

3. APPROVAL OF MINUTES:

Regular meeting held April 1, 2014.

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, APRIL 1, 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: Attorney Bennett.

PLEDGE OF ALLEGIANCE: Commissioner Welch.

PRESENTATIONS AND AWARDS:

1. Presentation of Day of Remembrance Proclamation to Elizabeth Gelman, Executive Director of the Florida Holocaust Museum.
2. Presentation of National Water Conservation Month Proclamation to Randy Martin, Water Conservation Compliance Officer, Department of Environment and Infrastructure.
3. Presentation of Joe's Creek Greenway Park Phases I-V Certificate to Ray Neri, Lealman Community Association; Paul Cozzie, Parks and Conservation Services; Nancy McKibben, Department of Environment and Infrastructure; Debbie Chayet, Office of Management and Budget; and Armanda Lampley and Frank Bowman, Community Revitalization Division.
4. Presentation of Metropolitan Planning Organization (MPO) Tri-County Trail Study Certificate to MPO Interim Executive Director Sarah Ward.
5. East Lake Youth Sports Association Presentation.

East Lake Youth Sports Association (ELYSA) board members Rick Watson and Rob Posavec referred to a PowerPoint presentation titled "*ELYSA*" *Presentation to the Pinellas County Commissioners – April 1, 2014*, a copy of which has been filed and made a part of the record, and gave a brief history of the Association and its facilities, indicating that the land was a gift from the County in 1982; that baseball, football and soccer fields were built; that a shortage of field space and parking problems necessitated

April 1, 2014

the need for expansion; and that in the fall of 2012, the East Lake Meadows Complex was opened with two soccer fields built on 100 acres of land purchased by the County and set aside for recreation.

Mr. Watson indicated that the Association is requesting that the County Commission impose a tax of one quarter mill for recreation, similar to the way the East Lake Library, Palm Harbor Library, and Palm Harbor Recreation have been funded; whereupon, he indicated that a petition drive has just begun, and over 200 signatures have been gathered to date.

Referring to the basis of the request, Mr. Posavec related that the Association receives no public funding or grants for operating costs, but relies solely on fees parents pay to enroll their children in sports programs; that East Lake participant fees are consistently higher than those imposed by neighboring sports organizations; that annual operating costs amount to approximately \$300,000.00; that a quarter-mill levy would cover operating costs and allow participation fees to be reduced; and that any surplus would be used to address the Association's capital needs, the second major reason for the request.

Referring to a series of photographs, Mr. Watson noted that the original sports complex is over thirty years old and in need of numerous repairs and upgrades; whereupon, he related that there is a need for expansion; that there is plenty of room on the 100-acre site; and that the most immediate need is for fields to accommodate the growing sport of lacrosse.

Mr. Watson related that the East Lake Youth Sports Association envisions the organization becoming part of the Palm Harbor Community Services Association (PHCSA), along with the East Lake Library, Palm Harbor Library, and Palm Harbor Recreation, with the existing ELYSA Advisory Board reporting to a new Executive Director; and that it would be open to whatever direction and oversight the BCC may deem appropriate to move forward.

Discussion ensued, and Chairman Seel indicated that a conversation with PHCSA would be necessary to determine how the organization would be structured and how the funding would flow; and Commissioner Latvala noted that a meeting has taken place, but the ball is really in the Commission's court as to whether the members are willing to levy the tax; that the process is in place; and that she is in support of moving forward.

Commissioner Welch expressed concern as to community support for the increase in millage and requested a prioritization of capital projects from the Association;

April 1, 2014

whereupon, Mr. Watson referred to the ongoing petition drive, stating that he is confident of the support from the community and that the priorities include energy efficient lighting and updating the irrigation system, as well as expansion of the ball fields.

Commissioner Roche stated that he is supportive on the surface and, responding to his queries, Messrs. Watson and Posavec indicated that ELSYA, a non-profit organization, owns the 27-acre site, and the 100-acre site is owned by the County. Discussion ensued as to whether a referendum would be required to levy the tax, and Attorney Bennett indicated that it would not; whereupon, Administrator LaSala related that if the Commission plans to consider the millage increase, time is of the essence, as it would have to adopt an ordinance in June to levy the tax for next year.

Responding to query by Chairman Seel, Mr. Posavec indicated that all of the Association's revenue comes from registration fees from the football, baseball, and soccer organizations; and that the \$300,000.00 in operating expenses does not include uniforms and sports equipment; whereupon, Chairman Seel expressed support for moving forward and requested that details be worked out with PHCSA and that a true profit and loss statement be presented to the Board, as the full amount of the levy may not be necessary in the first year. Commissioner Latvala concurred with the need for a profit and loss statement, but disagreed with the possibility of a reduced millage rate, noting that it is much easier to reduce the millage later than to start with a lower millage and attempt to increase it; and that Palm Harbor spends every penny it collects.

Commissioner Long related that she supports the initiative and wishes to have a thoughtful discussion take place at a workshop; and suggested that the Association extend an invitation to the community to take part in the workshop discussion. Commissioners Morroni and Roche concurred, noting the importance of community support; whereupon, Commissioner Roche inquired whether a staff member would be assigned to act as liaison, and Chairman Seel indicated that one could be assigned later in the process.

Chairman Seel indicated that it would be appropriate to request additional information from PHCSA to allow a full discussion and vetting at the work session; whereupon, Administrator LaSala clarified that in order to have an ordinance adopted by June 1, the Board needs to advertise the public hearing, agree on the ordinance, and review the requested information from ELYSA within the next 30 days, noting that the workshop should be held by the end of April; and that the agreement between the County and ELYSA can be addressed at a later date.

April 1, 2014

Noting that the Board supports the levy, Commissioner Long suggested that the County Attorney draft an ordinance in advance of the workshop; whereupon, Chairman Seel indicated that she does not think the end of April deadline for the workshop is enough time for the volunteer-driven leaders of ELYSA to work with PHCSA to iron out the details; that the workshop could be done in mid-May; and that she would memorialize today's discussion in an email to ELSYA.

6. Florida Department of Transportation (FDOT) Managed Lanes and Gateway Express Presentation

Debbie Hunt, Director of Transportation Development, FDOT, referred to a PowerPoint presentation titled *Florida Department of Transportation Managed Lanes and Gateway Express*, a copy of which has been filed and made a part of the record, and provided an overview and status update on the following projects included in the Department's ten-year Strategic Intermodal System Plan:

I-275 St. Petersburg to the Howard Frankland Bridge

I-275 Howard Frankland Bridge

I-275/State Road 60 Interchange and Veterans Expressway

I-275 Westshore Boulevard to Downtown Tampa

Downtown Interchange

I-275 North

I-4 to Polk Parkway

I-75 South and North

Pinellas County Gateway Area Projects

- State Road 688 (Ulmerton Road)
- State Road 686 Extension (Future Alignment)
- 118th Avenue/County Road 296 (Future State Road 690)

Referring to the Gateway Express, Ms. Hunt related that the project will offer a potential drive-time savings of 9 to 13 minutes during peak traffic; that it will be fully funded in 2017; that Pinellas County has committed \$70 million to the project; that it has been possible to advance the project for completion 15 to 20 years ahead of schedule; and that the infrastructure will be funded by FDOT and Pinellas County, with tolls to be used for operating and maintenance expenses.

April 1, 2014

Ms. Hunt related that FDOT is working with the County Attorney's Office, the Airport Director, and the County's project engineer, as well as the Pinellas Suncoast Transit Authority (PSTA), to address the rail connection to the Airport, bus rapid transit, and various other issues.

Ms. Hunt responded to questions by the members throughout the presentation, relating that:

- FDOT will have an informational plan to keep business owners and the Chambers of Commerce updated on the three-year construction of Ulmerton Road (Morrone).
- FDOT is moving forward with a design-build package, and is in conversations with the Airport now to ensure that the project team knows that there will be a light rail connection at the entrance to the Airport and that the overpass at Ulmerton Road must be at the proper height to accommodate the rail that will ultimately go under it (Long).
- A key component to being able to move the state plan forward by 15 to 20 years is the ability to utilize the money collected from the tolls for operating and maintenance costs; the actual routing for the station at the Airport in the Alternatives Analysis was never finalized, and there were discussions regarding use of 49th Street or Roosevelt Boulevard; a signalized intersection underneath the viaduct will provide access to the Airport entrance; the State Road 60 interchange is scheduled for design in 2019 and construction within the following five years; the managed lanes on the Interstate will not take away any existing lanes; 118th Avenue will have two lanes in each direction at grade and two in each direction elevated; and auxiliary lanes on the Howard Frankland Bridge will be converted to express lanes, at the same grade (Welch).
- Pinellas County has provided \$10 million towards the design for the Gateway Express; traffic data is available to support the four/four lane configuration on 118th Avenue; the Gateway Express and the Gateway Project are one and the same; the \$70 million of Pinellas County funding is only for the Gateway projects; and whether the rail referendum passes or not, the height of the overpass will remain the same and it will be built going North/South over Ulmerton Road (Roche).

Referring to the Alternatives Analysis and Greenlight Pinellas process, Chairman Seel clarified that she had advocated locating the rail stop at the Airport, which was the

April 1, 2014

primary route; that the alternate route was 49th Street; and that all the partners, including the PSTA, have been at the table and engaged in discussions throughout the process.

Administrator LaSala indicated that the Department of Environment and Infrastructure, with the support of the Airport, is working with the County Attorney's Office on right-of-ways and easements to protect the territorial integrity of the Airport; and that the County Attorney's Office is drafting an interlocal agreement between the County and FDOT; whereupon, he clarified that approximately \$60.5 million of the \$70 million County contribution is in the current Penny for Pinellas; that \$5.2 million has been paid to FDOT; and that credit has been given for previous County expenditures.

Chairman Seel indicated that, after 11 years, she is thankful the project is moving forward.

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 Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 14-18 approving Case No. CW 14-08, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from Recreation/Open Space to Institutional, re 2.1 acres m.o.l., located at 2650 Sabal Springs Drive (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 2a Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 14-18 approving Case No. CW 14-09, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from Residential/Office General to Residential/Office/Retail and Commercial General, re 7.2 acres m.o.l., located on the west side of U.S. Highway 19, approximately 445 feet north of Nursery Road (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

2b Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 14-19 approving Case No. CW 14-10 (375 Patricia Avenue Special Area Plan), the proposal by the City of Dunedin to amend the Countywide Future Land Use Plan from Commercial General and Industrial Limited with Water/Drainage Feature Overlay to Planned Redevelopment–Mixed Use, re 23.2 acres m.o.l., located at 375 Patricia Avenue (regular amendment). No correspondence has been received. Pinellas Planning Council recommended approval of the proposal subject to the following conditions and staff concurred.

1. Submission by the City of any future amendment to the Special Area Plan for receipt and acceptance, or for consideration as an amendment, as is determined necessary, under the Countywide Plan Map amendment process.
2. Submission by the City of an assessment of the Special Area Plan's progress with respect to its enumerated objectives five years from the effective date of the Countywide Plan Map amendments pursuant to the Special Area Plan.

Michael C. Crawford, Interim Executive Director, Pinellas Planning Council, referred to an aerial photograph and the land use map, pointed out the location of the subject parcel, described surrounding land uses, and provided a brief overview of the proposal; whereupon, he related that the objectives of the proposed Special Area Plan are to redevelop the former Nielsen Media property, providing flexible development parameters and development options, guaranteeing mixed-use development with residential and retail uses, and retaining target employment opportunities.

Mr. Crawford reviewed proposed development ranges for the various uses in terms of land allocation and density/intensity, and indicated that those development ranges are unique to the Plan; that Special Area Plans generally encourage, but do not require, mixed use; and that the subject Plan guarantees the mixed-use component of the project; whereupon, he indicated that this is the first time staff has evaluated an application with regard to the Industrial Conversion Criteria, which were developed by the PPC and approved by the Countywide Planning Authority in January; that staff worked closely with the City of Dunedin when conducting the criteria analysis; and that the Countywide Rules were recently amended to include criteria for consideration when a map amendment proposes a loss of industrial land.

April 1, 2014

Mr. Crawford indicated that the minimum area laid out for target employment use is approximately 45,500 square feet, which equates to 300 to 450 employees; that up to 75 percent of the site could be used for target employment; and that he has been working closely with City of Dunedin Planning and Development Director Greg Rice, Pinellas County Economic Development Director Mike Meidel, the applicant, and the applicant's representative with regard to the industrial component of the Plan; whereupon, he indicated that the City is trying to develop an employment corridor along State Road 580, which will provide for additional target uses; that the proposed development fits in with the City's Patricia Avenue Corridor Study completed several years ago; that residential, office, and commercial uses can be compatible when proximate to industrial uses; and that, all factors considered, he believes the proposal represents the best plan for site redevelopment.

Mr. Crawford reviewed staff's findings with respect to the Industrial Conversion Criteria and displayed several ground-level photographs of the area; whereupon, in response to queries by Commissioner Roche, Mr. Crawford provided statistical information regarding the square footage of buildings previously located on the property and indicated that even though the site presently has the potential for approximately 650,000 square feet of industrial uses, staff does not consider that amount of square footage to be appropriate.

In response to queries by Commissioner Roche regarding why marketing the property has proven to be difficult, Mr. Meidel related that the property does not show well due to aging infrastructure; that it is not proximate to major roads; and that its location within a residential neighborhood could contribute to workforce issues; whereupon, he discussed the challenging economy and previous development plans that did not comport with the aspirations of Dunedin, and related that the proposed development of the State Road 580 corridor would help to make the property more marketable to a potential tenant; that the overarching goal is to provide quality jobs in the local community; and that the model being put forth is one that can be used in the future.

During discussion and in response to comments and queries by Commissioner Welch, Mr. Crawford presented information regarding the total acreage of the subject property, the minimum square footage required for target employment uses, and the number of employees such a structure could accommodate. He related that if the portion of the subject property designated for industrial uses does not ultimately lead to a vibrant target employment center, only then would a request be made to change the designation and allow another use; whereupon, Commissioner Latvala commented that while the staff has done an excellent job of presenting an appealing mixed-use plan, she hopes that the

April 1, 2014

property owner is genuinely interested in retaining the industrial portion of the property; and that as the economy improves, light industrial uses will be well suited to the location.

Commissioner Morroni related that the PPC staff has done great work in bringing the item forward; that local residents and the business community have shown support for the proposal; that even though he is a staunch proponent of retaining industrial property, he realizes each case must be decided on its own merits; and that, as previously stated by Mr. Crawford, approval of the case does not mean that similar cases will be approved; whereupon, Commissioner Morroni related that he voted for the item during the PPC hearing; and that he will vote in favor of the item today, and discussion ensued.

In response to comments and concerns expressed by Commissioner Latvala, Mr. Rice assured the members that Dunedin's goal is for the industrial uses to remain in place at the site; and related that the City is excited about the upcoming new land use categories; whereupon, he presented information regarding Greenlight Pinellas, State Road 580 corridor uses, and form-based codes.

Land Use Attorney Joel Tew indicated that he represents Wells Fargo Bank; that Wells Fargo has owned the subject property for several years; and that Tew & Associates, Heidt Design, Lincks & Associates, WTL Associates, and Cushman & Wakefield have been working as a team with regard to the application. Mr. Tew provided an overview and a timeline of the proposal, and related that the Citywide Community Visioning Process began in 2005; that the Patricia Avenue Corridor Study, completed in 2009, found the designation of Planned Redevelopment–Mixed Use to be appropriate for the property; and that the applicant is simply trying to implement the vision of Dunedin.

Mr. Tew indicated that his team has worked closely with Dunedin and the community in designing the Special Area Plan; that there has been tremendous support from the residential and business stakeholders throughout the process; and that because efforts to redevelop the site have been fruitless, flexibility will allow it to be more easily marketed; whereupon, he pointed out that the Special Area Plan guarantees a mixed-use project and a commitment to target employment center uses; and that a commitment has been made to work within Dunedin's newly-created form-based code.

Patrick Gassaway, P.E., Heidt Design, indicated that his firm reached out first to the City to explain its proposal, and was encouraged to proceed; and that prior to developing any plans, it sent out 1,300 public notices within a half-mile radius; whereupon, he presented the following highlights regarding results of a charrette held on May 20, 2013:

April 1, 2014

- Over 125 Attendees.
- Visual Exercise Surveyed Likes and Dislikes.
- Participants Completed 106 Visual Exercise Packets.
- Industrial Uses – Included 21 Examples.
- Mixed Uses – Included 31 Examples.

Mr. Gassaway discussed the attendees' reactions to various photographs of mixed-use and industrial projects, relating that the goal was to obtain citizen feedback regarding the proposal; and that he has heard only positive comments during public hearings and other forums.

Commissioner Welch expressed appreciation for the informative presentation, and related that future applicants should endeavor to provide exceptional public outreach similar to that of the applicant; whereupon, in response to queries by Commissioner Welch, Mr. Gassaway presented additional information with respect to form-based codes, indicating that such codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.

In response to comments and queries by Commissioner Roche, Mr. Gassaway discussed a small triangular piece of land reflected as open space on the map, and acknowledged that while Dunedin does not retain control of the land use designation on the parcel, it does retain site plan control; whereupon, Attorney Bennett clarified that because the proposal is for mixed-use, it would not allow for a change to the land use designation.

In response to the Chairman's call for citizens wishing to be heard, Tony Illiano, Dunedin, expressed support for the proposed ordinance; whereupon, Commissioner Latvala moved, seconded by Commissioner Morroni and carried unanimously, that the item be approved.

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

Following the vote and in response to comments and queries by Commissioner Latvala, Mr. Tew indicated that Wells Fargo actively markets properties sitting on its books; that he has handled five or six properties for Wells Fargo within the State of Florida over the past two or three years; that the firm of Cushman & Wakefield will soon begin an aggressive marketing campaign; and that he is hopeful the property will be swiftly sold and subsequently redeveloped.

CITIZENS TO BE HEARD

Chairman Seel discussed the Rules of Public Participation and Decorum, and related that speakers should be respectful of others' opinions and refrain from making personal attacks; that all remarks should be addressed to the commission as a body and not to any one member; and that comments should be relevant to the business of the County and, later in the meeting, briefly discussed County policy regarding video presentations.

Carol Worth, Clearwater, re Pollution (provided background materials).

- Requested that pollution be removed from her property with regard to stormwater.
 - Chairman Seel indicated that she has visited the subject parcel located in Kent Place off Belcher Road and spoken with Ms. Worth regarding stormwater, sewer, and drainage issues; and that Ms. Worth privately pays to have the local stormwater pond cleaned due to properties within the City of Largo that drain across her neighborhood. During discussion, Chairman Seel briefly discussed mitigation efforts proposed by Largo, indicating that those efforts are currently at an impasse due to a disagreement between Ms. Worth and Largo; and that the County has expended considerable time and effort regarding the issue, and Commissioner Roche provided input, indicating that he understands that Largo is prepared to act but needs cooperation by the County to connect the systems.
 - Responding to queries by Chairman Seel and Commissioner Roche, Executive Director David Scott, Department of Environment and Infrastructure (DEI), provided a status update. He indicated that, at the direction of the Board, his department has been researching various issues regarding the concerns expressed by Ms. Worth and the local community and advocating on their behalf; whereupon, he indicated that a significant expense is associated with connecting the drainage and sewer system to Belcher Road through the use of a lift station; that he would provide a written update regarding those costs; and that solving the problem is complicated due to runoff and drainage issues which traverse multiple governmental jurisdictions.

Roberta Hosken, Largo, re Property tax reduction.

- Requested that she and her neighbors be afforded property tax relief until the stormwater and sewer systems are fixed, and discussed a 300,000 gallon sewage spill that impacted her neighborhood and Allen's Creek.
 - In response to queries by Commissioner Long, Attorney Bennett and Chairman Seel indicated that City of Largo Mayor Pat Gerard has committed that Largo will solve the sewer problem and is working on the issue; and Chairman Seel expressed surprise that neither Largo nor the County have been fined for sewer spills into Allen's Creek.
 - Administrator LaSala indicated that while Pinellas County will work with Largo when it presents its plan, the Board will have to make a determination with regard to the cost; whereupon, he related that the Board of County Commissioners has no control over the assessment of property values; and that Ms. Hosken should contact the Property Appraiser's Office if she wishes to appeal the taxable value of her property, and Commissioner Roche provided input.

April 1, 2014

- Commissioner Long requested that Largo City Administrator Mac Craig be contacted for a status report on the situation, and Commissioner Roche concurred; whereupon, Chairman Seel indicated that unincorporated Pinellas County and Largo each charge a stormwater fee, which could be used for such a project.
- In response to queries by Chairman Seel, Administrator LaSala agreed to provide a written response to the members regarding any discussions with City Administrator Craig and to keep Mses. Worth and Hosken apprised of any new information.

Scott Daniels, Clearwater, re Pinellas Trail.

- Provided information regarding Pinellas Trails, Inc., and citizen volunteers.
 - In response to queries by Chairman Seel, Mr. Daniels related that a picnic will be held at Walsingham Park in appreciation of Pinellas Trail auxiliary rangers and volunteers.

Bert Valery, Indian Rocks Beach, re Pinellas Trail.

- Requested that adequate Penny for Pinellas funding be provided to complete construction of the Pinellas Trail.
 - Chairman Seel related that Duke Energy and Pinellas County staffs have been working on a legal agreement regarding the Duke Energy Trail, which will hopefully be signed by the end of April; and that the BCC may want to revisit using Penny for Pinellas dollars for the Trail.
 - Chairman Seel related that the Metropolitan Planning Organization (MPO) is applying for a Transportation Investment Generating Economic Recovery (TIGER) Grant to fund the Duke Energy Trail from East Lake Road to the City of St. Petersburg; and requested that the County's new federal lobbyist provide assistance in obtaining the TIGER Grant.
 - During discussion and in response to queries by Commissioner Roche, Chairman Seel opined that because the Pinellas Trail belongs to Pinellas County, it is the responsibility of the County to operate, maintain, and fund it, and Commissioner Latvala agreed. Commissioner Roche related that because Pinellas County is a community of communities, he wants all options to be considered with regard to funding.
 - Mr. Valery related that because the TIGER Grant has been lost twice, Pinellas County should not be complacent and expect the grant to provide all funding; whereupon, Chairman Seel discussed her efforts regarding submitting a better application and future advocating.

David Ballard Geddis, Jr., Palm Harbor, Water/Fourteenth Amendment unjust.

Lenore Faulkner, Madeira Beach, re Digital kids – divine children.

Ted Legakis, Pinellas Park, re Reliable Septic 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.
 - Mr. Scott, with input by Attorney Bennett, related that DEI has investigated complaints regarding air quality and water quality violations at the Reliable Septic and Sewer site; that citations are being written and fines assessed for numerous violations; and that it appears the owner has decided to move operations elsewhere and will not be renewing his Industrial Wastewater Discharge Permit, which expires at the end of July.

April 1, 2014

- Responding to queries by Chairman Seel, Attorney Bennett indicated that even though Pinellas County is not presently in a position to revoke the owner's permit since he is essentially in compliance with the Industrial Pre-Treatment Program, except for not filing a renewed piping plan, the owner will be notified that he cannot operate outdoors.

Greg Pound, Largo, re Truth.

CONSENT AGENDA ITEMS NOS. 3 THROUGH 7 – APPROVED.

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

3 Minutes of regular meeting of February 25, 2014 approved.

4 Reports received for filing:

- a. Division of Inspector General, Audit Services, Clerk of the Circuit Court and Comptroller, Report No. 2014-05 dated February 13, 2014 – Follow-Up Audit of Fleet Allocations. *See Item No. 8(4a).*
- b. Division of Inspector General, Audit Services, Clerk of the Circuit Court and Comptroller, Report No. 2014-06 dated February 20, 2014 – Audit of Service and Maintenance Contracts for Parks and Conservation Resources.
- c. Pinellas Planning Council Annual Report, Fiscal Year 2013. "Planning for the Pinellas Community."
- d. Dock Fee Report for the month of February 2014.
- e. Division of Inspector General, Audit Services, Clerk of the Circuit Court and Comptroller, Annual Report for the Year Ended December 31, 2013.

5 Vouchers and Bills Paid:

Period February 16 through February 22, 2014

Payroll – None.

Accounts Payable

Checks – \$4,687,147.03

ACH Transfers – \$1,860,146.40

Wire Transfers – \$1,830,609.62

April 1, 2014

6 Miscellaneous items received for filing:

- a. City of Clearwater Ordinances Nos. 8516-14 and 8519-14 adopted January 16, 2014, annexing certain property.
- b. City of Clearwater Notices of Public Hearings regarding proposed Ordinances Nos. 8540-14 through 8546-14 amending the Community Development Code, Annexation, Land Use Plan, and the Zoning Atlas; public hearings to be held April 3, 2014.
- c. City of Largo Notices of Public Hearings to be held April 15, 2014, regarding proposed Ordinances Nos. 2014-29, 2014-30, and 2014-35 annexing certain property.
- d. City of Pinellas Park Notice of Public Hearing held March 27, 2014, regarding proposed Ordinance No. 3878 voluntarily annexing certain property.
- e. Correspondence received requesting that the current year allocation for the Gulf Boulevard Beautification Project be carried forward to the new year as allowed per Section 2 C of the Interlocal Agreement:
 - 1. Town of Redington Beach dated March 6, 2014.
 - 2. Town of North Redington Beach dated March 4, 2014.
 - 3. Town of Redington Shores dated March 4, 2014.
- f. Metropolitan Planning Organization (MPO) amended Truck Route Plan Map in the 2035 Pinellas County MPO Long Range Transportation Plan.
- g. Pinellas Suncoast Fire and Rescue District Resolution No. 2014-01 adopted February 18, 2014, fixing the rate of non-ad valorem assessments in compliance with the Charter of the District.
- h. Eastlake Oaks Community Development District minutes of the meetings held June 13, 2013; August 15, 2013; and October 10, 2013.
- i. Homeowners Association of Highland Lakes, Inc. 2014 Slate of Officers serving on the volunteer Board of Directors.

7 Notice of new lawsuit and defense of the same by the County Attorney in the case of Nicolina Gontarz versus Pinellas Board of County Commissioners – Circuit Civil Case No. 14-001538-CI-15 – Allegations of Negligence Resulting in Personal Injury.

April 1, 2014

- # 8 Items pulled for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court and Comptroller):

4 Reports received for filing:

- a. Division of Inspector General, Audit Services, Clerk of the Circuit Court and Comptroller, Report No. 2014-05 dated February 13, 2014 – Follow-Up Audit of Fleet Allocations.

Commissioner Welch requested that staff provide written responses regarding Findings Nos. One, Three, and Six; and Commissioner Long questioned why the opportunities for improvement on Page 16 have not been addressed; whereupon, following discussion, with input by Administrator LaSala, Chairman Seel indicated that the item would be added to the April 15, 2014 BCC agenda for discussion.

* * * *

At this time, 12:39 P.M., the meeting was recessed and reconvened at 1:05 P.M. with all members present.

* * * *

- # 9 Fiscal Year 2013-2014 Health Program Provider Agreement between the Pinellas County Board of County Commissioners and Baycare Health Systems, Inc. (retroactive to October 1, 2013) for funding in the amount of \$2,610,000.00 (pursuant to the Master Health Program Agreement approved by the Board on August 6, 2013, with updated funding levels) denied.

Health and Community Services Deputy Director Lynda Leedy provided a brief presentation and history regarding the Health Program Agreement, and indicated that a master agreement was presented to the Board in August for a total of \$3 million to be distributed proportionately by the department to three hospitals; that the agreement was not executed by the County because the department was asked to reevaluate the distribution numbers; and that based on the department's analysis, the distribution was subsequently changed; whereupon, she related that the hospitals usually recommend to the County a distribution to which they have agreed; that they could not come to an agreement; and that the department reviewed three years of data and made a final

April 1, 2014

recommendation to all of the hospitals, noting that Baycare is the only partner seeking to execute their portion of the master agreement.

Responding to queries by Commissioner Latvala, Ms. Leedy stated that the initial distribution to Baycare was \$1,731,000.00; that it was revised to \$2,610,000.00; that the allocation to Baycare was increased from 57 percent to 87 percent of the total amount, based on the percentage of County clients seen in Baycare Hospitals; that the other hospitals disagree with the number of patients that were seen; and that the department is analyzing the data to do a reconciliation and to verify that the patients were not Emergency Room (ER) admissions, noting that the plan does not cover ER admissions.

In response to queries by Commissioner Welch, Ms. Leedy indicated that the primary system used to count the number of patients for each hospital is the Community Help and Electronic Data Application System (CHEDAS); and that Baycare did not agree or disagree with the department's count, but Bayfront disagrees; whereupon, she presented a chart titled *FY11-FY13 Total Procedures*, a copy of which has been filed and made a part of the record.

Commissioner Welch expressed concern that in Fiscal Year 2012 the County was reimbursing Bayfront \$1.1 million, an amount very close to what was being reimbursed to Baycare; whereupon, Ms. Leedy indicated that the recommendation was based on historical data, as the contract execution date had passed and there was a need to get a contract in place; that there is no intent to minimize Bayfront's participation in the program, as the desire is to have more than one provider in the county; and that she has expressed a willingness to determine a different system for reimbursement for next year's contract.

Commissioner Welch referred to the agenda memorandum, indicating that the department is seeking flexibility in determining an appropriate amount for Bayfront; and noting that the total distribution is capped at \$3 million, inquired as to the proposed funding source; whereupon, Ms. Leedy related that, based on the department's analysis, it appears there will be a \$300,000.00 to \$400,000.00 savings in the pharmacy program this fiscal year which could be used to offset the increase. Discussion ensued, and responding to queries by Commissioner Welch and Chairman Seel, Ms. Leedy indicated that Bayfront did not have a legally executed contract but continued to see patients; that the total potential Bayfront allocation will not exceed \$750,000.00; and that the department will bring the proposed amount to the Board for approval.

April 1, 2014

Commissioner Roche expressed concern that the Board is being asked to sign a contract and negotiate after the contract is signed; that the Board would potentially be asked to increase the \$3 million cap; and that the item should be continued until after the indigent care work session; whereupon, in response to his query, Ms. Leedy indicated that an accounts receivable system with a year-end reconciliation would not work because the annual funding allocation would be exceeded in the first quarter.

Ms. Leedy pointed out that the patients in the Pinellas County Health Program are only being treated for urgent conditions, as adequate facilities are not available; and related that the goal was to bring the agreements together at one time, which has not been possible; that she wishes to secure an agreement with the one provider that is willing to sign, while efforts continue to resolve issues with the second; and that the third provider, Florida Hospital, has indicated a desire to participate and will get back to her.

Commissioner Long concurred with Commissioners Welch and Roche and expressed concern that the contract is for work performed a year ago; and that it appears that the Board is approving the contract at the expense of one of the County's long-time partners; whereupon, responding to her query, Ms. Leedy stated that she has a meeting scheduled with the HCA Systems presidents next Thursday, and discussion ensued concerning the implementation of the Affordable Care Act, expansion of Medicaid, the timing of today's request, and which providers did and did not sign the contract.

In response to query by Chairman Seel, Ms. Leedy stated that Baycare requested that the department reevaluate the utilization data because it perceived it had seen a higher percentage of the County's clients; that historically the dollar amount had always been agreed upon by the hospitals and recommended to the County, and the department did not endeavor to analyze the data; that this year, the providers were not happy with the proposed amounts; and that the \$8 million Low Income Pool (LIP) funding was applied for last year, but not this year; whereupon, in response to query by Commissioner Welch, Chairman Seel indicated that she does not know why the LIP funds were not applied for this year, and following discussion, she requested that Ms. Leedy provide the reason at next week's work session.

Responding to queries by Commissioner Welch, Ms. Leedy gave examples of procedures that the patients are waiting for and indicated that the department calls every surgeon to inquire if the procedures need to be done quickly; that the surgeon makes that determination; and that there are approximately 10,000 to 12,000 clients in the Pinellas County Health Program, with approximately 150 waiting for surgeries.

April 1, 2014

In response to queries by Commissioner Latvala, Ms. Leedy, with input by Administrator LaSala, clarified that Baycare's patient visits are being validated through the CHEDAS system; that the data has not been cross-referenced with Baycare's numbers; that the department believes its numbers are accurate; and that the other providers are questioning the numbers.

Commissioner Latvala expressed concern about delaying the contract, noting that there are clients waiting for care, and indicated that the County does not reimburse the providers on a dollar-for-dollar basis, but pays according to an agreed amount. Ms. Leedy and Administrator LaSala discussed the importance of providing facilities with specialists throughout the county, noting that Baycare has four facilities; and that there has been a substantial movement of doctors into the Baycare system; whereupon, Ms. Leedy indicated that funding by the County does not come close to reimbursing the hospitals for their costs. Commissioner Latvala reiterated her concern in letting the contract hang, noting her support for moving forward with the Baycare contract while continuing to work with the other providers.

Responding to queries by Commissioner Justice, Ms. Leedy confirmed that the total proposed for Bayfront is \$750,000.00, noting that the need will always be substantially greater than the amount of funding available. Commissioner Justice indicated that the Commissioners have received calls from constituents regarding accessibility to procedures; and that there will always be a need for more money; whereupon, he moved approval of the Baycare Health Systems agreement, as recommended by staff.

Motion	-	Commissioner Justice
Second	-	Commissioner Latvala

Attorney Bennett suggested that a "claw-back" provision be added to the contract, subject to revision once the figures have been reviewed; whereupon, Chairman Seel stated that the County will not be reviewing Baycare's expenditures, but will be reviewing those of the other providers, and discussion ensued concerning the claw-back provision.

Commissioner Welch expressed concern about the timing of the reconciliation with Bayfront; whereupon, Ms. Leedy, with input by Administrator LaSala, indicated that Bayfront has had trouble with its billing system; that the data has not aligned with the format the County has asked them to use; that Bayfront had gone back and forth for months until it was finally able to submit the proper format; that procedure codes still appear to be incomplete; and that it is unknown how long the reconciliation will take, and discussion ensued.

April 1, 2014

Commissioner Welch indicated that he could not support the contract, as additional information is needed, and Commissioner Roche concurred. Following further discussion, Chairman Seel related that she would support signing the contract so services could continue, and expressed concern that, six months into the fiscal funding year, the County Commission did not know the issue was being discussed or revisited; that the request came from community partners who had called with concerns; and that the situation is unacceptable. Upon call for the vote, the motion failed.

Vote - 3 – 4 (Commissioners Long, Morroni, Roche,
and Welch dissenting)

Chairman Seel requested that Ms. Leedy attempt to reconcile the data in the next two weeks and give a status report at the work session on April 8; and that she also provide updates regarding the County's relationship with HCA Systems, LIP funding and intergovernmental transfers relating to the Juvenile Welfare Board, and various other issues.

- #10 Amendment terminating Administrative Services Agreement with the Housing Finance Authority (HFA) of Pinellas County approved for execution; termination effective March 31, 2014.

Chairman Seel related that she has had meetings with the HFA and its attorney; that an audit conducted a few years ago suggested separating the HFA from the County, and she is satisfied with the direction of the separation; that the loss of revenue to the County will be at least \$875,000.00 in staff-related costs previously paid by the HFA; and that there are only two counties in the state that do not have independent HFAs, but they are moving in that direction.

Motion - Commissioner Roche
Second - Commissioner Long

Chairman Seel related that an amendment to the HFA ordinance will be presented at a future meeting to clarify that it will provide quarterly written reports and an annual presentation to the Board, noting that, since the HFA was created by the Board of County Commissioners, it should continue to report to the Board.

Vote - 7 – 0

Attorney Bennett indicated that he had prepared a draft of the amending ordinance; that the Board could authorize advertising today or place it on the agenda for the authority to advertise at a later date; that the ordinance would provide for quarterly reports and annual presentations from the HFA to the Board; and that the reports would be separate and

April 1, 2014

distinct from any reports from the Department of Health and Community Services; whereupon, following brief discussion by the members, Chairman Seel indicated that she would prefer to read and review the ordinance to ensure it encapsulates the points she discussed.

- #11 Bid of Adapco, Inc. for mosquito abatement products (Bid No. 134-0089-B) rejected by line item for Products Nos. 15 and 16 on the basis of not meeting bid specifications. Bids for mosquito abatement products awarded to the following vendors, as delineated in the agenda memorandum dated April 1, 2014, on the basis of being the lowest responsible, responsive bids received: Adapco, Inc.; Clarke Mosquito Control Products Inc.; Univar USA Inc.; and Valent Biosciences Corporation.

Public drawing conducted and tie bids awarded, as follows, in accordance with County Code No. 2-176:

	<u>Products Nos.</u>
Adapco, Inc.	22
Clarke Mosquito Control Products Inc.	19
Clarke Mosquito Control Products Inc.	20
Clarke Mosquito Control Products Inc.	21

Products Nos. 1 and 2 are currently not available. Purchases will be initiated when the products return to the market.

Contract is for 36 months, with provision for one 24-month term extension. Price adjustments may be applied every 12-month period from the date of contract award, as set forth in the agenda memorandum (total estimated 36-month expenditure not to exceed \$2,492,373.15) (Department of Environment and Infrastructure/Purchasing).

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

- #12 Fiscal Year 2014 Board Budget Amendment No. 4 was filed and made a part of the record; amendment realigns appropriation from the General Government Non-Program cost center to the Medical Examiner cost center within the General Fund (Management and Budget).

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

- #13 Third Amendment to the agreement with Lend Lease (US) Construction, Inc. for Construction Management at Risk Services for the Public Safety Facilities and Centralized Communications Center (Contract No. 089-0595-P; PID No. 000007A) approved, decreasing the Guaranteed Maximum Price (GMP) by \$17,694,310.34 for a revised amount of \$50,762,495.66; Chairman authorized to sign the agreement and the Clerk to attest (Real Estate Management/Purchasing).

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

- #14 Other Administrative Matters – None.

- #15 County Attorney authorized to initiate litigation in the case of Pinellas County on behalf of Pinellas County Animal Services versus Dorothy Yeakle – County Civil Case No. 14-001978-CO – Action for Compliance with an Order for Care Involving Animals.

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

- #16 County Attorney Miscellaneous:

Referring to the Board's discussion earlier today regarding the East Lake Municipal Services Taxing Unit (MSTU), Attorney Bennett indicated that the item does not have to go forward until July 1, which provides additional time to have the MSTU boundaries coincide geographically with East Lake Fire District boundaries, if that is the desire of the Board.

- #17 Project Development and Environment Overview/Dunedin Causeway Bridge:

Deferred to April 15, 2014 meeting.

- #18 Flood Insurance Legislation Update:

Deferred to April 15, 2014 meeting.

- #19 Reappointment of Brian Book, Nancy Crews, Terry England, Douglas Hillman, and George Nelson to the Pinellas County Economic Development Council for two-year terms ending in March 2016 approved.

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

April 1, 2014

Chairman Seel reported that, at her request, Joel Giles agreed to be the Co-Chair of the Council.

#20 County Attorney Annual Performance Review:

Chairman Seel indicated that the results of County Attorney James L. Bennett's annual performance review are included in the agenda package; whereupon, she thanked him for his leadership and noted a one-percent decrease in his budget over last year.

#21 County Commission Miscellaneous:

Appointment of Kadie Francis to the Youth Advisory Committee approved.

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

The Commissioners agreed to defer the particular items each wished to discuss to the April 8, 2014 Work Session.

#21a Appointment of Roger Broderick and Robyn Fiel to the Housing Finance Authority (HFA) Board of Directors approved.

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

HFA Chairman Rodney Fischer introduced Attorney Michael Cronin and new Executive Director Kathryn Driver.

#22 Meeting adjourned at 2:00 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk