

## City Commission Meeting Summary - January 12, 2011

The City Commission met in regular session at 4:08pm in the City Hall Commission Chambers, with Commissioners Marks, Ziffer, Gillum, Mustian, & Miller present; taking the following action:

Mayor Marks introduced Mr. Lee Bradford "Brad" Johnson, as the new Aide to the Mayor.

**Item 1** - Recognition and Thank You to the City's 2010 United Way Department Coordinators and their respective Department Directors. *(Recommended by the City Attorney's Office)*

City Attorney English announced that City employees and retirees had pledged over \$226,000 in support of the United Way.

Mr. Ken Armstrong, President, United Way of the Big Bend (UWBB), appeared before the Commission to express thanks for the City's efforts in supporting the United Way.

**Item 2** - Recognition of 2010 Natural Gas Poster Contest Winners. Mayor Marks recognized the following students for their winning entries: 1st Place, Jacarri Claxton, Pineview Elementary; 2nd Place, Lauren Collins, W. T. Moore Elementary; 3rd Place Jamila Graves, Pineview Elementary. *(Recommended by the Mayor's Office)*

Mayor Marks presented trophies to each of the contest winners. Mr. Mike Tadros, Director of Underground Utilities, thanked the Underground Utilities staff and the Leon County School Board for their support of the contest and noted that 900 elementary students in grades 4 through 5 participated in the contest.

**Item 3** - Proclamation recognizing Saturday, January 22, 2011 as Arbor Day. *(Recommended by the Mayor's Office)*

Mr. John Wallace, President, Lafayette Park Neighborhood Association, and Mr. Samuel E. Hand, Jr., an arborist, accepted the proclamation with thanks and invited the public to attend a tree planting scheduled for Saturday, January 22, 2011 at Lafayette Park.

**Items 4-6 and Item 8** - Voted 5-0 to approve staff's recommendation presented on Consent Agenda Items 4 through 6, and Item 8, taking the following action:

Items 4 - Approved the Award of a Landscape Contract to All Pro Landscaping of Tallahassee, Inc., in the amount of \$173,643.55, as the lowest, responsive, responsible bidder meeting specifications to IFB No. 0004-11-ER-BC for the West Tennessee Street Landscape Enhancement project. Annual maintenance costs are estimated at \$1,015; to be funded from Public Works Operations Division's operating budget for maintenance. The project is part of the Florida Department of Transportation (FDOT) Roadside Beautification Assistance Joint Participation Agreement (JPA) to further enhance West Tennessee Street between Capital Circle Southwest and Ocala Road with additional median landscaping for a total amount not to exceed \$200,000. *(Option 1 as Recommended by the Public Works Department)*

Item 5 - Approved the replacement of eight (8) Solid Waste trucks with four (4) commercial front-end loaders and four (4) residential garbage side loader trucks containing Mack Truck chassis and E-Z Pack bodies, to be purchased from Capital Truck, Inc., of Tallahassee and Waste Equipment and Parts, LLC, of Tampa, FL at a cost of \$1,748,716; to be funded by the Fleet Capital Vehicle Replacement Project, 716-470101-560100-11077. The purchase price, obtained by staff's negotiation, reflects a \$96,000 savings in comparison to pricing available in Florida Sheriffs Association contract No. 10-18-0907. Sale of the existing 8 trucks is estimated to recover \$1,200,000; to be credited to the Fleet Capital Vehicle Replacement Project. *(Option 1 as Recommended by Fleet Management & Solid Waste)*

Item 6 - Approved the Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) providing StarMetro with additional Operating Assistance from Transit Block Grant (FDOT No. 41409718401, Contract No. AOR08) in the amount of \$21,500 for FY 2011, subject to a 50% local match to be funded through the annual transfer to StarMetro from the General Fund; and authorize the City Manager and City Treasurer-Clerk to execute the JPA. *(Option 1 as Recommended by StarMetro)*

Item 8 - Approved the minutes of the August 25, 2010; September 15, 2010; and September 29, 2010 Regular Commission Meetings. *(Recommended by the Treasurer-Clerk)*

**Item 7** (Pulled for discussion at the request of Commissioner Mustian) - Voted 5-0 to approve bids and authorized staff to award a term contract, not to exceed three years; with two optional one-year extensions, to The Dumont Company, Inc., of Oviedo, FL for the bulk purchase of Hydrofluorosilicic Acid (Fluoride), IFB #0010-11-JAG-FT, at a total estimated annual expenditure of \$64,560; to be funded from Capital Project No. 11092 (Water Well and Elevated Tank RR&I (Water Well and Elevated Tank RR&I). *(Recommended by the Underground Utilities Department)*

Commissioner Mustian pulled the item in order to discuss the recent news media coverage concerning the level of chromium in the municipal water supply. By consensus, the Commission indicated the City would thoroughly investigate the public's concerns and reassured the public that the municipal water supply was clean and safe for consumption.

**Item 16 (taken out of order)** - Discussion of the Electric Utility Operating Reserve Fund. *(Brought forward by Commissioner Miller)*

Upon request by Commissioner Mustian, who announced he would be unable to stay for the entire meeting, Item 16 was taken out of order.

The following speakers appeared before the Commission relative to this item:

- Steve Stewart, 2904 Tyron Circle, in support of refunding the recent \$8.3 million surplus back to utility customers.
- Catherine Baer, 1428 Woodgate Way, in support of refunding the recent \$8.3 million surplus back to customers. Ms. Baer stated disagreement with the level of funds currently held in the Reserves.

- Curtis Baynes, 1323 E. Tennessee Street, to express opposition to surcharges levied against City Utility customers residing in the unincorporated areas and stated his support of refunding the recent \$8.3 million surplus back to utility customers.
- Bill Proctor, Leon County Commissioner, District 1, 301 S. Monroe Street, in support of refunding the recent \$8.3 million surplus back to utility customers.
- Michael Rosenthal, 4045 Kilmartin Drive, to express dissatisfaction with utility rates and stated his opinion that the Commission was not an impartial regulator and recommended that the Commission evaluate transferring to City Utility to an independent entity for future oversight. Mr. Rosenthal also recommended that future Commission meetings be scheduled to begin at 6pm to allow for greater public participation.

Commissioner Miller suggested that staff make a presentation at the January 26, 2011 Regular Commission Meeting concerning the history of the various Reserve policies and to answer questions raised by constituents; and the Commission concurred.

Commissioner Mustian departed the meeting at 5:01pm and did not return.

**Item 9** - Discussion on the Mayor's Initiative "Joint Planning for Financial Sustainability in Recessionary Times: Making the Best of Tallahassee's Community Assets". *(Brought forward by the Mayor's Office)*

Mayor Marks reviewed several initiatives underway, aimed at improving the financial sustainability of the community, and announced several meetings scheduled to occur during the month of January with the Council of Neighborhood Associations (CONA), the Greater Tallahassee Chamber of Commerce and the United Way of the Big Bend.

Commissioner Miller expressed interest in including additional organizations, specifically environmental organizations, in future discussions and Mayor Marks requested Mr. Jay Townsend, Assistant City Manager, to follow up with Commissioner Miller regarding this recommendation.

**Item 10** - Discussion on the Mayor's "Local Business Saturday" Initiative, an economic development initiative created by Mayor Marks and the City of Tallahassee in collaboration with the Greater Tallahassee Chamber of Commerce, the Capital City Chamber of Commerce, Locally Owned Tallahassee and other local business organizations encouraging patronage of locally-owned and locally-operated businesses by promoting incentives offered by participating businesses on the second Saturday of each month during 2011 *(Brought forward by the Mayor's Office)*

**Item 11** - Voted 4-0 (Commissioner Mustian absent) to approve a long-term services agreement (LTSA) with GE Energy Management Solutions, Inc., of Atlanta, GA, for support of the GE Energy XA/21 Supervisory Control and Data Acquisition (SCADA) / Energy Management System (EMS) system, including routine and emergency support, security patch management, and third party software support, with a first-year cost of \$94,100 and an overall cost of \$1,424,894 for the five-year period beginning 2011 and ending 2015; FY2011 to be funded by Project 11040 - CC-Sub-Supervisory Control & Data Acquisition (SCADA) and future-years

funding originating from funds appropriated in those years. (*Option 1 as submitted by the Electric Utility Department*)

City Manager Thompson indicated that a system upgrade in 2013 was included as part of the agreement.

Commissioner Ziffer inquired about the decision to continue using the existing system versus purchasing a new, modern system. Mr. Rob McGarrah, Director of the Electric Utility, responded to the concerns stated by Commissioner Ziffer and indicated that a new system would be considered in 2015.

**Item 12** - Voted 4-0 (Commissioner Mustian absent) to authorize StarMetro to expend up to \$985,000 of concurrency funds dedicated for multimodal projects in the Significant Benefit Zones for the installation of bus shelters to provide a safe, covered area for customers to wait for or transfer to another bus in support of the Nova2010 Decentralization Plan; and approve a modification to the Multimodal Project Priority List to remove the number of shelters under the "boxed" shelter item. (*Option 1 as submitted by the StarMetro*)

Mr. Brian Waterman, StarMetro, gave a presentation and answered the Commission's questions relative to the item. Mr. Gabe Menendez, Director of Public Works, responded to the Commission's questions relative to sidewalk construction and the ranking and prioritization of sidewalk projects.

The Commission requested an update on the progress of sidewalk construction prior to the launch of the Nova2010 Decentralized Plan.

**Item 13** - Voted 4-0 (Commissioner Mustian absent) to accept the 2010 State of the Southern Strategy Report, in fulfillment of Comprehensive Plan Land Use Policy 11.2.1 and referred the report to the Long Range Target Issue (LRTI) Committee for evaluation of prospective policy initiatives. The report is relative to the 17.5 square mile Southern Strategy Area (SSA) and Goal LU 11 of the of the Land Use Element of the Comprehensive Plan which is focused on reversing the trends of loss of population, increased unemployment, and general stagnation occurring in the urban core area. (*Option 1 as submitted by the Tallahassee-Leon County Planning Department*)

Mr. Fred Goodrow, Tallahassee-Leon County Planning Department, gave a presentation and answered the Commission's questions relative to the item.

Commissioner Miller inquired about water sampling frequency statistics shown on page 47 of the report and Mr. Mike Tadros, Director of Underground Utilities, responded to the inquiry.

**Item 14** - Voted 4-0 (Commissioner Mustian absent) to approve the application for Temporary Economic Emergency Concurrency Relief submitted by the Seminole Boosters., Inc., developers of the West Madison Street Redevelopment project to be located on 3.89 acres at the northeast quadrant of the intersection of West Madison Street and Woodward Avenue; providing for a

75% reduction in transportation concurrency mitigation dollars from \$120,050.00 to \$30,012.50.  
(Option 1 as submitted by the Department of Growth Management)

Ms. Karen Jumonville, Director of Growth Management, appeared before the Commission and provided a brief overview of the proposed project and stated staff's support of the applicant's request.

**Item 15 (deleted from the agenda)** - Request to approve the application for Temporary Economic Emergency Concurrency Relief submitted by Cauthan Construction Co., Inc., of Valdosta, GA, developers of the Childcare Network daycare center project located on a 1.79 acre site at 2881 East Park Avenue (parcels 1133204130000 and 1133204070000); providing for a 50% reduction in transportation concurrency mitigation dollars from \$20,225.00 to \$10,112.50.  
(Option 1 as submitted by the Department of Growth Management)

*Tentatively rescheduled to the January 26, 2011 Regular Meeting*

### **Target Issue Updates**

Mayor Marks announced that there were no updates.

### **Unagendaed Business/Speakers**

The following speakers appeared before the Commission:

Bert Pope, 4058 Kilmartin Drive, to recommend the creation and marketing of an attraction promoting sixteenth-century explorer Hernando DeSoto. Mr. Pope gave recognition of the first Christmas celebration held in North America, which occurred during DeSoto's expedition in 1539 at an encampment in the Tallahassee area.

Curtis Baynes, 1323 E. Tennessee Street, in support of extending sewer service to the Southern Strategy Area (SSA). Mr. Baynes expressed opinions regarding the affordability of sewer service in contract to high costs associated with performance-based treatment systems and septic systems.

Thomas Ballentine, 1920 Chowkeebin NeNe, in support of refunding the recent \$8.3 million surplus to utility customers. Mr. Ballentine also commented on oil and natural gas drilling, the world's oil supply, the depletion of large oil fields worldwide, and the depletion's effect on oil and natural gas prices. Mr. Ballentine submitted a handout to the Commission relative to oil supplies.

### **City Commission Information and Sharing of Ideas**

Mayor Marks commented on the groundbreaking ceremony held earlier in the morning kicking-off construction of the High-Performance Magnetics (HPM) facility at the Tallahassee Regional Airport. HPM was formerly known as Cable In Conduit, Engineering, Fabrication & Test, or CICEFT, and specializes in supplying high-quality superconducting magnet components to the

ITER project, a joint international research and development project aiming to demonstrate the scientific and technical feasibility of fusion power.

There being no further business, the meeting adjourned at 6:21pm.

## **City Commission Meeting Summary - January 26, 2011**

The City Commission met in regular session at 4:03pm in the City Hall Commission Chambers, with Commissioners Marks, Ziffer, Gillum, Mustian, & Miller present; taking the following action:

**Item 1** - Voted 5-0 to adopt Resolution 11-R-05; supporting the creation of a College of Dental Medicine at Florida A&M University to address the oral health care needs of Florida's rural and underserved communities. *(Recommended by the Office of the Mayor)*

James H. Ammons, President, Florida A&M University, was present and accepted the Resolution with thanks.

**Items 2 - 11:** Voted 5-0 to approve staff's recommendation presented on Consent Agenda Items 2 through 11, taking the following action:

Item 2 - Approved Resolution No. 11-R-03 for Eminent Domain Action for the Aeon Church Road Sanitary Sewer Outfall Project. *(Option 1 as Recommended by the Office of the City Attorney)*

Item 3 - Approved amendment to the Airport Advisory Committee (AAC) By-Laws. The proposed amendment replaces references to a Bureau which is no longer in operation (The Tallahassee Area Convention & Visitors Bureau (TACVB)) with its replacement organization; The Leon County Tourism Development Department (d/b/a Visit Tallahassee). *(Option 1 as Recommended by the Aviation Department)*

Item 4 - Approved the Citywide Contract for Fire Extinguisher and Fire Suppression Systems Inspection and Maintenance IFB No. 0008-11-VA-BC. *(Option 1 as Recommended by the Department of Management and Administration)*

Item 5 - Approved the award of a sole source contract to CartÃ<sup>a</sup>graph Systems, Inc., of Dubuque, Iowa, in the amount of \$166,265.00 for the software and hardware implementation services required for implementing the field mobile data collection process. The funds for this software implementation are appropriated in the Capital Budget as project number 05088 - Work, Infrastructure and Time Management Program *(Option 1 as Recommended by the Public Works Department)*

Item 6 - Approve the award of a construction contract to North Florida Asphalt, Inc., of Tallahassee, Florida, in the amount of \$1,486,456.35, as the lowest, responsive, responsible bidder for the Jackson Bluff Roadway Improvements project, IFB No. 0023-11-ER-FT, to conduct two projects in the Seminole Manor Neighborhood. The first project, approved as part of

the Neighborhood Infrastructure Enhancement Program (NIEP), is the residential street reconstruction of Jackson Bluff Road from Rankin Avenue to Capital Circle Southwest. The second project is the construction of the Rankin Avenue and Roberts Avenue traffic circle, an intersection improvement identified in FY2005 and funded from the Minor Intersection Safety Program. *(Option 1 as Recommended by the Public Works Department)*

Item 7 - Approved the purchase of an Asphalt Heater Truck for the Public Works Operations Division at a total cost of \$153,376.60, replacing an existing 16 year old truck. The new truck will be purchased utilizing City of Tallahassee contract No. 1285 with Ward International Trucks, of Mobile, Alabama. The infrared asphalt heater body for the truck will be through a sole source purchase with KASI Infrared, Inc., of Newport, New Hampshire. Purchase to be funded by the Fleet Capital Vehicle Replacement Project: 716-470101-550050-11077. *(Option 1 as Recommended by the Public Works Department and the Fleet Management Department)*

Item 8 - Approved the purchase of a truck-mounted Street Sweeper for the Public Works Department at a total cost of \$247,685.11; to be purchased utilizing City of Tallahassee contract No. 1493 with Environmental Products of Florida Corporation, of Winter Garden, Florida; and funded from the undesignated balance of the Stormwater Fund. The new sweeper will aid in servicing two new areas of responsibility along Capital Circle Northwest and Capital Circle Southwest and to efficiently meet the contractual street sweeping obligations with Leon County and FDOT; and also meet the National Pollution Discharge Elimination System (NPDES) water quality requirements for sweeping City streets. *(Option 1 as Recommended by the Public Works Department)*

Item 9 - Approved the subdivision plat of the Metropolitan 7 subdivision, a re-plat of Metropolitan Corporate Center Phases II & III. The subdivision, planned as a commercial business, is being developed by Metropolitan 7, LLC, and Metropolitan Corporate Center Property Owners Association, Inc. The subdivision is bound on the north and west by Metropolitan Boulevard, on the east partially by un-platted lands and partially by Metropolitan Corporate Center Phases II & III, and on the south by un-platted land. The area being platted contains 1.61 acres, as one lot. *(Option 1 as Recommended by the Public Works Department)*

Item 10 - Approved Resolution No. 11-R-04 amending the City's retiree medical subsidy amount from a percentage of total policy cost to a fixed, flat-dollar amount; and approved corresponding amendments to Administrative Policy 712 - Other Post-Employment Benefits (OPEB). *(Option 1 as Recommended by the Office of the Treasurer-Clerk)*

Item 11 - Approved the minutes of the October 13, 2010 Regular Commission Meeting. *(Option 1 as Recommended by the Office of the Treasurer-Clerk)*

**Item 12** - Voted 5-0 to approve the application for Temporary Economic Emergency Concurrency Relief submitted by Cauthan Construction Co., Inc., of Valdosta, GA, developers of the Childcare Network daycare center project located on a 1.79 acre site at 2881 East Park Avenue (parcels 1133204130000 and 1133204070000); providing for a 50% reduction in transportation concurrency mitigation dollars from \$20,225.00 to \$10,112.50. *(Option 1 as submitted by Growth Management)*

Ms. Karen Jumonville, Director of Growth Management, was present and answered the Commission's questions relative to the item.

**Item 13** - Voted 5-0 to adopt the City/County Citizens Review Team's (CRT) funding recommendations for the Emergency Services/Basic Needs Mini-Grants and appropriate the City's \$37,600.00 in retained Community Human Service Partnership (CHSP) funds to Big Bend Cares (\$12,600.00) and the Capital Area Community Action Agency (\$25,000.00). (*Option 1 as submitted by the Economic & Community Development*)

Commissioner Gillum thanked the Citizen Review Team for their efforts and for moving quickly to disburse the remaining CHSP funds.

**Item 14** - Voted 5-0 to approve the Management Plan, Vendors, and amended the Operational Budget for the FY2011 Think About Personal Pollution (TAPP) campaign for the period of January 1, 2011 to December 31, 2011. The project will include funding for the creation of a new temporary Environmental Specialist position in the Stormwater Department, to serve as Project Coordinator, at a cost of \$38,285; to be funded from the Stormwater Operating budget. The Management Plan extends contracts with the existing campaign vendors (all from Tallahassee, Florida) in the amounts as follows: Oppenheim Research, Inc., \$15,000; The Big Production, Inc., \$44,000; JSS Enterprises, Inc., \$5,000; Rick B. Oppenheim, d/b/a RB Oppenheim Associates, \$90,000; and \$5,000 for project management supplies. In addition, \$21,000 is allocated for campaign outreach services with vendors not yet determined. The maximum cost of the FY2011 TAPP campaign will not exceed the available funding of \$180,000; available in the Stormwater Management Capital Budget in Project No. 100782 - TAPP Grant. (*Option 1 as submitted by the Environmental Policy & Energy Recourses*)

Ms. Cynthia Barber, Director, Environmental Policy & Energy Resources (EPER) gave a presentation to the Commission and showed a TV commercial produced by the TAPP campaign. Ms. Koren L. Taylor, Environmental Programs Coordinator, EPER, was present and answered the Commission's questions relative to the item.

Commissioner Mustian disclosed that his law firm had a contractual relationship with Mr. Yordon, a principal of one of the proposed sub-contractors, but that this person was not a direct client. Commissioner Mustian stated that he did not feel he needed to abstain, but wished to disclose that relationship prior to the vote.

Commissioner Miller inquired about her ability to participate in the vote, given her former role as Project Manager of the TAPP campaign prior to her election to the Commission. City Attorney English stated his opinion that her former role did not affect her ability to participate in the vote.

**Item 15** - Received an update on the Electric Operating Reserve and other City reserve funds. The presentation provided information about the City's financing policies and the current operating reserves, including information about the Electric Operating Reserve. The item was for informational purposes, and no action was required. (*Submitted by Utility Business & Customer Service*).

Mr. Rick Fernandez, Assistant City Manager, addressed the Commission and introduced the following three speakers:

- Mr. Reese Goad, Director, Utility Business & Customer Service (UBCS)
- Ms. Virginia Rutledge, Senior Management Consultant, Public Financial Management, Inc., of Philadelphia, PA, via offices located in Orlando, FL
- Mr. Ted Szymankiewicz, Senior Consultant, R.W. Beck, Inc., of Seattle, WA, via offices located in Orlando, FL

Mr. Goad gave a presentation outlining the various City reserve funds; focusing on the Electric Operating Reserve. Mr. Goad also reviewed the history of the City's Finance Policy and discussed the reasoning for the major changes to that policy over the last 25 years. Mr. Goad stated that the primary function of the reserve is to fund working capital. Mr. Goad answered questions relative to the year-end financial positions for the previous 10 years, mentioning the several years where the Electric Utility ended in a deficit position and stating that the forecasting models for the two previous years (FY09 and FY10) and the current year (FY11) anticipated deficit positions. Mr. Goad stated that the recent \$8.3M surplus in the Electric Utility was related to cost-cutting measures undertaken by staff and higher than expected energy sales.

Commissioner Gillum departed the Chambers at 5:19pm and returned at 5:32pm.

Ms. Rutledge gave a presentation outlining bond ratings, providing details on the various items reviewed and considered by bond rating agencies such as Moody's, Fitch, and Standard & Poor's. Ms. Rutledge also reviewed a comparison of the City's bond ratings and cash-on-hand to those of 9 other public power providers, and Ms. Rutledge outlined the financial costs associated with lower bond ratings. In addition, she reviewed the City's base rate and fuel surcharges, compared to those of the same 9 public power providers. Discussion focused on issues of fuel diversification, the effect of liquidity on bond ratings, and the City's cash-on-hand, and prior occasions where Reserve funds were used to offset deficits.

At the request of Commissioner Ziffer, Ms. Rutledge stated her qualifications for the benefit of the public, outlining her current 10-year's employment with Public Financial Management, Inc., and her prior experience as Vice President and Chief Financial Officer (CFO) for the Orlando Utilities Commission, CFO for the Massachusetts Municipal Wholesale Electric Company, and as Finance Director for two major U.S. cities; Memphis, Tennessee and Austin, Texas.

Mr. Szymankiewicz gave a presentation and explained the two rate components of public power providers; rate structure and rate level. Mr. Szymankiewicz explained that rate structure is the methodology, or model, outlining how customers would be charged, such as establishing a customer charge, a base rate, a fuel surcharge, etc. Rate structure decisions, Mr. Szymankiewicz explained, are subject to oversight and approval by the Public Service Commission (PSC). Mr. Szymankiewicz stated that this is the only oversight authority the PSC has in relation to publicly-owned power companies, and local governing bodies set the rate level. Mr. Szymankiewicz noted that the City's rate structure and rate level did not include a specific charge or fee for the purposes of funding a reserve, and that the reserve was only funded through unanticipated surpluses. Discussion focused on the City's non-fuel related portion of the rate level, also called

the "base rate", and the volatility of the price of natural gas, the predominant fuel source used to produce energy.

Commissioner Ziffer requested staff to answer two specific questions raised by the public: 1) What happens to interest earned on the Electric Reserves? 2) Why are reserve funds not invested in local banks? City Treasurer-Herndon answered both questions stating that any interest earned on the reserve is reinvested back into the reserve and that the reserve monies are invested; not deposited in a bank. Mr. Herndon stated that placing the funds into local banks would currently yield only 10 to 15 basis points (one-tenth to one-fifteenth of one percent) versus 3% that could be realized on the open market.

The following tables list the reserve funds utilized by the City; each fund's stated purpose; and the target and current balance (as of Sept. 30, 2010).

<b>Reserve</b>	<b>Funding</b>
Airport Operating	Minimum of 1/12th of operating and maintenance budget for Airport (less fuel for resale) designated for unanticipated non-recurring expenditures.
Deficiencies	To be no less than 2 months of general government operating expenditures of the ensuing fiscal year's operating budget.
Fleet Replacement	Funded by city departments.
Cemetery Perpetual Care	Accumulation is from a one-time gravesite maintenance fee, interest earnings, and any other specific appropriation approved by the City Commission.
Risk Management	The higher of 150% of the past 3 years' claims, or \$3,000,000
Electric Operating	The operating reserve is comprised of four subcomponents, with the primary purpose aimed at providing working capital. The working capital component is targeted with having a balance of 60 to 90 days of operating expenses. The other three components are fuel risk management, emergency reserve and rate stabilization.
Gas Operating	25% of the previous year's General Fund transfer. Used to meet General Fund transfer, if required.
Water Operating	25% of the previous year's General Fund transfer. Used to meet General Fund transfer, if required.
Sewer Operating	25% of the previous year's General Fund transfer. Used to meet General Fund transfer, if required.
Fire Operating	Established during 2008 rate study to offset future rate increases for fire services.
Solid Waste Rate Stabilization	Established to offset future rate increases.

Operating Reserves (as of September 30, 2010)

<b>Reserve</b>	<b>Target</b>	<b>Balance</b>
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Airport Operating	\$801,700	\$801,700
Deficiencies	\$22,129,500	\$15,433,100
Fleet Replacement	\$14,369,500	\$14,369,500
Cemetery Perpetual Care	\$6,146,400	\$6,146,411
Risk Management	\$10,702,300	\$10,702,300
Electric Operating	\$119,500,000 to \$182,000,000	\$105,029,500
Gas Operating	\$580,800	\$580,800
Water Operating	\$1,669,700	\$0
Sewer Operating	\$745,300	\$745,300
Fire Operating	\$1,912,900	\$1,912,900
Solid Waste Rate Stabilization	\$7,478,000	\$7,478,000

The following table further explains the purpose of the Electric Operating Reserve, and the current and target balances of each specific purpose of the fund.

Category	Current	Low Target	High Target	Notes
Working Capital/Liquidity		\$54,000,000	\$81,000,000	Target is set at days working cash relative to annual operating budget Low ~ 60 days, High ~ 90 days
Fuel Risk Management		\$30,000,000	\$30,000,000	Based on consultant recommendation which considers annual fuel volume and market volatility
Emergency Reserve		\$20,000,000	\$40,000,000	Based on cost to repair central generating stations, transmission facilities, and large distribution facilities in the event of unexpected failure, plus the replacement cost of power as needed
Rate Stabilization		\$15,500,000	\$31,000,000	Based on retail rate revenues. Low ~ 5%, High ~ 10%
<b>Total</b>	<b>\$105,029,500</b>	<b>\$119,500,000</b>	<b>\$182,000,000</b>	

\*\*Note that funding for the reserve is not built into the City's electric rates, so the reserve fund balance will only increase when there is an unanticipated year-end surplus.

The Commission recessed at 5:52pm and reconvened at 6:12pm, with Commissioners Marks, Ziffer, Gillum and Mustian present; and Commissioner Miller absent.

**Item 16** - Held the second and final Public Hearing on Ordinance No. 10-Z-12; Proposed amendment to the Official Zoning Map to change the zoning classification from the DI (Downtown Institutional/Cultural/University Transition Areas), RO (Targeted Retail/Office

Growth Area) and CCPD (Capitol Center Planning District) zoning districts to the CC (Central Core) zoning district. The properties are located in the downtown area and are bound to the north by West Carolina Street, to the west by South Copeland Street, to the south by FAMU Way and to the east by North Meridian Street and the C.S.X. Railroad and comprise 446.49 acres (PRZ100001). **Continued to February 23, 2011.** (*Option 1 as submitted by the Planning Department*)

There were no speakers.

**Item 17** - Held the second and final Public Hearing on Ordinance No. 10-O-14AA; Proposed amendment to the Tallahassee Land Development Code to adopt the Downtown Overlay Regulating Plan Map Series and the Implementing Development Regulations, including the creation of Central Core Zoning District, for areas within the Multi-Modal Transportation District. **Continued to February 23, 2011.** (*Option 1 as submitted by the Planning Department*)

There were no speakers.

**Item 18** - Held the first of two Public Hearings on Ordinance No. 10-O-49AA; Proposed amendment to the Tallahassee Land Development Code amending Chapter 10 to implement the Mahan Gateway Node Future Land Use Map (FLUM) category (PTX100006) and set the second and final public hearing for February 23, 2011. (*Option 1 as submitted by the Planning Department*)

There were no speakers.

**Item 19** - Held the second and final Public Hearing of Ordinance No. 10-Z-51; Proposed amendment to the Official Zoning Map changing the zoning classification from Capitol Center Planning District (CCPD), Targeted Retail/Office Growth Area (RO), and Downtown Institutional/Cultural/University Transition (DI) to Central Core (CC) on 149.41± acres; from Office Residential District-1 (OR-1) to Central Urban-26 (CU-26) on 2.0± acres; from Office Residential District-1 (OR-1) and Office Residential District-3 (OR-3) to Central Urban-45 (CU-45) on 29.0± acres; and from Capitol Center Planning District (CCPD) to Open Space (OS) on 3.33 ± acres. All parcels are within the Downtown Boundary and are generally bound on the east by the CSX railroad (just east of Franklin Boulevard), on the south by Van Buren Street, on the west by Gay Street, and on the north by Tennessee Street. The proposed CC zoning will collapse the CCPD, RO, and DI zoning districts into one district which allows a mixture of commercial, office, and residential up to 150 dwelling units per acre, consistent with the Comprehensive Plan vision for an 18-hour Downtown. The CC district implements the Central Core Future Land Use Designation and the proposed OS district allows no development except for recreational uses and retains the land as open space. This ordinance implements Comprehensive Plan Amendment PCM100202, which was adopted on October 12, 2010, at the Joint City/County Comprehensive Plan Amendment Adoption Hearing. **Continued to February 23, 2011.** (*Option 1 as submitted by the Planning Department*)

There were no speakers.

**Item 20** - Was the First and Only Public Hearing on Ordinance No. 10-Z-04:Â Proposed Amendment to the Official Zoning Map (PRZ070015) from the Critical Planning Area (CPA) to the Canopy Planned Unit Development (PUD) Zoning District for 505 acres located south of Centerville Road and east of Fleischmann Lane and identified as parcels 1115204050000, owned by Powerhouse, Inc., and 1114204050000 owned by CNL, Tallahassee I, LLC (CNL) and is generally described as the western portion of the Welaunee Toe. The proposed project is a multi-use development containing up to 1,572 dwelling units of different types, up to 162,927 gross square feet of office and retail uses, and up to 335,000 gross square feet of institutional uses. **Continued to February 23, 2011.** Â *(Option 1 as submitted by the Planning Department)*

Commissioner Miller entered the Chambers at 6:20pm.

The following speakers appeared before the Commission relative to this Item:

Mr. Curtis Baynes, 1323 East Tennessee Street, in opposition to the Item. Mr. Baynes request the Commission to not approve any new development until the wastewater could be handled without sending it into the primary springs protection zone.

Mr. Ed Deaton, 9601 Miccosukee Road, #25, in opposition of the Item. Mr. Deaton stated his concern for the protection of the Miccosukee Greenway and opined that a project that will bifurcate the Greenway did not make sense. Mr. Deaton commended the Commission on its sustainability efforts; but stated his belief that the City was relaxing those efforts for this project and that the plan was not as transit-friendly as it could be. Mr. Deaton also commented on the foreclosure rates in Florida. Mr. Deaton requested that the Commission Option 2 as proposed in the agenda item.

Mr. Matt Hohmeister, 2624 Stonegate Drive, in opposition of the Item. Mr. Hohmeister stated his concern with the development of the Welaunee tract and requested that the Commission reject the proposal in its current form. Mr. Hohmeister noted that residents along Miccosukee Road would be buffered from the project by the Greenway, but that Centerville Road residents had no such buffer. Mr. Hohmeister commented on the significant number of properties currently for sale in the 32308 and 32309 zip code and questioned the need for the development of 1,500 additional homes.

Mr. Steven Martin, 2625 Stonegate Drive, in opposition of the Item. Mr. Martin expressed thanks to the Commissioners for meeting individually with him on this item. Mr. Martin expressed disagreement with the that he was the only citizen opposed to this development; opining that many others would be opposed if the plans for the development were more widely known. Mr. Martin alleged that the Commission and the developer were not advertising the project. Mr. Martin stated that Commissioner have said the project would be 'just like Southwood' and would not 'impact the character' of the neighborhood. Mr. Martin invited citizens to go visit Southwood; opining that no one would like such a neighborhood in their back yards. Mr. Martin stated additional homes were not needed given the number of foreclosures. Mr. Martin similarly stated that the residents along Centerville Road had no buffer from the developer and requested additional protections along Centerville Road; should the property be developed.

Mr. Todd Whitehead, 3711 Shamrock West, in opposition of the Item. Mr. Whitehead drew attention to four developments along Thomasville Road where the land is cleared, but not developed. Mr. Whitehead stated the Bull Run neighborhood is half-developed and that half the lots in the Evening Rose development were un-built; the remaining half has houses that are either for-sale or for-rent. Mr. Whitehead further mentioned two developments on Velda Dairy Road where land has been cleared, but nothing built. Mr. Whitehead stated Tallahassee didn't need an additional 1,200 homes and that no one would want to continue using the Greenway once these homes were constructed.

**Item 21** - Was the continuation of the second and final public hearing to approve the Development Agreement between the City of Tallahassee and CNL, Tallahassee I, LLC and TOE2, Inc. (formerly Powerhouse, Inc.); and authorized the execution by the Mayor of the stormwater easement attached to the development agreement at Exhibit M and the amended electrical easement attached as Exhibit K. The development agreement relates to the process by which development approvals will be sought and obtained for development of the Canopy Project (Welaunee Toe), as a Traditional Neighborhood Development, and providing for the construction of Welaunee Boulevard through the property to the eastern boundary. The amended easements will provide for the construction of an electric transmission line that traverses the PUD and will assist the Developers in the construction of the Dove Pond Regional Stormwater Facility. **Continued to February 23, 2011.** *(Option 1 as submitted by the Office of the City Attorney)*

There were no speakers.

**Item 22** - Was the First and Only public hearing on Resolution 11-R-01; Abandonment of City Right-of-Way located on the northwest corner of the intersection of Wahnish Way and Bragg Drive (TMA100600). The area requested to be abandoned, a portion of parcel number 4113202030000, is approximately 0.15 acre. Ms. Marsha Nims and Ms. Nikki Nims, 8348 Yellow Lane, owners of the property located at 502 Bragg Drive are the applicants. The right-of-way is located due west of Wahnish Way, and has been treated, landscaped and maintained as private property since the Nims family purchased the adjoining parcel in 1954. **The public hearing was closed and the item was deferred to a later date.** *(Submitted by the Planning Department)*

Mr. Zach Galloway, Senior Planner, Tallahassee-Leon County Planning Department, was present and answered the Commission's questions relative to the item.

The following person appeared before the Commission relative to this Item.

Marsha Nims, 8348 Yellow Lane, in support of the Item.

City Attorney English recommended that the item be deferred to a later date to give staff an opportunity to review the possibility of handling the abandonment with an easement.

**Unagedaed Business/Speakers**

The following speakers appeared before the Commission:

Mr. Steve Stewart, 2904 Tyron Circle, stated that he requested to speak during Item 15 and was denied that opportunity. Mr. Stewart stated his belief that the number of days of cash-on-hand stated during the presentation of Item 15 was inaccurate and alleged that the amount of money currently on-hand was much greater than staff indicated. Mr. Stewart indicated his belief that the City has \$153M in cash-on-hand, not \$102M as staff indicated. Mr. Stewart appealed to Commissioner Miller to fulfill a campaign-trail promise of advocating for creating a Consumer Advocate to review the operation of the utilities.

Commissioner Gillum requested staff from the Electric Utility to respond to Mr. Stewart's allegations and Mr. Rick Feldman, Director, Accounting Services, stated the need to distinguish between cash and assets. Mr. Feldman indicated that the number quoted by Mr. Stewart included all of the City's cash and agreed that the City does in fact have \$153M in cash and assets. However, he clarified, portions of the City's cash are designated for other purposes, such as debt payments on existing bonds, and that these types of funds, which are set aside for other specific purposes, should be excluded from the discussion regarding funding for the operations of the Electric Utility. City Treasurer-Clerk Herndon stated his concurrence with Mr. Feldman's statements.

Commissioner Mustian stated his belief that the questions presented are valid questions, but opined that they should be reviewed by staff and an answer provided at a later time. Mayor Marks and City Manager Thompson concurred with Commissioner Mustian.

**Staff to provide a response at a later time to the questions presented.**

Mr. James McCray, 5344 West Tennessee Street, stated with his dissatisfaction with 'gypsy' taxis operating within the City in alleged violation of Chapter 22 of the City Ordinances. Mr. McCray stated that there are only two licensed taxi cab franchises within the City (City Cab and Yellow Cab), and stated that drivers for these two companies must obtain licenses, pass criminal background checks, submit to drug testing, have their vehicles inspected bi-annually, and carry \$1M in insurance. Mr. McCray alleged that there are currently 12 to 14 unlicensed 'gypsy' cab companies operating on a nightly basis, routinely picking up curbside patrons, in violation of the Ordinance. Mr. McCray stated that these gypsy cabs masquerade as "transportation" companies and use private vehicles with magnetic advertising signs, invade the taxi cab stands, and park amongst the licensed cabs at these locations. Mr. McCray alleged that these vehicles operate as a cab, not a transportation service. Mr. McCray asked why the City was not enforcing the current ordinance and questioned if the City was going to enforce the ordinance in the future.

Mayor Marks requested Mr. McCray to take down the license plate numbers of any suspected gypsy cabs and report them to the Police Department for further investigation. Mr. McCray stated that Tallahassee police are often directly across the street, parked at Target Copy, and observe this activity occurring. Mr. McCray stated that this behavior can be witnessed most any Friday or Saturday night in the parking lot of Zaxby's on West Tennessee Street and suggested that the City dispatch an official to that location. City Manager Thompson requested that Mr.

McCray meet with Mr. Jay Townsend, Assistant City Manager, who was present at the meeting, to further discuss his concerns, obtain more information, and follow up on this matter.

Mr. Curtis Baynes, 1323 East Tennessee Street, stated his satisfaction for not pursuing an accounting degree - after watching the presentation of Item 15. Mr. Baynes indicated his belief that questions regarding the level of reserves would never reach closure and would continue in the future. Mr. Baynes expressed concern with the amount of money transferred from the Electric Fund to the General Revenue and re-stated comments made during previous Commission meetings that the Commission must make difficult decisions relative to the General Fund.

Mr. Michael Rosenthal, 4045 Kilmartin Drive, stated his opposition to the City's reserve funds, calling them 'unconscionable', and requested that these funds be released into the local economy and opined that this action would be more productive than the Mayor's "Shop Local" campaign. Mr. Rosenthal also requested that the Electric Utility be converted into a cooperative. Mr. Rosenthal offered his support for establishing a flat dollar amount for healthcare subsidies paid to retirees and stated his desire to see the pension plan replaced with a 401K for all newly-hired employees and opined this would prevent 'massive layoffs' in the future.

Commissioner Mustian departed the Chambers and did not return. City Treasurer-Clerk Herndon stated that Mr. Hendricks submitted multiple speaker forms and advised Mr. Hendricks that he would only be permitted to speak for 3 minutes.

Mr. Larry Hendricks, 406 Alpha Avenue, stated his dissatisfaction with the Solid Waste department in regards to the timely collection of televisions sets improperly disposed of by dumping on the side of roadways. Mr. Hendricks stated these televisions are being broken open by metal scrappers searching for valuable copper coils inside the televisions; creating a bigger problem and mess to clean up. Mr. Hendricks stated his concern over mercury and other hazardous materials within the televisions, which are often left in the ditches and rainwater. Mr. Hendricks also stated complaints regarding the bike trail recently constructed in his neighborhood and opined that the vehicle barriers placed where the trail crosses a roadway (to prevent motor vehicles from driving onto the bike trail) were unsafe, as was the cyclone (chain-link) fence running alongside the trail due to the risk of a bike's handlebars becoming entangled in the fence. Mr. Hendricks further stated his belief that the bike trail intersection with Tram Road was unsafe due to limited visibility.

City Treasurer-Clerk Herndon alerted Mr. Hendricks that his time had expired; and Mayor Marks thanked Mr. Hendricks for his comments. Mr. Hendricks refused to yield the floor and continued to speak, as follows:

Mr. Hendricks stated his dissatisfaction that airplanes were flying over his neighborhood and stated that two of these planes almost crashed on December 16th and further explained that these were large aircraft that almost collided, not small airplanes.

Mayor Marks again thanked Mr. Hendricks; indicating his time had expired.

Mr. Hendricks replied that the Mayor was not expressing thanks and was being 'facetious'. Mr. Hendricks stated that the Commission has a responsibility for the safety of the neighborhood and the residents and stated that the planes were flying over the school a few blocks down the street.

City Hall security officer, Captain Kenneth Frame, Barkley Security, approached the lectern and moved the microphone away from Mr. Hendricks. Mr. Hendricks then took his seat.

### **City Commission Information and Sharing of Ideas**

**Item 23** - Discussion of the "Civility Accord" movement initiated by the U.S. Conference of Mayors in response to the recent attempted assassination in Tucson, Arizona of U.S. Representative Gabrielle Giffords, Congresswoman from Arizona, which resulted in six persons killed and fourteen wounded, including Giffords. The movement seeks to restore civility to public discourse and stresses six principles for civility; along with several personal qualities aimed at exhibiting civility. *(Brought forward by the Office of the Mayor)*

### **Mayor Marks requested that staff develop and present a similar Accord to the Commission**

City Manager Thompson left the dais and spoke with Mr. Hendricks at the rear of the Chambers. Mayor Marks commented on the Working Well "Promoting Wellness in Our Workforce" CEO Breakfast event held earlier in the day. Mayor Marks stated the City received the Shooting Star award for the City's working well program.

Commissioner Ziffer stated that he heard many complaints on the campaign trail that 3 minutes was not enough time to convey a message, so he stated he would keep his comments limited to only 3 minutes. Commissioner Ziffer opined that the issue of the City's reserves will never reach closure for as long as inaccurate numbers are injected into the discussion. Commissioner Ziffer questioned the political motivations of some of the public speakers at tonight's meeting and asked citizens to remember one thing: persons can present numbers in such a manner as to make the numbers tell anything they want them to tell. Commissioner Ziffer commented on the good financial standing of the City and opined that most City Utility customers were satisfied with the manner in which the Utilities are administered and with the reliability of service. Commissioner Ziffer also commented that he lives in the Southwood neighborhood and that Southwood is one of the most environmentally-green neighborhoods in north Florida and he would welcome any neighborhood into the community that looked equally as good.

Commissioner Gillum revisited Mr. Baynes' comments relating to the Electric Operating Fund surplus and clarified that the City's base rate includes an amount to be transferred to the General Fund and that any year-end surplus in the Electric Operating Fund is not automatically diverted to the General Fund. Commissioner Gillum stated that the City Commission, at year's-end, would decide whether to transfer a surplus to the Electric Reserve and noted several previous years where the Utility ended the year with a deficit.

Commissioner Gillum stated the City did not send customers a bill for their share of the deficit in those years and stated that he would not support doing so. Commissioner Gillum stated it was

deficit scenarios such as these that necessitate the maintenance of a reserve and suggested that keeping a reserve was a sound business decision.

Commissioner Miller stated that the surplus was likely due to the increased consumption of electricity caused by the record-cold weather and that it was difficult for the City to forecast weather. Commissioner Miller stated that the recent surplus was within 2% of the projected budget and opined that the accuracy of the estimates used in the budget were good.

Mayor Marks commented about persons who continually espouse that "government should be run like a business", but yet when the Commission makes business-like decisions, it still receives criticism from these same people.

City Attorney English provided an update on the lawsuit filed against the wastewater treatment plant and stated that Chief Judge Francis issued a summary judgment in favor of the City and that the lawsuit had been dismissed, allowing the project to move forward.

There being no further business, the meeting adjourned at 7:07pm.

## **City Commission Meeting Summary - February 9, 2011**

The City Commission met in regular session at 4:05pm in the City Hall Commission Chambers, with Commissioners Ziffer, Gillum, Mustian, & Miller present; taking the following action (Mayor Marks joined the meeting at 5:29pm and participated by telephone):

Mayor Pro Tem Ziffer assumed the Chair and announced there were no modifications.

**Item 1** - Presentation of Proclamation recognizing Big Bend 2-1-1; designating Friday, February 11, 2011 as "2-1-1 Day". *(Brought forward by the Office of the Mayor)*

Mr. Randy Nicklaus, President, 2-1-1 Big Bend, accepted the Proclamation with thanks.

**Item 2** - Recognition of the Winners and Sponsors from the 2010-2011 "What Makes Tallahassee - Leon County Beautiful" Art Calendar Contest. *(Brought forward by the Office of the Mayor)*

Mr. John Baker, Policy and Program Development Administrator, Department of Environmental Policy & Energy Recourses, announced the following winners and contest sponsors of the 2011 Calendar Art Contest.

### **Best in Show**

- Makeena Haines - 2nd Grade, Sealey Elementary

### **First Place Recipients**

- Marina Navas - 1st grade, Ruediger Elementary

- Lillian Bradley - 2nd grade, Conley Elementary
- Saydie Locatelli - 3rd grade, Woodville Elementary
- Abbeygale Cloud - 4th grade, Killlearn Lakes Elementary
- Nadaris Tatum - 5th grade, Ruediger Elementary
- Julia Barry - 6th grade, Montford Middle
- Helen Law - 7th grade, Cobb Middle
- Marina Petersen - 8th grade, Montford Middle
- Keila Navarro - 9th grade, Godby High
- Victoria Ash - 10th grade, Godby High
- Todd Jones - 11th grade, Lincoln High
- Comasina Morgan - 12th grade, Godby High

### **Honorable Mention**

- Katherine Cochran - Kindergarten, Desoto Trail Elementary

### **Program Sponsors**

- City of Tallahassee - Solid Waste Services
- Hopping Green & Sams, P.A
- Coca- Cola
- Waste Pro, Inc.
- Marpan
- Kessler Consulting
- Cardno TBE
- Super Lube

**Items 3 - 7:** Voted 4-0 (Mayor Marks absent) to approve staff's recommendation presented on Consent Agenda Items 3 through 7 taking the following action:

Item 3 - Approved the Property Damage Claim Settlement of Mr. Joe Peresich, 1604 Kelly Street, in the amount of \$60,000, pertaining to a sewage backup incident that occurred on October 14, 2010 that caused substantial damage to the interior of his home in addition to the loss of personal property. The settlement amount is to be funded by Risk Management operating funds.*(Option 1 as Recommended by the Office of the City Attorney)*

Item 4 - Approved the purchase of one (1) loader, in the amount of \$131,550, and one (1) utility tractor, in the amount of \$49,843.20, for the Parks, Recreation and Neighborhood Affairs Department. Total purchase amount is \$181,393.20; to be purchased from Flint Equipment Company, of Tallahassee, FL, under City contract #2232 and funded from the Fleet Reserve Fund (715-470101-550050-11077).*(Option 1 as Recommended by the Department of Parks, Recreation & Neighborhood Affairs)*

Item 5 - Authorized the City Manager and the City Treasurer-Clerk to enter into and execute a Joint Participation Agreement (JPA) with Florida Department of Transportation (FDOT), amending the original Block Grant award approved by the City Commission on October 13,

2010. The amendment accepts Block Grant Supplement 4-A, providing for \$21,500 in additional grant funds; thereby increasing the FY2011 Transit Block Grant from \$932,994 to \$954,494. The required 50% local match will be funded through the annual transfer from the General Fund. *(Option 1 as Recommended by StarMetro)*

Item 6 - Approved staff's request to apply for, execute and administer the Federal Transit Administration (FTA) grant to fund transit projects, in the amount of \$2.1M, using proceeds from the sale of the Floridan property (parcel C of the Floridan Block, a 0.98 acre site located adjacent to C.K. Steele Plaza; currently the location of the Aloft Hotel complex). The proposed projects all support the Nova2010 Decentralization Plan and include the installation of a 'Super Stop' facility at the northwest corner of the Hartsfield Road and Mission Road Intersection (\$859,426), purchase of an additional Proterra bus charging station for electric buses (\$840,574), and the purchase of replacement bus wash equipment (\$400,000). *(Option 1 as Recommended by StarMetro)*

Item 7 - Approved the evaluation committee's recommendation and authorized staff to negotiate, and the Treasurer Clerk to execute, a contract with York Risk Services Group, Inc., of Parsippany, NJ, providing Claim Field Investigative Services for the Risk Management Division (RFP No: 0018-11-KR-RC). The award is an initial three-year contract beginning April 1, 2011, with an option to extend for two additional one-year terms, upon mutual agreement of the City and the service provider. The claims investigation provider is contracted to conduct field investigations of automobile and general liability losses. The fiscal impact is directly related to the number of claims assigned to the provider; expenses to be funded by the Risk Management operating budget. *(Option 1 as Recommended by the Office of the Treasurer-Clerk)*

**Item 8** - Voted 4-0 (Mayor Marks absent) to approve the City's participation in the Let's Move Cities and Towns initiative, part of the national Let's Move! health-based campaign led by First Lady Michelle Obama. The initiative is designed to encourage mayors and elected officials to adopt a long-term, sustainable, and holistic approach to fight childhood obesity. The Mayor's Office will be responsible for managing the completion of the program requirements, permitting the City to be designated as a Let's Move city. The program requirements consist of first quarter and end-of-the-year update reports. *(Brought forward by the Office of the Mayor)*

Mr. Rick Minor, Chief of Staff, Office of the Mayor, was present and introduced the following persons who addressed the Commission in support of the initiative:

- Ms. Courtney Atkins, Executive Director, Whole Child Leon
- Ms. Cynthia Harris, Ph.D., Director of the Institute of Public Health, Florida A&M University
- Ms. Shelia Costigan, Executive Director, Foundation for Leon County Schools
- Mr. Warren Jones, Vice President & Chief Communications Officer, Tallahassee Memorial Healthcare
- Ms. Lorraine Ausley, Chair, Whole Child Leon Steering Committee

Commissioner Mustian ascertained from Mr. Minor that a plan was being developed and would be presented to the Commission for consideration at a later time.

Mr. Minor clarified that the initiative had no direct cost to the City. Indirect costs are in the form of Mayor's Office staff time. Mr. Minor stated that the Mayor's Office staff would assist in compiling the reports outlining the community partners' efforts.

**Item 9** - Introduced Ordinance No. 11-O-03; Providing for Registration of Lobbyists, and set the public hearing on February 23, 2011. *(Option 1 as recommended by the Office of the City Attorney)*

City Attorney Jim English read the title of the ordinance into the record and Mayor Pro Tem Ziffer introduced the ordinance and set the public hearing for February 23, 2011.

Lobbyist registration regulations provide an opportunity for the public to be aware of those persons who are compensated to lobby on behalf of entities, by providing the names of the lobbyists, the entities that they represent, and ranges of compensation that the lobbyists receive. Under the ordinance, lobbyists will be required to register and pay an annual fee of \$25 for each principal represented.

**Item 10** - Voted 4-0 (Mayor Marks absent) to approve the acceptance of \$25,000 Community Engagement Award from the American Society for the Prevention of Cruelty to Animals (ASPCA), and authorize expenditure of those funds by the Animal Services Center. The City placed ninth overall in the ASPCA's Save More Lives \$100k Challenge held between August 1st and October 31st, 2010. *(Option 1 as submitted by the Department of Parks, Recreation & Neighborhood Affairs)*

Mr. Dee Crumpler, Director, Parks, Recreation & Neighborhood Affairs, and Ms. Erika Leckington, Director, Animal Services Center, were present and answered the Commission's questions relative to the item. Mr. Crumpler stressed the need for more education on spaying and neutering pets citing statistics that, over a lifetime, a cat can produce 700,000 offspring and a dog can produce 400,000.

**Item 11** - Voted 4-0 (Mayor Marks absent) to approve the application for Temporary Economic Emergency Concurrency Relief submitted by Panda Express, of Rosemead, CA, on Capital Circle Northeast, providing a 50% reduction in concurrency mitigation dollars required for this project from \$213,936 to \$106,968. The project is located on a .57 acre outparcel (currently used as a parking lot) of the Lowe's home improvement store located at 2121 Capital Circle Northeast (parcel 1116040000040). *(Option 1 as recommended by Growth Management)*  
Ms. Karen Jumonville, Director, Growth Management, was present to answer the Commission's questions relative to the item, but was not called.

**Item 12** - Voted 4-0 (Mayor Marks absent) to approve Amendment 2 to the Lease Agreement with Danfoss Turbocor, Inc. which will allow the proposed building expansion to qualify for expanding the lease to include Lot 3, Block D. The original Ground and Building Lease included only Lots 1 and 2 of Block D and was approved by the City Commission on November 9, 2005 and executed on January 6, 2006. Danfoss wishes to expand the current building by 7,500 square-feet to allow them to install an additional production line to repair and refurbish compressors. The expansion is expected to create 25 new jobs over a 2-year period.

Development requirements at Innovation Park dictate that 50% of the facility's site must remain as green space. Due to this requirement, additional land of Lot 3, Block D needs to be added to the project site to remain in compliance with the green space requirement. (*Option 1 as submitted by the Department of Economic & Community Development*)

Mr. Tom Lewis, Director, Economic & Community Development, and Mr. Michael Parker, Assistant Director, Economic & Community Development, were present and answered the Commission's questions relative to the item.

**Item 13** - Received a Water Quality Update regarding the level of Hexavalent Chromium (Chromium-6) in the City's drinking water, in response to a report issued by the Environmental Working Group (EWG), of Washington, D.C. Included in the update was the submission of a report authored by Mr. William Leseman, Water Quality Consulting, located in Tallahassee, FL, in consultation with Dr. Christopher M. Teaf, Hazardous Substances & Waste Management Research, Inc., also located in Tallahassee, FL. (*Brought forward by the Department of Underground Utilities*)

Mr. John Buss, Manager, Water Resources Engineering, Department of Underground Utilities, was present and introduced the two consultants hired to study the issue. Mr. Buss briefly described the ongoing rigorous water testing program instituted by the City and noted that the City tests six-times more frequently than required. Mr. Buss stated that testing is conducted for 79 primary substances, 14 secondary substances, and other bacteriological and organic organisms at a rate of approximately 2,000 tests per month. Included in this testing, Mr. Buss stated that the City conducts approximately 50 tests per year for Chromium and that the City has compiled over 30 years of testing data while conducting its testing program.

Mr. William 'Bill' Leseman was introduced. Mr. Leseman gave a PowerPoint presentation and reviewed the report he submitted to the City and described the statistical faults with the report authored by the EWG; noting EWG only tested a single water sample from Tallahassee and that EWG sampled only two one-thousandths of one percent (0.002%) of all drinking water systems in the United States. Mr. Leseman noted that there are 25 Florida Department of Environmental Protection (FDEP) regulated drinking water systems in Leon County and that the EWG would not disclose where the sample was collected.

Commissioner Gillum ascertained from Mr. Leseman that the EWG report failed to collect a representative sample and that EWG's findings were statistically invalid.

Mr. Christopher Teaf, Ph.D., Project Director, Toxicology and Human Health Risk Assessment, Institute for International Cooperative Environmental Research (IICER), Florida State University, addressed the Commission and stated that the City's water does not pose any significant health-related risks to consumers. Mr. Teaf stated that the 1.02 parts per billion (ppb) level of chromium in the City's water is far less than the Maximum Containment Level (MCL) of 100ppb established by the Federal EPA. Mr. Teaf stated that the 1.02ppb level in the City's drinking water indicated a naturally-occurring geological source as opposed to a contamination source. Due to these low figures, Mr. Teaf stated that this indicates there is no health risk associated with the City of Tallahassee's drinking water. Mr. Teaf stated that laboratory tests on

rats who were exposed to 10,000ppb levels of chromium over their lifetime had no visible health effects and that clear evidence of health risks were only evident at the 30,000ppb concentration, which is 300-times greater than the EPA's MCL. Mr. Teaf reviewed the rates of cancer and noted that the level of cancer cases in the Tallahassee area was lower than both the National and State averages.

Commissioner Miller stressed that the concentration of total Chromium in the City's drinking water is 30,000 times less than the concentrations shown in animal-based laboratory tests to cause health concerns. A brief discussion ensued and the Commissioners questioned the credibility of the report authored by the EWG and inquired about the legitimacy of the EWG itself.

Commissioner Ziffer inquired about the industrial sources of chromium and Dr. Teaf stated that electroplaters and leather tanneries were common sources and noted that Tallahassee has had no such industries, past or present. Mr. Teaf explained that, if industrial contamination were a cause, it would be higher in the isolated area around a contamination source and not evenly-distributed throughout the water.

Commissioner Miller ascertained from Mr. Buss that, due to the City's vigorous and more-frequent testing system, the City was penalized in the EWG report. Mr. Buss characterized the EWG report as statistically invalid due to the fact that EWG failed to account for differences in testing frequency among the cities included in the report.

**Item 14** - Voted 4-0 (Mayor Marks absent) to adopt Resolution No. 11-R-06 which provides that the City will provide its portion of the required local match payment, up to a total of \$100,000, if ACS State & Local Solutions, Inc. satisfies the requirements for the Qualified Target Industry (QTI) Program. The state's QTI tax refund incentive program is available to companies that create high-wage jobs in targeted high value-added industries. The proposed job creation schedule plans to add 250 new value-added jobs (50 jobs per year from 2011 to 2015) and the company has selected the Summit East development as their preferred location in Tallahassee. The new positions will be Software Engineers, Information Technology (IT) Quality Assurance Testers, and IT Technical Writers at an average annual salary of \$52,491, which is greater than 150% of the average wage of Leon County. *(Option 1 as submitted by the Department of Economic & Community Development)*

**Item 15** - Voted 4-0 (Mayor Marks absent) to approve the development of a Master Plan for the Multi-Modal Transportation District (MMTD). Funding for the development of the plan, not to exceed \$600,000.00, will come from the FSU Transportation Concurrency payments collected in 2009. Staff will develop and promote an extensive public outreach effort to include business, institutional and residential involvement. The outreach effort will explain the concept, address concerns, refine the concept, and seek public acceptance. The resulting publicly-vetted plan will be brought back to the City Commission for final acceptance and approval. *(Option 1 as submitted by the Department of Public Works)*

Mr. Gabe Menendez, Director, Public Works was present and answered the Commission's questions relative to the item.

Commissioner Mustian stated his preference that the cost of the Master Plan be far less than the not-to-exceed amount stated in the agenda item narrative.

**Item 16** - Voted 4-0 (Mayor Marks absent) to approve Resolution 11-R-01 (Attachment2); proposed abandonment of City Right-of-Way located at the Northwest Corner of Wahnish Way and Bragg Drive. The first and only public hearing was held on January 26, 2011 and the Commission closed the public hearing and deferred taking final action. (*Option 1 as submitted by the Tallahassee-Leon County Planning Department; Applicant's request for 0.26 acre*)

**Item 17** - Voted 5-0 (Mayor Marks voting telephonically) to approve and accept the StarMetro Annual Commission Report 2011, which is required by City Commission Policy 800 Transit Action Planning & Evaluation Criteria (CP800). (*Option 1 as submitted by StarMetro*)

Mr. Ron Garrison, Director, StarMetro, was present and answered the Commission's questions relative to the item.

Commissioner Gillum inquired if there were any code amendments in progress to address transit-oriented development standards for new developments or redevelopment of existing properties. Mr. Wayne Tedder, Interim Assistant City Manager, stated that the goals of the Master Plan and Multi Modal Transportation District (MMTD) ordinance, set for public hearing on February 23, 2011 would address this issue for areas inside the 18 square mile MMTD. A brief discussion concerning transportation in the Urban Core, the MMTD, and outlying areas of the community ensued.

Commissioner Mustian requested staff to submit a report comparing the City's transit system statistics to other transit systems.

The Commission inquired about the implementation of the Nova2010 transit system design changes and Mr. Garrison indicated the target date for the Nova2010 implementation was July 11, 2011. Mr. Garrison noted that Phase I system enhancement such as sidewalks, crosswalk chirpers (for the hearing impaired), and bus shelters would be installed prior to this target date. Phase I enhancements were the highest-priority and most readily-achievable modifications. After brief discussion, the Commission suggested that an intense public awareness campaign be conducted to alert riders of the changes. Mr. Garrison advised that a trip-planning website would be available prior to the Nova2010 implementation.

Mayor Marks joined the meeting by telephone at 5:29pm.

Commissioner Gillum requested more information about the communication plan for the Nova2010 launch.

Mayor Pro Tem Ziffer stated that, due to the number of unagendaed speakers present, the schedule would be altered and speakers would be heard before the Target Issue updates.

### **Unagendaed Speakers**

The following speakers appeared before the Commission:

Mr. Danny Heaberlin, 2003 Scenic Road, representing Hope House, appeared before the Commission to advocate for increased City support of the Hope House home, which provides treatment and housing for persons that have drug addictions or are homeless. Mr. Heaberlin was accompanied by five supporters who each spoke in support of Hope House.

Mr. Timothy N. 'Tim' Ard, 2989 Settlers Boulevard, appeared before the Commission to advocate for City support of the Hope House. Mr. Ard stated that he was a former resident of the Hope House and was also a wartime veteran having served two tours of duty in Iraq.

Mr. Derek Steele, 3720 Donovan Drive, son of C.K. Steele, appeared before the Commission to advocate for City support of the Hope House. Mr. Steele stated that he was a former resident of the Hope House and stated that he enrolled in the program offered by Mr. Heaberlin and the Hope House, which helped to instill structure into his life and helped to get him off the streets where he was a frequent nuisance and panhandler. Since that time, Mr. Steele stated that he has been 19-years drug-free and obtained a bachelor's degree in theology and is a pastor and drug addiction counselor.

Mr. Larry Davis, 2307 Orleans Drive, Hope House Board Member, appeared before the Commission to advocate for City support of the Hope House.

Mr. Ron Tyler, 20 Blountstown Highway, appeared before the Commission to advocate for City support of the Hope House. Mr. Tyler stated that he, like Mr. Heaberlin, was a Vietnam veteran, a FSU graduate, and was a certified golf course superintendent for 25-years and that he has been clean and sober for the last 24 years. Mr. Tyler attributed this to the assistance received at the Hope House.

Mr. Eric McCreless, 1736 Smith Creek Highway, appeared before the Commission to advocate for City support of the Hope House. Mr. McCreless stated that Hope House helped his late brother recover from a drug addiction prior to losing his fight with pancreatic cancer. Mr. McCreless stated that Hope House took in his brother when he had nowhere else to go after learning about the cancer diagnosis.

Commissioner Gillum thanked the citizen speakers for courageously speaking about their experiences with the Hope House. Commissioner Gillum ascertained from City Manager Thompson that Hope House has not applied for assistance through the Community Service Health Partnership (CHSP) funding process. City Manager Thompson encouraged Mr. Heaberlin to speak with Assistant City Manager Tom Coe, who was present in the Chambers, to ensure Hope House applies for CHSP funding in the future. City Manager Thompson noted that Hope House answered the City's call during the winter of December 2009/January 2010 when record-cold weather prompted heavy demand for cold-night sheltering. Via telephone, Mayor Marks concurred with City Manager Thompson and agreed that the City should explore options for providing assistance to the Hope House.

Staff to work with Mr. Heaberlin and submit a report to the Commission.

J.P. Hurd, Senior Purchasing Agent, representing Turner Construction, Orlando, Fl. Office, appeared before the Commission to advise the Commission concerning Turner School of Construction Management mini-workshops being offered for small and minority businesses.

Mr. Ben Harris, Minority Business Enterprise (MBE) Administrator, Department of Economic & Community Development, thanked Mr. Hurd and Turner Construction for their support of small and minority businesses. Mr. Harris stated the workshops were part of outreach efforts aimed at small and minority businesses to assist them in growing their businesses. Mr. Harris provided a handout to the Commission relative to the workshops.

Mr. Curtis Baynes, 1323 East Tennessee Street, appeared before the Commission to express concern with Qualified Target Industry (QTI) tax incentives being authorized for the vendor (ACS State & Local Solutions) which was recently awarded a City contract to implement the red light camera intersection safety program. Mr. Baynes also expressed concern with consolidation of the City and County growth management departments, which a recent Tallahassee Democrat newspaper article stated would be discussed by Commissioner Ziffer at today's meeting. Mr. Baynes request the Commission to locate ways to reduce the combined \$10M spent on Growth Management between the two governments.

Mayor Marks requested that staff speak with Mr. Baynes to further explain the QTI program.

Dr. Ron Saff, M.D., 2300 Centerville Road, appeared before the Commission to express concern about chromium in the City's drinking water. Dr. Saff offered differing opinions relative to the report submitted by the City's consultants relative to the chromium issue.

Mr. Vincent Salters, 1713 Evening Breeze Lane, appeared before the Commission to express concern about chromium in the City's drinking water and offered information about EPA and OSHA evaluations of the MCL for chromium.

Commissioner Miller reiterated that the level of chromium in the City's drinking water is low; 1% of the allowable limit, proven by over 30 years of testing data. Furthermore, Commissioner Miller noted that the level of chromium has not changed over the last 30 years and that Tallahassee's cancer rates are lower than the state and national averages.

Commissioner Miller questioned the logic of asking taxpayers to invest significant resources into combating a problem that has no factual basis. Commissioner Miller stated the City has invested over a month of time investigating the claims made concerning the quality of the drinking water and stressed that the Commission is a responsible governing body and had properly investigated the matter.

Commissioner Mustian reiterated that the City has asked the EWG to present information and evidence of their claims, but EWG has failed to respond. Commissioner Mustian questioned the credibility of persons who assert the drinking water is unsafe while also denying access to the test data. Commissioner Mustian opined that it was a disservice to the community that groups are spreading unverified, haphazard, half-fact, pseudo-science information and encouraged Mr. Saff to submit real data and information to the City.

Commissioner Mustian requested staff to respond point-by-point response to the materials submitted by Dr. Saff.

Via telephone, Mayor Marks stated that he spoke with the EPA concerning the chromium-6 issue and the EWG. Mayor Marks indicated that chromium-6 was not a significant concern to the EPA at this time. Furthermore, Mayor Marks stated he felt the EPA viewed the EWG with little credibility. Mayor Marks concurred with the comments made by Commissioners Miller and Mustian. Mayor Marks again encouraged anyone who believes there are water issues to submit their evidence to the City.

Commissioner Gillum stated his belief that the drinking water is safe and that he will continue to consume the water without fears of cancer or other health risks.

Mayor Pro Tem Ziffer characterized the recent statements regarding chromium-6 as alarmist and unsubstantiated by evidence.

The following unagendaed speakers submitted speaker forms, but did not speak.

Mr. Charles Sturdivant, 1605 Curtis Bridge Road, Wilkesboro, NC, representing Lowes Home Centers, Inc. and Panda Express. The speaker form indicated Mr. Sturdivant was available to provide information regarding Item 11, concurrency relief for the Panda Express restaurant.

Mr. Todd Pressman, PO Box 6015, Palm Harbor, FL, representing Panda Express, LLC. The speaker form indicated Mr. Pressman was available to provide information regarding Item 11, concurrency relief for the Panda Express restaurant.

### **Target Issue Updates**

Commissioner Mustian provided an update on the activities of the Long Range Planning Target Issue Committee including the following:

- Site Plan Review thresholds for Type A & Type B projects
- Place-Making activities
  - Action-plan for Midtown to be presented at the next Commission meeting
- Transportation Master Plan
- Future Agenda Items
  - Concurrency Relief program

Commissioner Miller provided an update on the activities of the Environmental & Energy Resources Target Issue Committee including the following:

- Minimum Countywide Environmental Standards
- Climate Change Legislation
  - Legislation has slowed down
  - New Congress

- City is committed to reducing emission of greenhouse gases by 2% per year for a 10-year period
    - 5% reduction achieved in 2009
    - 2% reduction achieved in 2010
- Chromium-6 Issue
  - Water is not contaminated
- Fluoride in Drinking Water
  - Possible new maximum-level

Mayor Pro Tem Ziffer provided an update on the activities of the Economic Development Target Issue Committee including the following:

- Town & Gown
  - Presentation by Mike Pate
  - Feb 22nd presentation at the Challenger Learning Center
  - Phone survey results
- Danfoss Turbocor lease agreement

### **City Commission Information and Sharing of Ideas**

Mayor Pro Tem Ziffer approached the issue of consolidating the City and County growth management functions. Mayor Pro Tem Ziffer noted that, at its February 8th meeting, the Leon County Board of County Commissioners approved a Memorandum of Understanding which it intends to submit to the City regarding this issue. Mayor Pro Tem Ziffer recommended that the issue be referred to the Environmental & Energy Resources Target Issue Committee for consideration and that the aforementioned Committee report back to the full Commission with its recommendation.

Mayor Pro Tem Ziffer recognized City Manager Thompson whose birthday was on February 8th and wished the City Manager a Happy Birthday. Mayor Pro Tem Ziffer also recognized City Manager Thompson's 21st anniversary of employment with the City of Tallahassee. Mayor Pro Tem Ziffer congratulated City Manager Thompson on both milestones. Commissioner Gillum noted that Mayor Pro Tem Ziffer's birthday was later in the week and congratulated the Mayor Pro Tem.

A brief discussion of the consolidation issue ensued.

Mayor Pro Tem Ziffer thanked staff for the planting of new trees at the Los Robles Park after several mature oak trees were recently cut down due to their deteriorating condition.

Assistant City Manager Townsend introduced new Assistant Aviation Director, Mr. Marshall Taggart.

There being no further business, the meeting adjourned at 6:42pm.

## **City Commission Meeting Summary - February 23, 2011**

The City Commission met in regular session at 4:02pm in the City Hall Commission Chambers, with Commissioners Marks, Ziffer, Gillum, Mustian, & Miller present; taking the following action:

**Added to the Agenda**

Item 11a - Update on Financial Sustainability Initiative

Item 11b - Gaines Street Presentation

**Replacement Pages**

Item 2 - Approval of Engineering Task Assignments for the Tallahassee Regional Airport Stormwater Plan Project

**Replacement Items**

Item 5 - Approval of Street Sweeping Agreement with Leon County

Item 6 - Approval to Purchase Replacement Debris Truck for Public Works

**Items 1 - 6:** Voted 5-0 to approve staff's recommendation presented on Consent Agenda Items 1 through 6 taking the following action:

Item 1 - Appointed Mr. Murray Wadsworth, Jr. and Mr. Douglas Thornton to the Environmental Code Enforcement Board, with terms expiring November, 2014. Mr. Wadsworth previously filled a primary seat on the Board and completed his term and is being appointed to serve as an alternate. *(Recommended by the Office of the Mayor)*

Item 2 - Approved the Engineering Task Assignments for the Tallahassee Regional Airport Stormwater Plan Project and authorized staff to enter into an agreement with Kimley-Horn and Associates, Inc. (KHA), of Cary, N.C. (under COT Contract No. 1277) to provide professional engineering services for design of the Airport Stormwater Plan Project (COT Project No. 10028) at a total cost of \$289,345; to be funded from the Airport Stormwater Plan Project. *(Option 1 as Recommended by the Aviation Department)*

Item 3 - Approved citywide contract award for Truck Hauling Services (IFB No. 0027-11-VA-BC) and authorized staff to execute a three-year term contract with Jimmie Crowder Excavating & Land Clearing, Inc., of Tallahassee, FL. It is estimated that the City will expend approximately \$600,000.00 for the three-year contract period; funding to be provided from the approved operating funds of various City departments. *(Option 1 as Recommended by the Department of Management & Administration)*

Item 4 - Approved the purchase and equipping of five Ford Ranger trucks from Tallahassee Auto Investors I, LLC., of Lighthouse Point, FL, (d/b/a Tallahassee Ford Lincoln) at a cost of \$14,468 each (matching pricing available under State of Florida contract #071-000-10-1); five Harley-Davidson motorcycles from Harley-Davidson of Tallahassee, Inc. (d/b/a Capital City Harley-Davidson) at a cost of \$24,119.60 each (matching State of Florida contract price); and one 2011 Chevrolet Tahoe patrol vehicle from Garber Chevrolet-Buick-Pontiac-GMC Truck, Inc., of Green Cove Springs, FL, at a cost of \$25,328 (Florida Sheriffs Association contract #10-18-0907). Additional emergency equipment for the Tahoe will be purchased from Dana Safety Supply, Inc., of Greensboro, NC, (COT Contract No. 1489) at a cost of \$6,888.89. The total cost for the purchase of vehicles, including all emergency equipment, is \$225,154.89; to be funded

from the Fleet Capital Vehicle Replacement Project (716-470101-550050-11077)(*Option 1 as Recommended by the Police Department*)

Item 5 - Approved the Street Sweeping Agreement with Leon County for a two-year term (with an option to renew for an additional two-year term) and providing for an annual payment, to the City, of \$69,919.40. The Public Works Department maintains approximately 63.48 curb-miles of county roads located within the city limits. The two-year contract maintains the \$85.00 per curb-mile rate for monthly sweeping for an annual total of \$64,751.64 and an additional annual fee of \$5,167.76 for weeklysweeping of the parking lot and roadway at the Gum Road Transfer Station. (*Option 1 as Recommended by Public Works*)

Item 6 - Approved the purchase of a replacement debris truck for the Public Works Department utilizing COT Contract No. 1285 with Ward International Trucks, Inc., of Mobile, AL, and COT Contract No. 1494 with WorkTrux, LLC, of Birmingham, AL, (f/k/a/ Alabama Truck Body & Equipment, LLC) for a total cost of \$106,987.70; to be funded from the Fleet Capital Vehicle Replacement (716-470101-550050-11077). The truck will transport debris collected by street sweepers to the Transfer Station. (*Option 1 as Recommended by Public Works*)

**Item 7** - Received a presentation on the State and Federal Legislative Priorities. (*Option 1 as Recommended by the Office of the Mayor*)

## **Section I - 2011 State Legislative Program:**

### **Section I-A: State Appropriations**

- \$418,157 - Tallahassee / Leon County Juvenile Assessment Center (JAC)
- \$1 Million for Tallahassee Airport Improvements; \$120 million statewide - FDOT Aviation Grant Fund
- \$2.5 Million for Coal Chute Pond Stormwater Management Facility

### **Section I-B: State Policy Issues**

- Gift Ban Legislation
- Hoffman Claims Bill
- Intra-State Air Service to Tallahassee
- Autonomous Planning Program

## **Section II - FY2012 Federal Legislative Program:**

### **Section II-A: Federal Appropriations**

- \$6.4 million - StarMetro Buses
- \$1.5 million - StarMetro ITS Implementation
- \$150,000 - Tallahassee Police Department In-car Camera Equipment
- \$4 million - Advanced Wastewater Treatment (AWT) infrastructure

### **Section II-B: Federal Policy Issues**

- Tallahassee Regional Airport Policy Items
- Water Resources Development Act Authorization
- SAFETEA-LU Reauthorization

## **Section II-C: Federal Grants**

- Evaluate federal grant opportunities for City projects:
  - Federal Aviation Authority for airport runway reconstruction
  - Department of Homeland Security for firefighting and law enforcement grants
  - Department of Justice for law enforcement grants
  - Other federal grants opportunities
  
- Monitor proposed cuts to important grant funding:
  - 7.5% reduction in the Community Development Block Grant (CDBG)
  - U.S. House of Representatives plans to eliminate the SAFER Grant Program
  - U.S. House of Representatives plans to cut the FIRE Grant Program by \$90 million

Commissioner Miller requested that staff schedule a meeting for the purpose of introducing the City's state and federal lobbyists.

Mr. Rick Minor, Chief of Staff, Office of the Mayor, conducted the presentation and answered the Commission's questions relative to the item.

Commissioner Gillum commented on pending state legislation that would permit firearms to be carried on college campuses and stated the need to lobby against any such law. Mayor Marks commented that the City would work closely with FSU, FAMU and TCC to ensure mutual support.

**Item 8** - Voted 5-0 to accept the FY2012 budget process and report from the Budget Review Committee and approved the Budget Review Committee's recommendations as included in the document and approved the modified budget calendar as listed in the agenda item. *(Option 1 as submitted by the Department of Management & Administration)*

Mr. Raoul Lavin, Director, Department of Management & Administration, addressed recent claims that the City's budget had outpaced inflation and population growth during the last ten years. It was noted that 40% of the increase in the budget during this timeframe was a direct result of the increased cost of natural gas which is the predominant fuel source for the City's power plants.

It was noted that during the last ten years, major events such as Hurricane Katrina have caused the price of natural gas to increase greatly. Mr. Lavin stated the fuel costs are not controllable by the City and thus, should be excluded from any analysis on budget growth. Mr. Lavin noted that respondents of the Tallahassee Voices survey quoted in a recent newspaper article stated that they were unaware of what City funds were spent on during this ten-year period. Mr. Lavin noted numerous large-scale projects such as the construction of Jack McLean park, renovation of

several City community centers including Lafayette Park, Lincoln and Smith-Williams Centers, neighborhood infrastructure projects and adding sidewalks, new road construction including the Blair Stone Road extension, Kerry Forest Parkway and Ox Bottom Road extensions, and Welaunee Boulevard. Mayor Marks ascertained that the Tallahassee Voices "survey" was conducted online and those without computers or internet access were unable to participate.

Mr. Lavin continued his presentation by recognizing the members of the Budget Review Committee. Mr. Torrio Osborne, Member, Budget Review Committee, presented the Committee's recommendations to the Commission. Discussion centered on creating an interactive website to allow greater citizen access to budget-related data and documents, similar to a websites established by the City of Austin, Texas, and other communities. Mayor Marks expressed concern about access by those citizens without computers and internet access.

It was noted that the City intends to hold several town-hall style meetings at locations throughout the community as part of this year's budget process. Commissioner Ziffer stated that the City needed to listen to the public's feedback. Commissioner Ziffer ascertained from staff that the town-hall meetings would be publicly noticed, permitting the Commissioners to attend.

**Item 9** - Voted 5-0 to accept the Florida Department of Environmental Protection (FDEP) Legislative Project Grant for the Advanced Wastewater Treatment (AWT) improvement project in the amount of \$1.5 million and authorized the use of these funds to offset prior expenditures of \$1.5 million of Sewer Renewal Replacement & Improvement (RR&I) funding; returning such funds to the RR&I fund to be available for other FY 2011 capital projects. The Legislative Project Grant will offset funds already expended for the design and initial construction phases of the AWT project, and make those funds available for other capital projects. *(Option 1 as recommended by the Department of Underground Utilities)*

Mr. Mike Tadros, Director, Department of Underground Utilities, was present to answer questions, but was not called to speak.

**Item 10** - Voted 5-0 to approve the use of \$4,600 from the Canopy Roads Replanting Project (a/k/a Tree Bank), off-site replanting account, to fund a canopy road replanting project at the east side of the intersection of Meridian Road and Millers Landing Road. This project was recommended for approval by the Tallahassee-Leon County Canopy Road Citizen Advisory Committee at its regular meeting on September 20, 2010. *(Option 1 as submitted by the Public Works Department)*

Mr. Gabe Menendez, Director, Department of Public Works, was present and answered the Commission's questions relative to the item.

Commissioner Miller questioned staff's reasoning on expending City funds on a project located on private property. Commissioner Mustian concurred with the concern stated by Commissioner Miller. Staff explained that the right of way (ROW) at the subject intersection was too narrow to plant trees, necessitating the planting to occur on the adjoining private property and that the homeowner at the location was supportive of the project and has agreed to maintain the trees.

Commissioner Mustian stated several difficulties in the Tree Bank program, primarily the lack of suitable public land for planting trees within the incorporated area of the City.

Commissioner Mustian noted that an area of West Tennessee Street was about to receive \$200,000 in landscaping with funding obtained from the Department of Transportation. It was noted that this project has been pursued for approximately five years.

**Item 11** - Voted 5-0 to approve reallocation of \$200,000 from the 2010 Recovery Act Justice Assistance Grant (JAG) (Grant No. 2010-ARRC-LEON-1-W7-227) for the purchase of mobile data (laptop) computers, and authorize acceptance of FY11 federal funding to reimburse department overtime expenditures and appropriate up to \$22,202 in overtime expenditures. *(Option 1 as Recommended by the Police Department)*

The reallocation will be used to purchase 45 mission-critical mobile data computers, associated accessories, and installation; vendor to be determined at a later date. The requested computers will be used by police officers to access multiple criminal justice databases from their patrol vehicles and for in-field reporting and dispatching. Due to the Tallahassee Police Department's participation in several multi-agency task forces and joint operations, the department expects to receive reimbursement for overtime expenditures of up to \$17,202 from the U.S. Drug Enforcement Administration, up to \$2,000 from the U.S. Immigration and Customs Enforcement, and up to \$3,000 from the U.S. Marshals Service.

Chief Dennis Jones, Tallahassee Police Department, was present to answer questions, but was not called to speak.

**Item 11a** - Voted 5-0 to accept the informational update and adopted Resolution No. 11-R-07 as amended to replace the list of four items in the resolution with the four strategic goals as stated in the presentation.

Mr. Jay Townsend, Interim Director, Aviation Department, conducted a presentation and answered the Commission's questions relative to the item.

The initiative is a collaborative effort between the City of Tallahassee, the Chamber of Commerce, Leon County, the Economic Development Council, Leon County Schools, Tallahassee Memorial Hospital (TMH), Tallahassee Community College (TCC), Workforce Plus, the Florida Legislature's local delegation and other interested parties. The partnership has identified four main approaches that included creating an enhanced legislative approach, synchronizing capital projects, developing a business services education and communication plan and creating incentives for local job growth and development.

**Item 11b** - Received a presentation on the progress of the Gaines Street project.

Ms. Roxanne Manning, Project Director, Community Redevelopment Agency, gave a presentation providing information regarding the City's efforts to reduce the impacts on businesses located along the corridor. Ms. Manning updated the Commission on the progress of construction.

Mr. Gabe Menendez, Director, Department of Public Works, continued the presentation on the progress of construction along the Gaines Street corridor. Mr. Menendez informed the Commission of the impending change in the traffic pattern on Gaines Street. Beginning March 6th, Gaines Street will become a one-way, westbound-only roadway between Duval Street and Railroad Avenue for a period of approximately 90 days ending on or about June 11, 2011. Eastbound traffic will be diverted to West Madison Street to the north. Side-streets intersecting Gaines Street will remain open. Mr. Menendez cited the narrow lanes on Gaines Street and a lack of room for workers to safely maneuver while construction is underway as the factors necessitating the altered traffic pattern.

Ms. Lizzy Kelley, Public Information Specialist, Department of Communications, concluded the presentation with information regarding the City's public outreach efforts and efforts to reduce impacts on business along the Gaines Street corridor. It was noted that the City will notify the public of the change in traffic pattern through the use of added signage, mail outs, and through the use of social media tools.

This item was informational and no Commission action was required.

The City Commission recessed at 5:22pm and reconvened at 6:00pm with all Commissioners present.

**Item 12** - Voted 5-0 to adopt Ordinance No. 11-O-03AA; Providing for Registration of Lobbyists with the added instruction to include 'cone of silence' language as stated in the Leon County Ordinance which prohibits communicating with employees regarding procurement transactions of \$50,000 or greater; and authorize the City Attorney to insert such 'cone of silence' language in the appropriate location within the City of Tallahassee Code of Ordinances.

The ordinance requires persons who are compensated to lobby on behalf of entities to register annually with the City Treasurer-Clerk, submit a listing of all clients (principals) represented, pay a \$25 fee for each principal so represented, and file quarterly compensation reports disclosing the ranges of compensation received from each principal represented. The ordinance becomes effective April 1, 2011 with an initial registration period from April 1, 2011 to December 31, 2011; and thereafter each annual registration period will be January 1st through December 31st. Lobbyists are required to register and submit appropriate fees by April 1, 2011. The ordinance does not apply to those persons engaging in self-representation, those who represent another without compensation, or those speaking at public meetings. (*Option 1 as submitted by the Office of the City Attorney*)

City Attorney Jim English introduced the item and public speakers were called.

The following speakers appeared before the Commission relative to this item:

- Mr. Steve Stewart, 2904 Tyron Circle, appeared before the Commission to advocate for the reinstatement of language prohibiting communications relating to procurement activities. Mr. Stewart opined that without such a prohibition, the ordinance would not be effective ensuring transparency.

- Ms. Nolia Brandt, 1412 North Randolph Circle, appeared before the Commission to advocate for the reinstatement of language prohibiting communications relating to procurement activities. Ms. Brandt suggested that the Commission avoid actions that may create additional mistrust in the government.
- Mr. Curtis Baynes, 1323 East Tennessee Street, appeared before the Commission in support of the proposed ordinance. Mr. Baynes questioned if electronic communications were included in the definition of written and oral communications. Mr. Baynes also encouraged the Commission to define certain acts by lobbyists which should be prohibited, such as participating in the procurement process.
- Mr. Ben Wilcox, representing the League of Women Voters of Florida, appeared before the Commission in support of the proposed ordinance. Mr. Wilcox noted that the League supported the ordinance adopted by the Leon County Board of County Commissioners and also supported the County's "cone of silence" language prohibiting lobbyist participation in the procurement process.

City Attorney Jim English answered the Commission's questions relative to the deletion of language from the ordinance relating to prohibiting communication regarding procurement activities, referred to as a "cone of silence". City Attorney English stated that, after his review, he removed the language as it did not directly relate to the registration of lobbyists, or reports required from lobbyists. City Attorney English also stated concern that "cone of silence" language may cause confusion and may prevent local business owners from communicating with the City in regards to a procurement action. After discussion, Commissioner Ziffer proposed to reinstate language prohibiting communications concerning procurement activities, and Commissioners Mustian and Miller concurred. City Attorney English recommended including such language elsewhere in the Code of Ordinances and not in the section pertaining to lobbyist registration. After additional discussion, it was recommended that communications be prohibited on procurement transactions of \$50,000 or greater (\$50,000 is the purchasing authority level of the four Appointed Officials).

**Item 13** - Conducted the Second and Final Public Hearing on Notice of Proposed Change (NOPC) #7 to the Southwood Development of Regional Impact (DRI). By consensus, the item was continued to March 30, 2011. (*Option 1 as submitted by the Department of Growth Management*)

There were no speakers.

**Item 14** - Voted 4-1 (Commissioner Mustian opposed) to adopt Ordinance 10-O-14AA, amending the Tallahassee Land Development Code to Adopt the Downtown Overlay Regulating Plan Map Series and the Implementing Development Regulations, including the creation of the Central Core Zoning District, for areas within the Multi-Modal Transportation District, and instructed staff to bring back an amendment to Chapter 9 of the Land Development Code to permit deviations to the development standards in Ordinance 10-O-14AA with a sunset review after 6-12 months. (*Submitted by the Tallahassee-Leon County Planning Department*)

Mr. Zach Galloway, Senior Planner, Tallahassee-Leon County Planning Department, gave a presentation on the Multi-Modal Transportation District, and presented the Mayor and Commissioners with additional agenda materials.

The following options were presented in the staff presentation for the Commission's approval:

**Option 1.** Adopt Code as proposed (Planning Department recommendation)

**Option 4.** Alternative direction - Adopt Code with potential revisions.

1a. Temporary Design-oriented deviation, or

1b. Phased Implementation/ "Opt In,"

2. Parking flexibility in select districts

The following speakers appeared before the Commission relative to this item:

- Mr. Todd Sperry, representing the Chamber of Commerce, appeared before the Commission in support of the proposed ordinance and encouraged the Commission to approve the Chamber's recommendations for flexibility regarding opt-in, deviations and parking. Mr. Sperry expressed reservation with having one regulation for the entire MMTD.
- Mr. Francis Rentz, 2065 Thomasville Road, appeared before the Commission to express opposition to regulations regarding the location of the door / building entrances and opposition to the Chamber's recommendation on allowing staff to enforce the 'spirit' of the regulations. Mr. Long also gave two examples of projects similar to the proposed standards: Logan's Steakhouse and Miller's Ale House on Apalachee Parkway, west of Broward Street.
- Mr. Joseph R. "JR" Long, 825 Thomasville Road, representing Structure Commercial Real Estate, LLC, appeared before the Commission in opposition to the proposed ordinance. Mr. Long stated one of his clients, developer of the Lafayette Motel site at the intersection of West Tennessee Street and Stadium Drive, chose to begin the permitting process prior to the implementation of the MMTD. Mr. Long stated the new 12,000 square foot retail storefront with residential units upstairs would have been unprofitable under the proposed MMTD code due to issues with a sloping lot and the resulting difficulty in locating parking in the rear of the building. Mr. Long opined the proposed regulations would adversely affect development on certain sites. Mr. Long expressed support for item 1a, phased implementation, and expressed support for differing standards in the different transects, but Mr. Long expressed opposition to a deadline for any opt-in provision.
- Mr. Ryan Dietz, 825 Thomasville Road, representing Structure Commercial Real Estate, LLC, appeared before the Commission in opposition to the proposed ordinance. Mr. Dietz urged the Commission to ask the Planning Department to provide information on other Florida communities which have implemented MMTDs and encouraged the Commission to evaluate the success of the MMTD in each of the communities. Mr. Dietz noted that he was from Fort Myers, FL and stated the implementation of an MMTD for a very large area in Fort Myers, without a phased approach, resulted in developers deciding

to develop outside of the MMTD. Mr. Dietz advocated for an opt-in and phased approach for implementing the MMTD in Tallahassee.

- Ms. Wendy Grey, 1047 Myers Park Drive, appeared before the Commission in support of the proposed ordinance. Ms. Grey stated she is a resident of the Woodland Drive neighborhood has been working for over 20 years to pursue a vibrant commercial district on the Lafayette Street corridor. Ms. Grey stated the proposed MMTD supports the kind of attractive and safe commercial district wanted on Lafayette Street. Ms. Grey expressed opposition to an opt-in provision; stating decisions made today will impact the community for the next 20 years. Ms. Grey stated those opting-out and retaining a more suburban design would not be reclaimed for another generation. Ms. Grey stated understanding for the need for deviations and flexibility in certain instances. Ms. Grey advocated for approval of staff's recommendation, but encouraged the Commission, if it intended to make changes, to bring other entities into the discussion.

The Commissioners discussed the various options, and Commissioner Ziffer made a motion to approve Item 1a with 2, however stated. Mayor Marks stated this motion was essentially Option 4 (1a). Commissioner Mustian offered a friendly amendment to the motion to approve an alternative "1c"; permitting developers, on a temporary basis, to seek approval from the City Commission if the developer and staff cannot agree. After discussion, concerns surfaced that developers would bypass the process and appeal directly to the Commission. The friendly amendment died for lack of a second. Commissioner Ziffer proposed a one-year trial period with a review after that period. Commissioner Gillum clarified the motion to be Item 1a, inclusive of parking, and a sunset review in six to eight months. Commissioner Gillum concurred with concerns that the staff process would be bypassed. Mr. Wayne Tedder, Acting Assistant City Manager, responded that staff could include a sunset provision in the ordinance and reiterated the plan provided for the ability to bring an ordinance to the Commission in a rapid fashion to handle any unforeseen and or unintended consequences. Commissioner Miller inquired if Item 1a would apply to all transects, including the most urbanized transects, to which Commissioner Gillum stated that, in regards to the flexibility language, staff would make the determination as to the applicability of the standards. Mr. Tedder interjected and reminded the Commission that an ordinance would be needed to effectuate the deviation criteria and this could be clarified in the upcoming ordinance and the Commission concurred. Commissioner Mustian stated that, if the ordinance lacked a procedure to address unforeseen consequences, and that if there were no appeal process for a developer when a developer and staff could not reach consensus on a site-specific issue, that he could not support the ordinance.

**Item 15** - Voted 5-0 to adopt 10-Z-12; Proposed amendment to the Official Zoning Map changing the zoning classification from the Downtown Institutional/Cultural/University Transition Areas (DI), Targeted Retail/Office Growth Area (RO), and Capitol Center Planning District (CCPD) zoning districts to the Central Core (CC) Zoning District. The properties are located in the downtown area and are bound to the north by West Carolina Street, to the west by South Copeland Street, to the south by FAMU Way and to the east by North Meridian Street and the C.S.X. Railroad and comprise 446.49 acres. (*Option 1 as submitted by the Tallahassee-Leon County Planning Department*)

There were no speakers.

**Item 16** - Voted 5-0 to adopt Ordinance 10-Z-51; proposed amendment to the Official Zoning Map changing the zoning classification from the Downtown Institutional/Cultural/University Transition Areas (DI), Targeted Retail/Office Growth Area (RO), and Capitol Center Planning District (CCPD) Zoning Districts to the Central Core (CC) Zoning District. Ordinance No. 10-Z-51 will amend the Official Zoning Map from Capitol Center Planning District (CCPD), Targeted Retail/Office Growth Area (RO), and Downtown Institutional/Cultural/University Transition (DI) to Central Core (CC) on 149.41± acres; from Office Residential District-1 (OR-1) to Central Urban-26 (CU-26) on 2.0± acres; from Office Residential District-1 (OR-1) and Office Residential District-3 (OR-3) to Central Urban-45 (CU-45) on 29.0± acres; and from Capitol Center Planning District (CCPD) to Open Space (OS) on 3.33 ± acres. All parcels are within the Downtown Boundary and are generally bound on the east by the CSX railroad (just east of Franklin Boulevard), on the south by Van Buren Street, on the west by Gay Street, and on the north by Tennessee Street. This ordinance implements Comprehensive Plan Amendment PCM100202, which was adopted on October 12, 2010, at the Joint City/County Comprehensive Plan Amendment Adoption Hearing. *(Option 1 as submitted by the Tallahassee-Leon County Planning Department)*

There were no speakers.

**Item 17** - Voted 5-0 to adopt Ordinance No. 10-O-49AA; Amending the Tallahassee Land Development Code to implement the Mahan Gateway Node Future Land Use Map category, based upon the findings of fact and conclusions of law included herein, the Planning Commission, and any evidence submitted at the Hearing hereon. *(Option 1 as submitted by the Tallahassee-Leon County Planning Department)*

There were no speakers.

**Item 18** - Voted 5-0 to adopt Ordinance No. 10-Z-48; amendment to the Official Zoning Map from the Mahan Residential Corridor Node (MRCN) zoning district to the Mahan Corridor Node (MCN) zoning district based on the findings of this report and evidence submitted at the Hearing hereon. The proposed request is to rezone two parcels that total 5.43 acres from MRCN to Mahan Corridor Node (MCN). *(Option 1 as submitted by the Tallahassee-Leon County Planning Department)*

There were no speakers.

**Item 19** - Voted 5-0 to adopt Ordinance No. 10-Z-04; Amending the Official Zoning Map to change the zoning classification from the Critical Planning Area (CPA) to the Canopy Planned Unit Development (PUD) zoning district, based on the findings of fact, conclusions of law, and conditions of the Planning Commission, the information contained in this report, and evidence presented at the hearing hereon. *(Option 1 as submitted by the Tallahassee-Leon County Planning Department)*

The subject project is located on 505 acres on the south side of Centerville Road; in the east ½ section of 15 and the west ½ section of 14 of the Welaunee Plantation (the area constitutes the western portion of the "Toe" of Welaunee, see location map). The applicant and owner is CNL

Tallahassee I, LLC. The proposed project is the development of 162,927 square-feet of commercial/office space and 1,258 residential dwelling units. In addition, if eligible for all density bonuses provided by the City's Inclusionary Housing Ordinance, a 25% density increase from 1,258 to 1,572 units could result.

At the request of City Attorney English, Mr. Tim Edmond, of CNL Tallahassee I, LLC, gave a presentation on the history of the development and the 21 years of permitting processes for the proposed project and thanked the City Commission for its efforts in regards to the project. Mr. Edmond commented on the jobs the community would create noting the possibility that a Veteran's Affairs (VA) Hospital may be built in the Canopy development. Mr. Edmond discussed the various design components of the development including preservation of green space, canopy road buffers, and stormwater management facilities.

Mr. Reggie Bouthillier, Greenberg Taurig, P.A., 101 East College Avenue, counsel for CNL Tallahassee I, LLC, answered Commissioner Gillum's question regarding the width of the narrowest segment of the buffer along the canopy roads and Mr. Bouthillier responded that the narrowest segment was at least 20 feet wider than the minimum required setback of 100 feet. Mr. Bouthillier called the Commission's attention to the area of the future intersection of Dempsey Mayo Drive and Centerville Road and noted that the buffer at this location was at least 120 feet wide.

Commissioner Gillum's inquired about the timeline of construction and the selection of a VA hospital site. Mr. Edmond responded, stating that construction of housing would not commence until the current 11-month inventory of unsold housing stock was reduced to a level near a 6-month supply, at whatever point in the future when that level is achieved. Mr. Edmond noted that construction of a VA hospital, if constructed, was likely to hasten this schedule and that the location of a VA hospital would also determine the location of the initial construction of housing units. Mr. Edmond also stated that there was interest expressed by a senior-citizens housing community developer and a multi-family rental housing developer in building within the Canopy development.

The following speakers appeared before the Commission relative to this item:

- Mr. Todd Sperry, 11914 Steeds Run, appeared before the Commission in support of the proposed ordinance.
- Mr. Doug Jones, 2537 Bedford Way, appeared before the Commission as a concerned citizen neither in favor or, or opposition to, the proposed ordinance. Mr. Jones expressed concern over increased traffic along the narrow canopy roads.
- Mr. Sean McGlynn, 568 Beverly Court, appeared before the Commission in opposition to the proposed ordinance. Mr. McGlynn stated his concern for increased flooding that may occur in the Alford Arm of Lake Lafayette.
- Mr. Larry Hendricks, 406 Alpha Avenue, appeared before the Commission in opposition to the proposed ordinance. Mr. Hendricks stated his opposition to any large-scale development citing increased population of Tallahassee, pressure on the environment and water bodies downstream, more crime, the need for more government services, and cost of infrastructure.

- Mr. Stephen Martin, 2625 Stonegate Drive, appeared before the Commission in opposition to the proposed ordinance. Mr. Martin voiced his disagreement with many of Mr. Edmond's previous comments. Mr. Martin disagreed that community consensus was reached in regards to the Canopy project.
- Ms. Beth Kirkland, representing the Economic Development Council, appeared before the Commission in support of the proposed ordinance. Ms. Kirkland notified the Commission that the Canopy development was in consideration as the future site of a 165,000 square-foot medical facility and that Health Sciences was a targeted industry for the region. Mr. Kirkland stated the temporary economic impact for the construction of such a facility would generate approximately \$58 million in temporary activity and create 415 temporary construction-related jobs along with 1,600 new long-term, permanent jobs resulting in \$240 million in annual economic activity and \$7 million in annual tax revenues.
- Mr. Curtis Baynes, 1323 East Tennessee Street, appeared before the Commission to express his concern for the impacts that increased development may have on the primary springs protection zone. Mr. Baynes suggested that focus be placed on construction of water treatment plants in areas outside of the springs protection zone and that no new development should be approved until such facilities are available.

The following persons submitted speaker appearance forms, but did not speak:

- Mr. David Powell, Hopping Green & Sams, P.A., 119 South Monroe Street, representing TOE2, Inc.

Commissioner Miller requested staff to respond to the concerns related to the possibility of increased flooding. Mr. Rick Moore, Moore Bass Consulting, Inc., 805 North Gadsden Street, representing CNL Real Estate & Development, Corporation, answered stating that the bulk of the stormwater would be retained on the Canopy site due to its closed basins. Mr. Moore stated the development would be treating, holding, and containing post-construction water almost in its entirety.

Commissioners Mustian, Marks, Gillum and Ziffer made comments in support of the development.

Prior to the vote, Commissioner Ziffer disclosed that he had a prior business relationship with CNL which ended in the January, 2009 timeframe and that he also served on the board of Dove Pond Community Development District until 2007 but that, after prior consultation with City Attorney English, did not believe there was any conflict and that he would be participating in the vote on the item.

**Item 20** - Voted 5-0 to approve the Development Agreement between the City of Tallahassee and CNL, Tallahassee I, LLC and TOE2, Inc., related to the Welaunee Toe; and authorized the Mayor to execute two easement agreements; a stormwater easement attached as Exhibit M, and an amended electrical easement, attached as Exhibit K. The development agreement relates to the process by which development approvals will be sought and obtained for development of the Canopy Project (Welaunee Toe), as a Traditional Neighborhood Development, and providing for

the construction of Welaunee Boulevard through the property to the eastern boundary. The amended easements will provide for the construction of an electric transmission line that traverses the PUD and will assist the Developers in the construction of the Dove Pond Regional Stormwater Facility. (*Option 1 as submitted by the Office of the City Attorney*)

The following speakers appeared before the Commission relative to this item:

- Mr. Larry Hendricks, 406 Alpha Avenue, appeared before the Commission in opposition to the proposed ordinance. Mr. Hendricks stated his belief that development did not broaden the tax base and that new development would lead to fewer resources, higher costs and lack of jobs.
- Mr. Stephen Martin, 2625 Stonegate Drive, appeared before the Commission in opposition to the proposed ordinance. Mr. Martin expressed his belief that development would adversely impact Dove Pond.
- Ms. Grete Case, 3630 Oxhill Court, appeared before the Commission expressing concern regarding safe bicycle paths and routes along Centerville Road.

Commissioner Ziffer and Mayor Marks requested staff to respond to the speakers' concerns regarding traffic congestion and bicycle routes. Mr. Moore returned to the lectern and stated the future 4-lane Welaunee Boulevard would be the major vehicular route and would serve to reduce traffic on Centerville and Miccosukee Roads. Mr. Moore further stated that a sidewalk or bike trail would be constructed parallel to Centerville Road for the length of the project. Mayor Marks reminded the public of the possibility that a future Interstate-10 interchange would be constructed.

City Attorney English reviewed the requirements of voting and rules mandating abstention from voting by elected officials. Prior to the vote, Commissioner Ziffer reiterated his previous disclosure concerning his prior relationship with CNL and service on the Dove Pond CDD board.

### **Unagendaed Speakers/Presentations**

Mr. Jon Sweede, representing Po' Boys, Inc., 224 East College Avenue, appeared before the Commission requesting a waiver of a \$250 road-closure fee imposed by the Downtown Improvement Authority (DIA). Mr. Sweede stated he has held the event for 18 years and that this fee has not been levied in the past. Mr. Sweede requested the Commission to research why this fee was being charged to downtown businesses that already pay a 1-mill ad valorem tax to the DIA.

Commissioner Miller stated her agreement with Mr. Sweede and questioned why the DIA was charging additional fees for downtown merchants who already fund the DIA. The Commission ascertained that the City Manager had ability to resolve this issue. City Manager Thompson inquired if Mr. Sweede had addressed this issue with staff and Mr. Sweede indicated that he approached the DIA with his concern and the DIA instructed him to contact the City Commission. City Manager Thompson requested Mr. Sweede to speak with Assistant City Manager Tom Coe, who was present in the audience, regarding the waiver for the event to be held April 9th on College Avenue between Monroe Street and Calhoun Street.

Mr. Stephen Martin, 2625 Stonegate Drive, appeared before the Commission and implored the Commission to visit the Canopy site and to take steps to preserve the property.

### **City Commission Information and Sharing of Ideas**

Mayor Marks mentioned his recent win at a contest held at the Smith-Williams Center. Mayor Marks, on his first attempt, made a 4-point shot and won tickets for all of the children in attendance permitting them to attend the Harlem Globetrotters event to be held at the Tallahassee-Leon County Civic Center on March 9, 2011. The tickets were courtesy of the Harlem Globetrotters. Ms. Michelle Bono, Assistant to the City Manager, played a video of Mayor Mark's winning basketball goal.

There being no further business, the meeting adjourned at 8:17pm.

## **City Commission Meeting Summary - March 9, 2011**

The City Commission met in regular session at 4:01pm in the City Hall Commission Chambers and took the following action:

### **Agenda Modifications**

#### **Added to the Agenda:**

Item 16 - Discussion and Approval to apply for, execute and administer the 2010 Federal Transit Administration (FTA) Transportation Investment Greenhouse Gas Energy Reduction (TIGGER II) Grant

Item 17 - Draft Memorandum of Understanding (MOU) Between Leon County and the City of Tallahassee for the Development of Minimum County-wide Environmental Standards

### **Replacement Pages / Additional Materials Provided:**

Item 10 - Amendment to City Commission Policy 106, Providing for a Limited Waiver of Fees for Certain Downtown Special Events

Item 13 - Discussion of the Nova2010 Communications and Implementation Plan

**Item 1** - Presentation of Environmental Management System Plaque for Water Utilities Environmental Stewardship to the City of Tallahassee by Mr. John Arvay, NSF International, of Ann Arbor, MI. *(Brought forward by the Office of the Mayor)*

Mayor Marks accepted the plaque on behalf of the City with thanks. Mayor Marks presented the plaque to Mr. Mike Tadros, Director, Underground Utilities. Mr. Tadros commended the Underground Utilities staff for their contributions and efforts.

**Item 2** - Introduction of Dr. Catherine Kunst, Executive Director, Innovation Park. *(Brought forward by the City Auditor).*

Mr. Sam McCall, City Auditor and member of the Innovation Park Board, introduced Ms. Kunst to the Commission. Ms. Kunst thanked the Commission and City Manager Thompson for extending an invitation for her to appear at the meeting.

**Item 3** - Presentation by Mr. Joe Mizereck, President, Capital City Cyclists and Founder, [www.3feetplease.com](http://www.3feetplease.com), advocating for greater awareness among drivers for the safety of bicyclists and for adherence to Chapter 316.083, Florida Statutes, the "3 Foot Law", which mandates drivers overtaking or passing a non-motorized vehicle to travel not less than 3 feet from said non-motorized vehicle. *(Brought forward by Commissioner Mustian)*

By consensus, the Commission agreed to consider placing stickers on City vehicles in support of Mr. Mizereck's awareness campaign.

**Item 4** - Presentation of Proclamation to the Lincoln High School Varsity Cheerleading Team for their first place award in the American Championships State Cheer and Dance Competition and in the Florida High School Athletic Association (FHSAA) State Cheerleading Finals. *(Brought forward by the Office of the Mayor)*

Mr. Allen Burch, Principal, Lincoln High School, Ms. Katherine 'Kathy' Tyree, Coach, and Ms. Chika Ofuani, Assistant Coach, appeared before the Commission, along with members of the cheerleading team, to accept the Proclamation. *(Brought forward by the Office of the Mayor)*

Commissioner Miller left the Chambers at 4:32pm. City Treasurer-Clerk Herndon amended Item 8, correcting a policy number reflected in the agenda item. Treasurer-Clerk Herndon stated the policy should be reflected as Administrative Policy 650, the Debt Policy.

**Items 5 - 9:** Voted 4-0 (Commissioner Miller absent) to approve staff's recommendation presented on Consent Agenda Items 5 through 7 and Item 9; and Item 8 as amended, taking the following action:

Item 5 - Appointed Mr. William S. McCloud to a partial term on the Sinking Fund Commission; term to expire June 2013. *(Recommended by Mayor Marks)*

Item 6 - Approved Resolution No. 11-R-02; requesting three easements (sidewalk easement, temporary construction easement and utility easement) from the Florida Department of Environmental Protection (FDEP), Division of State Lands. The requested easements are located on the southern edge of the intersection of Gaines Street and Woodward Avenue and are necessary to proceed with the Gaines Street Improvement Construction Project. There is no cost for the easements. *(Recommended by the Property Management Division)*

Items 7 - Approved the plat of Arnold Street Subdivision, a re-plat of Block "R", Mabry Manor Revised Plat. The subdivision, planned as residential, is being developed by Big Bend Habitat For Humanity, Inc., a Florida non-profit corporation, owners-in-fee-simple. The preliminary plat was approved by the Development Review Committee on December 12, 2010. The subdivision lies within the city limits and is bounded on the north by Roberts Avenue, on the south by Van Fleet Street, on the East by Arnold Street, and on the west by Kelley Street. The area being

platted contains 0.38 acres as two (2) lots. The infrastructure within this subdivision is either complete or the appropriate bonds have been provided. No new roads are being created. However, a 10 foot wide drainage easement is being created and will be dedicated to the perpetual use of the public. *(Recommended by the Department of Public Works)*

Item 8 - Added an addendum to the Debt Policy (Administrative Policy 650) establishing compliance procedures for Build America Bonds (BABs). *(Recommended by the Treasurer-Clerk)*

Item 9 - Approved the minutes of the October 27, 2010 Regular Commission Meeting. *(Recommended by the Treasurer-Clerk)*

Commissioner Miller returned to the Chambers at 4:33pm.

**Item 10** - Voted 5-0 to revise City Commission Policy No. 106; providing for an exception to the application fee for owners or lessees of real property within the Downtown Improvement Authority (DIA). The policy currently requires the payment of a \$250 application fee, payable to the Downtown Improvement Authority, for permitting of activities requiring the closure of downtown streets. Entities that do not own or lease property within the Downtown Improvement Authority boundaries do not directly contribute to the revenues of the Downtown Improvement Authority and will remain subject to the \$250 application fee. *(Option 1 as recommended by the City Attorney)*

Commissioner Gillum inquired about mobile food cart vendors in the downtown area and City Attorney English stated that staff from the City Attorney's Office, Parks & Recreation and the Downtown Improvement Authority was discussing accommodations in support of said vendors.

**Item 11** - Voted 5-0 to accept the 1st Quarter Preliminary Update on the FY11/FY12 Budget report. *(Option 1 as submitted by the Department of Management & Administration)*

Mr. Raoul Lavin, Director, Management & Administration, provided an overview and reviewed the report for the Commission. Mr. Lavin stated this report was based on only 3 months of data and that the next update would be provided to the Commission in April, 2011 and that the April update would be based upon 5 months of data. Mr. Lavin reviewed factors that could adversely affect the budget including reduction in ad valorem taxes due to decreased property values, increased fuel prices, unfavorable red light camera legislation, possible layoffs of State workers, possible reductions of Federal Community Development Block Grant (CDBG) funding, and legislation affecting public pension systems. With these factors, Mr. Lavin projected a \$3.2M deficit in the FY12 General Fund.

Commissioners Gillum and Mustian, members of the Financial Viability of the Government Target Issue Committee, commented on the City pension system and recent discussions at the Committee level concerning changing the City pension system for newly-hired employees.

**Item 12** - Voted 5-0 to approve the tentative agreements providing for a three-year agreement with an estimated cost of \$2,553,998, representing changes in wages, pension and other benefits

over the three-year contract period, commencing on October 1, 2010 and extending through September 30, 2013, as ratified by the Big Bend Chapter, Florida Police Benevolent Association, Inc. (PBA) membership. The new contract provides for across-the-board pay adjustments of 0.5% in FY11, 0.5% in FY12, and 1.57% in FY13, step progression annually (4.5%) for those that are eligible, pension plan change to the Cost of Living Adjustment (COLA) for active participants with a pension entry date earlier than January 1, 1992 at an actuarial-determined value of 1.03%, and 0.25% funding towards future Other Post-Employment Benefits (OPEB) liability incurred from the retiree health care subsidy. The estimated three-year cost for the wage component of the agreements is \$2,270,283, the estimated cost for the pension component (COLA) of the agreements is \$228,302 and the estimated cost for OPEB is \$55,413. The total additional cost for FY11 is \$350,789; to be funded from additional revenues from a one-time adjustment to the ½ cent sales tax. Funding for FY12 and FY13 will be addressed as part of the budget process in each of these years. *(Option 1 as recommended by the Department of Management & Administration)*

Mr. Travis Parsons, Manager, Human Resources, Department of Management & Administration, presented the item to the Commission.

Mayor Marks recognized Lieutenant Steve Slade, Tallahassee Police Department, and President of the Big Bend Chapter, Florida Police Benevolent Association, who was present in the Chambers.

**Item 13** - Voted 5-0 to approve the update on the Nova2010 Implementation Plan and schedule July 11, 2011 as the launch of the new system. By July 11, 2011, staff has identified a plan to ensure that thirty shelters, new Starstop signs, 8 miles of new sidewalk, trip planning software, and new options to purchase fare will be available to support the new system. Monthly progress reports will be provided to the Long Range Community Based Planning Target Issue Committee regarding the launch of nova2010. Staff anticipates that within 60 days of the route structure being in place, staff will be able to review implementation progress and determine if the launch needs to be delayed to allow for additional time for critical infrastructure installation. At that time, mitigations to the impacts of a delay will be shared with the City Manager and City Commission. *(Option 1 as recommended by StarMetro and the Department of Public Works)*

Mr. Ronald L. Garrison, Director, StarMetro, Ms. Heather Teter, Marketing Specialist, StarMetro, and Mr. Gabe Menendez, Director, Public Works, gave a presentation on the implementation of the project, the community outreach efforts, and sidewalk construction progress.

A timeline of key dates was presented to the Commission.

<b>Nova2010 Project Milestones</b>	<b>Start Date</b>
Operator Training	December 13, 2010
New Starstop Installation	March 4, 2011
New Shelter Installation	March 4, 2011
Nova Marketing Campaign Begins	April 1, 2011

Intersection Safety Improvements	April 15, 2011
Sidewalk Construction Phase I - 7.8 miles of sidewalks	April 18, 2011
Trip Planning Software Operational	April 30, 2011
Online Fare Purchase and Remote Fare Sales	May 1, 2011
New Ride Guide Published	May 3, 2011
Call Center Activated	June 27, 2011
Nova Launch	July 11, 2011
Sidewalk Construction Phase II - 6.5 miles of sidewalks	August 15, 2011

\*These dates are subject to change.

Commissioner Miller inquired about the progress of the amendments to the Sign Ordinance and staff indicated the proposed changes would be presented to the Commission in late spring, 2011.

**Item 14** - Voted 5-0 to allow staff to develop and implement a Local Business Certification Program utilizing the parameters provided by the Commission and the Financial Viability of the Government Committee with a 20% preference given to businesses located within Leon County and 10% preference given to businesses in Wakulla, Gadsden and Jefferson counties; placing a \$200,000 cost differential cap on the amount paid over low bid; implementing the program as a one (1) year pilot-project; and suspending the current Local Preference Ordinance and Policy during the pilot-project period. The program will apply to expenditures not restricted from local vendor preference by State or Federal law or regulation. The purpose of the program is to stimulate the local economy, within the confines of Federal and State procurement laws and regulations, and to further promote the utilization and participation of local businesses with respect to City contracts. The local preference contained in the program shall apply to all categories of goods and services where local competition is available. Guidelines will be developed encouraging departments to utilize certified local businesses for purchases within their authority. State contract, GSA and other governmental-entity piggyback purchases shall be reviewed on a case-by-case basis to determine the appropriate procurement method to be utilized in the best interest of the City. The Local Preference ordinance, No. 89-0-0074, was adopted on November 08, 1989 creating Article X and Chapter 2, Sections 2-201 through 203 of the City Code and was amended by Ordinance No. 99-O-0059AA on November 23, 1999. (*Option 1 as Recommended by the Department of Management & Administration*)

Mr. Cathy Davis, Manager, Procurement Services, Department of Management & Administration presented the item.

Prior to approving Option 1, Commissioners Ziffer and Mustian moved to approve Option 2 which would have granted 20% to Leon County business and 15% to business in the qualifying outlying counties. The motion on Option 2 went to a vote and failed to pass by a vote of 2 - 3, with Commissioners Marks, Gillum and Miller opposed.

**Item 15** - Voted 5-0, as amended to require a review of the program in one-year, to accept the status report on the Local Economic Emergency Fast Tracking Program for Public Sector

Projects and adopted staff's recommendations taking the following action (*Option 1 as Recommended by the Department of Management & Administration*):

- Amended the Procurement Policy protest procedures by eliminating the committee structure and authorizing the City Attorney, or a designee, to review any protest and make a final decision.
- Authorized Procurement Services staff shall continue to work with Legal staff to develop standardized contracts for all types of contracts.
- Amended the Procurement Policy to allow the Notice to Proceed to be released prior to all internal city signatures being obtained (Notice to Proceed requires that the vendor has signed the contract and has met/provided all applicable bonding and insurance requirements).
- Eliminated all Continuing Service Agreement (CSA) fee thresholds ranging from \$25,000 for non-architecture and engineering services to \$300,000 for stormwater, roadway, water & sewer and electrical engineering; Prohibited existing CSAs from being extended any further and instructed staff to bid out these services at the end of their amended contract periods; and Instructed staff to develop guidelines to discourage reliance or over utilization of one, or a select few firms, where there are many.
- Authorized staff to continue the use of an approved listing of prequalified contractors and design firms that are qualified to perform certain scopes of work for all applicable projects.
- Amended the Procurement Policy to authorize the City Manager to award/approve all purchases, contracts and change orders for all capital projects approved by the City Commission in the capital budget.
- Authorized staff to continue to reduce the points awarded in the category of Volume of City Work from 10 to 5 points, in an effort to continue to support local vendors, award work to local vendors who have provided the City with outstanding work performance on past projects and continue to drive home the objective of stimulating the local community and Authorized staff to continue current MBE participation in public sector fast track projects, permitting only those MBE firms certified at the time of the bid/RFP deadline submittal date to be considered and increasing the MBE preference points from 10 to 15 points, or 15%, of the total points allowed for RFP evaluation purposes.

Commissioner Miller expressed concern with recommendation No. 6 and "permanently" enacting changes which would grant authority to staff to grant unilateral approval of all capially-budgeted contracts without Commission involvement. After discussion, Commissioner Gillum made a recommendation to require a review after one year to evaluate the number of instances where staff exercised this approval authority.

Commissioner Gillum left the Chambers at 6:01pm.

**Item 16** - Voted 4-0 (Commissioner Gillum absent) to approve the request to apply for, execute and administer the funding from the 2010 Federal Transit Administration (FTA) Transportation Investment Greenhouse Gas Energy Reduction (TIGGER) II grant in the amount of \$5,241,003.00; no City funding required. Page 5427 of Federal Register, Vol. 76, No. 20, dated Monday, January 31, 2011 indicates TIGGER II projects can be funded at up to 100% Federal

share and do not require a local match. The grant will allow the City and StarMetro to purchase three "Fast Charge Battery Electric" buses from Proterra, Inc. of Golden, CO. (*Option 1 as Recommended by StarMetro*)

Commissioner Gillum returned to the Chambers at 6:03pm.

**Item 17** - Voted 5-0 to approve the Memorandum of Understanding (MOU) included as Attachment #3 and direct the City Manager to forward the MOU to the Leon County Commission and the County Administrator for consideration. Commissioner Miller and City Manager Thompson presented a draft of the MOU to Chairman Dailey of the Leon County Board of County Commissioners and Parwez Alam, Leon County Administrator, for consideration at a meeting on March 8, 2011. Chairman Dailey indicated that, if recommended by the City Commission, he would distribute the draft MOU to the County Commission for consideration on March 15, 2011; the date the County Commission is scheduled to hold a public hearing and take final action on the ordinance implementing Phase 1. In the draft ordinance the County Commission is considering on March 15, Phase I consists of incorporating the City's Environmental Management Ordinance (EMO) into the County's Environmental Management Act (EMA) applicable only within the City limits; adopts uniform water quality treatment standards in the Lake Jackson Protection Area and the Bradfordville Study Area; and establishes a deadline of April 1, 2012 for County adoption of minimum environmental standards or provisions of the EMA will automatically supersede requirements of the City's EMO. If the County Commission approves the MOU, the deadline would change to April 1, 2013." (*Option 1 as Recommended by the City Attorney and the City Manager*)

Ms. Karen Jumonville, Director, Growth Management, answered the Commission's questions relative to the item.

### **Target Issue Updates**

- Long Range Planning, presented by Commissioner Mustian
  - Neighborhood Participation in Sidewalk Projects
  - Appointment of Commission Miller to the School Coordinating Committee
  - Nova2010 Implementation Plan
  - Proposed Modifications to Transportation Concurrency Procedures
- Economic Development, presented by Mayor Marks
  - Targeted Business Pilot Program - Incentives for Red Hills Surgery Center
  - Presentation on Murals on Gaines Street and the Civil Rights Sidewalk along Jefferson and Monroe streets
  - Discussed need for planning with EDC, Workforce Plus, and Leon County for worker training and placement in anticipation of State worker layoffs

Mayor Marks left the Chambers at 6:16pm and returned at 6:19pm

- Financial Viability, presented by Commissioner Gillum
  - Permanent implementation of the Fast Tracking changes related to procurement
  - Creation of Local Vendor Certification program

- Pension Plan recommendations
- Environmental & Energy Resources, presented by Commissioner Miller
  - Report on Circuit Court ruling relative to the Glisson lawsuit against the Advanced Wastewater Treatment facility
  - Minimum countywide environmental standards
  - Proposal to consolidate City and County Growth Management
  - Priorities and Goals for 2011

Commissioner Gillum commented on the proposed MOU with Leon County concerning consolidation of Growth Management. A brief discussion ensued.

### **Unagendaed Business/Speakers**

Mr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission to request the Commission to investigate why he and other homeowners have been recently prohibited from accessing a utility easement between Airport Drive and Sharkey Street which has been used for many years by homeowners as a rear access point to their properties. Mr. Jackson stated the easement was gated approximately twelve years ago in response to burglars using the easement for easy access to the rear of homes along Airport and Sharkey. Mr. Jackson alleged that City Utility and Police Department staff had permitted him to place his lock on the gate when it was originally installed twelve years ago and that, after the City elections of 2010, his padlock has been twice removed and a 'No Trespassing' sign has been placed at the gate. Mr. Jackson further alleged that after inquiries to City staff, he was told by Assistant City Manager Fernandez that City policy prohibits access to utility easements. Mr. Jackson stated that he requested a copy of said policy on February 9th, 2011 and has yet to receive the requested copy. Mr. Jackson presented several photographs of other un-gated utility easements in the general vicinity of Airport Drive. Mr. Jackson requested permission to place his own lock on the gate and further requested that the Commission establish a policy granting homeowners authority to access easements adjacent to their property.

Commissioner Ziffer inquired from Mr. Jackson if his objection would be as great if the land in question was privately-owned versus City-owned; to which Mr. Jackson replied the land in question is City property and that he had an agreement with City Utility staff which permitted landowner's access to the easement.

City Attorney English recommended referring the matter to Mr. Rob McGarrah Director, Electric Utility. City Attorney English also stated that portions of the easement were private property and not owned by the City.

Mr. McGarrah stated to the Commission that the City's policy has been to restrict access to easements by permitting only low-impact activities such as walking trails, bicycling or four-wheelers. Mr. McGarrah stated some transmission lines have roads alongside them, but stated that these were public rights-of-way; each right-of-way was different; and the City typically fences rights-of-way when circumstances necessitate restricting access, or if a request for restricting access was submitted to the City. In this instance, Mr. McGarrah stated, a complaint was received by the City concerning vehicular traffic to a shed located on a parcel owned by Mr.

Jackson and that, following standard practice, the complaint was investigated and City Utility staff found the unidentified lock on the gate, cut and removed the lock, relocked the gate with a City lock, and erected a 'No Trespassing' sign. Mr. McGarrah stated this action was consistent with long-standing practices of the Utility and that safety issues, protection of Utility infrastructure and equipment, and prevention of damage to rights-of-way were all factors in limiting access.

Ms. Eleanor S. Farris, 1641 Airport Drive, appeared before the Commission relative to the utility easement located between Airport Drive and Sharkey Street and requested the City to restore vehicular access along the easement. Ms. Farris state that she has lived at 1641 Airport Drive for 48 years and that she purchased this property due to the fact it could be accessed from the easement along the rear property line. Ms. Farris indicated she was told she could use the easement in any manner that would not create a permanent structure. Ms. Farris stated that the easement has always been open for homeowner's access and that the easement is used, on occasion, as an additional parking area during holidays when guests visit.

Mr. Tom Harrington, 1905 #2 Fairlane Road, and owner of three houses on Sharkey Street, appeared before the Commission relative to the utility easement located between Airport Drive and Sharkey Street and requested the City to restore vehicular access along the easement. Mr. Harrington stated he is unable to access a storage shed constructed at the rear of a rental home he owns on Sharkey Street. Mr. Harrington stated that when the gate was installed, he was instructed by City staff to cut the chain on the gate and install his own personal lock, permitting his unrestricted access to the easement. Mr. Harrington stated he could access his properties from Sharkey Street, but using the easement was less intrusive to his tenants. Mr. Harrington stated his appreciation to the Commission if his access was restored.

Mr. Curtis Baynes, 1323 East Tennessee Street, appeared before the Commission to express comments relative to Items 11 and 12 of the agenda. Mr. Baynes stated his desire for higher wages for Police and Fire employees, but stated his opposition to paying higher taxes, additional fees or higher utility rates during the current economic climate to fund those higher wages.

Mr. Michael Rosenthal, 4045 Kilmartin Drive, appeared before the Commission to express opposition to approval of the collective bargaining agreement between the City and the PBA granting an 11.86% increase over the next 3 years. Mr. Rosenthal expressed frustration with City salary increases while State employees and Social Security recipients received no increases. Mr. Rosenthal also expressed opposition to approval of the Local Business Incentive Program; stating that businesses that do not provide services to the City would be harmed.

### **City Commission Information and Sharing of Ideas**

Commissioner Miller noted that City Treasurer-Clerk Herndon had submitted his resignation.

There being no further business, the meeting adjourned at 6:52pm.

## **City Commission Meeting Summary - March 30, 2011**

The City Commission met in regular session at 4:05pm in the City Hall Commission Chambers and took the following action:

## **Agenda Modifications**

Item 9 was moved from *Policy Formation and Direction* to *Presentations*

## **Presentations**

**Item 9** - Voted 5-0 to accept the City's Comprehensive Annual Financial Report (CAFR) and "Financial and Compliance Audit of Federally Assisted Programs and State Financial Assistance" reports. Included within the CAFR are the external auditors' opinion related to the City's financial statements, the external auditors' reports on compliance and internal controls, the external auditors' management letter, and the City's response. It is noted that the City has received an unqualified opinion from the auditors, which is the highest-level opinion the auditors can express on the City's financial statements. This CAFR has been presented to and accepted by the City's Audit Committee. (*Option 1 as recommended by the Department of Management & Administration*)

Mr. Sam McCall, City Auditor, introduced the new Chairperson of the Audit Committee, Ms. Angela Poole. Ms. Poole presented the report to the Commission.

**Item .1** - Commissioner Ziffer recognized the Mary Brogan Museum of Arts & Sciences for their new Baroque art exhibit of 50 masterpieces from the mid-16th century through the end of the 18th century. The exhibit opened on March 19th and will conclude on June 24, 2011. The collection of art's value is estimated at \$35.5 million. Commissioner Ziffer introduced Ms. Chucha Barber, Director of The Brogan Museum, who recognized the museum staff, who we also in attendance.

## **Consent**

**Items 1 - 5:** Voted 5-0 to approve staff's recommendation presented on Consent Agenda Items 1 through 5, taking the following action:

Item 1 - Adopted Resolution No. 11-R-09; Authorization of Road Closures for Special Events. A Florida Statute 337.406 requires the approval of the local governing body before a state road may be closed for special events or parades. The resolution authorizes the appropriate administrative officials to apply to the Florida Department of Transportation for the appropriate permits for the following special events (*Recommended by the City Attorney's Office*):

Springtime Tallahassee Parade - April 2, 2011  
Law Enforcement Memorial March - May 2, 2011  
FAMU Homecoming Parade - November 5, 2011  
Veterans' Day Parade - November 11, 2011  
Celebration of Lights - December 3, 2011

Item 2 - Approved the personal injury claim settlement of Patricia and Isaac Pope in the amount of \$100,000 relative to an October 9, 2008 collision with a police vehicle on West Sixth Avenue; to be funded from the Risk Management Fund. *(Recommended by the City Attorney's Office)*.

Items 3 - Approved a budget transfer and project amendments in the amount of \$250,000 from Airport Undesignated RR&I to the Airport Terminal Rehabilitation Phase II Water Intrusion Improvements Project (COT Project No. 0900725). On June 18, 2010, the City Manager awarded the initial construction contract, under the Fast Track Program, to Sperry and Associates, Inc. of Tallahassee in the amount of \$3,046,673. The additional funds will facilitate repairs for unforeseen conditions which include replacement of support structure that has become corroded due to water intrusion, installation of piles to support a wall structure that is collapsing, additional electrical work required to bring the facility up to code, and additional electrical work required to install the roof mounted photovoltaic (PV) solar panel system. To date, the estimates to complete the additional work are approximately \$180,000; additional funds are being requested to ensure that the project is funded to completion for similar conditions that may arise as the project is completed. *(Recommended by the Aviation Department)*

Item 4 - Authorized the use of the FSU concurrency mitigation component of the Multimodal Transportation District (MMTD) Significant Benefit fund to provide for the design and construction of the Lorene Street Extension from the FSU Boosters' College Town project to St. Augustine Street (approximately 200 feet) and authorized staff to negotiate an agreement with the Seminole Boosters, Inc. to extend the limits of their Lorene Street extension to St. Augustine Street. The estimated cost for this work is \$150,000. *(Recommended by the Public Works Department)*

Item 5 - Approved the minutes of the following meetings: *(Recommended by the Treasurer-Clerk)*

- November 10, 2010 Regular Meeting as Required by Charter
- December 8, 2010 Regular Commission Meeting

**Item 6** - Voted 5-0 to adopt Resolution 11-R-10 opposing Florida House Bill HB457 and companion Florida Senate Bill SB606, which propose to preempt local government's authority to regulate the use of fertilizer. *(Brought forward Commissioner Miller)*

**Item 7** - Introduced Ordinance No. 11-O-05 and set the first and only public hearing for Wednesday, April 27, 2011. The ordinance will voluntarily annex into the City a small portion of the Welaunee Toe owned by the City of Tallahassee. The City is planning the development of the property and will be reviewing an ordinance rezoning the City-owned portion of the Welaunee Toe to Planned Unit Development (PUD) in the near future. In order to have the entire property in one PUD, the City wishes to annex the remaining portion of the Welaunee Toe into the City. *(Option 1 as submitted by the City Attorney's Office)*

## Policy Direction and Formation

City Manager Thompson noted that Mr. Michael Parker, Economic & Community Development, was recently injured in a snow skiing accident and was unable to attend the meeting.

**Item 8** - Voted 5-0 to re-appropriate \$165,110.39 in State Housing Initiatives Partnership (SHIP) funds (COT Project No. 1100287). The reprogramming will designate \$51,550.40 of Community Development Block Grant (CDBG) funds to offset administrative and overhead expenses (representing a savings to the General Fund) and \$113,559.99 to the Emergency Home Repair Program (EHRP), increasing the EHRP allocation for FY 2011 from \$230,000 to \$343,559.99. The EHRP serves City residents at or below 50% of the area median income (AMI) by providing critical repairs to roofs; water and sewer systems; electrical, heating and air conditioning systems; and other health, safety or accessibility issues. Staff recommended the balance of SHIP funds be reprogrammed to the FY 2011 EHRP due to the extensive demand for the program, thereby ensuring the funds are expended before the State's expenditure deadline of June 30, 2011. *(Option 1 as submitted by the Department of Economic & Community Development)*

**Item 10** - Voted 5-0 to adopt the Midtown Placemaking Action Plan and authorize expenditure of the \$500,000 allocated for initial implementation of the Midtown Placemaking Action Plan; project funded as part of the FY 2010 budget. The Midtown Placemaking project has taken a two-pronged approach, focusing on both community-building activities as well as infrastructure to support the future vision. The geographic focus is largely confined to the commercial areas, including the "V" formed by Thomasville Road and Monroe Street and the commercial area north of 7th Avenue along Thomasville Road. The Commission also agreed to staff recommendation that the "Events and Promotion" line item sunset in 3-years (FY2014). *(Option 1 as recommended by the Planning Department)*

Ms. Cherie Horne, Manager, Special Project Planning, Planning Department, and Mr. Zach Galloway, Senior Planner, Planning Department, addressed the Commission and gave a presentation.

### *Cost Estimates for Midtown Action Plan (Short-term Actions)*

	Unit Cost	Number	Total Cost**
Intersection Treatments	\$12,500	10*	\$125,000
5th Avenue Plaza	Varies	NA	\$205,000
Gas Lighting	Varies	30+	\$75,000
Signage/ banners (on lights)	\$500	30	\$15,000
Decorative Planters	\$2,000	25	\$50,000

Events and Promotion	Varies	Varies	\$30,000
<b>TOTAL</b>			<b>\$500,000</b>

\* Number represents total number of crossings, not number of intersections to be treated.  
 \*\* As costs are finalized, amounts may be shifted somewhat among these line items.  
 + Twenty are designated, with additional fixtures budgeted as expanded opportunities are available.

**Item 11** - Voted 5-0 to approve the Red Hills Surgical Center, LLC (RHSC) application, authorized the City Manager to negotiate a reimbursement agreement with RHSC to reimburse 60 percent of development fees and 60 percent of real and tangible personal property taxes from the City for six years, and require a stipulation in the agreement that RHSC will not receive any reimbursements until after they make their first property tax payments to the City and County. On February 1, 2011, the Targeted Business Program (TBP) Review Committee reviewed an application from RHSC, a multi-specialty ambulatory surgery center and new business (a joint venture between local physicians and Tallahassee Memorial Healthcare). The Review Committee agreed to recommend the City and County accept a one-year compiled financial statement in lieu of the required two years of audited financial statements. The City's first-year reimbursement to RHSC is estimated at \$62,639 (\$50,798 in development fees, \$4,970 in estimated real property taxes, and \$6,871 in estimated tangible personal property taxes); reimbursements are expected to start in 2013 or 2014 and will come from the Economic Development Investment Program. Reimbursements for the remaining five years will be approximately \$12,000 per year, based on current value estimates. (*Option 1 as Recommended by the Department of Economic and Community Development*)

Mr. Rick McCraw, CRA Coordinator, addressed the Commission relative to the item.

The RHSC application received points based off the following:

- 43 new jobs that will be created over a three year period.
- The average annual wage for the 43 new jobs will be \$42,760. This is approximately 20 percent above the area average of \$35,729. A total of 35 of the 43 new jobs, or 81 percent, will earn salaries above the area average.
- The capital investment is \$9,452,890.
- Construction exceeds the minimum of the urban forest protection (environmental sensitivity).
- Minority Business Enterprise (MBE) participation in the building construction did not reach the 10 percent threshold and no MBEs were listed as providing goods and services. However, at least 25 percent of supplies will come from local vendors.
- RHSC has indicated a number of activities they plan to undertake to promote charities, community service and volunteerism by employees.

**Item 12** - Voted 5-0 to accept the Community Redevelopment Agency's (CRA) FY 2010 Annual Report, for filing. In accordance with Chapter 163.356(3)(c), Florida Statutes, the CRA is required to file an annual report with the governing body by March 31st of each year. A display ad meeting the statutory public notice requirements was placed in the State and Local News

section of the *Tallahassee Democrat* on Tuesday, March 29, 2011. As of September 30, 2010, the CRA had total assets of \$9,758,000:Â \$9,261,000 in the form of cash, \$437,000 in securities lending collateral, and \$60,000 in receivables. The Agency had \$456,000 in liabilities, and no long-term debt. At the end of the fiscal year, the total fund balance was \$9,302,000. (*Option 1 as Recommended by the Community Redevelopment Agency*)

Mr. Rick McCraw, CRA Coordinator, addressed the Commission relative to the item.

In FY 2010, the CRA received \$2,886,756 in tax increment payments and the Agency Board spent or committed approximately \$10.6 million in current, prior and future fiscal year funds in support of various programs and projects, not including operational expenses. The funded programs and projects are listed below and described in greater detail in the annual report.

- \$1,100,000 to Blueprint 2000 for Cascade Park,
- \$300,000 for commercial renovation programs,
- \$4,650,000 to purchase the former O'Connell property (402 West Gaines Street),
- \$40,000 for promotional/special events programs,
- \$60,000 for the civil rights commemorative sidewalk at the intersection of Jefferson and Monroe Streets,
- \$10,000 in support of art-related programs,
- \$87,475 in Emergency Medical Services (EMS) Municipal Services Taxing Unit (MSTU) refund to Leon County, and
- \$2,919,260 in future capital project under the Land Acquisition, Development and Related Expenses program.

**Item 13** - Voted 5-0 to adopt Resolution No. 11-R-08; extending the declaration of State and Local Economic Emergency until February 28, 2012. (*Option 1 as Recommended by the City Attorney's Office*)

The Resolution extends the declaration of Ordinance No. 09-O-13, adopted on February 11, 2009 by the City Commission as an Emergency Ordinance, enacting the Local Economic Emergency Fast Tracking Program.

Commissioner Gillum inquired about the need for the Resolution given the Commission's vote on March 9, 2011 to permanently implement the Fast Track program. City Attorney English clarified that the Commission's prior vote resolved procurement issues and that the Resolution presented today would implement the changes for permitting and land use.

**Item 14** - Voted 5-0 to approve the proposed amendments to City Commission Policy No. 106 regulating the operation of and issuance of permits to Mobile Food Vendors at specified locations. Under the proposed amendments to Policy No. 106, the City would issue permits for the operation of mobile vehicles or trailers, also known as food trucks, from which a vendor may offer for sale ready-to-eat food items; the fee for permits to be set by the City Manager, or designee. Each permit would authorize a mobile food vendor to operate from a specified location on or adjacent to City property, a City park, or a street, but said permit will not be valid during Special Events including Saturday Market Place or Downtown Getdowns. Mobile food vendors would be required to meet liability insurance requirements, provide for the collection and

disposal of waste, provide receptacles for recycling and would be prohibited from selling alcohol, engaging in noise-generating activities such as broadcasting amplified sound or music or operating electric generators. Nothing in this policy is intended to prevent the lawful operation of a food vendor on private property or non-City governmental property. (*Option 1 as submitted by the City Attorney's Office*)

Ms. Hetal Desai, Assistant City Attorney, addressed the Commission and provided an overview of the changes to the policy.

Mayor Marks commented about noise complaints related to a group of food vendors located behind Bragg Stadium during FAMU football games. Mayor Marks indicated that the City needed to address such behavior.

**Item 15** - Voted 5-0 to approve a construction purchase order under COT Contract No. 2358 to Hale Contracting, Inc., in the amount of \$20,250 for the Hartsfield Road I Sidewalk Project; approved a construction purchase order under COT Contract No. 2358 to Hale Contracting, Inc., in the amount of \$156,365.90, for the Commonwealth Boulevard East and West / Hartsfield Road II Sidewalk Project; and authorized the City Manager to award subsequent purchase orders to the lowest responsible, responsive bidder on each of the remaining construction packages. Bids on each project will be solicited from the seven (7) local and prequalified sidewalk construction and rehabilitation contractors (COT Contract Nos. 2356 - 2362); and authorize the City Manager to award consultant task assignments to firms under continuing services contracts with the City, for the design needed for the remaining projects. Funding for this work will be from COT Project No. 11004 (Future Capital Bond Construction Fund) and is relative to StarMetro's Nova2010 initiative. (*Option 1 as Recommended by the Public Works Department*)

Mr. Gabe Menendez, Director, Public Works, presented the item.

On November 10, 2010, the Commission approved a list of seven (7) construction firms prequalified to perform sidewalk construction and rehabilitation services to allow for the fast tracking of the upcoming sidewalk construction projects; including the following local firms:

Blankenship Contracting, Inc.  
CSI Contracting, Inc. (f/k/a Concrete Services of Quincy, Inc.)  
Hale Contracting, Inc.  
M of Tallahassee, Inc.  
North Florida Asphalt, Inc.  
Peavy & Son Construction Co., Inc.  
Sandco Inc.

### **Appointment of Interim Treasurer-Clerk**

Mayor Marks recognized City Treasurer-Clerk Herndon for his dedicated service to the City of Tallahassee and announced that Mr. Herndon would be retiring at the end of April, 2011 and that this would be the last Commission meeting Mr. Herndon would attend. Mr. Herndon received a standing ovation. Upon motion of Commissioner Gillum, seconded by Commissioner Ziffer,

Deputy City Treasurer-Clerk James O. Cooke, IV, was appointed to serve as interim Treasurer-Clerk until a permanent selection could be made.

### **Unagendaed Business/Speakers**

- Mr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission to express dissatisfaction with the deferred compensation benefits the Commission received in the past. Mr. Jackson also expressed concern with recent allegations concerning the City's application for a Broadband Technology Opportunities Program (BTOP) Grant and Mr. Jackson requested that Mayor Marks apologize to Mr. Steve Stewart and resign from the Commission. Mr. Jackson further requested that City Attorney English resign for failure to protect City assets and failure to protect the interests of the City of Tallahassee.
- Mr. Curtis Baynes, 1323 East Tennessee Street, appeared before the Commission to express concern with recent allegations concerning the City's application for a Broadband Technology Opportunities Program (BTOP) Grant. Mr. Baynes stated he would withhold judgment until the outcome of the Commission on Ethics' review of the matter. Mr. Baynes stated the recent news concerning the BTOP grant has shaken his confidence in the Commission and he urged the Commission to be more circumspect in the future. Mr. Baynes urged the Commission to end the practice of awarding no-bid contracts, including awarding multiple smaller contracts in efforts to circumvent the \$50,000 threshold triggering the bid process. Mr. Baynes encouraged the Commission to consider withdrawing the BTOP grant and return all monies. Mr. Baynes recommended the Commission consider abandoning a full-time Mayor's position and return to a part-time Mayor.
- GySgt Charles A. Lewis, USMC (Ret.), 4174 Darby Drive, appeared before the Commission to express dissatisfaction with potholes and lack of street lights along Darby Drive and Doolittle Street in the Seminole Manor neighborhood. Mr. Lewis noted that construction was underway to improve Jackson Bluff Road and to upgrade stormwater infrastructure in the area. Mr. Lewis stated he was a taxpayer and questioned why his street was not being maintained; noting that school buses and garbage trucks utilized the street causing further damage.

After inquiry from City Manager Thompson, Mr. Lewis acknowledged Darby Drive is a private street, not owned by the City. Ms. Thompson requested Mr. Lewis speak with Assistant City Manager Townsend and Mr. Gabe Menendez to discuss options for maintenance of non-City streets.

- Ms. Edwina Stephens, 608 Famcee Avenue, appeared before the Commission to advocate for support for programs that will teach young children and youth how to swim, in an effort to prevent drowning accidents. Ms. Stephens requested the Commission address this issue in an aggressive manner; deeming the issue of dire concern. Ms. Stephens also noted she has made similar pleas to the School Board and other civic groups. Ms. Stephens concluded her comments by noting that one drowning-related death was too many.

City Manager Thompson advised the Commissioners that she had spoken with Ms. Stephens via telephone and had encouraged Ms. Stephens to attend one of the town hall style budget meetings to be held on the evenings of April 4th, 5th and 6th, 2011 at various locations throughout the City.

- Mr. Delaitre Hollinger, 501 Alpha Avenue, appeared before the Commission to request the Commissioners' attendance at an opening, dedication, and naming ceremony of a County recreation facility in recognition of local veteran Tallahassee educators and community leaders Dr. Nickie N. Beasley and Mr. Harry "Nick" Nims. The ceremony is to be held on Friday, April 8, 2011 at Capital Park, 700 Tram Road. The athletic field will be named the Beasley-Nims Field.

## **City Commission Information and Sharing of Ideas**

Commissioner Gillum commented on the allegations that the City awarded a no-bid grant contract and disputed the comments previously made by Mr. Jackson as an unagendaed speaker and in an e-mail sent by Mr. Jackson on March 29th. Commissioner Gillum stated that he has never known Mayor Marks to act maliciously or to steal or take from the citizens of Tallahassee. Commissioner Gillum applauded the Mayor's press conference, held earlier in the day, in which the Mayor admitted to erring in relation to participating in the vote on September 15, 2010 relating to the grant.

Commissioner Mustian likened the situation to that of allegations that the City's drinking water was unsafe. Commission Mustian stated that he treats any allegation of impropriety seriously, as would the entire Commission. Commissioner Mustian opined that the Commission should take Mr. Baynes' advice and stand down and wait for the facts. Commissioner Mustian concurred with Commissioner Gillum stating that he had known Mayor Marks for a long time and that it was beyond comprehension that Mayor Marks would knowingly do something wrong.

Mayor Marks thanked Mr. Baynes for his recommendation on taking a wait-and-see approach. Mayor Marks reviewed the history of his service as an Advisor to the Alliance for Digital Equality (ADE) and publicly acknowledged that he erred in participating in the vote on September 15, 2010 to accept the Broadband Technology Opportunities Program (BTOP) grant; stating he should have abstained during the vote. Mayor Marks stated he requested the Florida Commission on Ethics to review these actions and provide consul on how to remedy this error. Mayor Marks further stated that contracts with two firms participating in the grant have not been executed and no grant funds have been disbursed. Mayor Marks stated that City staff is in contact with the BTOP grant administrators to see what actions are necessary to preserve the grant award.

There being no further business, the meeting adjourned at 6:07pm.

## **City Commission Meeting Summary - April 13, 2011**

The City Commission met in regular session at 4:04pm in the City Hall Commission Chambers and took the following action:

### **Agenda Modifications**

#### **Deleted from the Agenda**

Item 5 - Presentation of Proclamation declaring Public Service Recognition Week

## **Added to the Agenda**

Item 16 - Discussion of Response to Proposed Memorandum of Understanding with Leon County Regarding Consolidation of City/County Growth Management and Building Inspection Functions

## **Presentations**

**Item 1** - Presentation of Proclamation recognizing the week of May 15th through May 21st, 2011 as Public Works Week. *(Brought forward by the Mayor's Office)*

Mr. Gabe Menendez, Director, Public Works, accepted the Proclamation with thanks. Mr. John Yarbrough, Maintenance / Construction Chief, Operations Division, Public Works Department, was also present to accept the Proclamation.

It was announced that the 16th Annual Big Bend Chapter of the America Public Works Association "Equipment Road-E-O" competition was scheduled for May 19, 2011 at Tom Brown Park.

**Item 2** - Presentation of Proclamation recognizing Susan Pourciau and the staff of the Big Bend Homeless Coalition for operating a successful Cold Night Shelter. *(Brought forward by the Mayor's Office)*

Ms. Susan Pourciau, Executive Director, Big Bend Homeless Coalition accepted the Proclamation with thanks. The Temporary Cold Night Shelter was located at the former Belle Vue Middle School site at 2214 Belle Vue Way and was operational on nights where the temperature fell below 35 degrees for three or more hours. Ms. Pourciau was joined by members of other local agencies who participated in the opening and operation of the shelter. Present were: Mr. Robby Powers, Emergency Management Coordinator, City of Tallahassee; Maj. Chris Connell, Tallahassee Police Department; Mr. Richard Smith, Leon County / Sheriff's Department Emergency Management Director; Mr. Jeff Frank, Shelter Coordinator, Big Bend Homeless Coalition; and Pastor Brant Copeland, First Presbyterian Church.

**Item 3** - Presentation of Proclamation recognizing the Brogan Baroque Exhibit and its trade significance with Italy. *(Brought forward by the Mayor's Office)*

Ms. Chucha Barber, Director, The Brogan Museum of Art and Science, accepted the Proclamation with thanks, along with four of the nine museum staff. The Pinacoteca di Brera, located in Milan, Italy, has created an exhibition of 50 Baroque Masterpieces, ranging from the mid-16th century through the end of the 18th century, expressly for The Mary Brogan Museum of Art and Science; marking the first time in history that any Italian Museum has extended such a loan to any American Museum. The exhibit opened on March 19th and will conclude on June 24, 2011.

**Item 4** - Presentation of Proclamation recognizing Earth Week. April 18th through April 22nd, 2011. *(Brought forward by the Mayor's Office)*

Ms. Cynthia Barber, Director, Environmental Policy & Energy Resources, accepted the Proclamation with thanks, along with members of the EPER staff.

**Item 5 (deleted from the Agenda)** - Presentation of Proclamation declaring Public Service Recognition Week. *(Brought forward by the Mayor's Office)* **Moved to April 27, 2011.**

**Item 6** - Presentation of Proclamation recognizing the month of April, 2011 as Child Abuse Prevention Month. *(Brought forward by the Mayor's Office)*

Ms. Nicole Stookey, Community Relations Manager, Florida Department of Children & Families, and Ms. Necia Little, Florida Department of Children & Families, accepted the Proclamation with thanks.

### **Introduction of Ordinances**

City Attorney English read each of the following ordinances into the record and announced the dates of the public hearings.

**Item 7** - Introduced Ordinance No. 11-O-7; Combining Environmental Code Enforcement Board, Environmental Variance Board, and Environmental Appeals Board; and set the first and only public hearing for April 27, 2011. *(Option 1 as submitted by the City Attorney's Office)*

The proposed ordinance will combine the three existing environmental boards into one board entitled the City of Tallahassee Environmental Board. The consolidated board will continue to consist of seven volunteer members and two alternates, who must be City residents, and are appointed by the City Commission.

**Item 8** - Introduced Ordinance No. 11-O-8; Abolishing the City's Construction Industry Review Committee (CIRC); and set the first and only public hearing for April 27, 2011. *(Option 1 as submitted by the City Attorney's Office)*

In 2003, the Board ceased to issue contractor competency cards for plumbing, electrical, mechanical and natural gas contractors; and therefor no longer reviewed applicants for those examinations (Ordinance No. 03-O-44). From 2003 to 2009, the Board continued to approve journeymen applicants seeking examination for certification in plumbing, electrical, and gas fitting; and continued to handle disciplinary oversight of contractors. In 2009, duties related to approving applicants for testing were shifted to the Building Official, and the CIRC's duties were limited to handling disciplinary issues for contractors (Ordinance No. 09-O-07AA). Since 2008, there have been no disciplinary actions, and staff has been unable to get enough CIRC members to achieve a quorum to address administrative issues. Upon approval of the proposed ordinance, handling of disciplinary actions will be transferred to the State's Construction Industry Licensing Board under Chapter 489, Florida Statutes.

**Item 9** - Introduced Ordinance No. 11-O-12; Proposed Amendment to the Land Development Code to exempt City utilities from permit requirements for removing trees on existing utility

easements; and set the first and only public hearing for April 27, 2011. (*Option 1 as submitted by the City Attorney's Office*)

The City of Tallahassee owns, operates and maintains an extensive utility system, including a potable water production and distribution system, wastewater collection and treatment facilities, stormwater conveyance and treatment facilities, gas mains and appurtenances and power transmission and distribution systems. During the development of these systems, it is often necessary to extend facilities within utility easements over lands not owned by the City. To properly inspect and maintain these public assets, clearing of the vegetation is necessary. A proposed amendment to the Land Development Code (LDC) has been drafted to allow the removal of trees for the inspection and maintenance of existing utility infrastructure; such removal is limited to existing City-owned utility infrastructure. For new infrastructure construction, utilities would be required to abide by the payment/mitigation provisions in the existing LDC. The amendment, as drafted by the City Attorney's Office, was presented to the Energy and Environmental Resources Target Issue Committee on September 20, 2010, the Canopy Road Citizen Committee on November 15, 2010 and the Tallahassee/Leon County Planning Commission on December 7, 2010.

**Item 10** - Introduced Ordinance No. 11-Z-10; Proposed Amendment to the Official Zoning Map from R-1 Single-Family Detached Residential, R-3 Single and Two-Family Residential and OR-1 Office Residential to Residential Preservation-1; and set the dates for public hearings for April 27, 2011 and May 25, 2011. (*Option 1 as submitted by the Planning Department*)

The Planning Department staff will hold an Open House on April 14, 2011 to answer questions and provide additional information to property owners.

This ordinance rezones 65 parcels to RP-1 including parcels in the Woodberry Subdivision on Eddie Road; parcels to the northeast of the intersection of Thomasville Road and Woodgate Way; parcels to the northwest of the intersection of East Tharpe Street and North Meridian Road; and parcels north of Apalachee Parkway along Cay Lane, Limestone Street, and Big Oak Street. The RP-1 zoning district allows 3.6 dwelling units per acre and detached residences only, and requires minimum side setbacks of 10 feet on each side of a residence.

**Item 11** - Introduced Ordinance No. 11-Z-11; Proposed Amendment to the Official Zoning Map from the R-3 Single and Two-Family Residential and R-5 Manufactured Home and Single Family Detached to Residential Preservation-2; and set the dates for public hearings for April 27, 2011 and May 25, 2011. (*Option 1 as submitted by the Planning Department*)

The Planning Department staff will hold an Open House on April 14, 2011 to answer questions and provide additional information to property owners.

This ordinance rezones approximately 1,044 properties to Residential Preservation 2 (RP-2) including parcels in the following subdivisions: Kenmare Commons Unit 2 and Killarney Plaza Resub off Killarney Plaza Drive; Sawgrass Plantation off Raymond Diehl Road; Hidden Valley Unrecorded and Raintree Unit 1 Unrecorded located northwest of the intersection of Miccosukee Road and Fleischmann Road; Ginger Place Unrec off Miccosukee Road; Briar Chase off Alexis

Lane; Brewster Estates Unit 5 off Panther Creek Road; Chateau Lafayette off Silkbay Drive; Legacy off Chatelaine Court; and the East Highlands, Oak Terrace, Oakmont, Magnolia Manor, and Hays Subdivision developments located north of Park Avenue between Cadiz Street and Smith Street, including 2 parcels on Hays Street; Governors Court off Governors Court Drive; Copper Creek Unit 1 off Copper Creek Drive; and 2 parcels on the southwest corner of the intersection of Walnut Street and West Orange Avenue. The RP-2 zoning district allows both single-family detached and attached housing with a maximum gross density of six dwelling units per acre.

Mayor Marks introduced Ordinances No. 11-O-7, 11-O-8, 11-O-12, 11- Z-10 and 11-Z-11 and set the public hearings as stated herein.

### **Policy Direction and Formation**

**Item 12** - Voted 5-0 to accept the staff report on results of community meetings and on-line survey and provide feedback on priority areas for the 2012 budget. (*Option 1 as submitted by the Department of Management & Administration*)

Mr. Raoul Lavin, Director, Management & Administration, presented the item and conducted a PowerPoint presentation.

Staff recently held three community meetings on the budget. These meetings were held from 6pm to 8pm at different locations throughout the community. The locations were selected to ensure meetings were held on the south, central and north part of the city. In total, 219 citizens attended the meetings.

The meeting locations were:

- April 4th: Gilchrist Elementary School, 1301 Timberlane Road
- April 5th: Walker-Ford Center (Smith-Williams Annex), 2301 Pasco Street
- April 6th: Tallahassee Senior Center, 1400 North Monroe Street

Additionally, to ensure the citizens who were unable to attend any of the public meetings could also provide input, an on-line survey was developed. The survey was made available on the city's website at 6pm on Monday, April 4, 2011 and taken off-line at midnight on Monday, April 11, 2011. 563 citizens completed the on-line survey.

It was noted that results of the meetings and the on-line survey were not statistically-valid.

**Item 13** - Voted 5-0 to adopt changes to the Concurrency Management System Policy and Procedures Manual to eliminate the requirement for applicants to provide their own analysis for large projects, with the added stipulation that staff present an update to the Commission in one year. (*Option 1 as submitted by the Department of Growth Management*)

Ms. Karen Jumonville, Director, Growth Management, presented the item.

The approved changes amend sections 5.2.2, 6.4.2 and 6.4.3 of the Concurrency Management System Policy and Procedures Manual and eliminates the requirement for applicants to conduct and submit their own traffic analysis for 'Large Projects' and reduces the fee for roadway construction from \$7.5M to \$6.5M per lane-mile of road. Staff would provide the traffic analysis for applicants. Approximately 25% of projects are deemed 'Large' projects. This change is not expected to result in significant additional staff time, since staff conducts a parallel analysis in the review of submitted traffic analyses. The reduction in cost is reflective of the actual cost incurred for roadway construction as determined by the Public Works Department.

**Item 14** - Voted 5-0 to authorize the extension of the Good Neighbor Program through March 2012 with a monthly credit of 25% for the peak energy months of June-September and December-March; authorize the use of \$675,000 in funding from a 2011 one-time refund from Florida Gas Transmission Company, LLC; and authorize staff to apply the balance of the refund, which is estimated to be \$2.1 million, to the Energy Cost Recovery Clause (ECRC) and the Purchased Gas Recovery Clause (PGRC) based on the original payment of charges. (*Option 1 as submitted by the Department of Utility Business & Customer Services*)

Mr. Reese Goad, Director, UBCS, presented the item.

Staff estimates the refund will be approximately \$2.75 million, of which \$2.1 million will be refunded to the ECRC and PGRC, resulting in an annualized rate reduction of \$7 to \$9 for a typical residential customer, and the remaining \$675,000 will fund a one-year extension of the Good Neighbor Program (GNP). The GNP began in December 2008, and is designed to provide bill assistance and home weatherization assistance for 1) low-income senior citizens, 2) low-income families with children under the age of five, and 3) disabled persons living independently. The program was originally funded with \$1.2 million from a 1999 wholesale power purchase refund and was approved through March 2010; and subsequently extended through March 2011. Staff recommends that the program be extended for an additional year with the following modifications: 1) Seasonal bill credits to target high bill months instead of 12 annual credits, and 2) Continue free priority energy audits, but fund weatherization measures (such as ceiling insulation, heating and cooling system repair, and hot water leak repair) from existing e+ programs which are already established and funded.

Commissioner Mustian suggested to the Commission that consideration be given to double the funding of the Good Neighbor Program, providing funding for two years, in order to eliminate the need to revisit this issue next year. After some discussion, the Commission adopted the staff recommendation to fund the program for one year.

**Item 15** - Received an update on Demand Side Management (DSM) Initiative Related to Income-Based Energy Assistance (Neighborhood REACH) (*Option 1 as submitted by the Department of Energy Services*)

Mr. David Byrne, Director, Energy Services, presented the item and conducted a PowerPoint presentation.

Neighborhood REACH is a two-year pilot program designed to serve 2,680 residential customers in single-family homes, duplexes and townhomes using a whole-neighborhood, door-to-door delivery strategy. As of March 25, 2011, REACH had served a total of 487 homes in Bond, providing over 11,000 weatherization measures, most notably 326 windows caulked, weather-stripping on 415 door frames, 776 faucet aerators, 2,435 compact fluorescent light bulbs (CFLs), and over 4,000 *Heating, Ventilating, and Air Conditioning* (HVAC) filters, along with e+ incentives such as ceiling insulation, duct leak repair and HVAC maintenance grants and providing education on energy-efficiency techniques and behavioral changes that will help customers reduce and control energy usage. Neighborhoods must be located within 2000 Census tracts with area income less than 50% of the median for Tallahassee. Efforts in the Bond community wrapped up in early April, and the REACH team moved into the greater Frenchtown area, serving residents of Northwest, Griffin Heights, Springfield, Goodbread, Frenchtown and South Reudiger-Raa communities.

This item was for informational purposes only; no action required.

The Commission recognized Ms. Sandra Manning, Marketing Manager, Utility Business & Customer Service, and Mr. Delmus Barber, Florida A & M University, who participated in the REACH program and were in attendance at the meeting.

**Item 16 (added to the agenda)** - Voted 5-0 to Review the letter from Commissioner Miller to Chairman John Dailey, Leon County Board of County Commissioners, attached as Attachment 2, and authorize sending the letter to Chairman Dailey. (*Option 1 as submitted by the Department of Growth Management*)

Commissioner Miller presented the item.

The letter expresses support for exploring the possibility of consolidation, provided the goal of such an effort is to; (1) reduce the City's costs both now and in the future; (2) to improve the current delivery of program services to City customers and; (3) to demonstrate that current services are quantifiably improved to a level that could only be achieved through such a consolidation of City and County functions. In summary, the City's goal would be to determine if there is a better option to providing the highest quality and most efficient and cost-effective delivery of said services to our residents.

### **Target Issues Update**

Commissioner Mustian provided an update on the Long Range Planning Target Issue Committee's activities including:

1. Update on the Monroe-Adams Corridor Placemaking Action Plan
2. Update on the Sales Tax Extension
3. Paper bike system map and a bike route system

Commissioner Ziffer provided an update on the Health and Human Services. Target Issue Committee's activities including:

1. The United We Ride Initiative
2. Cold Night Shelter Program & Homeless Count Update
3. Joint Planning Board of Community Human Service Partnership (Commissioner Gillum)

Commissioner Miller provided an update on the Environmental & Energy Resources. Target Issue Committee's activities including:

1. Review of Proposed Environmental Policies
2. Update of Minimum County-Wide Environmental Standards
3. 2011 Goals for Committee
4. Green Initiatives 2010 Annual Report
5. Advanced Wastewater Treatment Update

### **Unagendaed Business/Speakers**

Dr. Jim Croteau, 4021 Brandon Hill Drive, appeared before the Commission speaking as a member of the City Manager's Utility Advisory Committee referencing Item Nos. 13 and 14. Mr. Croteau stated that the committee worked extensively on the Neighborhood REACH Program. Mr. Croteau expressed concerns about the refund from Florida Gas Transmission Company and indicated that this issue was never presented to the Committee. Mr. Croteau questioned if the utilities was owned by the City or by the citizens. Mr. Croteau commented about the budget meetings that took place and indicated that he is President of the 21st Century Council and that he attended one of the community budget meetings and commended Mr. Raoul Lavin, Director of Management and Administration, for a wonderful job of reviewing the budget process. Mr. Croteau stated that the community budget meetings were a wonderful activity to involve the community in understanding City programs, but he feels that the budget decisions that the Commission has to make should come from a larger context. Mr. Croteau stated that there was no City vision currently articulated, or a comprehensive vision, no set of quality of life outcomes, and no outcome measures that could be reported back to the community that would reflect the kind of priorities that the community established.

Mr. Michael Rosenthal, 4045 Kilmartin Drive appeared before the Commission to express dissatisfaction with the City's fuel hedging program. Mr. Rosenthal believed that customers were overcharged 48% in 2009 and 33% in 2010 because the City hedged. Mr. Rosenthal commented that the City was hedging blindly and always assuming gas prices were going up and the City overpays for the protection received. Mr. Rosenthal stated that if individual customers wanted to hedge their fuel cost, let them; stating that many utilities allow their customers to sign up for either fixed-rate or variable rate fuel costs.

Dr. Erwin Jackson, 1341 Jackson Bluff, appeared before the Commission to express his continued dissatisfaction regarding the former "Deferred Compensation" program, dissatisfaction with Mayor Marks's affiliation with the non-profit ADE Corporation in Atlanta, and dissatisfaction with Mayor Marks' law firm Adorno & Yoss' relationship with Honeywell, and the \$5 million contract with Honeywell.

Mayor Marks addressed comments by Dr. Jackson and stated that he stands by his statement that he has not voted on anything for personal gain while in public service. Mayor Marks stated that he was a very strong believer in the United States Constitution and the first amendment rights to free speech and stated everyone has the opportunity to exercise that right, but that the right to free speech is not unlimited. Mayor Marks stated that you cannot make false and malicious statements and not be held accountable and responsible. Mayor Marks stated that anyone who makes a false or malicious statement will be held accountable and responsible for the mis-statements.

GySgt. Charles Lewis, USMC (Ret)., 4174 Darby Street, appeared before the Commission to request repairs be made to Darby Street and Doolittle Street in the Seminole Manor neighborhood. Mr. Lewis stated that because the streets are also utility easements, the City should be responsible for their repair and maintenance. Mr. Lewis stated that the roads were in very deplorable conditions and requested that the City, in order to maintain their own rights-of-way, make repairs the roads. Mr. Lewis pleaded to the Commission to authorize Mr. Gabe Menendez, Director of Public Works, to authorize a work crew to make the necessary repairs to the roads.

City Manager Thompson informed Mr. Lewis that since his first request at the March 30, 2011 Commission meeting, the staff had been reviewing the issue and indicated that there were some concerns. City Manager Thompson pointed out to Mr. Lewis that the streets in Seminole Manor are private streets.

Mr. Lewis stated that he had a document which states that the City and the residents were responsible for the maintenance of the road. Mr. Menendez clarified that this was an old subdivision and that the property was annexed into the City in 1980; and that in 1984 a utility easement was dedicated to the City. Mr. Menendez stated that in 1988 the plat for Unit 3 of Seminole Manor was recorded without City Commission approval and is therefore invalid.

City Manager Thompson stated that she has asked staff to research and report back what promises were made to the homeowners when the property was annexed into the City. A brief discussion continued. City Manager Thompson stated that staff will report back to the Commission in two weeks the findings on this request and the invalid plat issue.

Mr. Louis Jean-Baptiste, 1814 Raa Avenue, appeared before the Commission to express his regards for the Homeward Bound Project. Mr. Jean-Baptiste communicated concerns regarding the quality of life in the City of Tallahassee, a potential \$30 million reduction in local revenue due to 8,861 State job cuts, according to the proposed budget of Governor Rick Scott. Mr. Jean-Baptiste also expressed concerned with the threat of cutting funds from education. Mr. Jean-Baptiste requested that the City write a resolution denouncing the actions of Governor Rick Scott, in which he feels is wrong and urged the Commission to take a stand and represent their constituents.

Mayor Marks noted that his Chief of Staff, Mr. Rick Minor, interacts regularly with the legislature and represents the views of the community, to the extent possible. Mayor Marks encouraged Mr. Jean-Baptiste to meet with Mr. Minor to obtain information relating to this issue

and the legislative agenda. Commissioner Gillum thanked Mr. Jean-Baptiste for coming forward and expressing his concerns. Commissioner Gillum stated that he along with other Commissioners and Mr. Minor had been to the legislature and noted that more citizens needed to go to the legislative hearings and let voices of the community be heard. A brief discussion continued in this regard.

Mr. Curtis Baynes, 1323 E. Tennessee Street, appeared before the Commission to express concern with Item No. 12, Distribution of Refund from Florida Gas Transmission Company. Mr. Baynes stated that he wanted to provide some words of encouragement to the Commission for their efforts and also acknowledged Commissioner Mustian's concerns about the future of Good Neighbor Program. Mr. Baynes stated that there are a lot of needs in the Community and it is a difficult job to balance all of them. Mr. Baynes reiterated that he wanted to acknowledge the Commission's efforts on this issue.

Commissioner Bill Proctor, Leon County Board of County Commissioners, District 1, 301 S. Monroe Street, appeared before the commission and stated that he had shared with the City Attorney a request for an investigation and indicated that he was here today to ask the Commission to review the following:

1. Review from top to bottom the contractual responsibilities of the contractor conducting work on 1) Wannish Way in the ditch behind Bethel AME Church, 2) the pond expansion behind Little St. Mary Primitive Baptist Church and in front of Strong and Jones Funeral Home; 3) the Bronough Street pipe laying project.
2. Join the County Commission in holding a joint review of the MBE programs and focus on hiring as well as providing avenues in which staff can be made available to increase visual observations of construction in addition to other projects as well as ensuring accountability of these joint venture programs being conducted legally.
3. Review whether MBE's are operating in the capacity identified through the normal procedures recognized in policy. Is there a mechanism instituted to monitor the activity of said subcontractors as it pertains to payments to MBE's i.e. are the requirements that are placed in the policy also depicted within the contractual agreement?
4. What initiatives are being made to ensure equality as described in the 2004 disparity study that was presented but not accepted by the City of Tallahassee. There must be an effort among all members of government to ensure that no vendor is left feeling discriminated against.

Commissioner Proctor commented about the federal stimulus money that the City received for retrofit and weatherization programs for Frenchtown, Springfield and other areas. Commissioner Proctor requested that people from within the direct boundaries of the Neighborhood REACH retrofit and weatherization area be specifically hired to work in this effort. Commissioner Proctor stated that he hoped to employ those in the community who were indigenous. Commissioner Proctor indicated that he has lived on the Southside, off North Ridge Road, since 1961 and stated that when you see a project in a black neighborhood and you see 100% Hispanic workers, it causes concerns. Commissioner Proctor stated that the work was marginal and there is a lack of African Americans working these job sites within his district. Commissioner Proctor stated that while supporting local business, the hiring of local individuals should also be supported.

Commissioner Gillum requested Commissioner Proctor to state how much money Leon County has invested in public projects. Commissioner Proctor indicated that he did not have that information and Commissioner Gillum advised Commissioner Proctor that he (Proctor) could provide the requested information in a letter, at a later date. Commissioner Gillum also requested that Commissioner Proctor identify the level of MBE participation the County is reaching on projects. Commissioner Gillum stated that there was a large concern about getting people employed and stated that the City Commission takes that charge very seriously and indicated that the City has moved projects up that were scheduled for later and in out-years - in order to help use the taxpayer's dollars to stimulate more growth. Commissioner Gillum stated that the City could use some help from the County in making sure that the County is also doing due diligence, particularly in District 1 where Commissioner Gillum's office is also located, to make sure that obligations are met and to invest as much public resources possible to get people working. Commissioner Proctor interjected the need to get *Americans* working to which Commissioner Gillum responded for the need to get all persons working. Commissioner Gillum indicated to Commissioner Proctor that he would follow up via email with the questions that he asked and stated that he was familiar with the City's accomplishments and that the City has exceeded its MBE goals.

Commissioner Proctor encouraged the Commission to go to the sites and observe the 100% Hispanic workers. Commissioner Proctor indicated that he was in support of Commissioner Gillum's comments, but inquired if it was possible for black people to work on the sites too.

Mayor Marks stated that he felt that Commissioner Proctor was owed an explanation of the City's MBE policies and requested that staff meet with Commissioner Proctor and review the information and also stated that the City should do the same with the County's MBE policy to identify any discrepancies. Mayor Marks requested that staff provide Commissioner Proctor with statistics relating to what has been done in the minority communities in terms of providing jobs for all Americans, including Hispanic Americans; noting that he feels Hispanics have the right to work, as does any other race. A brief discussion continued in this regard.

Deputy Treasurer-Clerk Cooke indicated that Commissioner Proctor had submitted a letter for distribution to each of the City Commissioners.

Commissioner Gillum commented that he was familiar with the strides that the City has made in getting people to work, however; he was not familiar with what Leon County is doing, specifically in District 1 where Commissioner Proctor has identified some concerns. Commissioner Gillum stated that this information would be very helpful to understand those things that are directly under Commissioner Proctor's direct jurisdiction including information relating to how much money is operating and flowing and the MBE levels that are occurring in the community. Commissioner Gillum noted that the City was leading in job creation and leading many of the projects and asked Leon County, specifically District 1 to step up and help meet some of the financial obligations and investments that the City is making.

Commissioner Miller stated that she supports Commissioner Proctor's request because during the campaign she heard a lot of concerns about the particular problems described by Commissioner Proctor and indicated that she would be interested in having discussions relative to this issue.

Commissioner Miller inquired if Commissioner Proctor was aware of a \$250,000 grant received by Leon County to be used on the Southside for aquifer protection that had to be returned to the Department Environmental Protection because it wasn't used. Commissioner Miller also commented that once contracts are awarded based on criteria, the City has limited control of who gets hired. Commissioner Miller stated that \$470,000 went to Unique Concrete which is a black-owned business and suggested that Commissioner Proctor go to the contractor to make an inquiry into their hiring practices. Commissioner Miller stated that staff had provided information from Allen Excavation relating to the breakdown of its workforce, which includes 16% African American, 22% Hispanic, 58% Caucasian, and 4% female. Commissioner Miller stated that she wanted to make this information public because she did not see this information reported in the news.

Commission Ziffer indicated that he was very sympathetic to Commissioner Proctor's concerns and stated that if the City and the contractors are doing something wrong it needs to be known. Commissioner Ziffer stated that he wanted to make sure that what is being reported is in fact what is happening on the jobsites. Commissioner Ziffer stated that he was concerned about Commissioner Proctor's comment about indigenous and stated that he did want to base hiring on where the work is being performed. Commissioner Ziffer stated that from a MBE standpoint, he would like to see the City do a good job county-wide and statewide.

### **City Commission Information and Sharing of Ideas**

There was no sharing of ideas. There being no further business, the meeting adjourned at 6:37pm.

## **City Commission Meeting Summary - April 27, 2011**

The City Commission met in regular session at 4:06pm in the City Hall Commission Chambers and took the following action:

### **Agenda Modifications**

#### **Added to the Agenda**

Item 5.1 - Planning for Potential future Sales Tax initiative.

### **Presentations**

**Item 1** - Presentation of Proclamation recognizing the week of May 1, 2011 through May 7, 2011 as Public Service Recognition Week, in honor of the men and women who serve America as government employees. *(Brought forward by the Mayor's Office)*

Mr. Travis Parsons, Director, Human Resources, Department of Management & Administration, accepted the Proclamation with thanks.

**Item 2** - Introduction of International City/County Management Association (ICMA) International Professional Fellows. *(Brought forward by the City Manager's Office)*

City Manager Thompson introduced Mr. Pu "Mike" Chen, from Changsha, Hunan Province, China. Mr. Chen is the Director of Communication and Education with the Changsha Environmental Protection Bureau, Hunan Province, People's Republic of China. His work includes environmental protection supervision and management, environmental enforcement, project approval, and environmental protection publicity and education.

City Manager Thompson also introduced Dr. Chunlong "Jason" Lu, from Beijing, China. Dr. Lu is an Associate Dean with the China University of Political Science and Law. As the Associate Dean he is establishing a center for research on local governance in China and launching an interdisciplinary major in city governance which will offer such courses as sustainable development and climate change, environmental protection and city management.

Mr. Chen and Dr. Lu have spent the last nine days participating in Earth Day activities with the City of Tallahassee and have worked alongside the leadership team during the Earth Week project and have toured the Purdom Electric Power Plant and have toured the community.

Mr. Chen and Dr. Lu expressed their appreciation to the City of Tallahassee.

**Item 3** - Presentation of Proclamation recognizing the month of April, 2011 as National Landscape Architecture Month. *(Brought forward by the Mayor's Office)*

Mayor Marks presented the proclamation to Mr. Shawn Kalbli, Mr. Jeff Caster, Mr. Patrick Hodges, Mr. Jeremy Floyd, Mr. David Malcolm, Ms. Hilda Gilcrist and Mr. John Gorham.

**Item 3.1** - Mayor Marks gave a special recognition to the Rickards High School Boys Basketball Team for their second consecutive State Championship.

Coach Eli Bryant expressed his appreciation for the recognition and introduced members of the team who were present, which included the following senior-year players:

- Christopher Bryant, Team Captain
- Avery Curry
- Raheem Sparrow
- Cameron Coffee
- Jakari Bush, Team Captain
- Alexander Huggins
- Jamaal Dowdell

## **Consent**

**Items 4 - 5:** Voted 5-0 to approve staff's recommendation presented on Consent Agenda Items 4 through 5 taking the following action:

Item 4 - Approved the reprogramming of \$960,000 in funding from COT Project No. 09191 (Transmission Upgrade Project), to COT Project No. 06108 (Addition of 230kV Autotransformer) for additional work required by the North American Electric Reliability

Corporation (NERC) at electric substation 7 (BP7), located off Market Street. The project expenses for the ring bus configuration required by NERC standards, in lieu of the standard 115kV and 230kV bus extensions, includes contract costs to construct the 230kV ring bus, and the costs associated with in-house work required for control cable and battery installation, relay system protection programming, pre-energization checkout, and transformer startup procedures. There will be no change in total appropriated funds as a result of this reprogramming. The available balance in Project No. 06108 will be \$992,072, after reprogramming. *(Recommended by the Electric Department)*

Item 5 - Approved the minutes from the November 10, 2010 and November 23, 2010 Regular Commission Meetings. *(Recommended by the Office of the Treasurer-Clerk)*

### **City Commission**

**Item 5.1 (added to the agenda)** - Voted 5-0 to appoint Commissioner Mustian as the City's liaison to Leon County in order to initiate the planning for a future sales tax referendum and to allow the City Manager to write to the County Administrator to ask for an elected representative from the County to serve as well. *(Brought forward by Commissioner Mustian)*

### **Policy Formation and Direction**

**Item 6** - Voted 5-0 to approve staff's recommended budgetary adjustments including *(Option 1 as submitted by the Department of Management & Administration)*:

- Approve an increase in the Police Salary budget of \$300,000 due to negotiated salary increases.
- Approve an increase of \$700,000 to account for increases related to overtime expenses as a result of the negotiated police salary increases, as well as increases in other department's overtime expenses as a result of elimination of positions citywide.
- Approve an increase in the Parks, Recreation, and Neighborhood Affairs Unclassified Contractual Services budget of \$45,000 from an equal increase in revenues.
- Approve a reduction in the 2011 budgeted transfer to the deficiency account to cover these budget amendments.
- Approve a transfer from the Electric Operating Reserve of \$2,747,804 to the Electric Accounts Receivable Fund to cover prior year under-recoveries of accounts receivable.
- Authorize and appropriate \$764,100 from Information Systems Services (ISS) RR&I Fund for the second installment of the Microsoft Office Suite upgrade.
- Approve dates for Commission Budget Workshops.
- June 30, 2011 from 9:00am to 4:00pm
- July 6, 2011 from 9:00am to 1:00pm

Mr. Raoul Lavin, Director, Department of Management & Administration, presented the item.

Commissioner Mustian recognized Mr. Rick Fernandez, Assistant City Manager, for the improvements at the Hilaman Golf course.

Commissioner Ziffer commented about the improvements that were made at the Jake Gaither Golf Course and thanked Mr. Fernandez and staff for their hard work.

Mayor Marks announced the Pink Par 3 golf tournament on June 10, 2011 at the Hilaman Golf Course in support of Susan G. Komen for the Cure (of breast cancer) and encouraged participants to wear pink-colored clothing in support of the event.

City Manager Thompson noted that both golf courses received significant improvements and are operating much better financially and thanked staff for their hard work.

**Item 7** - Voted 4-0 (Commissioner Ziffer abstained) to find that the removal of five off-site advertising signs from Gaines Street is desirable for the public welfare; approved the attached letter (Attachment 2) from Mayor Marks to Lamar, Inc. requesting removal of five off-site advertising signs from Gaines Street within 90 days from the date Lamar, Inc. agrees to the request in exchange for the right to construct either one double-faced variable message board or two variable message board faces within the City, in locations approved by the Building Official. Commissioner Miller also added a condition that if Lamar Inc. agrees to remove five billboards, it will be entitled to a permit to construct either one double-faced variable message board or two variable message board faces, at two different locations and asked staff to look into adding this condition to the ordinance. *(Option 1, amended to add the condition, as submitted by the Department of Growth Management)*

City Manager Thompson introduced Mr. Steven Palmer as the new Land Use Administrator in the Growth Management Department.

Mr. Keith Burnsed, Transportation Mitigation Manager, Growth Management Department, introduced Mr. Glenn Dodson, Interim Building Official, who presented the item.

City Attorney English will bring back an amended ordinance that will reflect the conditions as recommended by Commissioner Miller.

**Item 8** - Voted 5-0 to adopt the amended and restated New Horizon Concurrency Agreement included as Attachment #1, which extends the date required for concurrency payment and right-of-way dedication from March 11, 2011 to August 1, 2011 and corrects scrivener's errors. All other substantive aspects of the agreement remain as previously approved. *(Option 1 as submitted by the Department of Growth Management)*

Mr. Keith Burnsed was available to answer questions.

Approval of this request has no direct fiscal impact, as the request is only to make extensions to the timeframes in the agreement.

**Item 9** - Voted 5-0 to adopt the amended and restated Concurrency Agreement included as Attachment #1, for the Apalachee Parkway Redevelopment Site/Former Office Max related to a new Blue Cross/Blue Shield office. *(Option 1 as submitted by the Department of Growth Management)*

The amended and restated agreement (Attachment #1) maintains the commitment to commence construction no later than December 31, 2011 and show continuous progress. Continuous progress is defined as a minimum of one approved inspection every 180 days. The amended and restated agreement also maintains the required payment amount of \$42,255.25, and provides energy efficiency enhancements to replace the previous commitments that are no longer applicable due to the change from restaurant/retail use to office use.

Mr. Keith Burnsed was available to answer questions.

Commissioner Gillum inquired about the amount of site clearing that was presented in the original proposal. Mr. Burnsed responded by stating that the proposal does not clear any additional area than what had already been approved in the previous permit.

Commissioner Miller requested an update on the conservation easement. Mr. Burnsed indicated that originally there was a conservation easement required on the property when the former Office Max was developed and through oversight, staff did not obtain the conservation easement back in the early 1990's. Mr. Burnsed stated at this point if staff had encumbered a conservation easement the easement would have to be abandoned and staff would have to go back through the process of approving the site plan and development plan as it is now. Not having a conservation easement in the past has made the project easy to do. The area that has been set aside as urban forest has been encumbered in a conservation easement, and Mr. Burnsed made assurances that this conservation easement will be recorded.

**Item 10** - Voted 5-0 to Approve a two-year extension of the option agreement (Former Floridan parcel at SW corner of North Monroe and East Tennessee Streets), to April 30, 2013, that would also allow McKibbon Hotel Group (MHG) to apply the original option payment of \$130,345 to the agreed upon purchase price of \$1,303,448. The remaining conditions of the option agreement would remain unchanged. (*Option 1 as submitted by the Department of Economic & Community Development*)

The City will collect an estimated \$3,000 per month in parking lease payments from MHG starting on May 1, 2011. If the option extension is approved, the City will either receive the balance of the agreed upon purchase price of \$1,303,448, or retain the \$130,345 option payment if the option is not exercised by April 30, 2013.

Mr. Rick McCraw, Coordinator, Community Redevelopment Agency, along with representatives from the hotel, was available to answer questions.

Commissioner Gillum inquired about other potential interest in downtown property by other buyers and also commented about an obligation for the City to build a parking garage. Commissioner Gillum also inquired about the cost of constructing parking in 2013 when the agreement will be executed; and also inquired if any additional cost that might be incurred had been factored in due to the extension. Mr. McCraw responded by stating that there has not been any indication of further development on the property and that if McKibbon executed an offer within the two-year option period, the CRA will be committed to building a parking garage. A brief discussion continued in this regard.

**Item 11** - Voted 5-0 to approve acquisition of .39 acres in the amount of \$66,000 for the assemblage of property to support a neighborhood scale retail and commercial site. (*Option 1 as submitted by the Department of Economic & Community Development*)

Mr. Tom Lewis, Director, Department of Economic & Community Development, presented the item.

The City and the Community Redevelopment Agency (CRA) have been working to assemble four contiguous parcels located at the northwest corner of Macomb and Georgia Streets in the Frenchtown community. This site, when assembled, would be available for neighborhood scale retail and commercial development. The primary rationale for this purchase is to further the continued revitalization of the commercial corridor of the Frenchtown Community by assembling sites for neighborhood scale retail and commercial development. The City's Property Management Division negotiated a purchase price of \$66,000 with the Frenchtown CDC (FCDC) for one of these remaining parcels. This negotiated price was recommended for approval by the Real Estate Committee at their March 22, 2011 meeting. This purchase will be made from the Lot Acquisition Funds that were approved as a part of the 2009/2010 HUD Annual Action Plan, COT Project No. 1000288. The current balance in that appropriation line item is \$110,810.73.

### **Sharing of Ideas**

Mayor Marks shared with the Commission that he has transferred his duties as a member of the Tourist Development Council (TDC) to Commissioner Miller.

Commissioner Ziffer congratulated the Communications Team on several awards that they had received. Commissioner Ziffer indicated that he had attended the Florida Public Relations Association annual dinner and noted that the City of Tallahassee Communications Department had received awards for the following:

- Red Light Safety Camera Campaign
- Redevelopment on Gaines Street - Flash Mob Dance
- Animal Shelter Campaign

Commissioner Ziffer stated that the awards were designed to recognize work that demonstrates results. Commissioner Ziffer recognized the following City staff:

- Danny Capps
- Tonya Herron
- Wade Bishop
- Mark Barcelo
- Tayo Fayemi
- Misi Tuttle
- Lizzy Kelley
- Alison Faris
- Krystof Kage

- Melissa Thompson

Commissioner Ziffer gave a special thanks to Michelle Bono, Assistant to the City Manager, for doing a great job.

The Mayor, upon recommendation of the City Manager, elected to hear Unagendaed Speakers before the scheduled recess.

### **Unagendaed Speakers**

Mr. Charles Lewis, USMC (Ret), 4174 Darby Street, representing the Seminole Manor neighborhood, appeared before the Commission to thank Mr. Mike Tadros, Director of Underground Utilities, for the outstanding work on repairs that were recently completed on Doolittle Street. Mr. Lewis indicated that there are additional repairs that are needed and indicated that he had put together a cost estimate for those repairs. Mr. Lewis stated that it would take an estimated \$25,000 to complete the necessary repairs and requested that the Commission authorize staff to make said repairs.

Mayor Marks indicated that he was not sure if it was proper to go out of order and take the Unagendaed Speakers at this time and suggested that the Commission recess and take the Unagendaed Speakers at the end of the meeting in case there were other speakers.

The meeting recessed at 5:07 p.m. and reconvened at 6:00 p.m. with all Commissioners present.

### **Public Hearings**

**Item 12** - By consensus, continued the public hearing to May 25, 2011, to adopt Ordinance No. 11-O-05AA; Voluntary annexation into the City of a small portion of the Welaunee Toe owned by the City of Tallahassee. The City is planning the development of the property and will be reviewing an ordinance rezoning the City-owned portion of the Welaunee Toe to Planned Unit Development (PUD) in the near future. In order to have the entire property in one PUD, the City wishes to annex the remaining portion of the Welaunee Toe, a 200' wide strip, into the City. Upon approval by the City Commission of the Welaunee PUD, another small strip on the western portion of the City's property will be the subject of a contraction ordinance to avoid the creation of an enclave by this annexation. *Â (Option 1 as submitted by the City Attorney's Office)*

City Attorney Jim English introduced the item and public speakers were called. The following speaker appeared before the Commission relative to this item:

- Curtis Baynes, 1323 E. Tennessee Street, appeared before the Commission to express support of the annexation that will allow more efficient planning and development of the City's property located in the Welaunee Toe. Mr. Baynes suggested that waste water management facilities be move outside the primary spring protection zones. Mr. Baynes suggested using some of the property for a wastewater treatment facility if the City has to proceed with a performance based treatment system.

**Item 13** - Voted 5-0 to adopt Ordinance No. 11-O-7AA; Combining Environmental Code Enforcement Board, Environmental Variance Board, and Environmental Appeals Board. (*Option 1 as submitted by the City Attorney's Office*)

City Attorney Jim English introduced the item and public speakers were called. There were no speakers relative to this item.

The ordinance combines the three existing environmental boards into one board entitled the City of Tallahassee Environmental Board. The consolidated board will continue to consist of seven volunteer members and two alternates, who must be City residents, and are appointed by the City Commission.

**Item 14** - Voted 5-0 to adopt Ordinance No. 11-O-8; abolishing the City's Construction Industry Review Committee (CIRC). (*Option 1 as submitted by the City Attorney's Office*)

Attorney Jim English introduced the item and public speakers were called. There were no speakers relative to this item.

In 2003, the Board ceased to issue contractor competency cards for plumbing, electrical, mechanical and natural gas contractors; and therefor no longer reviewed applicants for those examinations (Ordinance No. 03-O-44). From 2003 to 2009, the Board continued to approve journeymen applicants seeking examination for certification in plumbing, electrical, and gas fitting; and continued to handle disciplinary oversight of contractors. In 2009, duties related to approving applicants for testing were shifted to the Building Official, and the CIRC's duties were limited to handling disciplinary issues for contractors (Ordinance No. 09-O-07AA). Since 2008, there have been no disciplinary actions, and staff has been unable to get enough CIRC members to achieve a quorum to address administrative issues. Upon approval of the ordinance, handling of disciplinary actions will be transferred to the State's Construction Industry Licensing Board under Chapter 489, Florida Statutes.

**Item 15** - Voted 5-0 to adopt Ordinance No. 11-O-12; Amendment to the Land Development Code to exempt City utilities from permit requirements for removing trees on existing utility easements. *Â (Option 1 as submitted by the City Attorney's and City Manager's Office)*

City Attorney Jim English introduced the item and public speakers were called. The following speaker appeared before the Commission relative to this item:

- Mr. Curtis Baynes, 1323 E. Tennessee Street, appeared before the Commission to urge the Commission not to exempt the City from permit requirements for removing trees on existing utility easements.

The City of Tallahassee owns, operates and maintains an extensive utility system, including a potable water production and distribution system, wastewater collection and treatment facilities, stormwater conveyance and treatment facilities, gas mains and appurtenances and power transmission and distribution systems. During the development of these systems, it is often necessary to extend facilities within utility easements over lands not owned by the City. To

properly inspect and maintain these public assets, clearing of the vegetation is necessary. A proposed amendment to the Land Development Code (LDC) has been drafted to allow the removal of trees for the inspection and maintenance of existing utility infrastructure; such removal is limited to existing City-owned utility infrastructure. For new infrastructure construction, utilities would be required to abide by the payment/mitigation provisions in the existing LDC. The amendment, as drafted by the City Attorney's Office, was presented to the Energy and Environmental Resources Target Issue Committee on September 20, 2010, the Canopy Road Citizen Committee on November 15, 2010 and the Tallahassee/Leon County Planning Commission on December 7, 2010.

**Item 16** - First of Two Public Hearings on Ordinance No. 11-Z-10; Proposed Amendment to the Official Zoning Map from R-1 Single-Family Detached Residential, R-3 Single and Two-Family Residential and OR-1 Office Residential to Residential Preservation-1. (*Option 1 as submitted by the Planning Department*)

City Attorney Jim English introduced the item and public speakers were called. There were no speakers relative to this item.

This ordinance rezones 65 parcels to RP-1 including parcels in the Woodberry Subdivision on Eddie Road; parcels to the northeast of the intersection of Thomasville Road and Woodgate Way; parcels to the northwest of the intersection of East Tharpe Street and North Meridian Road; and parcels north of Apalachee Parkway along Cay Lane, Limestone Street, and Big Oak Street. The RP-1 zoning district allows 3.6 dwelling units per acre and detached residences only, and requires minimum side setbacks of 10 feet on each side of a residence.

The first public hearing was continued to May 25, 2011

**Item 17** - First of Two Public Hearing on Ordinance No. 11-Z-11; Proposed Amendment to the Official Zoning Map from the R-3 Single and Two-Family Residential and R-5 Manufactured Home and Single Family Detached to Residential Preservation-2; and set the date for the final public hearing on May 25, 2011. (*Option 1 as submitted by the Planning Department*)

City Attorney Jim English introduced the item and public speakers were called. There were no speakers relative to this item.

This ordinance rezones approximately 1,044 properties to Residential Preservation 2 (RP-2) including parcels in the following subdivisions: Kenmare Commons Unit 2 and Killarney Plaza Resub off Killarney Plaza Drive; Sawgrass Plantation off Raymond Diehl Road; Hidden Valley Unrecorded and Raintree Unit 1 Unrecorded located northwest of the intersection of Miccosukee Road and Fleischmann Road; Ginger Place Unrec off Miccosukee Road; Briar Chase off Alexis Lane; Brewster Estates Unit 5 off Panther Creek Road; Chateau Lafayette off Silkbay Drive; Legacy off Chatelaine Court; the East Highlands, Oak Terrace, Oakmont, Magnolia Manor, and Hays Subdivision developments located north of Park Avenue between Cadiz Street and Smith Street, including 2 parcels on Hays Street; Governors Court off Governors Court Drive; Copper Creek Unit 1 off Copper Creek Drive; and 2 parcels on the southwest corner of the intersection

of Walnut Street and West Orange Avenue. The RP-2 zoning district allows both single-family detached and attached housing with a maximum gross density of six dwelling units per acre.

The first public hearing was closed and the second public hearing was set for May 25, 2011.

### **Unagendaed Business/Speakers**

Mr. Robin Barber, 4134 Four Oaks Blvd, a member of the Tallahassee Fire Department for 25-years. Mr. Barber owns small businesses, All-Pro Land Care of Tallahassee, Inc. / All-Pro Equipment & Rental, Inc., which employ about 50 people. Mr. Barber stated that the Commission passed an ordinance that gave preferential treatment in relation to procurement to businesses located in the local community and indicated that the ordinance specifically excluded city employees from participating in the open bid process on City projects. Mr. Barber requested the Commission's consideration on the ordinance.

Mayor Marks indicated that he had spoken with Mr. Barber on this issue and directed the City Attorney to review the ordinance.

City Attorney English stated that City employees were prohibited from doing contract work for the City that was similar to their duties as a City employee.

Dr. Erwin Jackson, 1341 Jackson Bluff, appeared before the Commission and commented about ethics complaints that had been filed against Mayor Marks. Dr. Jackson indicated that he had filed two ethics complaints against Mayor Marks and submitted copies to the City Treasurer-Clerk for inclusion in the official records. Dr. Jackson expressed concerned with whom will be responsible for the legal fees concerning the complaints against Mayor Marks. Dr. Jackson stated that a City policy should be established which states if an elected official has been deemed to have acted unethically or illegally that the elected official must pay their own legal fees, but if the complaint is successfully defended and the Commissioner prevails, the public would pay the legal fees.

Curtis Baynes, 1323 E. Tennessee Street, appeared before the Commission to reiterate his objection to the creation of a County Utility Advisory Committee. Mr. Baynes suggested that the Commission revisit the issue of the City's Utility Advisory Committee and change the committee from an advisory committee reporting to the City Manager to an advisory committee reporting directly to the City Commission.

Mr. Henry C. "Skip" Hunter, 219 East Virginia Street, appeared before the Commission to express concerns, as a lawyer who has represented clients before the Ethics Commission, about allegations that the Ethics Commission's finding probable cause in actions by Mayor Marks is an implication of guilt, and to explain that a probable cause finding by the Ethics Commission is not a finding of guilt. Any citizen can file an ethics complaint. Mr. Hunter expressed his frustration with the continued indictment of members of the City Commission in a local newspaper. Mr. Hunter commented that surrounding cities and cities throughout the State look to the City of Tallahassee as a leader and copy its ordinances; he encouraged the Commission to continue

doing what they are doing and stated that he feels that the Commissioners and City Attorney are doing a great job.

Ms. Anne Adams Allen, 1517 Baum Road, appeared before the Commission to express concern with the negativity that has been cast towards Mayor Marks. Ms. Allen stated that she was impressed by the dedication that Mayor Marks has shown towards the City. Ms. Allen stated that the complaints against Mayor Marks are counterproductive and do not hold water. Ms. Allen encouraged people who have filed complaints against Mayor Marks to allow Mayor Marks to do the job that he was elected to do.

### **City Commission Information and Sharing of Ideas**

There being no further business, the meeting adjourned at 6:25 pm.