

AGENDA ITEM # 4
June 3, 2014

4. APPROVAL OF MINUTES:

Regular meeting held May 6, 2014.

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, MAY 6, 2014 – 9:34 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; Mark S. Woodard, Interim County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Laura M. Todd, Board Reporter, Deputy Clerk.

INVOCATION: Pastor Bill Losasso, Pathways Community Church, Largo.

PLEDGE OF ALLEGIANCE: Commissioner Latvala.

PRESENTATIONS AND AWARDS:

Older Americans Month Proclamation presented to Jason Martino, Director of Federal Programs, Area Agency on Aging.

World Trade Month Proclamation presented to Mike Meidel, Executive Director of Economic Development Department.

Employee Appreciation Week Proclamations presented to the County's longest serving employees at this time:

Richard Dodson (44 years).

Charles Gibson (42 years).

Larry Resovsky (41 years).

Ronald McCorkel (41 years).

Randy Martin (41 years).

Emergency Management Services (EMS) Week Proclamation presented to Bruce Moeller, Chief of Staff.

EMS Professionals of the Year Awards presented to:

Terri Griffin, 9-1-1 Dispatcher of the Year.

Jay Horne, Sunstar Emergency Medical Technician of the Year.

Chris Eisenhardt, Paramedic of the Year.

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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)

- # 1a Sitting as the Countywide Planning Authority, the Board approved the request by the City of St. Petersburg to withdraw Case No. CW 14-07, a proposal to amend the Countywide Future Land Use Plan from Industrial Limited and Water/Drainage Feature to Planned Redevelopment-Mixed Use, re 7.3 acres m.o.l., generally located on the northeast corner of 34th Street North and 13th Avenue North.

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

- # 1b Ordinance No. 14-21 adopted approving Case No. CW 14-11, the proposal by the City of Pinellas Park to amend the Countywide Future Land Use Plan from Residential Urban to Residential Medium, re 3.1 acres m.o.l., located at 7600 78th 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 Latvala
Second	-	Commissioner Morroni
Vote	-	7 – 0

- # 1c Ordinance No. 14-22 adopted approving Case No. CW 14-12, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from Residential Urban to Residential Low Medium, re 1.4 acres m.o.l., located at 2730 Curlew Road (regular amendment). Pinellas Planning Council recommended approval of the proposed amendment, subject to the amendment being considered an exception to the Scenic/Non-Commercial Corridor Residential subclassification; and separately and in addition, recommended that the City of Clearwater give special consideration to the improvement of the site with respect to the buffering and landscaping guidelines of the Scenic/Non-Commercial Corridor Master Plan, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

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- # 1d Ordinance No. 14-23 adopted approving Case No. CW 14-13, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Institutional to Residential/Office General, re 4.8 acres m.o.l., located at 2355 Nebraska Avenue (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 Latvala
Second	-	Commissioner Morroni
Vote	-	7 – 0

SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS

- # 2 Ordinance No. 14-24 adopted amending Section 118-32(a)(1)(e) of the Pinellas County Code relating to the Tourist Development Plan; Capital Funding Guidelines as required by the Plan approved as amended. No correspondence has been received. No citizens appeared to be heard.

Managing Assistant County Attorney Michael Zas related that, as a result of the Tourist Development Council (TDC) Budget Workshop, there was a change to the Capital Projects Funding Program Guidelines in response to the members' intention to fund multiple projects.

Responding to queries by Commissioners Long and Roche, Attorney Zas indicated that award of funds recommended by the TDC must be approved by the BCC; that the specific terms of the capital projects are set forth in the Guidelines, as well as the eligible facilities that would qualify for capital funding; and that the Plan sets forth the categories of uses, noting that the Guidelines also expand on the uses; whereupon, Commissioner Roche expressed concern that requests could conflict with memorandums of understanding in effect at this time, and Attorney Zas agreed to address his concern.

In response to queries by Commissioner Justice, Chairman Seel indicated that as long as the uses comply with state statutes and the County ordinance, the Board would have some flexibility to go outside the Guidelines, noting that the TDC and BCC would have to make an exception.

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Commissioner Welch expressed support for the Guidelines, and referring to the last sentence in paragraph two, pointed out that the word “purposes” should be changed to “projects” and Chairman Seel concurred, indicating that the change would be made.

In response to the concerns of Commissioners Welch and Justice regarding Section 4, Attorney Zas advised that the funding standards would not preclude the issuance of bonds or upfront payment for a construction project rather than reimbursement; and that agreements can be written to follow the wishes of the TDC and the BCC as to the payment structure. He indicated that the intent was to provide funding either post-construction, in phases during construction, or as a debt service; that the Board could determine the phases; and that approval today of the Guidelines would be the final step; whereupon, Commissioner Welch moved that the ordinance be approved with the changes discussed.

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

CITIZENS TO BE HEARD

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Chairman Seel indicated that Citizens to be Heard would be moved to the end of the agenda, and no objections were noted.

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CONSENT AGENDA ITEMS NOS. 1 THROUGH 12b – APPROVED.

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

3 Minutes of regular meeting of April 1, 2014 approved.

4 Reports Received for Filing:

- a. Pinellas County Sheriff’s Office Special-Purpose Financial Statements, September 30, 2013, with summarized financial information for the year ended September 30, 2012.

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- b. City of Oldsmar Community Redevelopment Agency 2013/14 Annual Report.
- c. City of Safety Harbor Community Redevelopment Agency Fiscal Year 12/13 Annual Report.
- d. Southwest Florida Water Management District Comprehensive Annual Financial Report and Annual Financial Report for the Fiscal Year Ended September 30, 2013 (CD).
- e. Dock Fee Report for the month of March 2014.
- f. Quarterly Report of Routine Dock and Dredge/Fill Permits issued from January 1, 2014 to March 31, 2014.

5 Vouchers and Bills – None.

6 Miscellaneous Items Received for Filing:

- a. City of Clearwater Ordinances Nos. 8527-14 and 8530-14 adopted February 6, 2014, and Ordinance No. 8537-14 adopted March 6, 2014, annexing certain properties.
- b. City of Pinellas Park Notice of Public Hearing held April 24, 2014, re proposed Ordinance No. 3879 voluntarily annexing certain property.
- c. City of Pinellas Park Notice of Public Hearing to be held May 8, 2014, re proposed Ordinance No. 3880 voluntarily annexing certain property.

7a Award of bid to Wharton-Smith, Inc. for clarifier reconditioning – South Cross Water Reclamation Facility (Contract No. 134-0165-B) approved on the basis of being the lowest responsive, responsible bid received meeting specifications; all work expected to be fully completed within 180 consecutive days (bid price, \$384,200.00; unspecified contingency, \$50,000.00; estimated total expenditure, \$434,200.00) (Department of Environment and Infrastructure/Purchasing).

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- # 7b Award of bid to Allied Universal Corp. for sodium hypochlorite – liquid (12.2 trade percent) (Contract No. 134-0191-B) approved for a total estimated 24-month expenditure not to exceed \$1,284,798.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; contract is for a period of 24 months with one 24-month extension to be exercised if all prices, terms and conditions remain the same pending availability of funds and approval of the County Administrator (Department of Environment and Infrastructure/Purchasing).
- # 7c Award of bid to Harn R/O Systems, Inc. for Rocide IS2 Non-Oxidizing (Biocide) (Contract No. 134-0197-B) approved for a total estimated 24-month expenditure not to exceed \$1,039,680.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; contract is for a period of 24 months with one 24-month extension to be exercised if all terms and conditions remain the same and the County Administrator grants approval; term extension provides for price adjustments as set forth in the Board Memorandum (Department of Environment and Infrastructure/Purchasing).
- # 7d Award of bid to WPC Industrial Contractors, LLC for North Water Booster Pump Station Modifications (Project No. 2091/001044A; Bid No. 134-0169-CP) approved on the basis of being the lowest responsive, responsible bid received meeting specifications (estimated total expenditure, \$3,965,000.00); all work is expected to be completed within 425 consecutive calendar days; Chairman authorized to sign and the Clerk to attest (Department of Environment and Infrastructure/Purchasing).
- # 8 Declaration of County-owned equipment (571 ResQPOD Medical Devices) as surplus and authorization for sale to the highest responsible bidder approved in accordance with Sections 274.05 and 274.06, Florida Statutes, and Board of County Commissioners Surplus Disposition Procedures (Real Estate Management/Safety and Emergency Services).
- # 9 Summary of commercial insurance coverages renewed for March 1, 2014 in the amount of \$8,045,320.00 as outlined in the Board Memorandum dated May 6, 2014, and attachments, copies of which have been filed and made a part of the record, accepted; insurance documents executed by the County Administrator or his designee pursuant to his delegated authority (Risk Management).

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- #10 Certificate of Public Convenience and Necessity for Pinellas County Emergency Medical Services Authority d/b/a Sunstar, effective January 1, 2014 through December 31, 2014, reissued to correct a scrivener's error (Safety and Emergency Services).
- #11 Notice of new lawsuit and defense of the same by the County Attorney in the case of Monja Djordjic versus Pinellas County – Circuit Civil Case No. 14-002446-CI-08 – Allegations of Negligence Resulting in Personal Injuries.
- #12a Sitting as the Countywide Planning Authority, the Board received and accepted a Minor Plan Change to the City of Tarpon Springs Sponge Docks and Community Redevelopment Area Special Area Plan (Case CW 10-21; SAP Change No. 1-2014), as recommended by the Pinellas Planning Council in its memorandum dated April 9, 2014, a copy of which has been filed and made a part of the record.
- #12b Sitting as the Countywide Planning Authority, the Board received and accepted an amended development agreement for City of Clearwater Case No. CW 10-11, re property located at the southwest corner of Belcher Road and Gulf to Bay Boulevard, as recommended by the Pinellas Planning Council in its memorandum dated April 9, 2014, a copy of which has been filed and made a part of the record.
- #13 Items pulled for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court and Comptroller) – None.
- #14 Purchase authorization for Landscape Maintenance Services, Medians, Separators, and Rights-of-way (Countywide) from NDL, LLC (Contract No. 134-0199-PB) approved for a total 24-month expenditure not to exceed \$1,788,239.04 (annual estimated expenditure of landscape maintenance services, \$339,879.12; annual estimated expenditure of countywide landscape maintenance of medians, separators and rights-of-way, \$554,240.40; annual estimated expenditure total, \$894,119.52); pricing, terms, and conditions based on Pasco County Contract No. 05-115 (Parks and Conservation Resources).

Interim County Administrator Woodard related that staff would be moving forward to reduce costs further by negotiating a cooperative purchase agreement to include Pinellas and Pasco counties, along with other local jurisdictions.

In response to query by Chairman Seel, Parks and Conservation Resources Director Paul Cozzie indicated that staff is increasing the number of mowing cycles, as the service level

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requirements are not being met; and that currently the County pays about \$249,000.00 for 11 cycles of rights-of-way and median landscape maintenance, and the NDL contract would cost about \$554,000.00 for 14 cycles of rights-of-way and median landscape maintenance.

Responding to queries by Commissioners Welch and Roche, Mr. Cozzie indicated that the cycles were increased to meet best maintenance practices, which relates to the fertilizer ordinance and the National Pollution Discharge Elimination System (NPDES); and that, with the 11 mowing cycles, the grass is too long for the mulching mowers to handle, becomes clumped in the road, and is too thick to blow back into the median, which causes issues with the NPDES requirements. He stated that the County does do some remote control mowing on slopes; and that staff recently attended the Pasco County presentation on the new remote control mower technology.

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

#15 Other Administrative Matters:

1. Interim County Administrator Woodard requested that the Board authorize the advertisement of a public hearing to be held on May 20, 2014, regarding a proposed amendment to the historic preservation provisions of the Land Development Code to provide consistency for the designation of archeological, historical, and cultural resources, noting that the amendment would allow an archeological resource to be designated locally significant whether or not it is listed in the National Register of Historic Places.

Thereupon, Commissioner Justice moved, seconded by Commissioner Roche and carried, that authorization be granted for staff to advertise the proposed amendment to the historic preservation provisions of the Land Development Code.

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

2. The budget work session scheduled for May 15, 2014 will be held as advertised, but the Sheriff's portion will be moved to the May 22 meeting to ensure there will be a full Board.

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3. Mr. Woodard requested that the members provide input on the preparation of the proposed 2015 budget by this Friday, as discussed at the last meeting and approved by the Chairman.

#16 County Attorney Miscellaneous – None.

#17 Sitting as the Emergency Medical Services (EMS) Authority, the Board approved the appointments of William Holmes and Beth Rawlins as Citizen representatives to the Pinellas County EMS Advisory Council.

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

#18 Resolution No. 14-33 adopted approving the issuance by the Housing Finance Authority of Pinellas County of its Multifamily Housing Revenue Bonds, Series 2014 in a principal amount not to exceed \$5,000,000.00 for the benefit of SP Clearwater Apartments, LLC, a Florida limited liability company; no County general funds are required; all lendable funds are generated from the sale of tax-exempt housing bonds.

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

#19 County Administrator Reports – None.

#20 Compensation agreement for Interim County Administrator Mark S. Woodard approved.

Motion	-	Commissioner Roche
Second	-	Commissioner Latvala

Prior to the call for the vote, it was determined that the members had not received the backup information for the item, and the Chairman tabled the motion.

Later in the meeting, upon receipt of the information, Chairman Seel noted that the compensation is approximately 20 percent less than that for the previous County Administrator and the benefits are the same as any ordinary County employee; thereupon, Commissioner Roche moved, seconded by Commissioner Long and carried, that the compensation agreement for Interim County Administrator Mark S. Woodard be approved.

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

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Deviating from the agenda, Chairman Seel indicated that Item No. 22a would be addressed at this time, and no objections were noted.

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#22a County Commission Miscellaneous:

a. Health and Human Services Coordinating Council Restructured.

Pointing out that the members had previously agreed that the Health and Human Services Coordinating Council would be revived, Chairman Seel suggested that the Council be restructured to include three County Commissioners, three Juvenile Welfare Board members, and three School Board members; and stated that she would like to serve on the Council, and discussion ensued.

Thereupon, Commissioner Morroni moved, seconded by Commissioner Roche and carried, that Commissioners Justice and Roche and Chairman Seel serve on the Health and Human Services Coordinating Council.

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At this time, 10:37 A.M., Chairman Seel left the meeting and Vice-Chairman Latvala assumed the gavel. Citizen's to Be Heard was addressed at this time.

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CITIZENS TO BE HEARD

Lenore Faulkner, Madeira Beach, re middle school excellence.
Greg Pound, Largo, re truth.

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Chairman Seel reassumed the gavel while Mr. Pound was speaking, following which she declared that some of his comments were inappropriate, and if they were repeated at another BCC meeting, he would be gaveled.

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#21 Process and Timeline for Hiring the Next County Administrator

In response to the Chairman's call for citizens wishing to be heard, Dick Kane, St. Pete Beach, appeared and expressed concern that only candidates with a public service background would be considered. He stated that he is a member of a group called the "Gray Beards," which consists of local executives experienced in financial and personnel management of large, complex, billion dollar corporations; and that these top-level executives have been a part of the county for decades and would use their skills, passion, and experience to make Pinellas County a better place to live, a value that the County could not get if it brought someone in from the outside.

Director of Human Resources Peggy Rowe discussed internal versus external recruitment of the next County Administrator. She related that Human Resources has a vested interest in getting the right person to lead the County and has experience and is well equipped to conduct high-level executive searches. She stated that her department would do extensive advertising and would have easy access to the Commissioners throughout the process that an outside consultant would not enjoy; whereupon, she provided a timeline, indicating that the process would begin in May and a County Administrator could be selected by October, or even earlier.

Ms. Rowe indicated that an outside consultant would cost approximately \$30,000 to \$35,000, and the timeline would be extended at least a month. She related that one possible advantage in hiring an outside firm would be to provide candidates cover from the Sunshine law, as the applications and resumes would become public records as soon as they are received by her department. Later in the meeting, Attorney Bennett advised that choosing an outside consultant would not offer protection from the Sunshine laws; and that any document provided to a consultant pertaining to the search for the County Administrator, either by the County or by a candidate, would be a public record.

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Chairman Seel indicated that having an in-house search would not preclude a search firm from submitting a candidate; and that the Human Resources Department could prevent recruitment firms from lobbying the County Commissioners for a particular candidate; whereupon, she related that she prefers the search be conducted internally. Commissioner Latvala concurred, and related that Ms. Rowe's department conducted a very smooth search for Business Technology Services (BTS) following the discharge of the consultant; and that she would prefer the shorter timeframe that Ms. Rowe could provide.

Commissioner Morroni stated that he would prefer an external search, and expressed concerns that performing the search in-house would create a perception of favoritism, limit the list of candidates, and interfere with the budget process. Noting that there could be three new Board members in November, he suggested that this Board only narrow the list of candidates and allow the new Board that will be working with the new County Administrator to make the final decision; whereupon, Chairman Seel stated that outside firms tend to push a stable of their own candidates; and that a search conducted by Human Resources would actually widen the pool.

Commissioner Welch agreed that Commissioner Morroni's concern about the possibility of new Board members in November is valid and should be considered. He concurred that the search should be conducted by Ms. Rowe and suggested that a screening committee be appointed as was done during the successful BTS search; whereupon, Ms. Rowe recommended that the Board appoint a screening committee; and further recommended that if the Board decides that Human Resources is to conduct the search, the Department bring back a specific plan and recommendations that would tighten the timeline and outline the screening process.

Ms. Rowe outlined the advertising plan, and Chairman Seel suggested that the Commissioners, themselves, serve as recruiters and ambassadors at meetings such as the National Association of Counties and the Florida Association of Counties.

Pointing out that Tampa Bay has extraordinary talent that would be well suited for the position, Commissioner Long related that Ms. Rowe is very capable of handling the search; and that a search by an outside consultant is unnecessary, as national search firms would see the advertisements for the position and provide candidates. She suggested that the timeline be shortened so this Board could select the new County Administrator, as the new Board members would be overwhelmed with the governmental process.

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Commissioner Justice indicated that although he agrees with Commissioner Morroni that the employees might have a perception of favoritism if the search is conducted in-house, he was thoroughly impressed by the recruitment process outlined by Ms. Rowe. He indicated that after weighing both sides, he has decided that the search should be conducted internally. He indicated that he is not concerned with the Sunshine issue; that the Board should be diligent throughout the process in seeing that the Sunshine laws are followed; that Florida universities attract top talent, even with the Sunshine laws; and that an outside candidate should be willing to honor the law. He referenced an analysis of the candidates provided during a previous search that included a straightforward evaluation of each candidate, and Ms. Rowe indicated that an analysis would be provided, and the Board would decide whether to use that particular leadership and management analysis.

Commissioner Roche stated that private industry leaders, including Mr. Kane's group, should be considered, and the advertising be extended to publications that reach the private sector; that the search should be public and conducted according to the Sunshine laws; and that the timeline as presented by Ms. Rowe should be shortened. He indicated that as County government is being re-adjusted during the next few months, part of the adjustment should be that the Board takes back its authority, as he has long advocated. Noting that the Human Resources Department is not under the authority of the Board, he stressed that as the hiring authority for the County Administrator, the Board should retain control of the process; whereupon, Ms. Rowe stated that the Board would be involved throughout the search and have complete control of the hiring process; and that the list of suggested advertising is not comprehensive.

During discussion, Commissioner Morroni reiterated his concern regarding employee perception, and stated a recruiter from outside County government should be hired. Chairman Seel related that she has been through many executive director, city manager, and county administrator searches using an outside recruiting firm and has been disappointed each time, and Commissioner Latvala concurred. Chairman Welch indicated that, unlike Commissioner Roche, he definitely prefers that the candidates have some type of governmental experience, and suggested that a work shop be scheduled to discuss the collective criteria.

Thereupon, Commissioner Long moved, seconded by Commissioner Welch, that the Human Resources Department conduct the search for the County Administrator position.

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and upon call for the vote, the motion carried by a vote of 5 to 2, with Commissioners Roche and Morroni dissenting.

Motion	-	Commissioner Long
Second	-	Commissioner Welch
Vote	-	5 – 2, with Commissioners Roche and Morroni dissenting.

Chairman Seel, with input by Ms. Rowe, confirmed with the members that (1) a special meeting to work out the details would be scheduled, (2) the members would recruit and serve as ambassadors whenever possible, and (3) the cards that were displayed during the members' one-on-one meetings with Human Resources would be used to define the ideal characteristics of the candidates; whereupon, Ms. Rowe indicated that she would provide the members a list of things to be decided at the special meeting.

#22 County Commission Miscellaneous:

a. (Addressed on page 10).

b. Commissioner Welch reported that the fire operations simulation exercise has been rescheduled to June 14; and that all Commissioners are welcome to attend.

c. Commissioner Morroni announced he was happy to be back.

d. Commissioner Latvala related that the Florida Association of Counties past president, Guy Maxcy, passed away unexpectedly last week.

e. Commissioner Long happy that the legislative session has concluded.

reported that she attended the Kingfish Tournament kickoff in Madeira Beach last Thursday.

f. Commissioner Justice attended the Tourism Week celebration at Gulfport Casino and the Taste of Gulfport, featuring Gulfport restaurants.

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g. Commissioner Roche

echoed the comments of Commissioner Long re the conclusion of the legislative session.

expressed kudos to the Clearwater High School and Clearwater Fire Department on the annual demonstration of drunk driving and the prom that is posted on Face Book.

thanked Pastor Murphy for celebrating the 7/7 prayer event at Gibbs High School.

#23 Meeting adjourned at 11:26 A.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk