating surplus miscellaneous personal property on a priority notification rotating basis and reaffirming Suwannee County's previously designated preferred status (Companion Agenda Item No. 26).

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

- #26 Declaration of miscellaneous County-owned equipment and vehicles as surplus and authorization for sale of same as set forth in the agenda memorandum dated January 14, 2014 approved; distribution of proceeds from vehicles sold from Governmental Funds to the Fleet Internal Service Fund to offset the replacement cost of future vehicles approved (Companion Agenda Item No. 25).

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

- #27 Cancellation of contract for Behavioral Health Care (Pinellas County Health and Community Services) with Directions for Mental Health, Inc., d/b/a Directions for Living approved, with 30 days notice retroactive to November 25, 2013, as provided on page two, paragraph five of the agreement. Funding for the contract adjustment through the Pinellas County Department of Health will be established at \$300,000.00 for a nine-month term ending September 30, 2014 (Health and Community Services).

Motion - Commissioner Long
Second - Commissioner Welch

Responding to query by Commissioner Roche, Administrator LaSala confirmed that staff from the Department of Health and Community Services and the Purchasing Department requested action be taken to cancel the contract.

Vote - 7 – 0

- #29 Other Administrative Matters:

Biggert-Waters Flood Insurance Reform Act of 2012

Chairman Seel referred to a document titled *Summary of Congressional Meetings – Washington, D.C. – January 7 – 9, 2014*, a copy of which has been filed and made a part of the record, and gave a brief summary of the meetings that she attended with Intergovernmental Relations Manager Wendy Nero. She related that the trip was organized by the Florida Association of Counties (FAC), noting that the primary purpose was to meet with members of the Florida Congressional Delegation to discuss the impact of the Biggert-Waters Flood Insurance Act and the devastating effects it will have on the residents, businesses, and economy of Florida.

Ms. Nero gave a summary of the Biggert-Waters Flood Insurance Reform Act and related that the primary objective of the new law is to eliminate subsidies in order to recover \$24 billion of debt the National Flood Insurance Program (NFIP) has incurred, largely due to Hurricane Katrina and Superstorm Sandy; whereupon, she discussed the impacts of pre-Flood Insurance Rate Map (pre-FIRM) subsidized properties on primary and non-primary/secondary homes, and gave examples.

Ms. Nero discussed some of the recommendations that were discussed at the meeting:

- Delay, alone, does not solve the problem of the debt the NFIP faces.
- Need for solutions that address the immediate impact, but offer long-term solution.
- Delay the rate increases until the affordability study is completed (4 years).

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- Reduce rate increases to a more manageable 10 percent per year.
- Treat all “pre-FIRM” properties the same by eliminating the triggers that would cause an immediate, full rate.
- Tie the insurance rate to the property and not the person.
- Improve consumer protection.
- Investigate NFIP operating expenses to ensure that operating costs are minimized and efficient.
- Expand flood mitigation efforts to include increased funding, streamline granting process, consider a voucher system for mitigation actions, and provide tax credits to those who complete their own mitigation efforts.
- Consider a “flood insurance savings account” that remains with the property owner once the value of the policy is paid.

Throughout the presentation, the members offered comments about the Act, and Ms. Nero and Administrator LaSala provided input.

- Beginning in October of this year, all of the properties grandfathered in by subsidies will begin facing a 25 percent per year increase in premiums.
- Some things that would mitigate high rates and reduce the effects of a flood would be to raise the air conditioning system above flood level; raise all the outlets and electrical systems; have breakaway walls; and raise the elevation of the home.
- Provide grants, low interest loans, and vouchers, especially to lower or middle income homeowners.
- The Congressional offices were aware of legislation being proposed on the state level, but were more focused on how to address it at the federal level. Concerns were raised that if state legislation passed and insurance companies start writing policies in Florida, it would take money out of the federal flood program and dilute the payer base.
- The County could collaborate with the Cities on big projects, not homeowner projects, to improve the ratings in each jurisdiction. A Municipal Service Taxing Unit (MSTU) could be created to pay for the projects.
- Each municipality has its own rating from the Federal Emergency Management Agency (FEMA), and Pinellas County has a rating in the unincorporated areas.

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- A rate increase would be only a temporary fix until the next big storm depletes the fund. The focus should be on a long range solution (Roche).
- Data from the FAC in 2006 indicated that approximately 63 percent of the premiums collected from homeowners went to processing claims and administrative costs from Hurricane Katrina (Justice).
- Staff will be reporting back to the Board on issues of sustainability, climate change, and flood plain management. Staff will address this issue at a high level so that the Board can determine the next steps to be taken (LaSala).
- In June, Property Appraiser Pam Dubov should have additional information regarding the Fiscal Year 2015 impact on the tax base (Welch).
- The soaring cost of flood insurance could affect the real estate market. Out of every county in the United States, Pinellas County is the hardest one hit by the Act (Morrone).
- Consider hiring a federal lobbyist to monitor legislation pending on Capitol Hill that affects Pinellas County (Seel).

Florida Association of Counties (FAC)

Administrator LaSala announced that the FAC is meeting on Friday from 10:00 A.M. to 12:00 P.M. in Hillsborough County for a regional meeting on its strategic plan; whereupon, he invited Commissioners to attend.

Florida Fish and Wildlife Conservation Commission (FWC)

Administrator LaSala related that Chairman Seel received a letter from the FWC regarding the development of a Manatee Management Plan in western Pinellas County; that the County participated in a previous effort under the Manatee Sanctuary Act and the creation of a Local Rural Review Committee made up of both environmentalists and boaters. He stated that FWC has requested the Board appoint a committee within 60 days to provide input on the implementation of a Manatee Recovery Plan; whereupon, Chairman Seel suggested that the Board see if individuals who served on the last committee are interested, and no objections were noted. Commissioner Latvala requested that the marina industry be involved, noting that the rule could be devastating to one of the County's larger industries.

Responding to query by Commissioner Roche, Chairman Seel, with input by Administrator LaSala, indicated that the committee would be a local review board with no power except to provide input and comment to the state agency in adopting the rules relating to the Plan.

#30 County Attorney Miscellaneous – None.

#31 Change Order No. 2013-10 to the contract with Tyler Technologies, Inc. for the purchase and implementation of a consolidated Case Management System (Contract No. 089-0408-P) approved; total contract amount, \$6,815,017.00 (this change order represents an increase of \$184,500.00 and is within current contract budget). Chairman authorized to sign the Change Order and the Clerk to attest.

In response to query by Chairman Seel, Business and Technology Services Senior Manager Tonya Rainwater gave a brief overview and indicated that the delay was caused by the County not establishing during contract negotiation the business requirements and rules needed for enhancements and integrations.

Commissioner Welch clarified that it is a four-month delay; and in response to his query, Ms. Rainwater provided the status of the imaging issue, indicating that staff is waiting for Tyler Technologies to provide a more detailed pricing, which should not impact the March target date.

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

#32 Sitting as the Emergency Medical Services (EMS) Authority, the Board approved the appointment of Dr. Angus M. Jameson as the EMS Medical Director.

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

#33 Reappointment of Rodney Fischer to the Housing Finance Authority (HFA) of Pinellas County Board of Directors for a four-year term expiring on February 1, 2018, approved.

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

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Commissioner Seel related that the five-member HFA Board is down to three members, noting that it takes three to have a quorum; and that there are individuals interested in filling the positions; whereupon, she proposed that one position be filled immediately, and the other position be advertised to determine interest from the community.

Responding to query by Commissioner Roche, Chairman Seel stated that all five positions are appointed by the BCC; that her office just discovered that the positions have been vacant for some time; that she would like the Board to fill at least one vacancy as quickly as possible, noting that advertising could take up to three months, and the HFA cannot meet if there is not a quorum; whereupon, she indicated that she plans to move forward with the appointment unless the members object.

Commissioner Roche indicated that he supports the Chairman's proposal to fill the vacancy immediately; expressed concern that a system is not in place that would alert the Commissioners of the vacancies in a timely manner; and suggested that a step be added to the process that would notify the Board when urgent matters are pending.

Commissioner Long expressed concern with the situation and, in response to her query regarding soliciting applications, Chairman Seel explained that if the members agree, there would be one immediate appointment to the HFA Board on an emergency basis; that the HFA ordinance would be changed to allow for an alternate position on the Board; and that the second vacant position and the alternate position would then be advertised in the spirit of the Board's desire to get more public engagement on the various boards. Commissioner Morroni expressed concern that the community knew of the vacancies when the Board did not; and Commissioner Long concurred, and expressed concern that the Board is now attempting to fill a position without proper due diligence; whereupon, in response to query by the Chairman, Administrator LaSala indicated that Health and Community Services Director Gwendolyn Warren would not address the issue today.

Thereupon, Commissioner Latvala suggested that the positions be advertised for one month, and if the HFA had important business to conduct in the interim and a quorum was not present, it change the date of the meeting. Chairman Seel agreed to advertise the vacancies, noting that the appointment process could be addressed at next Tuesday's work session and a policy put in place to prevent such situations, and discussion ensued regarding the appointment process.

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- #34 Ranking of firms and award of contract with the highest ranking firm, Towers Watson Pennsylvania, Inc., for Employee Benefits Consulting Services – Human Resources (Contract No. 123-0360-P) (CATS No. 42367) approved. Contract term is for a period of 36 months with one 24-month extension at the same prices, terms and conditions pending County Administrator approval; total estimated 36-month cost, \$1,218,000.00. Chairman authorized to sign the agreement and the Clerk to attest.

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

- #35 County Administrator Reports – None.

- #36 County Commission Miscellaneous:

The members wished everyone a Happy New Year.

- | | |
|-------------------------|---|
| a. Commissioner Welch | thanked Representative Darryl Rouson for generating funding to the community for the Day of Service at the Martin Luther King Day celebration. |
| b. Commissioner Latvala | introduced a resolution supporting the candidacy of Brian Desloge for Second Vice-President of the National Association of Counties; whereupon, Commissioner Long moved, seconded by Commissioner Welch and carried unanimously, that the resolution be approved. |
| c. Commissioner Justice | announced historic preservation summit to be hosted in February by the Largo Area Historical Society. |
| d. Commissioner Roche | announced his daughter Megan's recent engagement.

recommended a briefing be scheduled at the next work session re status of sewer and drainage issues at Kent Place, in Largo. |

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e. Chairman Seel

congratulated Commissioner Latvala on her recent engagement.

discussed forming Council of Local Governments. Chairman Seel to set up first meeting and establish agenda. Drop box or website to be created.

thanked Commissioner Welch for his leadership as Chairman in 2013.

#37 Meeting adjourned at 2:54 P.M.

ATTEST: KEN BURKE, CLERK

Chairman

By _____
Deputy Clerk