

Clerk of the Circuit Court and Comptroller
Regular Public Meeting
March 10, 2015

3. Approval of minutes:

Regular meeting held February 10, 2015.

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, FEBRUARY 10, 2015 – 9:30 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: John Morroni, Chairman; Charlie Justice, Vice-Chairman; Janet C. Long; Kenneth T. Welch; Dave Eggers; Pat Gerard; and Karen Williams Seel.

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

INVOCATION: Rabbi David Weizman, Congregation Beth Shalom, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Welch.

PRESENTATIONS AND AWARDS: None.

SCHEDULED PUBLIC HEARINGS

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

- # 1 Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 15-04 approving Case No. CW 15-1, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Low to Residential Urban, re 1.3 acres m.o.l., located at 6951 County Road 95 (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 Welch
Second	-	Commissioner Gerard
Vote	-	7 – 0

- # 2 Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 15-05 approving Case No. CW 15-2, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Commercial General and Residential Medium with Resort Facilities Overlay to Commercial General, re 5.4 acres m.o.l., located at 2595 54th Avenue North (regular amendment). Pinellas Planning Council recommended approval of the proposed amendment, along with the accompanying Development Agreement, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 3 Sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 15-06 approving Case No. CW 02-29 (SAP Change No. 2-2015), a Substantive Plan Change to amend the Downtown Historic Palm Harbor Master Plan to allow for accessory outdoor sales and the addition of two permitted uses, Artisan Establishments and Alcoholic Beverage Production Facilities, within the boundary of the East Sub-District of the Old Palm Harbor-Downtown zoning district. Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard (companion to Agenda Items Nos. 4 and 5).

Motion - Commissioner Welch
Second - Commissioner Gerard
Vote - 7 - 0

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At this time, 9:34 A.M., Commissioner Seel left the meeting.

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SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS

- # 4 Ordinance No. 15-07 adopted amending the Downtown Historic Palm Harbor Master Plan by amending the Permitted Uses table within the section on the Downtown Revitalization Code (Second Public Hearing). No correspondence has been received. No citizens appeared to be heard (companion to Agenda Items Nos. 3 and 5).

Motion - Commissioner Gerard
Second - Commissioner Long
Vote - 6 - 0

- # 5 Ordinance No. 15-08 adopted amending Chapter 138 of the Pinellas County Land Development Code regarding the Old Palm Harbor-Downtown zoning district (Second Public Hearing). No correspondence has been received. No citizens appeared to be heard (companion to Agenda Items Nos. 3 and 4).

Motion - Commissioner Gerard
Second - Commissioner Welch
Vote - 6 – 0

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- # 6 Ordinance No. 15-09 adopted adding Section 170-238 to the Pinellas County Land Development Code prohibiting the abandonment, release, or vacation of public right-of-way or public easement to any publicly accessible waters, with limited exceptions. No correspondence has been received. No citizens appeared to be heard.

In response to comments and queries by Commissioner Eggers, Attorney Bennett related that in order for a property owner to build a dock on sovereign submerged lands, the individual must hold fee ownership of the land abutting the body of water where the dock will attach.

Motion	-	Commissioner Long
Second	-	Commissioner Justice
Vote	-	6 – 0

Noting that the public hearing items were handled in an expedient manner and with little discussion, Chairman Morroni related that the members meet on an individual basis with the County Administrator prior to each meeting to obtain backup materials and ask questions regarding upcoming matters.

CITIZENS TO BE HEARD

Greg Pound, Largo, re Pinellas families.

* * * *

At this time, 9:44 A.M., Commissioner Seel returned to the meeting.

* * * *

Marcus Harrison, Palm Harbor, re unincorporated.

Requested that a traffic light or pedestrian crossing signal be installed on U.S. Alternate Highway 19 in the Old Palm Harbor-Downtown zoning district; and that a citizens' committee, comprised of residents of the unincorporated area, be established and meet monthly with the County Administrator regarding the budget.

- Traffic Engineering Section Manager Kenneth A. Jacobs and Commissioner Seel, with input by the members, discussed the prospect of a roundabout or traffic signal being installed at the intersection of U.S. Alternate Highway 19 and Nebraska Avenue; whereupon, Commissioner Seel agreed to provide Mr. Harrison a written update regarding the matter, and Mr. Woodard provided input.

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- Commissioner Welch discussed community representation within the unincorporated area, stating that various community organizations bring forward issues and communicate priorities to the members; whereupon, Chairman Morroni stated that the Commissioners' doors are always open, and Commissioner Justice suggested that a day be set aside during which citizens are invited to speak with the members regarding issues within the unincorporated area.

CONSENT AGENDA ITEMS NOS. 7 THROUGH 14 – APPROVED.

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

7 Minutes of regular meeting of January 13, 2015 approved.

8 Reports received for filing:

Division of Inspector General, Clerk of the Circuit Court and Comptroller, 2015 Annual Audit Plan.

9 Vouchers and bills paid – None.

#10 Miscellaneous items received for filing:

- a. City of Oldsmar Ordinance No 2014-19 adopted January 6, 2015, voluntarily annexing certain property.
- b. City of Seminole Ordinance No. 25-2014 adopted December 16, 2014, voluntarily annexing certain property.

#11a Award of Bid to J.O. DeLotto and Sons, Inc. for Security Improvements – Waste-to-Energy Facility (PID No. 01113A/2134; Bid No. 145-0064-CP) approved for an estimated total expenditure in the amount of \$511,111.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be fully completed within 150 consecutive calendar days; Chairman authorized to sign and the Clerk to attest.

- #11b Award of Bid to Andrew Site Work, LLC for Subaqueous Force Main Crossing – Indian Shores (PID No. 001503A/2113; Bid No. 145-0025-CP) approved for an estimated total expenditure in the amount of \$1,142,034.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be fully completed within 330 consecutive calendar days; Chairman authorized to sign and the Clerk to attest.
- #11c Award of Bid to TLC Diversified, Inc. for Bulk Sodium Hypochlorite Feed System Conversion – four sites (PID No. 000657A/2085; Bid No. 145-0065-CP) approved for an estimated total expenditure in the amount of \$1,548,500.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; all work is expected to be fully completed within 210 consecutive calendar days; Chairman authorized to sign and the Clerk to attest.
- #12 Award of Bid to Waste Management Inc. of Florida d/b/a Waste Management of Pinellas County for Garbage and Trash Collection Services for County-owned facilities in unincorporated areas and various County parks – Rebid (Contract No. 145-0081-B) approved for an estimated total expenditure in the amount of \$1,265,916.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; 36-month contract to commence on April 28, 2015 and include one 24-month term extension; term extension provides for a price adjustment, as set forth in the agenda memorandum dated February 10, 2015, and shall be exercised only if all terms and conditions remain the same and the County Administrator grants approval.
- #13 Quarterly Report of Claim Settlements for October 1 through December 31, 2014 for claims requiring the mutual consent of the County Attorney and Risk Management in the settlement range of \$25,001.00 to \$50,000.00 (total claims paid, \$85,000.00) received for filing.
- #14 Notice of new lawsuit and defense of the same by the County Attorney in the case of David Ballard Geddis, Jr. versus County Attorney Cromwell – Small Claims Civil Case No. 14-010189-SC-North – Reclaimed Water Availability Charge.
- #15 Items pulled for discussion from Consent Agenda – None.
- #16 Resolution No. 15-8 adopted approving Project B4122350042 as a qualified applicant pursuant to Section 288.106, Florida Statutes, and identifying sources of local county financial support as local participation in the Qualified Target Industry (QTI) Tax Refund Program (total local contribution amount, \$6,000.00, 50 percent of which will be paid by

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Pinellas County, not to exceed \$3,000.00, to be paid over a series of fiscal years as determined by the State).

In response to the Chairman's call for persons wishing to be heard, Marcus Harrison, Palm Harbor, presented his questions and concerns; whereupon, Pinellas County Economic Development Director Mike Meidel related that the Board receives regular updates on the QTI program and offered to provide Mr. Harrison with a copy of the latest detailed update, including the full description of the program. Noting that the program has been documented since its inception in 1996, monitored by staff, and audited by the state, Mr. Meidel discussed the process, relating that tax incentives are received by the companies after they create jobs and fulfill other obligations; that information pertaining to projects, with the exception of legally protected information, becomes public within six months of the formal agreement; and that although capital investment for this project appears small, Pinellas and Hillsborough Counties will benefit from the jobs it will create.

In response to queries by the members, Mr. Meidel indicated that participating companies are not required to own their facilities; that the *Orlando Sentinel* maintains complete information on all QTIs in Florida, and a link to that database can be added to the Pinellas County website; that two spreadsheets, kept current by the staff, include detailed information on all the incentives approved by the Board and the state for the next seven years; and that QTI does not apply to companies receiving the ad valorem tax exemption; whereupon, assuring the public of the program's safeguards, Mr. Woodard noted that the County website could be improved to provide the public with easy access to clear and transparent QTI program information and suggested that a meeting between Messrs. Meidel and Harrison take place.

Following discussion, Commissioner Welch expressed his support for the program, noting that the Board has done its due diligence studying it; and that it leverages state money to bring jobs to Pinellas County; whereupon, Commissioner Seel encouraged Mr. Harrison to review information on the recent Economic Development Symposium, posted online, for further understanding of the County's economic development plans.

Upon query by Commissioner Seel regarding efforts to promote countywide participation in the program, Mr. Meidel explained that many of the current projects are located in the unincorporated areas; and that while staff works countywide, companies select areas, such as the City of St. Petersburg, due to space availability and proximity to the interstate highways.

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

- #17 Interlocal Agreement with the City of St. Petersburg approved, terminating the existing St. Petersburg/Pinellas County Interlocal Agreement dated April 29, 2008 and providing for the distribution of infrastructure sales surtax funds (Penny for Pinellas) in the total amount of \$28,200,000.00 as the County's commitment to implement projects specified in the agreement. Chairman authorized to execute the agreement and the Clerk to attest.

Mr. Woodard informed the Board that upon a vote of seven to one, the Interlocal Agreement was approved by the St. Petersburg City Council last night, and presented background information, highlighting the differences between the existing and new agreements and noting that the new agreement was created pursuant to the City of St. Petersburg's request for reallocation of funds to address its changing priorities. Mr. Woodard indicated that the new agreement lowers the County's commitment to St. Petersburg's capital improvement project funding from the original obligation of \$44.5 million to \$28.2 million; that it better reflects the needs of St. Petersburg, as well as the County; and that it releases the County from managing the projects.

Noting that the County obligation to St. Petersburg has been incorporated into the current Penny for Pinellas (Penny) fund budget, Mr. Woodard related that \$20.2 million would be provided toward building the new Police Headquarters and the rest of funds toward renovating the Jamestown apartment complex, improving Central Avenue, and installing sidewalks along County roads located within the City; whereupon, he indicated that the payment related to the Police Headquarters has been deferred to December of 2019.

Commissioner Seel congratulated Mr. Woodard on negotiating the agreement and provided the history behind the original agreement, which she did not support; whereupon, she addressed the need for fair allocation of the next Penny funds, ensuring that one city does not receive more benefits than other areas. Echoing Commissioner Seel, Commissioner Eggers related that the last Penny distribution had upset many cities; that there are concerns on how the funds are being distributed; that the next distribution should be conducted more openly; and that infrastructure needs throughout the County should be addressed.

Responding to query by Commissioner Seel, Mr. Woodard indicated that even if the total cost of the Police Headquarters project is less than the estimated \$70 million, the County contribution of \$20.2 million will stay the same, per the agreement; whereupon,

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expressing support for the agreement, Commissioner Welch noted the importance of ensuring that the new Police Headquarters be a Category 5 facility, and Commissioner Eggers provided input.

During discussion and responding to queries by Commissioners Welch and Long, Mr. Woodard clarified that some contract reviews are conducted by e-mail and the intent is to fully automate the process; and that Board discussions regarding the Penny fund for years 2020-2030 will tentatively take place later this year, for a referendum in the spring of 2017; whereupon, Chairman Morroni and Commissioner Justice expressed their support for the new agreement and appreciation of Mr. Woodard's efforts in conducting negotiations.

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

- #18 Final Negotiated Agreement with Mason Blau and Associates, Inc. for professional services for the Pinellas County Courts Consolidation Design Criteria Package (Contract No.123-0386-NC) approved in an amount not to exceed \$2,880,007.00. Chairman authorized to sign the agreement and the Clerk to attest.

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

In response to the Chairman's call for persons wishing to be heard, Chief Judge J. Thomas McGrady discussed the benefits of consolidating the courts at the County Justice Center (CJC) and the St. Petersburg courthouse, noting that the consolidation will allow for the expansion at CJC and needed renovations in both buildings.

Responding to query by Commissioner Seel with regard to revolving County projects amongst different architectural firms, Purchasing Director Joseph Lauro indicated that the firms are rotated for continuing contracts, which this one is not; whereupon, Commissioner Seel added a note of caution about ensuring construction of an efficient building.

- #19 Third amendment to an agreement with Arcadis U.S., Inc. and fourth amendment to an agreement with CDM Smith, Inc. for a first and final 18-month term extension for Waste-to-Energy consulting services on a continuing basis (Contract No. 101-0120-CN) approved; total combined estimated expenditure, \$2,713,445.86. Chairman authorized to sign the amendments and the Clerk to attest.

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

#20 Other administrative matters – None.

#21 Proposal for settlement rejected in the case of Monja Djordic versus County of Pinellas, Circuit Civil Case No. 14-2446-CI-8, in accordance with the confidential memorandum from County Attorney James L. Bennett dated February 10, 2015.

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

#22 County Attorney miscellaneous – None.

#23 County Administrator report:

Flashing Yellow Arrow (FYA)

Ken Jacobs, Public Works Traffic Division Section Manager, conducted a PowerPoint presentation titled *Flashing Yellow Arrow Operation*, a copy of which has been filed and made a part of the record. Mr. Jacobs described the current turn systems and discussed the history, operation, and advantages of the FYA as part of the Advanced Traffic Management System installation on Gulf-to-Bay Boulevard (State Road 60), noting that it has been adopted by the Florida Department of Transportation as its standard for left turn signals.

Responding to queries by the members, Mr. Jacobs indicated that the FYA was approved by the Federal Highway Administration and is being considered for replacement of the turn systems on county, state, city, and local roads throughout the country; that it is a flexible system allowing customization based on location, time of day, and traffic conditions to provide either permissive, protected/permissive, or restricted movement; and that based on numerous studies and as noted by the local crossing guards, it provides the most safety for motorists and pedestrians.

Mr. Jacobs explained the concept and benefits of lead/lag phasing and presented brief videos demonstrating lead/lag phasing at an FYA intersection and the addition of a delay to address concerns expressed by motorists; whereupon, Commissioner Seel suggested increasing the delay time to ensure that motorists facing a flashing arrow have sufficient

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time to realize the need to yield to the opposing traffic. Following further discussion, Commissioner Welch recommended expanding the use of public service announcements to explain FYA operation.

#24 Proposal for a resolution supporting the expansion of Medicaid in the State of Florida.

Referring to her memorandum dated February 4, 2015 regarding a resolution in support of Medicaid expansion, Commissioner Long indicated that the state's refusal to expand Medicaid costs Pinellas County \$21 million per year; that many cities are sending written requests for Medicaid expansion to the state legislature; that it is the right time to discuss the issue as the session will begin soon; and that since a large number of Floridians require access to healthcare, Medicaid should be expanded or an alternative solution should be found.

Noting that the issue should not be partisan, Commissioner Welch provided further statistics and expressed his support for the resolution. Echoing Commissioner Welch's comments and thanking Commissioner Long for raising the issue, Chairman Morroni noted that it is gaining support among conservative governors; and that it passed in the Florida Senate 39 to 1, but the House of Representatives did not vote for it.

Chairman Morroni indicated that a unanimous vote of the Board would show strong support of the issue to the Legislative Delegation, while Commissioner Eggers, agreeing with the members' comments, stated that there could be other ways to fix the current system that would fit Florida better; and that the Board should encourage the state representatives to seek alternative solutions.

In response to the Chairman's call for persons wishing to be heard, Diana Gilzean, Oldsmar, Americans for Prosperity, spoke against expanding Medicaid, stating that it would result in raised taxes, cutting other important programs, or higher insurance costs; that it would provide funds for single and able adults and would not provide additional funding for the elderly and developmentally disabled; that it may not decrease the number of uninsured Floridians long term; that the federal government will not cover administrative costs; and that there are better ways for getting disadvantaged Floridians quality healthcare.

Commissioner Gerard expressed her support for the resolution, noting that everyone is open to the House of Representatives finding any way to provide healthcare coverage to the indigent for the sake of the hospitals, the County budget, and the people; whereupon,

Chairman Morroni directed staff to draft a resolution and provide it to the members for review prior to the next meeting.

#25 County Commission Miscellaneous:

- a. Commissioner Long discussed presentation of the Tampa Bay Regional Planning Council (TBRPC) regarding opportunities for medical tourism, noting its potential benefits for the economy, local hoteliers, restaurants, hospitals, and healthcare providers. Chairman Morroni noted that TBRPC voted unanimously for its staff to work with the counties involved on the Council toward studying and funding of the venture.
- b. Commissioner Eggers commended medical staff involved in his recent treatment of a blocked artery on their professionalism and care; shared advice on the importance of cardiac testing; and thanked his assistant for great work and support in his absence.
- c. Commissioner Welch shared an incident that occurred in his neighborhood related to a residential gun range; thanked Mike Calta and Bruce Kitsis for providing a year-long gun range membership to the neighbor involved in the incident; and requested that the members support drafting of a resolution re House Bill 623, which addresses a loophole pertaining to residential gun ranges. Chairman Morroni directed that the County Attorney prepare a resolution for review at the next BCC meeting.

conveyed citizens' concerns relating to recurring attacks by dangerous dogs; and discussed local and state animal control regulations re the dangerous dog classification process, and requested that staff be permitted to review the present County ordinance, and the members expressed their support.

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- d. Commissioner Gerard reported that the top two priorities of the Pinellas Suncoast Transit Authority Legislative Committee are funding for the Central Avenue Bus Route Transit Corridor and support for the Region-Wide Transit Fare Payment Project; and that a proposal to allow some Surface Transportation funds to be used for bus purchases will be discussed at the Metropolitan Planning Organization meeting.
- e. Commissioner Justice congratulated Citizens Alliance for Progress on their 20th anniversary and thanked Tom McComb and David Archie on great work in helping young people succeed.
- f. Chairman Morroni requested that Commissioner Justice be appointed as an alternate member on the Canvassing Board. Commissioner Welch moved, seconded by Commissioner Eggers and carried, that the appointment be approved.
- g. Attorney Bennett introduced Assistant County Attorneys Miles S. Belknap, Chelsea D. Hardy, and Brendan Mackesey.

#26 Meeting adjourned at 11:37 A.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk