

Pinellas County Board of County Commissioners

*315 Court Street
Clearwater, FL 33756
pinellas.gov*



Hybrid In-Person and Virtual Regular Meeting Agenda

Tuesday, February 28, 2023
2:00 P.M.

Public Hearings at 6:00 P.M.

Janet C. Long, Chair
Kathleen Peters, Vice-Chair
Dave Eggers
Rene Flowers
Charlie Justice
Chris Latvala
Brian Scott

Barry A. Burton, County Administrator
Jewel White, County Attorney
Ken Burke, Clerk of the Circuit Court and Comptroller

ROLL CALL**INVOCATION****PLEDGE OF ALLEGIANCE****PRESENTATIONS AND AWARDS**

1. [23-0040A](#) African American History Month Proclamation:
Pinellas County African American History Museum at the Curtis
- Sandra W. Rooks, Executive Director
- Loretta Hunter, Board Member
Rose Cemetery
- Katie May Taylor, Board President, Rose Association
Special Angels Investments
- Dr. Shannon Peck-Bartle, Board President and Curriculum Consultant,
Special Angels Investments
2. [23-0140A](#) Government Finance Professionals Week Proclamation:
- Ken Burke, Clerk of the Circuit Court and Comptroller
and staff from the Clerk's Office
- Chris Rose, Director, Office of Management and Budget (OMB)
and staff from OMB
3. [23-0041A](#) Partner Presentation:
Kathryn Driver, Executive Director, Housing Finance Authority of Pinellas
County

CITIZENS TO BE HEARD

4. [23-0044A](#) Citizens To Be Heard - Public Comment.

CONSENT AGENDA - Items 5 through 14**CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

5. [23-0218A](#) Minutes of the regular meeting held January 17, 2023.
6. [23-0219A](#) Vouchers and bills paid from January 22 through February 4, 2023.

Reports received for filing:

7. [23-0220A](#) Dock Fee Report for the month of January 2023.

Miscellaneous items received for filing:

8. [23-0221A](#) Intergovernmental Cooperative Agreement for the City of St. Pete Beach for the purpose of providing insurance through Public Risk Management of Florida, together with an Affidavit of Authenticity.

COUNTY ADMINISTRATOR DEPARTMENTS

County Administrator

9. [23-0045A](#) Receipt and file report of non-procurement items delegated to the County Administrator for the period ending February 10, 2023.

Recommendation: Accept the receipt and file report of non-procurement items delegated to the County Administrator.

Public Works

10. [22-1060A](#) Ranking of firms and agreement with Aptim Environmental & Infrastructure, LLC for coastal management environmental consulting services.

Recommendation: Approval of the ranking of firms and agreement with Aptim Environmental & Infrastructure, LLC (Aptim) for coastal management environmental consulting services.

* The purpose of this continuing Consultant Competitive Negotiation Act (CCNA) contract per Florida Statue 287.055 is to provide professional engineering services on an as needed basis to assist the Environmental Management Division of Public Works with implementation of the County's Coastal Management Program.

* Award recommendation with Aptim, with a total upset limit over the 5-year term of \$1,250,000.00.

* Aptim has committed to utilizing multiple certified Small Business Enterprise (SBE) firms for individual work assignments resulting from this agreement. Percentage goals are not established for CCNA continuing contracts. When the County utilizes a firm for an individual work assignment, the requesting department, working with Economic Development, ensures SBEs are utilized.

* This contract replaces Contract No. 167-0486-CN which contains the same upset limit amount; however, the rates on average for the services has increased 9% since 2018.

* This contract is primarily for projects funded by county funds and state or federal grants. Rates were evaluated to determine competitiveness based on current market conditions. Staff negotiations achieved rate reductions from the original proposal submittal for this new contract ranging from twenty to five percent. Rates are fully burdened and fixed for the term of the contract.

Contract No. 22-0612-CN (JJ); total contract upset limit over the five-year term is \$1,250,000.00; Authorize the Chairman to sign and the Clerk of the Circuit Court to attest.

11. [22-1134A](#) Ranking of firms and agreements with the six highest ranked firms to provide contingency disaster debris collection and removal services on behalf of the Public Works Department and municipal partners.

Recommendation: Approval of the ranking of firms and execution of agreements with each of the six highest ranked firms to provide contingency disaster debris collection and removal services on behalf of the Public Works Department and municipal partners.

- 1.) AshBritt, Inc.
- 2.) CrowderGulf, LLC
- 3.) DRC Emergency Services, LLC
- 4.) Phillips & Jordan, Inc.
- 5.) Southern Disaster Recovery
- 6.) TFR Enterprises, Inc.

* The purpose of the contract is to provide comprehensive disaster debris collection and removal services, as and when required for use by all municipalities within geographical Pinellas County.

* Nine firms submitted proposals; award recommendation is to the top six ranked firms for a 60-month duration to provide contingency disaster debris collection and removal services.

* Awarding to six firms ensures adequate service coverage for any size event that may affect the County.

* The contract has a term of five years with a not to exceed estimated value of \$553,258,530.00 collectively among all six vendors based upon emergency potential during a major hurricane event; actual expenditures are contingent based upon services required during and emergency event.

* This contract replaces Contract No. 156-0491-P with seven firms that will expire on March 31, 2023. The new contracts are approximately 3.5% lower in pricing overall than the expiring contracts.

* Actual expenditure is contingent based upon services required during an emergency event. Funds will be provided through contingency reserves. A portion of the costs incurred may be offset with reimbursement from FEMA.

Contract No. 22-0617-P(AJM): not to exceed contract value of \$553,258,530.00 for the duration of the 60-month contract; Authorize the Chairman to sign and the Clerk of the Circuit Court to attest.

12. [22-0450A](#) Ranking of firms and agreement with Cumbey & Fair, Inc. for professional engineering design services for the Pinellas Trail South Gap Phase I from Ulmerton Road to Haines Bayshore Road.

Recommendation: Approval of the ranking of firms and execution of the agreement with the number one ranked firm, Cumbey & Fair, Inc. for professional engineering services related to the final design of the Pinellas Trail South Gap Phase I from Ulmerton Road to Haines Bayshore Road.

* The purpose of this non-continuing Consultant Competitive Negotiation Act (CCNA) contract is for the services of a professional engineering design firm to develop final design plans, specifications and estimates for the Pinellas Trail South Gap-Phase II from Ulmerton Road to Haines Bayshore Road.

* Six firms submitted with award recommendation to the top ranked firm, Cumbey & Fair, Inc. in the amount of \$1,520,774.33 in accordance with the CCNA, per Florida Statute 287.055.

* The project is anticipated to take 36 calendar months from the commencement date on the Notice to Proceed.

* 100% of this contract is being completed by certified Small Business Enterprise (SBE) firms; Cumbey & Fair, Inc. and the two subconsultants, Test Labs and Terra Tectonics are all SBE firms.

* Funding for this \$1,520,774.33 contract is available in CIP Project # 003883B Pinellas Trail South Gap - Ulmerton Road to Haines Bayshore Road funded by the Local Infrastructure Sales Surtax.

Contract No. 22-0372-NC in the amount of \$1,520,774.33, from the notice to proceed date for a term of one thousand ninety-six calendar days; Authorize the Chairman to sign and the Clerk of the Circuit Court to attest.

Solid Waste

13. [22-1445A](#) Award of bid to Poole & Kent Company of Florida for Industrial Waste Treatment Facility Clarifier System Phase 2.

Recommendation: Approval of the award of bid with Poole & Kent Company of Florida for Industrial Waste Treatment Facility Clarifier System Phase 2.

* The County owns and operates an Industrial Water Treatment Plant (IWTP) located within the Bridgeway Acre Landfill. The ITWP was designed with a 2.50 MGD average daily flow design capacity. Since the ITWP came online in 2013, the facility has not sustained operations at full design capacity.

* This project is to construct a 60-foot diameter clarifier and 30-foot diameter thickener to improve operational capacities for consistency with our Florida Department of Environmental Protection Operating Permit.

* Two responsive bids were received. The low bid of \$8,463,633.00 from Poole & Kent Company of Florida was 13% below the office estimate of \$9,724,967.00.

* All work will be completed within 365 consecutive calendar days.

* The Small Business Enterprise commitment is 13% for this contract.

* Funding is available under Project 003347A Industrial Waste Treatment Facility Clarifier in the Solid Waste Renewal and Replacement Fund.

Contract No. 23-0028-ITB in the amount of \$8,463,633.00 with all work completed within 365 consecutive calendar days; Authorize the Chairman to sign and the Clerk of the Circuit Court to attest.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Housing Finance Authority14. [23-0100A](#) Housing Finance Authority of Pinellas County: 2022 Annual Report.

Recommendation: Recommend the Board of County Commissioners receive and file the 2022 Annual Report on the Housing Finance Authority of Pinellas County (HFA).

* During 2022, the HFA's First-Time Homebuyer Program served 60 households, all households utilized the HFA's down payment assistance program and were at or below 100% of the Area Median Income.

* The HFA continued to administer the Neighborhood Stabilization programs. The HFA continued to administer the Pinellas County Community Housing Program Land Trust-Single Family I as Successor Trustee.

* The HFA continued to administer the Housing Trust Fund and utilized their funds to provide down payment and closing cost assistance to 36 first-time homebuyers.

* The HFA closed on three multifamily developments through its Multifamily Mortgage Revenue Bond program. The previous developments funded under this program continue to operate at high occupancy rates.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA

COUNTY ADMINISTRATOR DEPARTMENTS

Human Services

15. [23-0161A](#) Award acceptance and agreements with service providers for the Edward Byrne Memorial Justice Assistance Grant Countywide.

Recommendation: Approval of the award acceptance, other grant forms, and funding agreements with four nonprofit entities for the Edward Byrne Memorial Justice Assistance Grant Countywide (JAG-C).

* The JAG-C is a formula-based U.S. Department of Justice pass-through grant administered by the Florida Department of Law Enforcement (FDLE). It supports projects that help reduce crime and improve the criminal justice system.

* On July 26, 2022, the Substance Abuse Advisory Board reviewed and ranked applications for projects to be funded by JAG-C and developed award recommendations for the Board of County Commissioners (BCC).

* The JAG-C will provide \$237,081.00 in funding to support six projects in Pinellas County. The City of Tarpon Springs will administer its own project directly with FDLE. This project total is \$40,873.00.

* Human Services will administer five of the projects totaling \$196,208.00. One project funds internal program administration for the grants at \$23,708.00. The remaining four projects are agreements with nonprofit agencies for a total of \$172,500.00.

* Three of the agreements for approval are: MORE Health, Inc. for Firearm Safety and Violence Prevention training for youth (\$25,000.00), Suncoast Center, Inc. for Forensic Focused Outreach Case Management and Treatment (\$40,000.00), and WestCare GulfCoast-Florida, Inc. for Mustard Seed Inn Case Management (\$50,000.00). Directions for Mental Health, Inc. d/b/a Directions for Living for Telehealth Remote Access to Crisis Evaluation counselor position (\$57,500.00), has asked for an extension to sign to their agreement and it will be brought forward at a later date. No match is required.

* The BCC signed the Certificate of Participation (22-004C) on August 18, 2022, and approved the JAGC recommended projects (22-1640A) on October 11, 2022.

* Funding to support this agreement was partially anticipated and \$150,650.00 is included in the Fiscal Year (FY) 2023 Budget. The remaining \$45,558.00 was not anticipated in the development of the FY23 Budget and a future resolution may be needed to recognize and appropriate the remaining funds.

COUNTY ATTORNEY

16. [23-0258A](#) Arbitration determination in the case of Pepper Contracting Services, Inc. v. Pinellas County; Circuit Civil Case No. 19-004542-CI.

Recommendation: Consideration of the arbitration determination in the case of Pepper Contracting Services, Inc. v. Pinellas County.

17. [23-0211A](#) Proposed initiation of litigation in the case of Pinellas County v. Susan H. Caldwell - action for injunctive relief.

Recommendation: Approval and authorization for the County Attorney to initiate litigation in the case of Pinellas County v. Susan H. Caldwell.

18. [23-0212A](#) Proposed initiation of litigation in the case of Pinellas County v. Matthew Scott Tyczkowski and Shieva Zandi - action for injunctive relief.

Recommendation: Approval and authorization for the County Attorney to initiate litigation in the case of Pinellas County v. Matthew Scott Tyczkowski and Shieva Zandi.

19. [23-0174A](#) Proposed ratification of certain participation agreements and assignments in opioid settlements pursuant to the Florida Plan.

Recommendation: Ratification of the Administrator's delegated approval to execute agreements to effectuate the Florida Plan.

20. [23-0203A](#) Proposed settlement in the case of Jody Vance v. Pinellas County; Circuit Civil Case No. 19-008495-CI-15.

Recommendation: Consideration of the proposed settlement in the case of Jody Vance v. Pinellas County.

21. [23-0046A](#) County Attorney Reports.

COUNTY ADMINISTRATOR

22. [23-0047A](#) County Administrator Reports.

COUNTY COMMISSION

23. [23-0061A](#) 2023 Federal Legislative Program.

Recommendation: Approval of the 2023 Federal Legislative Program.

* The 2023 Federal Legislative Program outlines the Board's federal legislative priorities for the year, including:

o National Flood Insurance Program

* SUPPORT a long-term extension to the program that ensures financial stability, while not pricing out policy holders. This includes providing premium discounts for private and community-based mitigation efforts.

* SUPPORT revisions to Risk Rating 2.0 to better support the connection between insurance, flood mapping, flood risk management and encourages mitigation.

o Beach Nourishment

* REQUEST the Army Corps of Engineers reevaluate its Perpetual Storm Damage Reduction Easement policy, which requires 100% of beachfront property owner easements in perpetuity for areas landward of the Erosion Control Line within the limits of the planned Sand Key Shore Protection project.

o Offshore Oil Drilling

* SUPPORT legislation to permanently ban oil drilling in the Eastern Gulf of Mexico within 125 miles of Florida. Legislation for a moratorium in the Eastern Gulf of Mexico expired in 2022, but the area remains protected through 2032 under a 2020 Presidential Executive Order.

o American Rescue Plan Funding

* SUPPORT legislation that provides additional flexibility and extends the date in which State and Local Fiscal Recovery Funds may be spent.

o Per- and Polyfluoroalkyl Substances (PFAS)

* SUPPORT strategies and funding for local governments that reduce or eliminate PFAS and hold parties responsible for introducing PFAS into waste streams.

24. [22-2303A](#) Appointment to the Feather Sound Community Services District, Inc. (Individual appointment by Commissioner Latvala).

Recommendation: Approve one appointment to the Feather Sound Community Services District, Inc. for a term of 1 year, beginning January 1, 2023.

* Approve Kevin Chambers - appointment by Commissioner Latvala.

25. [22-2363A](#) Appointments to the Suncoast Health Council (Board of County Commissioners as a whole).

Recommendation: Approve two reappointments to the Suncoast Health Council for a term of 4 years, beginning April 1, 2023.

* Approve Eric Smith for reappointment as Health Care Provider.

* Approve Nadine Nickeson for reappointment as Health Care Consumer.

* Ballot/worksheet is provided; however, the Clerk may request a verbal vote.

26. [22-2364A](#) Appointment to the Local Planning Agency (Board of County Commissioners as a whole).

Recommendation: Approve one appointment to the Local Planning Agency as an Alternate. This is a 4 year term, beginning March 11, 2023.

- * Approve one citizen appointment as an alternate.
- * Names can be viewed on the attached list.
- * Ballot/worksheet is provided; however, the Clerk may request a verbal vote.

27. [22-2365A](#) Appointments to the Pinellas County Health Facilities Authority (Board of County Commissioners as a whole).

Recommendation: Approve four appointments to the Pinellas County Health Facilities Authority for a term of 4 years, beginning March 12, 2023.

- * Approve four citizen appointments.
- * Names can be viewed on the attached list.
- * Ballot/worksheet is provided; however, the Clerk may request a verbal vote.

28. [22-2366A](#) Appointment to the Pinellas County Housing Finance Authority (Board of County Commissioners as a whole).

Recommendation: Approve one appointment to the Pinellas County Housing Finance Authority for a term of 4 years, beginning February 26, 2023.

- * Approve one citizen appointment to the Housing Finance Authority.
- * Names can be viewed on the attached list.
- * Ballot/worksheet is provided; however, the Clerk may request a verbal vote.

29. [23-0048A](#) County Commission New Business: Pertinent and Timely Committee/Board Updates, Policy Considerations, Administrative/Procedural Considerations, and other New Business.

6:00PM

PUBLIC HEARINGS

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Countywide Planning Authority

30. [23-0117A](#) Case No. CW 23-02 - Pinellas County
Countywide Plan Map amendment from Public/Semi-Public to Residential Rural, regarding 4.29 acres more or less, located at 2669 St. Andrews Boulevard.

Recommendation: Sitting as the Countywide Planning Authority, adopt an ordinance approving Case No. CW 23-02, a proposal by Pinellas County to amend the Countywide Plan Map from Public/Semi-Public to Residential Rural, regarding 4.29 acres more or less, located at 2669 St. Andrews Boulevard.

* The subject property is located within the East Lake Tarpon Community Overlay as recognized by Pinellas County and is currently developed with a maintenance facility for a golf course (Cypress Run Golf Course).

* The subject property is primarily surrounded by mostly low-density single-family residential homes.

* It is the intent of the applicant to relocate the current maintenance facility to an adjacent property and redevelop the amendment area with three single-family homes, hence the proposed amendment to Residential Rural.

* Forward Pinellas and the Planners Advisory Committee each unanimously supported approval of the proposal.

Industrial Development Authority

31. [23-0158A](#) Tax Equity Fiscal Responsibility Act Resolution for the issuance by the Pinellas County Industrial Development Authority, d/b/a the Pinellas County Economic Development Authority, of its Industrial Development Revenue Bonds, in an aggregate principal amount of not to exceed \$10,000,000.00, on behalf of Racetrack 430, LLC. (Companion to Item No. 32)

Recommendation: Hold a public hearing and adopt a Tax Equity Fiscal Responsibility Act (TEFRA) Resolution authorizing the TEFRA approval of the Pinellas County Industrial Development Authority Industrial Development Revenue Bonds (O.L. Products Project), Series 2023, in one or more series, either taxable or tax-exempt, or both (Bonds), in an aggregate principal amount of not to exceed \$10,000,000.00, on behalf of Racetrack 430, LLC.

* This project includes the construction of a new approximately 50,265 square foot manufacturing facility, and of an additional approximately 14,673 square feet to an existing manufacturing facility.

* The borrower will own the facilities and lease them to a related entity, O.L. Products, Inc. for the primary purpose of the manufacturing of tanning and personal care products and related manufacturing purposes.

* In addition to its existing 84 employees, O.L. Products will create an estimated 51 new jobs including machinists, lab technicians and production staff.

* This is a companion item to the bond approval, resolution, and related bond documents which will be considered by the Pinellas County Board of County Commissioners, acting as the Pinellas County Industrial Development Authority.

32. [23-0159A](#) Resolution for the issuance by the Pinellas County Industrial Development Authority, d/b/a the Pinellas County Economic Development Authority, of its Industrial Development Revenue Bonds, in an aggregate principal amount not to exceed \$10,000,000.00, on behalf of Racetrack 430, LLC. (Companion to Item No. 31)

Recommendation: Acting as the Pinellas County Industrial Development Authority, d/b/a the Pinellas County Economic Development Authority, adopt a Resolution authorizing the issuance of not to exceed \$10,000,000.00 Pinellas County Industrial Development Revenue Bonds (O.L. Products Project), Series 2023, in one or more series, either taxable or tax-exempt, or both (Bonds), on behalf of Racetrack 430, LLC and execution and delivery of a certificate as to the public meeting by the issuer.

* This project includes the construction of a new approximately 50,265 square foot manufacturing facility, and of an additional approximately 14,673 square feet to an existing manufacturing facility.

* The borrower will own the facilities and lease them to a related entity, O.L. Products, Inc. for the primary purpose of the manufacturing of tanning and personal care products and related manufacturing purposes.

* In addition to its existing 84 employees, O.L. Products will create an estimated 51 new jobs including machinists, lab technicians and production staff.

* This is a companion item to the Tax Equity Fiscal Responsibility Act Resolution scheduled for the public hearing portion of the February 28th Board of County Commissioners meeting.

* The issuer should execute the Certificate as to the public meeting in the form attached, certifying that that not two or more of Issuer members met privately with respect to the Bonds.

ADJOURNMENT

Special Accommodations

Persons with disabilities who need reasonable accommodations to effectively participate in this meeting are asked to contact Pinellas County's Office of Human Rights by e-mailing such requests to accommodations@pinellas.gov at least three (3) business days in advance of the need for reasonable accommodation. You may also call (727) 464-4882.

Public Participation Procedures

Persons wishing to comment regarding a specific agenda item should do so:

In person - by preregistering at <https://comment.pinellas.gov> or by filling out a comment card with the County staff person in the meeting room; or,

Virtually - in advance in accordance with the instructions in the notice of this meeting, or on the virtual platform or phone after preregistering.

Members of the public wishing to make comments on the virtual platform or by phone must preregister by 5 p.m. the day before the meeting. At the scheduled section of the meeting when the item is before the Board of County Commissioners (Board), the Chairman or Clerk will call on each individual, one by one, to be heard. Each individual may speak for up to three minutes as may be modified by the Chairman. Comments or behavior that violate Pinellas County Commission Public Participation and Decorum Rules will be disconnected. Members of the public who cannot attend at the time an agenda item is before the Board may offer comments during the Citizens to Be Heard section near the beginning of the meeting. More information is available at <https://pinellas.gov/participating-in-a-BCC-meeting> or by calling (727) 464-4400.

Public Hearing Procedures

The procedure used by the Board in conducting Public Hearings is to have a staff presentation followed by the applicant presenting the specific proposal. The Board will then hear comments from the proponents, the opponents and a staff summary. The applicant will then be given an opportunity to close and the Board will decide on the matter. Public Hearings before the Board are governed by the provisions of Section 134 -14 of the Pinellas County Land Development Code as may be modified by Pinellas County Emergency Order. That code provides that at the conclusion of each person's presentation, any speaker may seek the Chairman's permission to ask questions of staff.

Specifically:

1. At the conclusion of the presentations by the applicant and any proponents, all affected parties may seek the Chairman's permission to ask questions of or seek clarification from the applicant and/or the proponents.
2. At the conclusion of the presentation by the opponents, all affected parties may seek the Chairman's permission to ask questions of or seek clarification from any opponent.

The applicant's closing comments will address testimony subsequent to his or her presentation. Continuing rebuttal of other than directly preceding testimony will not be allowed. Because much testimony has already been submitted in writing, the following guidelines accommodate efficient presentations:

1. The applicant should present his or her entire case, including rebuttal, in no more than 20 minutes.
2. Persons wishing to speak regarding a Public Hearing item may speak for up to three minutes each.
3. Persons wishing to attend virtually must preregister at <https://comment.pinellas.gov> by 5 p. m. the day before the meeting.

Appeals

Persons are advised that, if they decided to appeal any decision made at this meeting/hearing, they will need a record of the proceeding, and, for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is to be based.

If a Board meeting beginning at 9:30 A.M. has not concluded by noon, a recess will be taken from noon to 12:30 P.M., and the remainder of the meeting will continue at 12:30 P.M.

If a Board meeting beginning at 2:00 P.M. has not concluded by 5:30 P.M., a recess will be taken from 5:30 to 6:00 P.M. The remainder of the afternoon agenda will resume at 6:00 P.M., followed by Public Hearings.