

Pinellas County



Minutes - Final

Tuesday, April 7, 2020

9:30 A.M.

Virtual Regular Meeting

Board of County Commissioners

Pat Gerard, Chair
Dave Eggers, Vice-Chair
Charlie Justice
Janet C. Long
Kathleen Peters
Karen Williams Seel
Kenneth T. Welch

ROLL CALL - 9:31 A.M.

Present: 7 - Chair Pat Gerard, Vice-Chair Dave Eggers, Charlie Justice, Janet C. Long, Kathleen Peters, Karen Williams Seel, and Kenneth T. Welch

Others Present: Barry A. Burton, County Administrator; Jewel White, County Attorney; Ken Burke, Clerk of the Circuit Court and Comptroller; and Amelia Hanks, Board Reporter

Office of Technology and Innovation Director Bryan Zumwalt introduced himself and related that he would be the Technology Moderator for the virtual meeting; whereupon, he conducted a roll call of the members.

MOMENT OF SILENCE

1. Ratification of Emergency Order Adopted Procedures for Virtual Meetings of the Board of County Commissioners.

Chief Assistant County Attorney Don Crowell related that the Governor has issued an Executive Order permitting local government bodies to conduct meetings utilizing communications media technology without a quorum physically present, as well as a subsequent order instructing people to remain at home as much as practical to protect public health during the Coronavirus pandemic.

Attorney Crowell indicated that Emergency Order No. 20-3, issued by the County Administrator on April 3, establishes procedures for virtual County Commission meetings, noting that a Notice of Virtual Meeting has been posted to the County website including instructions, links, and numbers to call to provide public comment.

Responding to the Chair's call for public comment, Robert Amaio, Clearwater, expressed his concerns regarding the legitimacy of the virtual meeting.

At the request of Commissioner Eggers, Attorney White provided information pertaining to the Governor's statutory authority during the event of an emergency. She indicated that Attorney Crowell has worked with technical staff to enable the virtual meeting in compliance with the parameters set forth by the Governor; and that she is confident all requirements have been met.

A motion was made by Commissioner Welch, seconded by Commissioner Peters, that the procedures for virtual meetings set forth in Emergency Order No. 20-3 be ratified. The motion carried by the following vote:

Aye: 7 - Chair Gerard, Vice-Chair Eggers, Commissioner Justice, Commissioner Long, Commissioner Peters, Commissioner Seel, and Commissioner Welch

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.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Countywide Planning Authority

2. (Postponed to a Future BCC Meeting)
Case No. CW 20-05 - City of Tarpon Springs
Countywide Plan Map amendment from Activity Center to Activity Center, regarding 1.46 acres more or less, located at the northwest corner of North Safford Avenue and East Live Oak Street.
3. (Postponed to a Future BCC Meeting)
Case No. CW 20-06 - Pinellas County
Countywide Plan Map amendment from Recreation/Open Space to Public/Semi-Public, regarding 2.0 acres more or less, located on the east side of McMullen Booth Road, 900 feet north of Curlew Road.

Robert Amaio, Clearwater, expressed concerns regarding the legality of the virtual meeting and provided comments relating to the closing of public beaches.

A motion was made by Commissioner Long, seconded by Commissioner Peters, that the item be deferred to a date certain of April 21, 2020. The motion carried by the following vote:

Aye: 7 - Chair Gerard, Vice-Chair Eggers, Commissioner Justice, Commissioner Long, Commissioner Peters, Commissioner Seel, and Commissioner Welch

4. (Postponed to a Future BCC Meeting)
Case No. CW 20-07 - City of Largo
Countywide Plan Map amendment from Recreation/Open Space to Employment, regarding 5.62 acres more or less, located at Highland Avenue South East, approximately 400 feet south of East Bay Drive.

BOARD OF COUNTY COMMISSIONERS

5. (Postponed to a Future BCC Meeting)
Petition of HSLD, LLC to vacate 1.1 feet of a 40-foot-wide drainage easement lying in Lot 62, Saint Joseph Sound Estates, Plat Book 81, Page 63, lying in Section 2-28-15, Pinellas County, Florida. (Quasi-Judicial Hearing)
6. (Postponed to a Future BCC Meeting)
Petition of Pinellas County to vacate a portion of 118th Avenue North right-of-way lying east of Starkey Road and west of the Seaboard Coastline Railroad, lying in Sections 12-30-15 and 13-30-15, Pinellas County, Florida. (Legislative Hearing)

CONSENT AGENDA - Items 7 through 32 (Item 12 pulled for discussion)

A motion was made by Commissioner Welch, seconded by Commissioner Justice, that the Consent Agenda items be approved. The motion carried by the following vote:

Aye: 7 - Chair Gerard, Vice-Chair Eggers, Commissioner Justice, Commissioner Long, Commissioner Peters, Commissioner Seel, and Commissioner Welch

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

7. Minutes of the regular meeting held February 25, 2020.
8. Vouchers and bills paid from February 16 through March 7, 2020.

Period: February 16 through February 22, 2020

Accounts Payable - \$13,626,945.08

Payroll - \$3,912,890.06

Period: February 23 through February 29, 2020

Accounts Payable - \$22,816,075.15

Payroll - None

Period: March 1 through March 7, 2020

Accounts Payable - \$45,140,032.33

Payroll - \$3,856,363.66

Reports received for filing:

9. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2020-06 dated March 12, 2020 - Investigation of Allegations Against Utilities Employees.
10. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2020-07 dated March 18, 2020 - Unannounced Audit of the S.K. Keller Water Treatment Facility Petty Cash Fund.
11. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2020-08 dated March 18, 2020 - Follow-Up Investigation of Building Services Time Abuse.
13. Housing Finance Authority of Pinellas County Independent Auditor's Reports, Financial Statements, and Supplementary Information for the Year Ended September 30, 2019.
14. Pinellas Planning Council Independent Auditor's Reports, Financial Statements, Supplementary Information, and Compliance Reports for the Year Ended September 30, 2019.

15. Quarterly Report of Routine Dock and Dredge/Fill Applications Received from January 1 to March 31, 2020.
16. Dock Fee Report for the month of March 2020.

Miscellaneous items received for filing:

17. Interlocal Agreement between Forward Pinellas and the City of St. Petersburg for Complete Streets Funding.
18. City of Largo Notice of Public Hearing held March 17, 2020, re proposed Ordinance No. 2020-25, annexing certain property.
19. City of Seminole Ordinances Nos. 01-2020 and 02-2020 adopted January 28, 2020, annexing certain properties.
20. City of St. Petersburg Ordinance No. 415-H adopted February 13, 2020, annexing certain property.

COUNTY ADMINISTRATOR DEPARTMENTS

Management and Budget

21. Resolution for issuance by the Hillsborough County Industrial Development Authority (HCIDA) of an amount not to exceed \$1,250,000,000.00 of Health System Revenue Bonds, BayCare Health System Issue, Series 2020, with such Series 2020 Bonds to be issued in one or more series from time to time.

Resolution No. 20-24 adopted approving the issuance of bonds. Hearing officer authorized to hold a public hearing upon request from BayCare. County Administrator authorized to execute an interlocal agreement with HCIDA and BayCare. Issuance of bonds will have no fiscal impact on the County.

22. Resolution supplementing the Fiscal Year 2020 General Fund Budget for unanticipated grant revenue and realigning appropriation from Reserves within the General Fund.

Resolution No. 20-25 adopted appropriating revenue in the amount of \$1,143,420.00 and realigning \$6,500.00 from Reserves as set forth in the Staff Report.

Public Works

23. Award of bid to Kamminga & Roodvoets, Inc. for the Hercules Avenue Phase II Sidewalk from Sherwood Street to Sunset Point Road.

Bid No. 189-0385-CP (PID No. 002686A) in the amount of \$2,742,317.04 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications. All work is expected to be completed within 365 consecutive calendar days. Chair authorized to sign the agreement and the Clerk to attest.

- 24.** Joint Funding Agreement with the United States Geological Survey (USGS), Department of Interior for the Caribbean-Florida Water Science Center Water Resource Investigations.

Agreement approved for the period of May 1, 2020, to April 30, 2021 (total project cost, \$282,900.00; Pinellas County contribution \$215,374.00; USGS contribution \$67,526.00). Chair authorized to sign and the Clerk to attest.

Utilities

- 25.** Award of bid to TLC Diversified, Inc. for the Pump Station Generator Improvement project.

Bid No. 190-0100-CP (PID No. 003762A) in the amount of \$3,978,777.00 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications. All work is expected to be completed within 1,095 consecutive calendar days. Chair authorized to sign the agreement and the Clerk to attest.

- 26.** Award of bid to TLC Diversified, Inc. for the Force Main Air Release Valve Replacement Highland Lakes Area project.

Bid No. 190-0106CP (PID No. 003123L) in the amount of \$784,230.00 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications. All work is expected to be completed within 305 consecutive calendar days. Chair authorized to sign the agreement and the Clerk to attest.

- 27.** Award of bid to QRC, Inc. for annual potable water and reclaimed water repair services.

Bid No. 190-0087-CP (PID No. 002246D) in the amount of \$4,332,242.00 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications. All work is expected to be completed within 730 consecutive calendar days. Chair authorized to sign the agreement and the Clerk to attest.

COUNTY ATTORNEY

- 28.** Notice of new lawsuit and defense of the same by the County Attorney in the case of Alice K. Wright v. Pinellas County; Circuit Civil Case No. 20-000844-CI-21 - allegations of negligence resulting in personal injuries.

- 29.** Notice of new lawsuit and defense of the same by the County Attorney in the case of Gregory Murray v. Pinellas County; Circuit Civil Case No. 20-000686-CI-19 - allegations of negligence.

30. Notice of new lawsuit and defense of the same by the County Attorney in the case of Leighanna Staley v. Pinellas County; Circuit Civil Case No. 20-000979-CI-15 - allegations of negligence resulting in personal injuries.
31. Notice of new lawsuit and defense of the same by the County Attorney in the case of Ellise Peck v. Pinellas County; Circuit Civil Case No. 20-000951-CI-8 - allegations of negligence resulting in personal injuries.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Countywide Planning Authority

32. Countywide Plan Map adjustment submitted by the City of Clearwater.

Map adjustment received and accepted, as recommended by Forward Pinellas in its role as the Pinellas Planning Council.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA

12. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Annual Report for the Year Ending December 31, 2019.

At the request of Commissioner Eggers, Inspector General/Chief Audit Executive Hector Collazo discussed the Inspector General Division's history, mission, credentials, and the services it provides. Mr. Burke provided input, thanked the members for their cooperation, and noted that Mr. Collazo will be retiring soon; whereupon, Commissioner Eggers acknowledged the work of Mr. Collazo and his staff and wished him well.

A motion was made by Vice-Chair Eggers, seconded by Commissioner Peters, that the item be approved. The motion carried by the following vote:

Aye: 7 - Chair Gerard, Vice-Chair Eggers, Commissioner Justice, Commissioner Long, Commissioner Peters, Commissioner Seel, and Commissioner Welch

COUNTY ADMINISTRATOR DEPARTMENTS

Administrative Services

33. Declare surplus a County-owned condominium unit located at 5970 21st Street North, St. Petersburg, establish a base bid, and grant authorization to advertise and sell the property.

Resolution No. 20-26 adopted declaring the County-owned property surplus, establishing a minimum bid in the amount of \$20,000.00, and granting authorization to advertise, sell, and convey the property. County Administrator authorized to execute the legal instruments necessary for the conveyance; Chair authorized to sign the County Deed and the Clerk to record the resolution and the deed.

Mr. Burton provided background information regarding the property, indicating that by adopting the resolution, the County' interest in the property will be protected; and that the investment would be recouped through the sale.

A motion was made by Commissioner Welch, seconded by Commissioner Peters, that the item be approved. The motion carried by the following vote:

Aye: 7 - Chair Gerard, Vice-Chair Eggers, Commissioner Justice, Commissioner Long, Commissioner Peters, Commissioner Seel, and Commissioner Welch

- 34.** Purchase Authorization with Ring Power Corporation to purchase a Caterpillar 800KW generator.

Contract No. 190-0340-PB approved for an expenditure in the amount of \$307,547.00, pursuant to the pricing of the Florida Sheriff's Association cooperative contract. Chair authorized to sign and the Clerk to attest.

Mr. Burton noted that the generator will power a shelter on the Lealman Campus for citizens during a possible natural disaster.

A motion was made by Commissioner Justice, seconded by Commissioner Long, that the item be approved. The motion carried by the following vote:

Aye: 7 - Chair Gerard, Vice-Chair Eggers, Commissioner Justice, Commissioner Long, Commissioner Peters, Commissioner Seel, and Commissioner Welch

Public Works

- 35.** Change Order No. 1 to the contract with Kamminga & Roodvoets, Inc. for the McKay Creek water quality improvement project.

(Contract No. 189-0112-CP; PID No. 002424A) Change Order approved increasing the contract amount by \$145,114.65 for a revised total of \$1,043,189.15 and extending the term by 170 consecutive calendar days. Chair authorized to sign and the Clerk to attest.

Mr. Burton related that the change order is required due to unforeseen underground lime stone and clay encountered during the construction.

A motion was made by Commissioner Long, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:

Aye: 7 - Chair Gerard, Vice-Chair Eggers, Commissioner Justice, Commissioner Long, Commissioner Peters, Commissioner Seel, and Commissioner Welch

36. First Amendment to the agreement with Cone and Graham, Inc. for design-build professional services pertaining to the Pinellas Trail Loop North Segment-Shared Use Non-Motorized Trail program.

(Contract No. 167-0071-NC; PID Nos. 000967A and 003628A) Amendment in the Guaranteed Maximum Price amount of \$9,347,046.69 approved for Phase Two construction services. Phase One and Two total contract value is \$12,246,508.49, inclusive of owner contingency in the amount of \$1,300,000.00. Construction is anticipated to commence by June 1, 2020 and be completed by July 21, 2022. Chair authorized to sign and the Clerk to attest.

In response to queries by the members, Mr. Burton reiterated that the amendment establishes a Guaranteed Maximum Price for construction in the amount of \$9,347,046.69, and there will not be a price increase; that the public will have an opportunity to provide input regarding the project; and that the matter relating to the north section alignment will be brought back for the members' consideration at a later date; whereupon, Director of Public Works Kelli Hammer Levy explained that the construction timeframe is based on the length of the trail.

A motion was made by Commissioner Welch, seconded by Commissioner Peters, that the item be approved. The motion carried by the following vote:

Aye: 7 - Chair Gerard, Vice-Chair Eggers, Commissioner Justice, Commissioner Long, Commissioner Peters, Commissioner Seel, and Commissioner Welch

Utilities

37. Change Order No. 3 to the contract with Caladesi Construction Co., PCL Construction, Inc., and TLC Diversified, Inc. for the Job Order Contract pertaining to waste water treatment plant and water plant repair, maintenance, minor construction and underground utilities.

(Contract No. 156-0013-CP) Change Order approved increasing the contract amount by \$3,000,000.00 (\$1,000,000.00 for each of the three listed vendors) for a revised total of \$23,000,000.00. The contract provides for services on an as-needed basis through March 2, 2021. WPC Industrial Contractors, LLC, a fourth originally awarded contractor, is no longer utilized, as it is not responsive to the County's needs.

Responding to queries by the members, Mr. Burton provided information pertaining to the contract increase amount and bids, as well as incorporating small businesses in the County's Job Order Contracts.

A motion was made by Commissioner Welch, seconded by Commissioner Peters, that the item be approved. The motion carried by the following vote:

Aye: 7 - Chair Gerard, Vice-Chair Eggers, Commissioner Justice, Commissioner Long, Commissioner Peters, Commissioner Seel, and Commissioner Welch

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Business Technology Services

38. Amendment No. 7 and Master Agreement with Environmental Systems Research Institute, Inc. for geographic information systems software.

Amendment to Contract No. 112-0313-N approved for an increase in the amount of \$4,725,000.00 for a revised total amount of \$9,970,800.00 through April 23, 2025 (annual amount, \$945,000.00). Chair authorized to sign and the Clerk to attest.

In response to a concern expressed by Commissioner Welch, Business Technology Services Chief Information Officer Jeff Rohrs provided background information regarding the contract and indicated that the increase is attributed to the inflationary costs and the tremendous growth and adoption relating to the Geographic Information Systems software in the departments of the County and the Constitutional Officers over the last five years, noting that such growth is not anticipated in the next five years.

Mr. Burton related that he, Mr. Rohrs, and Mr. Burke have discussed a strategic planning approach with regard to software contract cycles in order to better align resources; whereupon, responding to query by Commissioner Eggers, he confirmed that the contract amendment does not involve staffing changes.

A motion was made by Commissioner Peters, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:

Aye: 7 - Chair Gerard, Vice-Chair Eggers, Commissioner Justice, Commissioner Long, Commissioner Peters, Commissioner Seel, and Commissioner Welch

CareerSource Pinellas

39. Extension of Designation as Direct Provider of Workforce Services as requested by WorkNet Pinellas, Inc. d/b/a CareerSource Pinellas.

Extension of Designation request approved effective July 1, 2020 through June 30, 2023.

A motion was made by Commissioner Welch, seconded by Commissioner Peters, that the item be approved. The motion carried by the following vote:

Aye: 7 - Chair Gerard, Vice-Chair Eggers, Commissioner Justice, Commissioner Long, Commissioner Peters, Commissioner Seel, and Commissioner Welch

COUNTY ATTORNEY

40. Proposed initiation of litigation in the case of Pinellas County v. Duke Energy, Florida, LLC. - action to recover damages.

Attorney White provided a brief overview of the matter, noting that Duke Energy failed to move its utilities in a timeframe that greatly exceeded the statutory requirement, resulting in damages to the County's contractor.

A motion was made by Commissioner Welch, seconded by Commissioner Long, that the item be approved. The motion carried by the following vote:

Aye: 7 - Chair Gerard, Vice-Chair Eggers, Commissioner Justice, Commissioner Long, Commissioner Peters, Commissioner Seel, and Commissioner Welch

41. County Attorney Reports.

Attorney White thanked her staff for their efforts in support of the County's response to COVID-19.

COUNTY ADMINISTRATOR REPORTS

42. County Administrator Reports.

Mr. Burton thanked County staff and partner agencies for their work in response to the COVID-19 pandemic and urged the public to stay at home and limit movements to those necessary for essential services, pursuant to the Governor's order; whereupon, he provided information regarding live updates on the matter for the public.

During discussion and responding to queries by the members, Mr. Burton described the efforts undertaken by himself and Pinellas County Sheriff Bob Gualtieri to respond to a multitude of complaints pertaining to closures of non-essential businesses and to provide updates to the Commission and the municipal governments accordingly. He noted that they are trying to be as consistent as possible in deciding what business is or is not essential; that he would welcome guidance and clarification of the Governor's Order by the State; and that citizens with questions relating to the matter should contact the Sheriff's TIPS line.

Upon Chair Gerard's call for citizens wishing to be heard, Neil Valk, Crystal Beach, appeared via telephone and expressed his concern regarding the closure of automatic car washes, disagreeing with the decision of the County Administrator to categorize them as non-essential businesses.

In response to the citizen's concerns and subsequent queries by the members, Mr. Burton explained that while businesses such as car washes may utilize machines and follow the COVID-19 social distancing guidelines, they are being closed based on the order directing closure of all non-essential businesses.

At the request of Commissioner Long, Mr. Burton indicated that staff will contact the Governor's Office for clarification regarding essential and non-essential businesses, and Commissioner Welch noted that all questions on the matter should be compiled in the interest of staff's time and current priorities; whereupon, the members discussed the need to start considering post-pandemic strategies for improving the economy, possible reopening of the waterfronts in the near future, and providing messaging to the public regarding mental health support, and Chair Gerard and Mr. Burton commented on the latter.

Steven Gala, Clearwater Beach, appeared via telephone and asked that a strong message be conveyed regarding postponing routine maintenance projects in multi-family residential buildings due to the risk of spreading the COVID-19 disease.

COUNTY COMMISSION

- 43.** Appointment to the Citizen Advisory Committee for the South St. Petersburg Community Redevelopment Area (Board of County Commissioners as a whole).

Caprice Johnson appointed to fill a current vacancy for a term to expire on January 31, 2021, following a roll call vote.

- 44.** Appointment to the Citizen Advisory Committee for the Lealman Community Redevelopment Area (Board of County Commissioners as a whole).

Rick Orr appointed to fill a current vacancy for a term to expire on December 31, 2020, following a roll call vote.

- 45.** Appointment of the City of Clearwater's representative to the Tourist Development Council (Board of County Commissioners as a whole).

City of Clearwater Mayor Frank Hibbard appointed to fulfill the existing term vacated by former Mayor George Cretkos, expiring on October 31, 2020.

A motion was made by Commissioner Long, seconded by Commissioner Peters, that the item be approved. The motion carried by the following vote:

Aye: 7 - Chair Gerard, Vice-Chair Eggers, Commissioner Justice, Commissioner Long, Commissioner Peters, Commissioner Seel, and Commissioner Welch

- 46.** County Commission New Business Items:
- MSTU Fund Proposal (Commissioner Justice)

Commissioner Justice presented a Municipal Services Taxing Unit (MSTU) funding request by the Florida Dream Center in the amount of up to \$17,000 for equipment needed to expand its Adopt-a-Block program.

In response to queries by Commissioner Welch, Commissioner Justice indicated that should the request be approved, the MSTU fund will have a balance of approximately \$530,000; and that the fund tracking summary is provided in Granicus system backup materials.

A motion was made by Commissioner Justice, seconded by Commissioner Peters, that the item be approved. The motion carried by the following vote:

Aye: 7 - Chair Gerard, Vice-Chair Eggers, Commissioner Justice, Commissioner Long, Commissioner Peters, Commissioner Seel, and Commissioner Welch

Commissioner Long referred to her recent memorandum to the members and communication from the Office of Management and Budget pertaining to decision packages and opined that discretionary funding requests should be placed on hold until the Commission has an opportunity to discuss its basic budget for the upcoming year. The members agreed, indicating that requests relating to community needs would be addressed during budget discussions.

Commissioner Seel noted the importance of providing guidance to the public regarding places to avoid due to COVID-19; whereupon, she voiced a concern about a holdup of jail releases, especially of inmates released to house arrest, indicating that she would like to have an update from the Sheriff. Chair Gerard noted that there is an online listing from the State showing COVID-19 cases by zip code.

Commissioner Welch commended Mr. Burton and his staff for their work, specifically with respect to the success of the first virtual meeting utilizing the Zoom platform.

ADJOURNMENT - 10:56 A.M.

Chair

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk