

# City Commission Meeting Summary - May 11, 2011

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

## Agenda Modifications

### Added to the Agenda

**Item 3.1** - Presentation of Proclamation honoring Patricia Stephens Due

**Item 3.2** - Presentation of Proclamation recognizing National Small Business Week

**Item 3.3** - Presentation by Christic Henry of the Council of Neighborhood Associations (CONA) recognizing Assistant City Manager Ricardo 'Rick' Fernandez as Public Servant of the Year

**Item 9.1** - Request for Sponsorship of the Indian Head Lehigh Neighborhood Association Transportation Enhancement Proposal

## Presentations

**Item 1** - Presentation of Proclamation to Parks, Recreation & Neighborhood Affairs recognizing National Kids to Parks Day on Saturday, May 21, 2011. *(Brought forward by the Mayor's Office)*

Mr. Dee Crumpler, Director, Parks, Recreation & Neighborhood Affairs, along with Mr. Kelly Ledbetter, Parks & Recreation Superintendent, and Ms. Tomica Smith, Director, Palmer Munroe Teen Center, accepted the proclamation with thanks.

**Item 2** - Recognition of 10th Annual Water Conservation Poster Contest Award Winners. *(Brought forward by the Mayor's Office)*

Mayor Marks recognized the following poster contest winners:

- 1st Place: Jackson Knight; Ms. Dunn's class, Gilchrist Elementary School
- 2nd Place: Taeyoung Lee; Ms. Poll's class, Gilchrist Elementary School
- 3rd Place: Jane Cerlenjak; Mrs. Purvis' class, Desoto Trail Elementary School
- Honorable Mention: Cattie Li; Ms. Temples' class, Hawks Rise Elementary School
- Honorable Mention: Mariama Janneh; Ms. Rose's class; Pineview Elementary School

Mr. Mike Tadros, Director, Underground Utilities, and Ms. Sandra Manning, Marketing Manager, Utility Business & Customer Service, were present to congratulate the winners.

**Item 3** - Presentation of proclamation to Growth Management recognizing Building Safety Month. *(Brought forward by the Mayor's Office)*

Ms. Karen Jumonville, Director, Growth Management, introduced Mr. Glenn Dodson, Building Official, Growth Management, who accepted the proclamation with thanks. Mr. Dodson also commented on the four topics covered during each week of this year's Building Safety Month.

**Item 3.1** - Presentation of Proclamation honoring Patricia Stephens Due for her acts of defiance during the desegregation era, including a sit-in that resulted in her arrest and jailing from March 18 to May 5, 1960 (*Brought forward by the Mayor's Office*)

Family of Ms. Due, including John Due, Jr., husband, Priscilla Stephens-Crews, sister, and Johnita Due, daughter, accepted the proclamation with thanks. Present at the request of Mr. Due was former County Commissioner Bob Rackleff, who was a journalist for the Florida Flambeau during the early 1960s.

**Item 3.2** - Presentation of Proclamation recognizing National Small Business Week (*Brought forward by the Mayor's Office*)

Mr. Todd H. Sperry, Chief Financial Officer, Oliver Renovation and Construction, Inc., and Chairman of the Greater Tallahassee Chamber of Commerce, accepted the proclamation with thanks.

**Item 3.3** - Presentation by Christic Henry of the Council of Neighborhood Associations (CONA) recognizing Assistant City Manager Ricardo 'Rick' Fernandez as Public Servant of the Year (*Brought forward by the Mayor's Office*).

Ms. Christic Henry, along with other CONA members, presented the award to Assistant City Manager Fernandez, who accepted the award with thanks. Mr. Fernandez recognized staff from the Utility Services, and thanked the City for the many achievements accomplished in recent months, including the significant number of fast-track projects initiated to stimulate the local economy.

## **Consent**

**Items 5 - 9 (Item 4 pulled from Consent):** Voted 5-0 to approve staff's recommendation presented on Consent Agenda Items 5 through 9 taking the following action:

Item 5 - Approved a \$15,000 Celebrate America sponsorship agreement between the Parks, Recreation and Neighborhood Affairs Department and The City Church religious organization for the City's Celebrate America Independence Day event at Tom Brown Park on July 4th, 2011. The City Church, formerly known as The Well, is a Tallahassee religious organization that has been in existence since 2007. The group has offered to donate \$15,000 to the Tallahassee Friends of Our Parks Foundation, Inc. to become a sponsor of the annual Celebrate America event. This is the first time a religious organization has offered to sponsor a City event; therefore, approval of the sponsorship agreement was requested. (*Recommended by Parks, Recreation & Neighborhood Affairs*)

Item 6 - Approved Resolution 11-R-11 requesting three (3) easements from the State of Florida Department of Environmental Protection, Division of State Lands. The easements are located along Lipona Road in the vicinity of electric substation BP-3. (*Recommended by Property Management*)

Item 7 - Approved the Maintenance Memorandum of Agreement (MOA) with the Florida Department of Transportation (FDOT) for the period of July 1, 2011 through June 30, 2012 and authorized the City Manager to execute this agreement requiring FDOT to reimburse the City \$788,581.96 annually (an increase of \$53,201.56 from last year); to be paid on a quarterly basis of \$197,145.49 per quarter. *(Recommended by the Department of Public Works)*

Florida Department of Transportation has contracted with the City since 1991 to perform rights-of-way maintenance along FDOT streets within the City. This contract requires the City to perform seven (7) mowing cycles, 12 litter removal cycles, 12 sweeping cycles, and three (3) edging/sweeping cycles per year.

Item 8 - Approved submission and expenditure of the FY2011/2012 Florida Commission for the Transportation Disadvantaged Trip & Equipment Grant and execution of all documents. StarMetro has served as the City Commission designated Community Transportation Coordinator (CTC) for Leon County since February 2002. These funds will be included in the Proposed FY 2012 budget and will provide StarMetro with \$450,090 to support the non-sponsored transportation service program for Leon County residents. The CTC services are completely funded through grant proceeds and voluntary contributions, therefore, no City funds are required. *(Recommended by StarMetro)*

Item 9 - Approved request to submit grant application to the Federal Transit Administration (FTA), and authorize staff to expend the \$1,173,396 provided by the FY 2011 Section 5307 FTA Grant. This grant will provide funding for the required security, transit enhancement, project administration, capitalized maintenance and capital acquisition of two (2) buses and related equipment. No City funds will be required as the required local match of 1% will be provided through the use of Florida Department of Transportation (FDOT) toll revenue credits. *(Recommended by StarMetro)*

### **Items Pulled From Consent**

At the request of Commissioner Gillum, Item 4 was pulled from the Consent Agenda for further discussion and consideration.

**Item 4** - Request for Approval of a \$300,000 settlement in the case of Denise Bashimam, as personal representative of the estate of Nabel Bashimam and on behalf of Isam Bashimam and Denise Bashimam, Survivors; and Melissa Dixon v. City of Tallahassee, (Police Chief) Walter McNeil and (Officer) Richard Pulido; in relation to an August 18, 2006 attempted-arrest that resulted in the fatal shooting of Nabel Bashimam. All claims against the city, its employees and agents were settled and dismissed from Federal court for the amount of \$300,000, inclusive of costs and Plaintiffs' attorney's fees; Approved by the Liability Oversight Committee to be funded from the Risk Management Fund. *(Recommended by the City Attorney's Office)*

After discussion, City Attorney English requested the Commission to meet in executive session, pursuant to Chapter 286.011(8), Florida Statutes, for the purposes of discussing the pending litigation. By consensus, the Commission deferred action on the item and instructed the City Attorney to schedule a special meeting for the purposes of discussing the pending litigation.

## City Commission

**Item 9.1 (added to the agenda)** - Voted 5-0 to approve the request for sponsorship of the Indian Head Lehigh Neighborhood Association grant application for a Florida Department of Transportation (FDOT) Transportation Enhancement Grant to complete multimodal transit enhancements along the Lafayette Street corridor and in the vicinity of Indianhead Drive (*Brought forward by Commissioner Miller*).

The Lafayette Street corridor is generally described as beginning on the west at the CSX Railroad pedestrian tunnel and terminating in the east at the intersection of Winchester Drive. Sponsorship of the request will permit the CRTPA to submit the grant proposal to the FDOT for approval. The request seeks \$374,520 in grant funding, with \$85,880 in matching funds in the form of in-kind City services.

Mr. Adam Anthony Biblo, representing the neighborhood association, was called to speak by Commissioner Miller.

Mr. Harry Reed, Director, Capital Region Transportation Planning Agency (CRTPA), and Mr. Gabe Menendez, Director, Public Works, were present and answered the Commission's questions related to the grant process and funding issues.

## Introduction of Ordinances

City Attorney English introduced the following ordinances:

**Item 10** - Introduced Ordinance No. 11-Z-06 and set the first and only public hearing for May 25, 2011 (PRZ110001). (*Recommended by the Tallahassee-Leon County Planning Department*)

The applicant is requesting to add 201 South Monroe Street, the Exchange Building constructed in 1927, to the Local Register of Historic Places and to amend the Official Zoning Map to change the zoning classification from the Central Core (CC) zoning district to the Central Core (CC) zoning district with Historic Preservation Overlay (HPO). The structure was the former location of two prominent Tallahassee businesses, the Exchange Bank and Midyette-Moor Insurance. On January 5, 2011, the Tallahassee-Leon County Architectural Review Board recommended that the above-referenced property be added to the local register of historic places, as reflected in the Order of Recommendation.

**Item 11** - Introduced Ordinance No. 11-Z-09; Proposed amendment to the Immanuel Baptist Church Planned Unit Development Concept Plan, and set the first and only public hearing date for May 25, 2011 (PRZ110003). (*Recommended by the Tallahassee-Leon County Planning Department*)

The application is a Type D review; The Immanuel Baptist Church, 2351 Mahan Drive, is requesting an amendment to the existing Planned Unit Development (PUD) Concept Plan to increase the building floor area from the existing 39,886 square feet to 125,000 square feet. The increase will allow for the construction of a new sanctuary and a fellowship/education building.

Mayor Marks introduced said ordinances and set the public hearings as stated herein.

### **Policy Formation and Direction**

**Item 12** - Voted 5-0 to approve a 5-year continuance of City Commission Policy #417 (417CP), related to Stormwater, Sediment and Erosion Controls, as amended. (*Option 1 as submitted by the City Attorney's Office*)

Mr. Jim English, City Attorney, presented the item.

The Policy is due for a Sunset Review, and is before the City Commission for review and action. The City Attorney's Office has corresponded with affected City departments, and, at the request of some departments, has drafted amendments to the Policy. Growth Management, Underground Utilities, Procurement, Public Works, Electric Utility, Airport, and Parks, Recreation, and Neighborhood Affairs participated in the sunset review of the policy.

**Item 13** - Voted 5-0 to approve acceptance of Grant #10-11-145 from the Ounce of Prevention Fund of Florida, Inc. in the amount of \$161,167.68 and authorize expenditure of funds by the Teen Center. This grant award will provide the Palmer Munroe Teen Center with funding to implement the Back to Basics Health Education and Life Skills Training program for teens. The City's matching funds for this grant would be in the form of in-kind salary dollars in the amount of \$47,662.75. (*Option 1 as submitted by Parks, Recreation & Neighborhood Affairs*)

Ms. Tomica Smith, Director, Palmer Munroe Teen Center, presented the item.

The goal of the Back to Basics Health and Life Skills education program is for teens involved in the program to engage in positive and healthy behaviors which will positively impact academic outcomes and the avoidance of unwanted pregnancies, criminal involvement, alcohol, tobacco, drug abuse or other risky behavior. The Ounce of Prevention grant funds will provide 3 staff to lead the Back to Basics Program, 2 tutors for the Teen Center tutoring program. These 5 positions will be staffed with part-time employees and will be limited to the contract period. The grant funds will also provide three large service learning projects, a parent outreach and education program, plus supplies and materials.

Commissioner Gillum noted that the director of the Florida Department of Juvenile Justice visited the Teen Center, along with journalists from the St. Petersburg Times.

Commissioner Mustian reminded the Commission that these new positions were grant-funded and time-limited and that these positions would go away if subsequent funding was not secured. Commissioner Gillum concurred that the positions would be fulfilled with the understanding that the positions were not permanent in nature.

Commissioner Gillum left the Chambers at 5:08pm.

**Item 14** - Voted 4-0 (Commissioner Gillum absent) to approve the 2011 Transit Development Plan Major Update. (*Option 1 as submitted by StarMetro*)

Mr. Brian Waterman, Transit Planning Administrator, StarMetro, conducted a brief presentation for the Commission.

The City of Tallahassee is required by the Florida Department of Transportation (FDOT) to submit a *Transit Development Plan (TDP) Major Update* every five years establishing the planning, operational, and facilities priorities for the transit system over a ten-year horizon. The document serves as the overall guiding plan for the transit agency and a requirement in order to receive FDOT Operating Assistance and other grants. The *Major Update* provides an assessment of the City, the transit system, and the community priorities. It also establishes transit service goals for the next five years. The TDP must be approved by the City Commission and submitted to FDOT by September 1, 2011. Approval of the *Major Update* will allow the City of Tallahassee to receive an estimated \$1,012,966 in FY2012 FDOT Block Grant funding for transit operations.

Commissioner Ziffer inquired if the dates specified in the plan were flexible, and Mr. Waterman replied in the affirmative.

**Item 15** - Voted 4-0 (Commissioner Gillum absent) to approve the deductive and additive change orders in the amount of \$265,639.15 each, in relation to the Rehabilitation Neighborhood Stabilization Program (NSP), Chelsea Apartments project. The net effect of the work shifted to the weatherization grant and the cost of additional work added to the scope of work has zero impact on the project's budget. The project was awarded a Weatherization Assistance Program (WAP) grant in the amount of \$252,309.15. Items deducted from the contract will be paid to the contractor from the grant. The costs for the unforeseen additional work for the project will be equal to the grant amount and the credits received. (*Option 1 as submitted by the Department of Economic & Community Development*)

Mr. Tom Lewis, Director, Department of Economic & Community Development, was present but did not speak.

The rehabilitation of the 56-unit Chelsea Apartments complex, 1602 Stuckey Avenue, is being conducted by Pinnacle Construction Support Group at a cost of \$1,574,983.09 in accordance with Request for Proposals (RFP) No. 0093R-10-BM-RC.

**Item 16** - Voted 4-0 (Commissioner Gillum absent) to approve StarMetro's request to apply for funding, execute and administer the Federal Transit Administration (FTA) Alternatives Analysis Grant for \$400,000; approve a modification to Significant Benefit Zone 5 Multimodal Project Priority List to include the West Tennessee Streetcar Project as Tier I Project #21 to allow StarMetro to use \$100,000 in concurrency funds as the local match for the FTA Alternatives Analysis Grant; authorize the City Manager or her designee to execute the related contract with the top-ranked firm(s) selected from Request for Proposals (RFP) No. 0068-11-KR-RC, to be released on May 16, 2011. (*Option 1 as submitted by StarMetro*)

Mr. Brian Waterman, Transit Planning Administrator, StarMetro, presented the item.

StarMetro was awarded a \$500,000 (\$400,000 FTA funds and \$100,000 local match) grant in January 2011, for the purpose of evaluating the feasibility of constructing a bus rapid-transit,

streetcar, or light rail line for the West Tennessee Street corridor encompassing the downtown district. An Alternatives Analysis is a required first step in receiving federal funds to upgrade the transit system.

Commissioner Gillum returned to the Chambers at 5:17pm.

**Item 17** - Voted 5-0 to accept the Services Agreement between the City of Tallahassee and One Economy Corporation and provide the City Manager the authority to execute the Agreement (*Option 1 as submitted by the Department of Management & Administration*)

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

On December 8, 2010, the City Commission approved to extend the current Memorandum of Understanding (MOU) between the City of Tallahassee and One Economy Corporation for the 2010-2011 fiscal year and accept grant funds in the amount of \$10,625 for the local Comcast Digital Connectors Youth Program at the Apalachee Ridge Technology Learning Center. The Digital Connectors program at Apalachee Ridge Technology Learning Center is a program for youth ages 14-21 and provides leadership and technical training through a one-year curriculum. Students enrolling in the course who have attended at least 80% of the Program's sessions are provided a stipend of \$250 and those successfully completing the program are provided with an additional stipend of \$250. During the current year, 18 students have met the requirements for receiving both stipends resulting in a total amount of \$9,000. These students will be graduating at a ceremony on May 25, 2011 and staff intends to present the stipend checks to the students at that ceremony.

Commissioner Miller inquired if there was any post-graduation tracking of the students. Mr. Terrance McNeil, Director, Apalachee Ridge Technology Learning Center, responded that although he kept in contact with each of the graduates there was no formal tracking system. However, Mr. McNeil noted that all of the graduates were either in college or heading to college.

### **Target Issue Updates**

- Long Range Planning, presented by Commissioner Mustian
  - April 19th Target Issue Committee meeting attended by Commissioners Mustian and Miller
    - Presentation by Mike Pate concerning the Town and Gown program
    - Discussed Bike-Friendly community designation; developing plan to advance from the bronze-level award to the silver-level award
    - Discussed possibility of enacting ordinance to restrict garage sales; suggestion was to allow only 4 garage sales per year
    - One-Cent Sales Tax Extension (Blueprint2000)
    - 2013 visit by King and Queen of Spain commemorating the 500th anniversary of Spanish explorer Hernando de Soto's encampment
- Economic Development, presented by Mayor Marks
  - April 18th Target Issue Committee meeting
    - HVS Convention Center & Hotel (former O'Connell property)

- Preliminary study indicates the market would support a 300-350 room hotel & conference center with 100,000 square feet of multipurpose space, 15,000 sq. ft. ballroom, 28,000 sq. ft., and 18,000 sq. ft. of meeting space
- More analyses and market feasibility studies needed
- Enterprise Zone tax incentives to create new jobs
  - 5-Year exemption on state and local sales tax on the purchase of energy
  - 50% exemption of municipal sales tax
  - 50% to 100% exemption of state sales tax based on number of new jobs created
  - Application must meet 1 of 3 criteria
  - City must conduct staff analysis to determine impact on the General Fund
- Update on Tallahassee Regional Airport Master Plan
  - Master Plan for 1,200 acres of commercial property
  - RFP to be issued at the end of May and a consultant selected in June
- Composition of Airport Advisory Board
  - Consider expanding Board from 11 to 15 members
  - Consider including representation from other market sectors and residents of surrounding neighborhoods

Commissioner Mustian expressed support for including residents from the surrounding neighborhoods.

Commissioner Miller inquired how large of an event or convention the City could host. Mayor Marks indicated that current hotels and facilities could only accommodate a group of around 1,000 persons. Mayor Marks indicated that a significant feature of the HVS proposal was its proximity to the Civic Center and its location on Gaines Street.

Commissioner Miller requested that the minutes from the various target issue committees be distributed to the entire Commission.

### **Unagendaed Business/Speakers**

- Dr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission to reiterate his request that the City enact a policy governing the payment of legal fees for the defense of elected officials who are the subject of ethics complaints. Mr. Jackson stated his desire for a policy declaring any elected City official who is determined to have violated ethics or other laws to be responsible for paying their own legal fees.

Commissioner Ziffer inquired from Mr. Jackson, if he (Mr. Jackson) believed that persons filing frivolous complaints should also be required to repay the City for the legal fees, paid by taxpayers' money, if the courts declared a complaint to be frivolous. Mr. Jackson agreed; but stated the complaints he filed were not frivolous.

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

Commissioner Ziffer requested that the Chief of Police conduct a presentation to update the Commission on gang-related activity and firearm-related crimes.

Commissioner Ziffer commented on his meetings with the Tourist Development Council (TDC) regarding promoting Tallahassee as a sports-tournament destination and the potential benefits of encouraging athletic teams from the surrounding regions to come to Tallahassee to conduct their sports-related athletic tournaments. Commissioner Ziffer suggested that the Tallahassee Mall property may be a candidate for redevelopment as a sports complex, due to its proximity to the Trousdell Aquatic / Gymnastic Center.

Commissioner Ziffer requested an update on the status of all Concurrency Relief Program projects which have not started (construction), noting that he had read in a recent Tallahassee Magazine article that the Madison Street project was having funding problems.

Commissioner Miller noted that she had recently toured the city with Mr. Gabe Menendez, Director, Public Works, and Mr. Dee Crumpler, Director, Parks & Recreation, and that both directors stressed that the City was installing a significant amount of new infrastructure in the form of new parks, new sidewalks, new streets, etc., and that this would lead to a significant amount of maintenance work in the future. Commission Miller stated her preference that these issues be discussed and considered during upcoming budgets.

Mayor Marks reminded everyone that Saturday, May 14th, is the second Saturday of the month and that the shop local 'Local Business Saturday' event this month would be held in Frenchtown.

There being no further business, the meeting adjourned at 5:49pm.

## **City Commission Meeting Summary - May 25, 2011**

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

### **Agenda Modifications**

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

Item 2.1 - Presentation of Proclamation in recognition of the 55th Anniversary of the Tallahassee Bus Boycott

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

Item 16.1 - Update on Youth Violence / Gang Activity (Moved to June 8, 2011 Commission Meeting)

### **Presentations**

**Item 1** - Presentation of Agreement between City of Rugao, People's Republic of China and City of Tallahassee. *(Brought forward by the Mayor's Office)*

Mayor Marks presented the Memorandum of Understanding / Intent for the consideration of the Commission in developing a Sister-City relationship with Rugao, China. Mayor Marks commented on recent visit of business leaders and delegates from Rugao.

**Item 2** - Recognition of the Digital Connectors program graduates. *(Brought forward by the Mayor's Office)*

Mr. Terrance McNeil, Director, Apalachee Ridge Technology Learning Center, appeared before the Commission along with the graduating program participants. Mr. McNeil recognized the program sponsors including Comcast Cable and Bank of America, for their support of the program.

**Item 2.1** - Presentation of Proclamation in recognition of the 55th Anniversary of the Tallahassee Bus Boycott, and its two notable participants; Wilhelmina Jakes and Carrie Patterson. *(Brought forward by the Mayor's Office)*

Reverend Harris of the Tallahassee Inter-City Council (ICC) accepted the Proclamation with thanks.

### **City Commission**

**Item 11** - Received the Final Report on the 2011 Legislative Session. *(Brought forward by the Mayor's Office)*

Mr. Rick Minor, Chief of Staff, Office of the Mayor, introduced the City of Tallahassee's contract state lobbyist Mr. Ron Book. Mr. Book reviewed the results of the 2011 Legislative Session.

### **Consent**

**Items 3 - 5 and 7 - 10:** Voted 4-0 (Commissioner Ziffer absent) to approve staff's recommendation presented on Consent Agenda Items 3 through 5 and 7 through 10 taking the following action:

Item 3 - Appointed Mr. Patrick R. Madden to the School Board appointee seat on the Tallahassee-Leon County Planning Commission; term to expire June, 2014. Mr. Madden fills the seat vacated by the resignation of Pam Nobles in the spring of 2010. *(Recommended by the Mayor's Office)*

Item 4 - Reappointed Mr. Richard Wieckowicz, P.E., for an additional two-year term (expiring March 2013) to represent the City on the Leon County Science Advisory Committee. Mr. Wieckowicz was originally appointed in January, 2005. *(Recommended by the Mayor's Office)*

Item 5 - Approved the Tallahassee Memorial HealthCare, Inc. (TMH) Second Amended Bylaws. *(Recommended by the City Attorney's Office)*

Item 7 - Approved a Historic Property Grant and Revolving Loan (HPGL) grant and loan award of \$22,879.82 (\$13,963.60 grant, \$8,916.22 loan) to Curtis and Lillie Manns for the replacement of 27 historic windows in their 79-year old home located at 1534 Golf Terrace Drive in the Myers Parks historic district. The request was recommended by the HPGL Finance Committee at their meeting on April 20, 2011; to be funded from the HPGL Program, which will have an ending balance of \$261,709. *(Recommended by the Department of Economic & Community Development)*

Item 8 - Approved the recommended ranking submitted by the Selection Committee (RFP No. 0021-11-KR-RC) and authorize the City Manager, or her designee, to negotiate and execute a contract for the proposed vehicles, equipment and associated services. Negotiations will initially commence with the top-ranked firms (Waste Equipment & Parts, LLC, of Tampa, FL, and Capital Truck, Inc., of Tallahassee, FL). If an agreement cannot be reached, the Commission authorized the City Manager, or her designee, to attempt contract negotiations with the next ranked firm. Equipment, parts, and service are presently funded from the Fleet Reserve Fund and garage accounts. No ranking points were awarded for charitable contributions or Minority Business Enterprise (MBE) qualifications. Capital Truck, Inc., of Tallahassee, FL, received Local Business points. *(Recommended by Fleet Management; Solid Waste)*

Item 9 - Approved the purchase of twenty (20) 2011 Ford Crown Victoria patrol cars from Duval Ford, Inc., Government Sales Division, of Jacksonville, FL through the 2010 Florida Sheriff's Association / Florida Association of Counties purchasing contract at a cost of \$22,239 per vehicle along with associated emergency equipment and prisoner containment modules from Dana Safety Supply (City Contract No. 1489) at an additional cost of \$6,635 per vehicle for a total purchase cost of \$577,480; to be funded from the Fleet Capital Vehicle Replacement (716-470101-550050-11077). The requested Crown Victoria vehicles will replace existing Crown Victoria patrol cars that vary in age from 10 years to 13 years, or units that are currently out of service. Ford Motors has discontinued production of the Crown Victoria model and a local Ford dealer did not have the vehicles in stock and was unable to order them. *(Recommended by Fleet Management; Tallahassee Police Department)*

Item 10 - Approved the reallocation of \$37,500 (the remaining balance in the FY11 donation for the TMH Trauma Center), to be used as a matching funds for the TMH Low Income Pool (LIP) program, and approve the Letter of Agreement (Attachment #1). Tallahassee Memorial Hospital (TMH) has recently been awarded a grant from the Florida Agency for Health Care Administration (AHCA) as part of the LIP program and the grant award requires a local funding match. *(Recommended by the Department of Management & Administration)*

### **Items Pulled from Consent**

At the request of Commissioner Gillum, Item 6 was pulled from the Consent Agenda for discussion and a separate vote.

**Item 6** - Voted 4-0 (Commissioner Ziffer absent) to approved a \$300,000 settlement in the case of Denise Bashimam, as personal representative of the estate of Nabel Bashimam and on behalf of Isam Bashimam and Denise Bashimam, Survivors; and Melissa Dixon v. City of Tallahassee, (Police Chief) Walter McNeil and (Officer) Richard Pulido; in relation to an August 18, 2006 attempted-arrest that resulted in the fatal shooting of Nabel Bashimam. All claims against the city, its employees and agents were settled and dismissed from Federal court for the amount of \$300,000, inclusive of costs and Plaintiffs' attorney's fees; Approved by the Liability Oversight Committee to be funded from the Risk Management Fund. *(Recommended by the City Attorney's Office)*

City Attorney English announced that the Commission had meet in executive-session, as permitted by Florida Statute 286, earlier in the day to discuss the pending litigation and that staff continue to recommend approval of the proposed settlement. Mayor Marks noted that the case was still active and that there was a limitation on the details about the case that could be openly discussed. City Attorney English introduced Mr. Lewis 'Lew' Shelley, Deputy City Attorney, who was leading the City's defense efforts. Mr. Shelley reviewed the financial risks of not accepting the proposed settlement and recommended the Commission's approval.

After inquiry from Commissioner Gillum, Mr. Shelley noted that the Officer in question was present throughout the mediation negotiations and that both the officer, and the officer's attorney, participated throughout the process. Mayor Marks clarified that the \$300,000 settlement was full and complete settlement of all claims, inclusive of the plaintiff's attorney fees.

**Policy Formation and Direction**

**Item 12** - Received an update on the Master Transportation Plan for the 18.2 square-mile Multimodal Transportation District (MMTD); including the proposed West Tennessee Street Bus/Bike Pilot Project. The Master Plan is a joint project being led by the Planning and Public Works Departments in close coordination with StarMetro. A project team consisting of additional staff from the Capital Region Transportation Planning Agency (CRTPA), Growth Management, and Leon County Public Works is meeting regularly to develop a draft plan for public review. Specific emphasis is being placed on the West Tennessee Bus/Bike Pilot project to ensure adequate time to evaluate the pilot prior to the 2014 resurfacing of the road by the Florida Department of Transportation (FDOT). *(Brought forward by the Planning Department)*

Ms. Cherie Horne, Manager, Special Project Planning, Planning Department, presented the item.

<b>SCHEDULE</b>	<b>Master Transportation Plan</b>	<b>West Tennessee Bus/Bike Pilot</b>	<b>Alternatives Analysis</b>
<b>May 2011</b>	Data & Analysis	Stakeholder Contact	Request for Proposals
<b>June</b>	Public Meetings	Public Meetings	Proposals Due
<b>July</b>			Shortlisting of Proposals
<b>August</b>		Present to DOT	Contract Awarded
<b>September</b>	Initial Draft	Develop Restriping Plans*	
<b>October</b>	Public Meetings		

<b>November</b>	Listening Sessions	
<b>December</b>	Revise Draft	Commission Review*
<b>January 2012</b>	Public Meeting	FDOT Approval of Plans*
<b>February 2012</b>	Commission Review	
<b>May 2012</b>		Restriping Work Begins
<b>August 2012</b>		Restriping Complete      Analysis Complete
<b>2012-2014</b>		Evaluation Period
<b>2014</b>		FDOT Repaving

\* These times are estimates and may change based on feedback from DOT.

Commissioner Miller noted for the public that this is a vision for the future, to achieve by year 2030. Commissioner Miller commended staff on the presentation and the surveys conducted and offered support for the forward-thinking, smart-growth plan.

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

**Item 13** - Voted 4-0 (Commissioner Ziffer absent) to approve the sale of parcel No. 2136900679190; 1.35 acres located at 556 West Madison Street (a/k/a 601 S. Copeland Street) in the amount of \$1,250,000.00 and the conceptual plans as submitted. The purchaser is Atlantic Student Assets, Inc. of Charlotte, NC, a developer of student housing, which intends to develop an 82 unit student housing complex. The net sales proceeds of approximately \$1,173,750 will be deposited into the General Fund and then transferred to the Deficiencies Fund pursuant to Commission directive of January 27, 2010. On January 13, 2011, the City Real Estate Committee recommended approval of the purchase price, with conditions. Pursuant to City policy, all property owners within 500 feet were notified of the proposed sale and the City has received one positive comment and no objections. The proposed purchase and development, if approved, is anticipated to provide a \$19,000,000 taxable improvement to the area, approximately 330 temporary construction jobs, 3 permanent positions, and utilization of vendors necessary for day to day operations. (*Option 1 as submitted by the Division of Property Management*)

Ms. Roxanne Manning, Program Director, Tallahassee Community Redevelopment Agency (CRA), conducted a presentation outlining the history of the proposal and displayed sketches of the proposed student housing development. Mr. Mark Beaudoin, Real Estate Administrator, Property Management, was present and available to answer questions.

Commissioner Gillum thanked staff from the CRA and the developer for their efforts to develop this parcel into an attractive component of the Gaines Street and Railroad Avenue corridors. Ms. Manning noted that Growth Management, Planning and Public Works were all involved and she recognized their efforts.

**Item 14** - Voted 4-0 (Commissioner Ziffer absent) to approve a mid-year Capital Improvement Project (CIP) appropriation to the Stormwater Program by authorizing a new CIP, the "*Eastgate Flood Relief Project*", with an appropriation of \$2,850,000 and by providing a supplemental appropriation of \$1,670,000 for the Small Project Initiative. Total appropriation of \$4,520,000 to

be funded by the Stormwater Fund. (SFI) Program, WO# 03082 (*Option 1 as submitted by the Underground Utilities Department*)

Mr. John Buss, Division Manager, Water Resources Engineering, Underground Utilities, presented the item.

Funding for the "*Eastgate Flood Relief Project*" will reduce property damage and increase public safety in the Eastgate subdivision by improving the drainage infrastructure, and thereby reducing flooding within the subdivision.

The SFI Program provides funding for smaller stormwater problems and these improvements are usually designed and permitted by Stormwater staff and are constructed by Public Works-Drainage Maintenance crews. Stormwater has identified three SFI projects to be built by private contracting companies: "*Bay Shore Drive Drainage Improvements,*" "*Sandhurst Drive Stormwater Outfall Bypass,*" and the "*Armistead Road Drainage Maintenance Improvement Project.*"

**Item 15** - Voted 4-0 (Commissioner Ziffer absent) to approve the Stormwater Facilities Master Plan (SFMP) for the Welaunee Toe East Planned Unit Development (PUD). (*Option 1 as submitted by the Underground Utilities Department*)

Mr. John Buss, Division Manager, Water Resources Engineering, Underground Utilities, presented the item.

The Tallahassee-Leon County Comprehensive Plan, Welaunee Critical Area Plan (CAP) establishes the SFMP requirement as a condition of PUD approval. The CAP states that the SFMP shall, at a minimum, identify regional impacts to flood extents and stormwater conveyance, establish infrastructure requirements necessary to manage stormwater in compliance with local, state and federal regulations, document the phasing, implementation and easement reservations necessary to serve full build-out and facilitate environmental and stormwater permitting. Approval of the SFMP does not constitute a construction permit and does not vest the development or otherwise entitle the phases of the development to environmental permits. The purpose of the SFMP is to provide a conceptual stormwater management plan which will be used as the basis for subsequent design, permitting, and construction of stormwater facilities. Unless the developer requests final action by the Tallahassee City Commission, minor revisions may be reviewed and approved by the City Manager or his/her designees. Major revisions to the SFMP, which are intended to address increases in the overall development density or intensity in the PUD shall require approval of the Tallahassee City Commission.

**Item 16** - Received an update to the City Commission on the FAMU Way Extension Project and the Blueprint 2000 Capital Cascades Trail initiative. (*Option 1 as submitted by the Public Works Department*)

Ms. Michelle Bono, Assistant to the City Manager, presented the item and provided a review of recent outreach efforts conducted to keep the community informed of the project's progress. Ms. Bono noted that the proposed railroad spur, for use if a train was blocking the road at the CSX

railroad tracks at the west end of the project, was determined to be unfeasible and that designers were considering use of Pinellas Street as an alternative. Ms. Bono noted the target date for the final design of the project was October 2012, with construction beginning in January 2013, and project completion in year 2015.

Mr. Gabe Menendez, Director, Public Works, conducted an overview on the construction of roundabouts at intersections to improve traffic flow along the FAMU Way corridor.

Roundabouts were proposed along FAMU Way at the intersections of ML King Jr. Boulevard, Wahnish Way, Pinellas Street and Stearns Street. It was noted that the roundabout at Wahnish Way would likely incorporate exclusive right-turn lanes, so that travelers making right-hand turns could do so without the need to enter the roundabout.

Mr. Menendez reviewed the mid-block St. Marks Trail bicycle crossing at the western segment of FAMU Way and noted that pedestrian-activated warning signals would be installed, to alert motorists that cyclists were crossing the roadway.

Mr. Menendez completed the presentation with an overview of the various types and methods of on-street parking that could be constructed, with the focus on providing parking that would also accommodate a well-designed bicycle lane (sharrow) that would provide safety to bicyclists traveling adjacent to the on-street parking stalls.

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

## **Public Hearings**

**Item 17** - Conducted the first of two public hearings on 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. *(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:

- Mr. Curtis Baynes, 1323 East Tennessee Street, appeared before the Commission to advocate for the reservation of land for the future construction of a wastewater treatment facility, noting that the Welaunee site was outside of the primary spring protection zone.
- Mr. Stephen N. Martin, 2625 Stonegate Drive, appeared before the Commission to suggest that the annexed property be converted into a greenway and access route for citizens residing on the western edge. Mr. Martin restated his previous objections to any development of the property, and insinuated former Commissioner Lightsey had a friendship with the landowner that influenced the approval of the development.

- Mr. Larry Hendrix, 406 Alpha Avenue, appeared before the Commission to request that a document or report be made available documenting that the development will be an economic benefit for the citizens of Tallahassee.

City Attorney English recommended closure of the first public hearing and announced the second and final public hearing would be scheduled after the County Commission takes action on the item before that board. By consensus, Mayor Marks closed the first public hearing.

**Item 18** Voted 4-0 (Commissioner Ziffer absent) to adopt Ordinance 11-Z-06, thereby adding 201 South Monroe Street to the Local Register of Historic Places and amending the Official Zoning Map to change the zoning classification from the Central Core (CC) zoning district to the Central Core (CC) zoning district with Historic Preservation Overlay (HPO), based on the findings of the Planning Commission and evidence submitted at the public hearing. (PRZ110001). (*Option 1 as submitted by the Planning Department*)

The property in question is the Exchange Building, a six-story, rectangular office building located in downtown. On January 5, 2011, the Tallahassee-Leon County Architectural Review Board recommended that the above-referenced property be added to the local register of historic places, as reflected in the Order of Recommendation. The Exchange Building is significant for its architectural style, its reflection of the prosperity of its builder, its association with two prominent Tallahassee businesses (the Exchange Bank and Midyette-Moor Insurance), and as a prestigious office building for the leading business and professional firms in the city. It is also significant in that it is one of the few downtown buildings which has maintained its architectural integrity and original commercial use since its construction in 1927. The property was listed in the National Register of Historic Places in 1984.

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

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

- Mr. Mark Daniel, 1517 Wekewa Nene, appeared before the Commission as a proponent of the item. Mr. Daniel expressed concerns with the application and related paperwork submitted to the City, stating his belief that the application was incomplete and was not initiated by all owners of the building. Mr. Daniel also expressed concern with the composition of the Architectural Review Board (ARB), noting that four of the current members were also on the board of the Tallahassee Trust for Historic Preservation (TTHP) and that the Chairman of the ARB, Mr. Michael Wing, is also a member of the Historical Property Grant & Revolving Loan (HPGL) Finance Committee.

Mr. Russell Snyder, Land Use Division Manager, Planning Department, responded to Mr. Daniel's comments related to the application paperwork submitted by the tenants. Mr. Snyder responded that the application was made by the condominium association, upon vote of the owners, and that it was unnecessary for each owner to individually submit an application.

Mayor Marks stated that staff would review Mr. Daniel's concerns relative to the Architectural Review Board composition and thanked Mr. Daniel for bringing his concerns to the attention of the Commission.

**Item 19** - Held the first and only public hearing on Ordinance No. 11-Z-09, thereby amending the Immanuel Baptist Church Planned Unit Development Concept Plan, based on the findings of fact and conditions of the Planning Commission, the information contained herein, and any evidence presented at the hearing hereon (PRZ110003). By consensus, at the request of the applicant, the public hearing was continued to June 22, 2011. (*Option 1 as submitted by the Planning Department*)

The applicant is requesting an amendment to the existing Immanuel Baptist Church Planned Unit Development (PUD) Concept Plan to increase the maximum building floor area from the existing 39,886 square feet to 125,000 square feet. The increase will allow for the construction of a new sanctuary and a fellowship/education building. The applicant is Immanuel Baptist Church and the agent is George & Associates Consulting Engineers, Inc.

City Attorney Jim English introduced the item and public speakers were called, and no one appeared.

**Item 20** - Continuation of the First of Two Public Hearings on Ordinance No. 11-Z-10AA; 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. By consensus, the first public hearing was continued to June 22, 2011 and the second and final public hearing was scheduled for July 13, 2011. (*Option 1 as submitted by the Planning Department*)

City Attorney Jim English introduced the item and public speakers were called, and no one appeared.

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 21** - Voted 4-0 (Commissioner Ziffer absent) to adopt 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. (*Option 1 as submitted by the Planning Department*)

City Attorney Jim English introduced the item and public speakers were called, and no one appeared.

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.

### **Unagendaed Business/Speakers**

Mr. Mark Mitchell, 1819 Doomar Drive, representing Capital Asphalt, Inc. located at 1334 Capital Circle NE, appeared before the Commission to express concerns with a City contract related to asphalt and pavement milling services. Mr. Mitchell noted that his company recently prevailed in a competitive bid dispute and that the contract was ordered to be re-bid to the same list of vendors that submitted responses to the original request for bids. However, Mr. Mitchell stated that the second bid process still includes restrictions that will prevent his company from being eligible to submit a bid. Mr. Mitchell noted that these restrictions are not a part of State DOT or County specifications and questioned why the City was including these the requirements; further nothing that similar requirements are not in City concrete contracts related to the Nova2010 project. Mr. Mitchell stated that, as currently written, the bid specifications will only allow two companies to submit bids for the contract. Mr. Mitchell completed his remarks by stating he would again protest the second bid award, should the restrictions not be removed.

Mayor Marks and Commissioner Gillum both expressed concerns with Mr. Mitchell's statements and both Commissioners stated that they would review his concerns. City Manager Favors-Thompson requested Mr. Mitchell to speak with Assistant City Manager Jay Townsend, who was present in the Chambers. Commissioner Gillum requested that the bid process be halted until this issue could be reviewed and settled.

Mr. Curtis Baynes, 1323 East Tennessee Street, appeared before the Commission to express concerns with the Commission's approval of Item 13, related to the sale of the former City Utility Payment Center property. Mr. Baynes expressed reservations about accepting an unsolicited offer at the appraised value for land the City was not actively marketing for sale.

Ms. Roxanne Manning, Program Director, Tallahassee Community Redevelopment Agency (CRA), clarified that the City has been actively marketing the property since 2010 and the property is included in sales brochures and is posted on the City's website.

Elder F. R. Rush, 2256 Fleischmann Road, representing Ms. Willie Mae (Pemberton) Gaines, 3501 Miccosukee Road, appeared before the Commission regarding the possibility of a holding pond being constructed on Ms. Gaines' property immediately south of the intersection of

Fleischmann Road and Miccosukee Road where a future traffic roundabout will be constructed as part of an intersection improvement project. Elder Rush stated that the land has been in Ms. Gaines' family for nearly one century and Ms. Gaines, a retired school teacher now in her 80s, was deeply troubled that her property might be affected by the installation of a retention pond.

Commissioner Gillum noted that he had received several inquiries on behalf of Ms. Gaines. It was noted that there was a very good chance that the plans would not require any use of Ms. Gaines' property, but that staff were still in the design phases and were unable to render a final decision.

Mr. Delaitre J. Hollinger, 501 Alpha Avenue, appeared before the Commission to request that more frequent lawn maintenance on the Campbell Connector trail be performed, noting that the trail has been overgrown for many months. Mr. Hollinger further requested that some action be taken to remedy a tree blocking view of the memorial statue of the late Dr. C. K. Steele at the C.K. Steele transit terminal on Adams Street.

The following person submitted a speaker form, but when called, did not appear:

Mr. Albert McGonigal, 10376 Rebel Circle, representing VFW Post 3308.

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

Commissioner Gillum requested the Commission to authorize him to work with the City Manager and the Police Department to develop a strategy on gang issues and youth violence, in coordination with the Florida Attorney General's (AG) office and the Florida Department of Juvenile Justice (DJJ). By consensus, the Commission granted Commissioner Gillum's request.

There being no further business, the meeting adjourned at 6:51 pm.

## **City Commission Meeting Summary - June 8, 2011**

The City Commission met in regular session at 4:03pm in the City Hall Commission Chambers and took the following action:

Mayor Marks recognized the loss of key individuals of the community. Mayor Marks acknowledged the recent passing of Ms. Aldonia Flowers, Mr. Van Lewis and Ms. Edwina Stephens, and paused for a moment of silence.

### **Agenda Modifications**

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

Item .1 - Presentation of Sustainable Florida Best Practices Governmental Award

Item 18 - Presentation of Phase I Report for Electric, Water and Wastewater Systems Rate Studies

## **Deleted from the Agenda**

Item 10 - Introduction of Ordinance No. 11-O-02; Proposed Amendment to Solid Waste Ordinance (Rescheduled for July)

## **Presentations**

**Item .1** - Presentation of Sustainable Florida Best Practices Governmental Award by Tim Center. *(Brought forward by Environmental Policy & Energy Resources)*

Ms. Cynthia Barber, Director, Environmental Policy & Energy Resources, introduced Mr. Tim Center, Director of Sustainable Florida at the Collins Center for Public Policy. Ms. Barber recognized City staff who participated in the development of the award application, as well as those responsible for the development and implementation of programs that led to the award. Ms. Barber also recognized the Leon County School Board for their assistance.

Mr. Center presented the City with the 2011 Sustainable Florida Best Practice Award for Government. This was the City's second award in three years.

**Item 1** - Presentation of proclamation recognizing National Caribbean American Heritage Month. *(Brought forward by the Mayor's Office)*

Mayor Marks presented the proclamation to Ms. Ivy Baker, Mr. Vincent Blyden, Mr. Stephen Knight, Ms. Demian Pasquarelli and Ms. Ruth Sawh in recognition of National Caribbean American Heritage month.

Mr. Stephen Knight expressed his appreciation and accepted the proclamation with thanks.

**Item 2** - Presentation of proclamation recognizing Tallahassee Fire Fighter Appreciation Week (June 20-24). *(Brought forward by the Mayor's Office)*

Mayor Marks presented the proclamation to Ms. Crystal Lee, Executive Director of the Muscular Dystrophy Association, Chief Dennis Roberts, Tallahassee Fire Department, Mr. Travis Oaks, Public Information Officer, Tallahassee Fire Department, and Anthony Espinosa, Coordinator of the Boot Drive for the Professional Fire Fighters of Tallahassee #2339.

Ms. Lee expressed her appreciation and accepted the proclamation with thanks.

**Item 3** - Proclamation recognizing Arvah B. Hopkins Power Plant employees for exceptional safety achievement milestones of one million man hours without a lost time accident. *(Brought forward by the Mayor's Office)*

Mayor Marks presented the proclamation to Mr. Rob McGarrah, General Manager, Electric Department; and Mr. Triveni Singh, Mr. Larry Goracke, Mr. John Williams, Mr. Brian Tinley and Mr. Jason Bennett, members of the Utility and Power Production divisions of the Electric Department.

Mr. McGarrah expressed his appreciation and accepted the proclamation with thanks.

**Item 4** - Mayor Marks recognized Ms. Fawnisha Brown, Tallahassee Police Department (TPD) Victim Advocate's Unit, as Florida's Victim Advocate of the year. *(Brought forward by the Mayor's Office)*

Ms. Brown expressed her appreciation with thanks.

**Item 5** - Mayor Marks presented a proclamation and a token of appreciation recognizing Mr. Anthony Williams for his many contributions to the Tallahassee Community. *(Brought forward by the Mayor's Office)*

Mr. Williams expressed his appreciation and accepted the proclamation with thanks.

### **City Commission**

**Item 6** - Presentation on Council on Cultural Arts' expanded website. *(Brought forward by the Council on Cultural Arts)*

Ms. Peggy Brady, Executive Director, Council on Cultural Arts (COCA), conducted a presentation revealing COCA's new, expanded website. [www.COCAnet.org](http://www.COCAnet.org) is COCA's redesigned website with new features for visitors and residents alike; providing expanded listings of local artists, writers, and performers; links to arts and cultural resources like [www.MoreThanYouThought.com](http://www.MoreThanYouThought.com); and much, much more. COCAnet.org is the Capital City's "grand central station" for arts and culture.

Commissioner Miller suggested that the presentation be presented to other organizations.

### **Consent**

**Items 8-9** - Voted 4-0 (Commission Mustian absent) to approve staff's recommendation presented on Consent Agenda Items 8 and 9 taking the following action:

Item 8 - Approved the recommended ranking submitted by the Selection Committee and authorized the City Manager or designee to negotiate and execute a contract for the proposed vehicles, equipment and associated services. Negotiations would initially commence with the top ranked firm (Mike Davidson Ford of Jacksonville, FL). If an agreement cannot be reached then the Commission authorizes the City Manager or her designee to attempt contract negotiations with the next ranked firm (RFP No. 0020-11-KR0RC). *(Recommended by Fleet Management)*

Item 9 - Awarded bid to the lowest responsible bidder, Service Keepers, Inc. d/b/a Lawnkeepers in the amount of \$292,716 for landscape maintenance of six (6) cemeteries over a three (3) year period from the Perpetual Care Trust Fund Operating Budget 9840-140703-521180). This option would provide continued cemetery maintenance at the lowest possible price. *(Recommended by the Property Management Division)*

## **Items Pulled from Consent**

At the request of Commissioner Ziffer, Item 7 was pulled from the Consent Agenda for discussion and separate vote.

**Item 7** - Voted 4-0 (Commissioner Mustian absent) to approve the supplemental appropriation of \$450,000 from the Electric RR&I Fund Balance to the Electric Utility Master Project 11031 - Recurring, Replacements and Upgrades. *(Recommended by the Electric Utility Department)*

Commissioner Ziffer inquired about the reason for the need of additional funding. Mr. McGarrah responded by stating that the project funded installation of street lights ordered by customers and other maintenance activities; and stated that there were more activities this year than anticipated. After inquiry from Commission Ziffer, Mr. McGarrah indicated that this increase in activity would be factored into next year's budget.

## **Introduction of Ordinances**

City Attorney English read the following ordinances by title and announced the public hearing dates.

**Item 10 - (Deleted from the Agenda)** Introduction of Ordinance No. 11-O-02, proposed amendment to Solid Waste Ordinance. *(Recommended by Solid Waste Services)*

This item was rescheduled for July, 2011.

**Item 11** - Introduced Ordinance No. 11-O-13 and set the public hearing for June, 22, 2011.

The City of Tallahassee Community Redevelopment Agency (CRA) is established pursuant to the Florida Statutes and by City ordinance. The ordinance provides that the membership of the Board consists of the Mayor and City Commissioners and four County Commissioners to be appointed pursuant to a procedure chosen and implemented by the Board of County Commissioners of Leon County. Recently, the Board of County Commissioners reviewed its procedures regarding "membership on boards, committees, councils, and authorities." As a part of that review, the Board voted to make their appointments to the Community Redevelopment Agency on a bi-annual basis. The County Administrator has transmitted a copy of that action to the City and requested that the ordinance be amended to be consistent with such action. The proposed ordinance amendment simply provides that the County shall appoint the four members of the County Commission pursuant to procedure and for terms chosen and implemented by the Board of County Commissioners of Leon County. *(Recommended by the Legal Department)*

**Item 12** - Introduced Ordinance No. 11-O-16 and set the public hearing for July 13, 2011.

The proposed ordinance would amend the Land Development Code to streamline the review process in the All Saints and University Village and Central Core Design Districts. Specifically, the proposed ordinance would shift the responsibility for reviewing small projects, signs, and minor redevelopment for compliance with design district standards from the Urban Design

Committee (UDC) to the Planning Department or Growth Management Department staff. In addition, the proposed ordinance would exempt fences from design district review.

**Item 13** - Introduced Ordinance No. 11-O-21 and set the public hearing for June 22, 2011.

Over the past several years, a number of vehicles commonly known as "gypsy cabs" or "transportation or courier services" have been operating within the City without regulation or licensed authority. These individuals operate vehicles similar in appearance to taxicabs and solicit fares from individuals in the same locations as taxicabs. These vehicles have not been regulated by the City and have not had the same vehicle and driver qualifications as authorized, licensed taxis. The public is often unaware of the distinction between these unlicensed drivers and licensed taxis; and in particular, citizens are unaware that the City's public safety standards are not in place with regard to these vehicles.

The proposed ordinance amendments will permit the operation of these alternative transportation services but will subject the vehicles and drivers to essentially the same regulatory authority governing franchised taxicabs. *(Recommended by the Legal Department)*

By Consensus, the Commission introduced Ordinance Nos. 11-O-13, 11-O-16, and 11-O-21; and set the public hearings as stated herein.

### **Policy Formation and Direction**

**Item 14** - Voted 4-0 (Commissioner Mustian absent) to accept the update and status report on the Red Light Camera Safety Program and authorized the installation of 7 additional cameras. All future amendments to the City's contract with ACS State and Local Solutions, Inc. for additional red light camera installations shall be brought before the City Commission for approval. Location of any new cameras would be based on traffic analysis, safety data, and Tallahassee Police Department (TPD) input. *(Brought forward by the Public Works Department)*

Mr. Gabe Menendez, Director, Public Works Department, conducted a brief presentation of the Red Light Camera Safety Program and Ms. Michelle Bono, Assistant to the City Manager, provided an update on the outreach campaign led by Ms. Alison Faris, Communications Department. Mr. Menendez answered the Commission's questions relative to this item.

**Item 15** - Voted 4-0 (Commissioner Mustian absent) for acceptance and appropriation of revenue and expenditure of the \$95,000 continuation grant awarded by the Homeland Security Grant Program, as well as acceptance and appropriation of revenue and expenditure of \$40,000 allocated by FDOT to supplement the Police Department's FY11 DUI enforcement grant. *(Recommended by the Police Department)*

Chief Dennis Jones, Tallahassee Police Department was available to answer questions.

**Item 16** - Special Project Funding for Improved Security and Officer Safety. *(Recommended by the Police Department)*

Chief Dennis Jones, Tallahassee Police Department, answered questions raised by the Commission. After brief discussion, the Commission deferred action on the item until June 22, 2011.

**Item 17** - Voted 4-0 (Commissioner Mustian absent) to approve the Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) to reimburse the City of Tallahassee the actual costs, not to exceed \$61,000, directly related to the design and permitting (preconstruction) activities associated with the Midtown Connector Sidewalk project and authorized the Mayor to execute the LAP Agreement. *(Recommended by the Public Works Department)*

Mr. Menendez was available to answer questions.

**Item 18 - (Added to the Agenda)** Voted 4-0 (Commissioner Mustian absent) to accept the Phase I Report for Electric, Water and Wastewater Systems Rate Studies and directed staff to present the item to the Financial Viability of the Government Target Issue Committee for review. *(Brought forward by Utility Business and Customer Service)*

This item was introduced by Mr. Reese Goad, Director, Utility Business and Customer Service; and Mr. Ted Szymankiewicz Senior Consultant, R.W. Beck, Inc., conducted a presentation and answered the Commission's questions.

### **Target Issue Update**

Health and Human Services Update - Provided by Commissioner Ziffer on the following:

1. The Early Learning Coalition (ELC)
2. Palmer Munroe Teen Center Update
3. The 2011-2012 CHSP Update
4. The United Partners for Human Services

Environmental & Energy Resources Update - Provided by Commissioner Miller on the following:

1. Draft Ordinance with changes to the Natural Features Inventory (NFI) process
2. Solid Waste Ordinance revision
3. Status reports on 2011 goals

### **Unagendaed Business/Speakers**

City Attorney English provided a status report of the proposed cell tower issue at the intersection of Buck Lake Road and Pedrick Road and explained the City's role in the matter. City Attorney English indicated that procedurally, this was a Type B site plan review, which is heard and approved by the staff Development Review Committee (DRC). City Attorney English stated that when there is a challenge of a site plan, the matter is then sent to the state Department of Administrative Hearings and is heard by an administrative law judge in a trial-type hearing. The

judge makes a ruling in the form of a recommended order which is then reviewed by the Tallahassee/Leon County Planning Commission.

City Attorney English noted that the Tallahassee/Leon County Planning Commission met on June 7, 2011 and continued their discussion until June 29, 2011 at 6:00 p.m. City Attorney English stated that there was no scenario under which the decision comes to the City Commission; the City Commission does not have any jurisdiction over this type of matter. The decision of the Planning Commission to accept or reject the administrative law judge's recommendation, would be the final decision. City Attorney English stated that his office had received emails with questions and that his staff is putting together responses to those questions for distribution.

The following persons appeared before the Commission:

- Ms. Dani O'Quinn, 5659 Tinney Lane, appeared before the Commission in opposition of the approval process for the proposed cell tower and the City's treatment of the Planned Unit Development (PUD). Ms. O'Quinn requested that the Commission review the City's ordinances relating to approving PUD applications and zoning of cell phone towers. Ms. O'Quinn thanked Commissioner Ziffer for his comments relating to the Early Learning Coalition and also recognized the late Ms. Edwina Stephens.
- Mr. John Viele, 5809 Countryside Drive, appeared before the Commission to express concern with the proposed cell tower and requested that the Commission review the language of Ordinances 10-425 and 10-165 relating to PUDs.
- Mr. Lee Lasseter, 3733 Mundon Way, representing Peavy & Son Construction Co., Inc., current holder of the City's annual paving contract (asphalt and milling continuing supply contract), appeared before the Commission to express concern with the City's local vendor preference program in relation to competitive bidding.
- Mr. Richard Dusenbury, 439 West Georgia Street, appeared before the Commission to express concern with Tallahassee's homelessness and the impact on the Frenchtown neighborhood. Mr. Dusenbury expressed his belief that programs providing free handouts encourage homelessness.
- Mr. Curtis Baynes, 1323 Tennessee Street, appeared before the Commission to express concern with Item 14 - Red Light Camera Safety program. Mr. Baynes expressed concern with the effectiveness of the red light cameras relating to traffic accident rates. Mr. Baynes also expressed concern with Item 15 - Homeland Security Grant and Amended Florida DOT Grant Award. Mr. Baynes expressed concern with the need to eliminate voluntary participation with Homeland Security; stating that he does not feel the City should be involved in spying on the community and reporting back to Homeland Security.
- Dr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission. Dr. Jackson presented the Form 8-B (Memorandum of Voting Conflict abstention form), obtained via a public record request, executed by Mayor Marks in September, 2004. Dr. Jackson accused Mayor Marks of being paid by City contractors (Honeywell Inc. and Johnson Controls) and asked how many City contractors are paying Mayor Marks; and the amount the Mayor is being paid.

Mayor Marks responded to the statements made by Dr. Jackson and stated that he has not received any funds or payments from Honeywell Inc.; and when required to abstain from voting, Mayor Marks recused himself from voting. Mayor Marks described the accusations made by Dr. Jackson as being outlandish, preposterous, untrue and unworthy of any further response.

- Mr. Larry Hendricks, 406 Alpha Avenue, appeared before the Commission on behalf of the late Ms. Edwina Stephens to request that swimming lessons be given to local children. Mr. Hendricks also expressed concern with citizens having only three minutes to address the Commission and express concerns at Commission meetings.
- Leon County Commissioner Bill Proctor, 301 S. Monroe Street, appeared before the Commission to express concern with Item 18 - Phase I Report for Electric, Water and Wastewater Systems Rate Studies. Mr. Proctor commented about the \$8 million surplus in 2010 and the projected \$6 million surplus for 2011. Mr. Proctor expressed concern with the City's methodology to return surplus funds to citizens. Mr. Proctor also expressed concern with the use of reserve funds to offset any deficit and potential deficits in the future. Mr. Proctor expressed the need for an outside consultant to make sure that the proposed actions are necessary. Mr. Proctor stated that the City needs a methodology to redistribute utility surplus funds in a way that is fair and in the interest of serving the public.
- Mr. Nathan Adams, 1271 Cassatt Drive, appeared before the Commission to express concern with the proposed cell tower on Pedrick and Bucklake Roads and requested that the City stipulate language as it relates to the PUD.
- Mr. David Moncrieff, 5437 Lawton Court, appeared before the Commission to express concern with the process for approval of the proposed cell tower and its close proximity to Buck Lake Elementary School and potential health risks.
- Mr. Thomas Ott, 1905 Wagon Wheel Circle E., appeared before the Commission to express opposition the proposed cell tower on Pedrick and Bucklake Roads.
- Ms. Laura Barrett, 5616 Wagon Wheel Circle, representing Benjamin's Run Home Owner's Association, appeared before the Commission to express opposition against the proposed cell tower on Pedrick and Bucklake Roads. Ms. Barrett also presented a petition of 242 signatures of residents who oppose the Pedrick Road cell tower. Ms. Barrett also expressed concern with the lack of community involvement in the site plan process.

Mayor Marks directed the legal staff to research and explain the discrepancy with the PUD requirement and the City's ordinance. Commissioners Gillum and Miller stated their concerns on the issue.

Ms. Hetal Desai, Assistant City Attorney, provided some background on the City's cell tower ordinance. Assistant City Attorney Desai stated that the City's ordinance for cell towers was enacted in 1996, which mirrored what was required by the federal law and stated that the city's ordinances are constrained by the Federal Telecommunications Act. The initial ordinance stated that cell towers would be allowed in every zoning district, and PUDs are zoning districts. The specific parcel is zoned as C1, which is commercial property and any commercial use is allowed in the C1 district. The Benjamin Run's PUD was passed in 1998 and after a full evidentiary hearing with review of the law and listening to City staff and residents, the administrative law judge determined that the PUD was silent as to cell towers and the City's code would apply. The

City's position is not that the City wants a cell tower or does not want a cell tower, but to just apply the code. Assistant City Attorney Desai continued to answer questions raised by the Commission relative to this item.

- Mr. Bob Fulford, 231 Westridge Drive, appeared before the Commission to recognize the passing of Ms. Edwina Stephens and unfinished projects started by Ms. Stephens that he was a part of and would like to continue. Mr. Fulford stated that Ms. Stephens was concerned with teaching kids in the community to swim. Mr. Fulford stated that he would like to see an Edwina Stephens Drown-Proofing Initiative.
- Mr. Steve Stewart, 2904 Tyron Circle, appeared before the Commission to express concerns with the electric rates and the salaries of electric employees. Mr. Stewart also expressed the need for a consumer advocate to review the electric rates.
- Ms. Miaisha Mitchell, 6562 Hugh Road / 421 W. Georgia Street, appeared before the Commission and recognized the passing of Ms. Edwina Stephens and her concerns with swimming lessons for the kids in the community; stating her belief that this was a public health issue. Ms. Mitchell requested that the Commission continue the efforts started by Ms. Stephens to teach children to swim.

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

City Manager Thompson introduced Mr. Sunil Harman as the new Director of Aviation. Mr. Harman expressed his appreciation for the opportunity to work for the City of Tallahassee.

Commissioner Gillum commented about the joint dispatch center and requested that the City and the County meet to update the narrative about the facility and to reach a conclusion on how to move forward. Commissioner Gillum requested that the Commission allow the City Manager to coordinate with the County Administrator to organize a joint commission discussion.

Commissioner Ziffer commented about nationwide promotion by Anheuser-Busch. Budweiser asked adult men across America to help save one million gallons of water by not shaving in the days and weeks leading up to World Environment Day (June 5). As part of Budweiser's ongoing commitment to water conservation, the *Grow One Save a Million* program allowed consumers to get involved and save roughly 5 gallons of water for each shave they skip. Commissioner Ziffer stated that city, county, and state elected officials participated in the effort and saved 1,000 gallons of water, Tri-Eagle Sales saved 4,500 gallons and locally 22,500 gallons of water was saved and nationwide 500,000 gallons of water was saved. Commissioner Ziffer stated that the City of Tallahassee saved 5% of all the water that was saved nationwide.

Commissioner Ziffer also commented about the Learning Coalition facility and stated that they were doing a better job and providing more services. Commissioner Ziffer recommended meeting with community partners to provide better and offer more human services.

Commissioner Miller commented about the C.K. Steele statue at C.K. Steele Plaza and indicated that it took her several efforts to locate the statue. Commissioner Miller stated that the statue was hard to locate due to the trees, which was an issue brought forward at a previous Commission

meeting by Mr. Delaitre Hollinger. Commissioner Miller suggested that the statue be relocated to a more visible location in the near future.

Commissioner Miller commended Mr. Sam McCall, City Auditor, on the Gaines Street audit. Commissioner Miller also commented about the homelessness in the community and expressed the need to provide more help for homeless people.

Mayor Marks stated that there has been a homelessness initiative that the City has been involved in for several years. Mayor Marks requested Mr. Rick Fernandez, Assistant City Manager to meet with Commissioner Miller to update her of the status of the homelessness initiatives.

Mayor Marks stated that tentatively there would be a citywide recognition of Ms. Edwina Stephens on Florida A & M University's campus on Sunday, at Lee Hall Auditorium and funeral services will occur on Monday, June 13th.

Mayor Marks shared with the Commission that he sits on the Board of Directors of the Collins Center for Public Policy and indicated that one of the issues they have been addressing had to do with pension funds in local governments and the amount that is being spent per employee into the pension fund. Mayor Marks noted that the City of Tallahassee was among the top 25 of the lowest spending per employee into the pension fund.

Commissioner Gillum commented about the homelessness and human services as mentioned by Commissioners Miller and Ziffer and stated that before people start contributing money into human services; he wanted to ensure citizens and taxpayers that they are not funding a black hole, but are making an investment to help eradicate problems that plague the community.

There being no further business, the meeting adjourned at 7:55 p.m.

## **City Commission Meeting Summary - June 22, 2011**

The City Commission met in regular session at 4:02pm in the City Hall Commission Chambers and took the following action:

### **Agenda Modifications**

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

Item 11.1 - Approval of Memorandum of Agreement for Blueprint 2000 and Planning Department Restructuring

Item 11.2 - Local Business Certification Program

#### **Pulled from Consent Agenda**

Item 5 - Industrial Revenue Bonds, Series 2011 (Sunnyland Solar Project)

### **Presentations**

**Item 1** - Voted 5-0 to approve the request for up to \$10,000 of in-kind services for Big Bend Freedom Fest Events including the Big Bend Blues & BBQ at Kleman Plaza on July 2, 2011 and the Bayou Freedom Bash on College Avenue on July 3, 2011. *(Recommended by Parks, Recreation & Neighborhood Affairs)*

Mr. Dee Crumpler, Director, Parks, Recreation & Neighborhood Affairs, presented the request for a fee waiver on behalf of Mr. Lee Daniel, Visit Tallahassee, Mr. Jon Sweede, Manager of Po' Boys, Inc. and Jared Hinaman from Harry's of Tallahassee, LLC. The events will be open to the public, similar to other street festivals with food and craft vendors, children's games and music to kick off the Independence Day weekend.

### **Consent**

**Items 2-4** - Voted 5-0 to approve staff's recommendation presented on Consent Agenda Items 2 through 4 taking the following action:

Item 2 - Approved the contract award of a five-year contract, with options for five additional one-year renewals, to Republic Parking System, Inc., of Chattanooga, TN, for Parking Management Services (RFP No. 0042-11-ER-RC); and authorized staff to finalize a new contract subject to review and approval by the City Attorney and City Manager. Republic Parking System, Inc. received preference as a local vendor. *(Recommended by the Property Management Division)*

Item 3 - Approved the Summit East, Phase II 2B subdivision plat. The preliminary plat of Summit East, Phase II 2B was approved by the Development Review Committee (DRC) on October 26, 2009. The area being platted contains 5.12 acres as three (3) lots, fronting Summit Lake Lane. The infrastructure within this subdivision is either complete or the appropriate bonds have been provided. All roads and utility easements are being dedicated to the perpetual use of the public. The annual recurring maintenance costs associated with this subdivision are estimated to be \$2,313. *(Recommended by the Public Works Department)*

Item 4 - Approved Resolution No. 11-R-14 authorizing the City Manager to file, execute and sign all documents, agreements, or contracts for the FY2011/2012 Florida Commission for the Transportation Disadvantaged Trip & Equipment Grant, in the amount of \$451,652. The grant authorizes the City of Tallahassee, as the Leon County Community Transportation Coordinator (CTC), to access the funding allocated through the Transportation Disadvantaged Commission to subsidize the travel needs of residents with limited mobility. There is no fiscal impact to the StarMetro Operating Budget. No City funds are required; these services are completely funded through grant proceeds and voluntary contributions. *(Recommended by StarMetro)*

### **Item Pulled From Consent**

At the request of City Manager Thompson Item 5 was pulled from the Consent Agenda for discussion and separate vote.

**Item 5** - Voted 3-1 (Commissioner Ziffer opposed) (Commissioner Mustian abstained) to adopt Resolution No. 11-R-16 and authorized staff to negotiate to complete the transaction.

Â Resolution No. 11-R-16 authorizes the approval of a Memorandum of Agreement with the Borrower, Sunnyland Solar, LLC, a Florida limited liability company, and memorializes the City's intent to issue tax-exempt debt on behalf of the Borrower with a principal amount not to exceed \$5,400,000 for the purpose of financing the cost of acquisition, installation, and equipping of Sunnyland facilities located in the City of Tallahassee. A separate Resolution authorizing and approving the debt will be presented to the City Commission at a subsequent City Commission meeting. *(Recommended by the Treasurer-Clerk)*

Mr. Michael Parker, Director, Economic Community Development, presented the item and answered the Commission's questions relative to this item.

### **Introduction of Ordinances**

City Attorney English presented the following ordinances.

**Item 6** - Introduction of Ordinance No. 11-O-22 and announced the public hearing for July, 13, 2011. *(Recommended by the Treasurer-Clerk)*

City Attorney English read the title of Ordinance No. 11-O-22 into the record as presented.

The proposed ordinance will amend the pension ordinance for general employees to properly state that payments for personal leave earned after July 1, 2011 will no longer be included in calculations of pension benefits. This ordinance change does not apply to collective bargaining units.

**Item 7** - Introduction of Ordinance No. 11-O-24 and announced the public hearing for July, 13, 2011 to amend the pension ordinance for both Police and Fire Supplemental Plans to extend the 175 and 185 Board of Trustee terms from a two-year service to a four-year service.

Â *(Recommended by the Treasurer-Clerk)*

City Attorney English read the title of Ordinance No. 11-O-24 into the record as presented.

By consensus, the Commission introduced said ordinances and set the public hearings as stated herein.

City Manager Thompson recognized a group of young ladies who were present in the audience known as Determined Individuals Vying for Awareness in Society (DIVAS) lead by Ms. Christic Henry, Chair of the Council of Neighborhood Associations (CONA). Amelia Smith and Janyiah Peterson, both DIVAS, spoke on behalf of the organization. The DIVAS program requested the adoption of the Speed Spencer Stephens Center in memory of Ms. Edwina Stephens. The first Thursday of the DIVAS' summer program was declared Ms. Edwina Stephens Memorial Day.

Mayor Marks thanked the group for coming and directed the City Manager to review the request of the DIVAS relating to adopting the Speed Spencer Stephens Center in the memory of Ms.

Edwina Stephens. City Manager Thompson commended the DIVAS for the efforts to adopt the park.

### **Policy Formation and Direction**

**Item 8** - Voted 5-0 to authorize appropriation and expenditure of \$141,720 from the Federal Law Enforcement Trust Fund undesignated balance and reallocate \$36,500 from the FY09 Recovery Act Justice Assistance Grant (2009-SB-B9-2375) to fund five special projects. *(Recommended by the Police Department)*

Chief Dennis Jones, Tallahassee Police Department, was available to answer questions.

These projects include hardening the TPD main station lobby area to improve security (\$50,000), increasing equipment available for surveillance and patrol operations (\$30,020), replacing the current expandable baton issued to all officers (\$42,000), purchasing equipment for storing records and evidence (\$46,500), and enhancing the Department's Patrol Rifle Program (\$9,700).

**Item 9** - Received a presentation and update on youth and violent crime within the City. *(Recommended by the Police Department)*

Chief Dennis Jones, Tallahassee Police Department, and Major Lewis Johnson presented the item and answered the Commission's questions relative to this item.

This item was for information only; no action required.

**Item 10** - Voted 4-0 (Commissioner Gillum absent) to adopt the Monroe-Adams Corridor Action Plan approving expenditures of \$1,200,000 previously allocated to implement the South Adams Street Gateway Enhancement project and \$35,000 from the city's C-3 Landscaping fee-in-lieu ("Tree Bank") funds; and authorize staff to proceed with conceptual design of medians on S. Monroe Street from FAMU Way to Magnolia Drive and to apply for other eligible grants to further implement the Action Plan, over a period of time. *(Recommended by the Planning Department)*

Ms. Cherie Horne, Manager, Special Project Planning and Mr. Dan Donovan, Senior Planner/Urban Designer, Planning Department conducted a presentation on this item.

The Corridor Action Plan includes capital improvements for East Palmer Avenue and recommendations for medians on South Monroe Street, a mural program, and community events.

**Item 11** - Voted 4-0 (Commissioner Ziffer abstained) **to approve Option 1** to direct staff to proceed with the total \$47 million project and finalize the contracts for construction. *(Recommended by the Department of Management & Administration)*

Over the last couple of years the City, County, and Leon County Sheriff's Office have been working closely on the development of a public safety complex that would result in the consolidation of dispatching functions for the community. The project as currently designed

includes a number of functions, including: Fire Administration, EMS Administration, a regional traffic management system, joint dispatch operations, Leon County Emergency Operations Center, the EMS Operations center and a future one-bay fire station. The complex would be located on Easterwood Drive adjacent to the American Red Cross operations center and Tom Brown Park.

Current capital costs for the Public Safety Complex are estimated at approximately \$46 - \$47 million, with the City's share totaling approximately half of this amount. Both the City and the County currently have the capital costs funded. City and County staff are estimating additional annual operating costs of approximately \$2.2 million to \$2.7 million, also to be split equally. As the facility is anticipated to be completed in summer of 2012, a portion of the operating costs will impact the FY2012 budget. The City does not have these costs included in the FY12 budget currently being developed.

Mr. Jay Smith, Ajax Construction, General Manager of the project discussed the construction schedule. Anticipated construction completion date is January 2013 and not January 2012 as previously indicated and the facility will be fully operational by June 2013. Mr. Smith continued to answer the Commission's questions relative to this item.

Mr. Raoul Lavin, Director, Management & Administration, and Mr. Jay Townsend, Assistant City Manager, also answered the Commission's questions relative to this item.

**Item 11.1 (added to the agenda)** - Voted 5-0 to approve the proposed Memorandum of Agreement (MOA) between the City and County for restructuring Blueprint2000 and Planning Department. *(Recommended by the City Attorney's Office)*

The agreement was unanimously approved by the Blueprint Intergovernmental Agency at its regular meeting on June 20, 2011. The MOA impacts some provisions of the current Blueprint Ch. 163, F.S. Interlocal Agreement and the City and County Agreement regarding the Tallahassee-Leon County Planning Department. Formal amendments and restatements of those agreements will be brought to the City and County Commissions at a later date.

**Item 11.2 (added to the agenda)** - Voted 5-0 to direct staff to modify the Local Business Certification Program extending the LBE 20% preference to City of Tallahassee utility customers that are located outside Leon County and within the extended local business area of Gadsden, Jefferson, or Wakulla Counties. *(Recommended by the Department of Management & Administration)*

At the March 9, 2011 City Commission meeting, the Commission approved the Local Business Participation Program. The new program was intended 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.

At the June 22, 2011 Financial Viability of Government Target Issue Committee meeting, a discussion was held regarding extending the LBE preference to those business located outside Leon County by that are City of Tallahassee utility customers. The Financial Viability of

Government Target Issue Committee recommended that the LBE preference be extended to City of Tallahassee utility customers located outside of Leon County and within the extended local business area of Gadsden, Jefferson, and Wakulla counties.

Commissioner Gillum noted that this item was added to the agenda today, because one of the companies that it applies to is currently bidding on a city project and that the Commission's action would affect a contract for asphalt and milling services that is out for bids.

## **Public Hearings**

**Item 12** - Voted 4-0 (Commissioner Gillum absent) to adopt Ordinance No. 11-O-13.  
*(Recommended by the City Attorney)*

There were no speakers on this item.

The City of Tallahassee Community Redevelopment Agency (CRA) is established pursuant to the Florida Statutes and by City ordinance. City ordinance provides that the membership of the CRA Board consists of the Mayor and City Commissioners and four County Commissioners; to be appointed pursuant to a procedure chosen and implemented by the Board of County Commissioners of Leon County. The County Commission voted to make their appointments to the CRA on a bi-annual basis.

**Item 13** - Voted 5-0 to adopt Ordinance No. 11-O-21 with an amended implementation date of October 1, 2011 to allow independent drivers time to come in compliance with the ordinance.  
*(Recommended by the City Attorney)*

The City of Tallahassee through its Code of Ordinances regulates companies operating or engaging in the business of operating taxicabs (vehicles for hire) within the City. Over the past several years, a number of vehicles commonly known as "gypsy cabs" or "transportation or courier services" have been operating within the City without regulation or licensed authority. The proposed ordinance amendments will permit the operation of these alternative transportation services but will subject the vehicles and drivers to essentially the same regulatory authority as are franchised taxicabs.

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

Mr. Roosevelt Groomes, 3195 Lakeview Drive, appeared before the Commission to express concern with the process for drafting of the amendment to Ordinance No. 11-O-21, citing that new businesses and independent drivers were left out of the process. Mr. Groomes also expressed concern with the date of implementation and the licensing fees and other costs. Mr. Groomes commented about the lack of business during the slow summer season which makes it financially difficult to come into compliance with the Ordinance by August 1, 2011.

City Attorney English explained that the user group included existing cab companies Yellow Cab and City Cab, and the independent owners included Don Heath Transportation and two other independent cab companies. City Attorney English stated that staff thought that there was

significant representation of businesses that were currently regulated and those who were not regulated.

Ms. Kimberly Kelley, 2517 Old Bainbridge Road, appeared before the Commission to express concern with the implementation date of Ordinance No. 11-O-21. Ms. Kelley stated the lack of business for independent drivers during the summer months makes it financially difficult to come into compliance with the Ordinance by August 1, 2011. Ms. Kelley requested an extension for independent drivers to meet the necessary requirements of the ordinance.

Mr. Don Heath, 1008 #16 Sharer Court, representing Don Heath Transportation, appeared before the Commission to express concern with gypsy cabs or independent cab drivers not carrying the proper insurance. Mr. Heath opined that drivers' insurance companies were not aware that these independent drivers were transporting passengers for hire and therefore, these drivers were not carrying the proper insurance. Mr. Heath requested that the ordinance be changed to require drivers to submit proof of insurance coverage for transporting passengers.

Mr. Frank Strickland, 770 Appleyard Drive, Unit 4-H, appeared before the Commission to express concern with the August 1, 2011 implementation date of Ordinance No. 11-O-21 and the short amount of time to comply with the ordinance. Mr. Strickland also expressed concern with being left out of the process for drafting the amendment to the ordinance.

After receiving public comment, Commissioner Gillum made a motion to extend the implementation date from August 1st to October 1st, 2011 in order to provide additional time for drivers to come into compliance.

**Item 14** - Voted 5-0 to adopt Ordinance No. 11-Z-09, thereby amending the Immanuel Baptist Church Planned Unit Development Concept Plan, based on the findings of fact and conditions of the Planning Commission, the information contained herein, and evidence presented at the hearing (PRZ110003). *(Recommended by the Planning Department)*

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

Mr. Robert George, 1967 Commonwealth Lane, representing Immanuel Baptist Church, appeared before the Commission to answer questions.

The applicant is requesting an amendment to the existing Immanuel Baptist Church Planned Unit Development (PUD) Concept Plan, which totals 10.30 acres and is located on the southwest corner of the intersection of Mahan Drive and Concord Road, to increase the maximum building floor area from the existing 39,886 square feet to 125,000 square feet. The increase will allow for the construction of a new sanctuary and a fellowship/education building.

**Item 15** - Conducted the continuation of the first public hearing on Ordinance No. 11-Z-10AA, closed the first public hearing, and set the second public hearing on July 13, 2011. *(Recommended by the Planning Department)*

There were no speakers on 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.

**Item 16** - Voted 5-0 to adopt the Annual Action Plan with the inclusion of public comments and approved its submittal to HUD; and appropriated the funding and authorized staff to negotiate and execute contracts for the activities and programs listed in the FY 2011-2012 Proposed Funding Summary, subject to the award of HUD funds. *(Recommended by the Economic & Community Development Department)*

There were no speakers on this item.

This Annual Action Plan represents the proposed activities to be accomplished for the period of October 1, 2011, through September 30, 2012. A total of \$3,204,389 of proposed activities designated in the Annual Action Plan are to be funded by general fund revenues in anticipation of federal and state grant revenue reimbursement amounts including CDBG funds of: \$1,907,943; HOME funds of \$1,211,733; and ESG funds of \$84,713.

### **Unagendaed Business/Speakers**

The following persons appeared before the Commission:

Mr. Ted Thomas, 1469 Vieux Carre Drive, appeared before the Commission and congratulated the Commission on the vote relating to the Joint Dispatch Center. Mr. Thomas expressed dissatisfaction with the vote relating to Blueprint2000 and recommended that the Commission reconsider the vote and to leave the management structure of Blueprint2000 as-is. Mr. Thomas also recommended that the Commission give citizens the opportunity to have input on agenda items as each item is discussed and prior to the Commission's vote, rather than having to wait until the Unagendaed Speakers portion at the end of the meeting.

Mr. Marc Mitchell, 1819 Doomar Drive, representing Capital Asphalt, Inc. appeared before the Commission to express concern with the asphalt and milling supply contract which is currently out for bids. Mr. Mitchell expressed his dissatisfaction with Peavy & Son Construction Co., Inc. (located in Havana, FL / Gadsden County) being given local business preference due to being a City natural gas utility customer. Mr. Mitchell noted that Peavy chooses to use City natural gas because it is advantageous to its business. Mr. Mitchell stated that Peavy does not pay City of Tallahassee or Leon County taxes and therefore should not be considered a "local" business. Mr. Mitchell alleged that Peavy has been overpaid at least \$500,000 under the terms of its existing City contract and Mr. Mitchell indicated that he submitted documentation to City Attorney English substantiating this allegation. Mr. Mitchell indicated that Peavy's contract expired and that the City is engaging in a no-bid contract by continuing to purchase from Peavy on a month-to-month basis. Mr. Mitchell asked that the City Attorney review the City's contract with Peavy and Sons.

Commissioner Gillum inquired about the alleged overpayment and requested that staff provide a status on the contract.

Mr. Gabe Menendez, Director, Public Works Department, presented information regarding the history of Peavy's contract and the dates of past price adjustments. Brief discussion continued in regards to this item.

Commissioner Miller recommended an evaluation of the Local Business Preference Program after one year by the City Auditor to determine if the program has been beneficial. A brief discussion continued.

Mr. Derrick Young, 675 Pensacola Street, appeared before the Commission to express concern with city government not operating in the best interest of the people and also expressed concern with Blueprint2000. Mr. Young also expressed concern with youth violence in the community and opined that Tallahassee does not have a problem with gangs. Mr. Young stated that the problem is teens with too much time on their hands and parents losing control of their teens. Mr. Young also commented about an issue raised by County Commissioner Proctor relating to the hiring of illegal Hispanics on city construction sites. Mr. Young stated that he had visited several construction sites and it appeared that all of the sites employed these types of individuals. Mr. Young stated that felt that this was an issue that the City needed to address.

Mr. Curtis Baynes, 1323 E. Tennessee Street, appeared before the Commission and stated that he had sent an email to the Commission requesting that the Commission vote against option 3 relating to the Joint Dispatch Center. Mr. Baynes stated that he feels that the Joint Dispatch Center was a bad project and also felt that the project was unaffordable for the City and the County.

Dr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission to inquire about Mayor Marks' relationship with various vendors and the Mayor's law firm. Mr. Jackson presented several documents including a voting conflict form, a tabulation of payments from the City to Honeywell, and a City Attorney's opinion. Dr. Jackson stated that it was easy to disguise personal payments if they are funneled through a law firm or business. Dr. Jackson accused Mayor Marks of denying the facts and deceiving the public in order to delay justice.

Mr. Delaitre Hollinger, 501 Alpha Avenue, appeared before the Commission to discuss a cemetery located in the National Forest on Springhill Road, directly in front of the airport runway. Mr. Hollinger presented a 1967 *Tallahassee Democrat* article relating to a "lost" cemetery dating back to the slave era. Mr. Hollinger requested that the Commission consider restoring the cemetery which is currently located on City property and placing a historical marker at the cemetery and another historical marker at the original location of the cemetery on the Lively Technical property.

City Manager Thompson informed Mr. Hollinger that the statue of Dr. C.K. Steele was now visible at the C.K. Steel Plaza on Adams Street. Mr. Hollinger previously requested that some action be taken to remedy a tree blocking view of the memorial statue.

Mr. Arthur Kirby, 133 Dawn Lauren Lane, appeared before the Commission to express opposition to Agenda Item 11 relating to the Public Safety Complex. Mr. Kirby stated that if Item 11 is a Florida Statue Ch. 163 matter, staff recommendations Nos. 1, 2 and 4 are invalid for consideration, discussion, and Commission action because the current Memorandum of Agreement expired and sunset on January 1, 2011. Mr. Kirby inquired how the Commission could take action on a project that is expired, and therefore does not exist.

Mayor Marks stated that the Commission was not prepared to answer the questions raised by Mr. Kirby at this time and that staff would review the issue and report back to the Commission.

### **Sharing of Ideas**

Commissioner Ziffer commented about an oak tree that was donated by Miami-Dade County Legislative Delegation. Commissioner Ziffer expressed a desire to plant the tree in honor of Ms. Edwina Stephens at the entrance of the Speed Spencer Stephens Park.

Commissioner Ziffer also commented about homelessness in Tallahassee and requested an update on the Homeward Bound initiative. Mayor Marks responded by stating that Ms. Susan Pourciau, Executive Director of the Big Bend Homeless Coalition, was working on a business plan and a report would be brought before the commission when that plan was completed.

Commissioner Gillum wished Commissioner Mustian and his wife Greta a happy anniversary.

Commissioner Miller commented about the old electric building owned by the City located in the Cascade Park. Commissioner Miller stated that she had the opportunity to tour the building and found it to be in very good condition. Commissioner Miller stated that she has been approached by individuals interested in renovating the building. Commissioner Miller recommended having staff to develop a concept plan and issue a Request for Proposal (RFP).

Mayor Marks commented about cuts in the state budget. Mayor Marks introduced the Big Bend Works program, which is a working group led by Dr. James Murdaugh, President, Tallahassee Community College (TCC), and includes community partners such as the Greater Tallahassee Chamber of Commerce, Work Force Plus, Leon County Trustier, 211 Big Bend, Moore Consulting and others. Big Bend Works is creating a clearinghouse website - [www.bigbendworks.com](http://www.bigbendworks.com) - that will serve as a one-stop shop for laid-off state employees who are seeking services in job placement, utility payment assistance, foreclosure avoidance, and other services. Mayor Marks asked the Commission to formally approve the partnership with Big Bend Works. The Commission voted 5-0 to approve the partnership.

Mayor Marks announced that the City of Tallahassee was named the Most Livable City in America by the United States Conference of Mayors and was presented with the 2011 City Livability Award. Mayor Marks stated that there would be a local presentation of the award at the July 6, 2011 regular Commission meeting.

Mayor Marks shared with the Commission that he was elected to serve as Trustee for the United States Conference of Mayors. Mayor Marks also shared with the Commission that he had

traveled to Dakar, Senegal, Africa and had the opportunity to interact with Senegalese mayors and signed a Memorandum of Understanding with the Mayors to help Senegal restructure their local government.

Commissioner Miller informed residents that recycling options had been expanded and stated that any non-black plastic item that is not a plastic bag can be recycled in residential recycling bins / smart-cart. Previously, only certain types of plastics could be accepted. "Black plastic" items are containers that hold hazardous contents, such as motor oil.

There being no further business, the meeting adjourned at 7:59 p.m.

## **City Commission Meeting Summary - July 6, 2011**

The City Commission met in regular session at 4:02pm in the City Hall Commission Chambers and took the following action:

### **Agenda Modifications**

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

Item 4.1 - Presentation of Proclamation recognizing Mr. Kim B. Williams as the recipient of the Richard L. McLaughlin Economic Development Volunteer of the Year Award.

Item 4.2 - Presentation on the Association of African-American Museums' National Conference in Tallahassee.

Mayor Marks noted Commissioner Gillum would be absent due to illness.

### **Presentations**

**Item 1** - Presentation of the U.S. Conference of Mayors' 2011 City Livability Award to the City of Tallahassee. (Brought forward by Mayor Marks)

Mayor Marks, along with Commissioners Ziffer, Mustian and Miller, and staff of the Neighborhood REACH program accepted the first-place award on behalf of the City. Joining City staff were three residents who participated in the REACH program and also appeared in the City's promotional video.

The City of Tallahassee received the award for the Neighborhood REACH program, which provides weatherization assistance to low-income residents in low-income neighborhoods.

**Item 2** - Presentation of Proclamation recognizing Mr. Akil Dupont for his independent film "Underground." (Brought forward by Mayor Marks)

Mr. Dupont accepted the Proclamation with thanks. "Underground" is a story told through song about three slaves fighting insurmountable odds to find the Underground Railroad. Mr. Dupont, a FAMU and FSU Film School graduate, was the Director, Co-Writer, and Musical Director of the award-winning short film.

Mr. Dupont recognized Tallahassee native 6 year-old Nike Eaton, who portrayed the leading character's young daughter in the film.

**Item 3** - Presentation of BigBendWorks.com initiative to assist laid-off state employees. (Brought forward by Mayor Marks)

President Jim Murdaugh, Tallahassee Community College (TCC); Ms. Karen B. Moore, Moore Consulting Group; Ms. Sue Dick, President, Greater Tallahassee Chamber of Commerce; and Mr. Michael Campbell, Trusteria Services, Inc., gave a presentation on the newly-launched BigBendWorks.com website created by an informal coalition of public agencies, non-profit organizations and private companies, united to provide displaced state employees with resources to aid in a seamless transition to re-employment.

**Item 4** - Recognition of employees completing the Senior City Certified Supervisors Program. (Brought forward by Equity & Workforce Development)

Ms. Angela Hendrieth, Workforce Development Coordinator, Equity & Workforce Development, recognized city employees Mr. Nico J. Lauw, Industrial Engineer III, Underground Utilities, and Ms. Tonya Herron, Assistant Station Manager, WCOT, Communications, for completing the necessary coursework to attain the designation of Senior City Certified Supervisor.

**Item 4.1** - Presentation of Proclamation recognizing Mr. Kim B. Williams as the recipient of the Richard L. McLaughlin Economic Development Volunteer of the Year Award. (Brought forward by Mayor Marks)

Mr. Williams, Chairman of the Economic Development Council and proprietor, partner, and shareholder of several local businesses, accepted the proclamation with thanks. Mr. Williams recognized members of his staff and family for their support.

**Item 4.2** - Presentation on the Association of African-American Museums' National Conference in Tallahassee. (Brought forward by the City Manager's Office)

Ms. Althemese Barnes, Executive Director, John Gilmore Riley Center / Museum, and Ms. Annie Harris, Riley House Member, informed the Commission and citizens that Tallahassee and the Riley House have been selected as the location for the 2011 Association of African American Museums' National Conference, to be held on August 3rd through August 6th, 2011.

## **Consent**

**Items 5-16** - Voted 4-0 (Commissioner Gillum absent) to approve staff's recommendation presented on Consent Agenda Items 6 through 16 taking the following action:

Item 5 - Appointed Mr. Richard A. McAllister and reappointed Mr. Stephen Scott Dick to the Downtown Improvement Authority; terms to expire June, 2014. Mr. McAllister's appointment will fill the seat vacated by Ms. Grace Dansby. (Recommended by Mayor Marks)

Item 6 - Appointed Mr. LaRoderick E. McQueen and Mr. Phillip J. Summers to the Municipal Code Enforcement Board; terms to expire June, 2014. Messrs. McQueen and Summers fill seats vacated by Mr. Perry West and Mr. Kevin Sossong, respectively. (Recommended by Mayor Marks)

Item 7 - Appointed Mr. Robert K. "Bob" Henderson to the Environmental Board, term to expire November, 2014. Mr. Henderson fills the seat vacated in 2009 by Mr. Rodney Floyd. (Recommended by Mayor Marks)

Mr. Henderson is a former Leon County Commissioner.

Item 8 - Appointed Ms. Cynthia B. Jones to the Leon County Science Committee; two-year term to expire March, 2013. Ms. Jones fills the seat previously held by Thomas Kwader, which expired in March, 2011. (Recommended by Mayor Marks)

Item 9 - Reappointed Mr. Randolph G. "Randy" Lewis and Dr. Geraldine H. Seay, Ph.D., to the Tallahassee-Leon County Architectural Review Board (ARB); terms to expire June, 2014. Mr. Lewis is an architect and Dr. Seay is the owner of a historically-zoned property. (Recommended by Mayor Marks)

Item 10 - Appointed Mr. J. Scott Henderson to the Tallahassee-Leon County Planning Commission/Local Planning Agency; term to expire June, 2014. Mr. Henderson fills the seat vacated by the resignation of Nancy Miller in mid-year, 2010. (Recommended by Mayor Marks)

Item 11 - Reappointed Mr. Jeffrey S. Phipps to the Tallahassee Housing Authority; term to expire April, 2015. (Recommended by Mayor Marks)

Item 12 - Repealed City Commission Policy 700 CP, the Applicability of Permits, Permit Fees and Impact Fees to Public Agency Development Projects policy. (Recommended by Growth Management)

Item 13 - Awarded a three-year contract for Sodium Hypochlorite (Liquid Chlorine) and Storage Tank Installation/Rental to the lowest, responsive, and responsible bidder, Allied Universal Corporation, and authorized staff to enter into a contract for the period June 1, 2011 through May 31, 2014; to be funded by the Parks, Recreation and Neighborhood Affairs operating budget (Bid No. 0054-11-TJ-BC). (Recommended by Parks, Recreation & Neighborhood Affairs)

The fiscal impact is estimated at \$181,360 for the term of the contract, or \$60,454 per year. This includes a storage tank rental fee of \$20 per year, for each of the six swimming pool locations that use Sodium Hypochlorite (Liquid Chlorine), and an estimated total of 66,301 gallons of chlorine per year at \$.91 per gallon. Two firms submitted bids; neither firm claimed local preference or submitted Charitable Contributions for this bid.

Item 14 - Awarded Item Nos. 1 - 26, 34, and 35 of the bid tabulation to Azar's Uniforms; and Items Nos. 27 - 33 of the bid tabulation to G-Willie's Uniforms, Inc. (Bid No. 0046R-11-TJ-TC). The total estimated cost of this award is approximately \$300,000 based on estimated usage over

the three-year period; to be funded by the Police Department operating budget. (Recommended by the Police Department)

Item 15 - Provided initial approval to apply for the FY11 Justice Assistance Grants (JAG), based on the recommended allocations of funding, and scheduled a public hearing on July 13, 2011 to meet Federal program requirements. (Recommended by the Police Department)

The City of Tallahassee has received notice from the U.S. Department of Justice (DOJ) that the City of Tallahassee and Leon County are eligible for \$171,926 through the FY11 Justice Assistance Grant (JAG) Program and \$142,456 through the FY11 Justice Assistance Grant Program. Of the \$314,382 combined FY11 awards, the recommended allocation is \$95,191 for the City of Tallahassee, \$95,191 for the Leon County Sheriff's Office, and \$124,000 for Leon County. As part of the public hearing, additional details will be provided regarding proposed program level allocations and type of equipment to be purchased.

Item 16 - Approved a mid-year supplemental appropriation of \$200,000 to Project No. 1100241 - Natural Gas Rebates from current-year revenues. (Recommended by Underground Utilities)

Current gas-utility revenues are approximately four percent (4%) greater than those realized for the same period for the last fiscal year and will be sufficient to support the transfer of \$200,000 to the rebate program, while maintaining the budgeted level of transfers to both the General and RR&I Funds.

Commissioner Mustian noted recent criticism of the composition of the Architectural Review Board (ARB). After brief discussion, the Commission's consensus was that the Board's makeup was satisfactory.

### **City Commission**

**Item 17** - Voted 4-0 (Commissioner Gillum absent) to approve the revised City Commission Policy 142, the International and Sister City Policy, as amended to include a sunset date of July, 2014. (Recommended by the Mayor's Office)

Mr. Rick Minor, Chief of Staff, Mayor's Office, gave a presentation on the history of the program and listing the participating Sister Cities. Mr. Minor noted that the proposed policy revisions aimed to reflect the current-day implementation of the Program which has shifted from being government-driven to a self-supporting, citizen-driven program.

After brief discussion, the proposed policy was amended to include a sunset provision requiring the policy to be brought before the Commission in three years. By consensus, the Commission indicated willingness to review the process by which inactive or dormant Sister Cities are removed from the list of officially-recognized cities.

### **Introduction of Ordinances**

City Attorney English presented the following ordinances.

**Item 18** - Introduction of Ordinance No. 11-O-02, Proposed Amendment to Solid Waste Ordinance; first and only public hearing on Wednesday, August 31, 2011. (Recommended by Solid Waste)

City Attorney English read the title of Ordinance No. 11-O-02 into the record as presented.

The proposed ordinance will enact provisions regulating the timely removal of refuse containers from the curb; regulates the time and manner in which waste may be placed at the curb in advance of collection day; alters the level of service of non-compliant customers; regulates use of unapproved containers; prohibits commingling of yard and other wastes; disclaims damages to privately-owned obstacles or structures; defines Backdoor Service, Helping Hands, Premium and Standard residential services; institutes qualifications for the Helping Hands program; prohibits the discharge of used oil, grease, bio-medical, biological and bio-hazardous waste into the sanitary sewer or waste/recycling containers; and provides for enforcement of violations and assessment of fines.

Commissioner Mustian voiced concern with the proposed regulation of the placement of yard waste at the curb in advance of pickup.

**Item 19** - Introduction of Ordinance No. 11-O-25, Contracting City Limits within City-Owned Property (Welaunee); first and only public hearing on Wednesday, August 31, 2011. (Recommended by the City Attorney)

City Attorney English read the title of Ordinance No. 11-O-25 into the record as presented.

In order to avoid the creation of an enclave of County property due to adoption of annexation Ordinance No. 11-O-05AA, the City must contract its boundaries.

By consensus, the Commission introduced said ordinances and set the public hearings as stated herein.

### **Policy Formation and Direction**

**Item 20** - Voted 4-0 (Commissioner Gillum absent) to authorize appropriation and expenditure of up to \$20,000 in interest earnings for the FY09 Recovery Act Justice Assistance Grant (JAG) (2009-SB-B9-2375) and \$3,000 for the FY09 regular Justice Assistance Grant (2009-DJ-BX-1195). (Recommended by the Police Department)

Chief Dennis Jones, Police Chief, Police Department, and Mr. Greg Frost, Administrative Service Bureau Manger, Police Department, were available to answer questions, but were not called to speak.

The requested funding will be used to support upgrades to the department's Mobile Data Computer (MDC) program by purchasing 24 laptop docking stations and power supply units for installation in patrol vehicles; as well as to purchase a laptop computer for the department's Training Unit.

**Item 21** - Voted 4-0 (Commissioner Gillum absent) to approve and authorize the City Manager, or her designee, to execute an amendment to the 2006 - 2011 Florida State University (FSU) Seminole Express Agreement, extending the terms for one year and adjusting the service hours and hourly rate providing the City with a total of \$2,304,524 in funding for the transit system in FY2012. (Recommended by StarMetro)

Mr. Ron Garrison, Director, StarMetro, was available to answer questions, but was not called to speak.

StarMetro carries over 1.3 million students, faculty, and staff annually, both on and off campus, lowering parking demand on campus and congestion on the surrounding streets. The amendment is estimated to provide supplemental funding for the City's transit system in the amount of \$2,304,524; a 4% increase from the 2010-2011 agreement. The service agreement is successful in decreasing vehicles on campus, improving ridership, and lowering the carbon footprint for both the University and the City of Tallahassee. The amendment continues the use of the Monthly Rate Calculator, which adjusts the rate in accordance to changes in the cost of fuel.

### **Target Issue Updates**

Commissioner Mustian presented updates on the Long Range Planning Target Issue Committee including the following:

- Increased flexibility for Planned Unit Development (PUD) standards
- Community Planning Act (House Bill No. 7207)
- Downtown, Cascade Park, and the Hernando DeSoto encampment site connectivity
- Downtown Tallahassee Connectivity Plan
- Internet Cafes and Leon County's new ordinance

It was noted that the 500th Anniversary of the discovery of Florida by Juan Ponce de Leon was approaching and that the King and Queen of Spain were scheduled to be in Tallahassee in 2013 to recognize the anniversary of Florida's discovery. A brief discussion ensued relative to the City's preparation for this event.

In the absence of Commissioner Gillum, Commissioner Mustian presented updates on the Financial Viability Target Issue Committee including the following:

- General Fund Transfers from the Utilities
- Utility Rate Study
- Continued discussion on Pension issues

It was noted that the first two items were discussed in length during the Budget Workshop on June 30th. Commissioner Mustian indicated the Committee would be reviewing the recent changes made by the Florida Legislature regarding public pensions, and how those changes would affect the City and its employees.

Mayor Marks presented updates on the Economic Development Target Issue Committee including the following:

- Review of sales tax exemption for electrical energy incentive for the Enterprise Zone
- Proposed revision to the Airport Advisory Board membership

Mayor Marks noted that staff's recommendation was to not participate in the exemption program, largely due to cost of approximately \$297,000 to \$595,000 and the fact that the program largely benefited existing businesses and did not encourage new businesses and job growth.

Commissioner Miller presented updates on the Environmental & Energy Resources Target Issue Committee including the following:

- 2011 Think About Personal Pollution (TAPP) Campaign
- Proposed Solid Waste Ordinance changes; effective October 1, 2011
- EPER Sustainability Action Agenda
- Minimum Countywide Environmental Standards exercise with Leon County staff
- 5-year extension of the aquifer protection Interlocal agreement
- Feasibility study report concerning wastewater treatment in the aquifer protection zone
- Draft concept plan for Wakulla Springs restoration was received on June 17th

Commissioner Miller noted that a new TAPP Coordinator, Ms. Katie Hallas, has been hired to assume the duties formerly executed by Commissioner Miller prior to her election to the City Commission. Commissioner Miller noted that two new TAPP advertisements had been produced - one concerning rain gardens and another thanking citizens for pickup of their pet's waste.

### **Unagendaed Business/Speakers**

The following persons appeared before the Commission:

Dr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission to continue previous remarks concerning Mayor Marks, the Alliance for Digital Equality (ADE), Mr. Julius H. Hollis - Chairman of ADE, Ms. Jeanne Hollis of ADE, Tallahassee attorney Sean Pittman, and the ongoing Airport project. Mr. Jackson alleged that ADE is a scam operation, Sean Pittman has used his influence with Mayor Marks to utilize the City of Tallahassee as a front operation to secure Federal funding, and that Mr. Pittman is distributing that funding to the Mayor and Mr. Art Collins of ADE, and other individuals. Mr. Jackson stated his support for an FBI investigation and for an IRS investigation into the non-profit status of ADE.

Mayor Marks commented that agencies investigating these issues can investigate them completely and fully, and that he was confident they would not find anything inappropriate.

Ms. Valerie Jean Conner, Chairperson of the Architectural Review Board (ARB), appeared before the Commission to offer thanks for the Commission's support of the ARB. Ms. Conner voiced her disagreement with those critical of the current membership and composition of the ARB.

Ms. Althea M. Lewis, 3419 Sunnyside Drive, appeared before the Commission to express dissatisfaction with the new StarMetro Nova2010 route structure. Ms. Lewis, an octogenarian, indicated that under the new route structure, she would be forced to take three buses to arrive at her destination instead of one bus under the old route structure. Ms. Lewis indicated that she would now have to transfer busses in unfamiliar neighborhoods and she was therefore concerned for her safety.

Mayor Marks requested Mr. Ron Garrison, Director, StarMetro, to speak with Ms. Lewis relative to her concerns. Commissioner Miller recommended that a StarMetro Nova 2010 ambassador be paired with Ms. Lewis to assist her in her first few trips under the new route structure. It was noted that StarMetro had recently hired a Mobility Coordinator who was hired to perform the outreach efforts described by Commissioner Miller.

Mr. Marc Mitchell, 1819 Doomar Drive, representing Mitchell Asphalt, Inc., appeared before the Commission to express concern with the asphalt and milling supply contract. Mr. Mitchell expressed concern with Peavy and Sons Construction located in Gadsden County receiving local business preference. Mr. Mitchell alleged that the local preference policy was changed to specifically aid Peavy & Son and that the City was steering the asphalt contract to Peavy. Mr. Mitchell also argued that Peavy was not a City of Tallahassee or Leon County taxpayer.

A brief discussion ensued concerning the circumstances surrounding the changes to the local preference process and the bid process for the asphalt contract. It was clarified that the Commission's intent was to support the Tallahassee region, including businesses located in neighboring counties.

Mr. Lee Lassiter, 3733 Mundun Way, representing Peavy & Son Construction Co., Inc., appeared before the Commission to express support for the amendment to the local preference policy. Mr. Lassiter indicated, contrary to Mr. Mitchell's comments, that Peavy & Son did pay Leon County taxes via Peavy's recycling operation located on Highway 20.

### **Sharing of Ideas**

Commissioner Mustian noted recent criticism regarding the operation of the Animal Shelter by proponents for the establishment of a no-kill, anti-euthanasia shelter. Commissioner Mustian recommended that the Commission reemphasize to no-kill advocates that the City Commission sets policy for the operation of the Shelter, not management of Parks & Recreation or the Animal Service Center. After brief discussion, it was proposed that interested parties be invited to a workshop to discuss their concerns with the Commission; to be scheduled after the conclusion of the Commission's summer break.

Mayor Marks noted some communities have no-kill shelters, but they often carry significant costs. Mayor Marks suggested that concerned groups should prepare and submit proposals relative to the establishment of a no-kill shelter.

There being no further business, the meeting adjourned at 5:58pm.

# City Commission Meeting Summary - July 13, 2011

The City Commission met in regular session at 4:03pm in the City Hall Commission Chambers and took the following action:

## Agenda Modifications

### Added to the Agenda

Item .1 - Presentation by Deborah Desilets of Art Piece being donated to the City of Tallahassee

Item 27.1 - Update on StarMetro's Launch of the decentralized bus system

Item 32 - Public Hearing and Acceptance of FY11 Justice Assistance Grants

## Presentations

**Item .1** - Presentation by Deborah Desilets of Art Piece being donated to the City of Tallahassee  
*Â (Brought forward by the City Manager)*

Ms. Desilets, a Tallahassee native, architect, designer, and author residing in Miami Beach, appeared before the Commission to request the Commission's acceptance of the donation of six surviving mosaic tile murals created by famed muralist Anton Refregier. Ms. Desilets informed the Commission that she was contracted by Starwood Hotels & Resorts to handle the disposition of these artworks. The six murals date to the 1950s, measure approximately 3' x 12', and were formerly located in the lobby of the Americana hotel in Bal Harbour, Florida.

Ms. Desilets stated the murals must ship by August 15, 2011 and confirmed that Starwood would pay to ship the murals to Tallahassee and would provide funds to begin an endowment for the restoration and installation of the works, if the City would agree to display them in a public-accessible location for the benefit of the public. Ms. Desilets stated she would lead efforts to raise additional funds, if the initial endowment failed to cover all expenses.

Commissioner Mustian confirmed that there is no cost to the City in regards to accepting the murals. The Commission Voted 5-0 to accept donation of the six Refregier murals.

**Item 1** - Status Report on the Homeward Bound Council. *(Brought forward by Mayor Marks)*

Ms. Susan Pourciau conducted a presentation concerning homelessness and the Homeward Bound initiative.

## Consent

**Items 2 - 15** - Voted 5-0 to approve staff's recommendation presented on Consent Agenda Items 2 through 11, and Item 15; and Voted 4-0 (Commissioner Mustian abstaining) to approve staff's recommendation presented on Consent Agenda Items 12 & 13; taking the following action:

Item 2 - Appointed Mr. James O. Cooke, IV and reappointed Mr. David Reid to the Chapter 185 Municipal Police Officers' Supplemental Plan Board of Trustees; terms to expire April 2015. *(Recommended by Mayor Marks)*

Item 3 - Appointed Mr. James O. Cooke, IV and reappointed Mr. David Reid to the Board of Trustees Chapter 175/185 Supplemental Share Plan; terms to expire April 2015. *(Recommended by Mayor Marks)*

Item 4 - Approved Resolution No. 11-R-15; Eminent Domain Action for the Karen Lane Drainage Improvement Project. *(Recommended by the City Attorney)*

Item 5 - Approved Resolution No. 11-R-18 and authorized staff to accept and execute the Department of Homeland Security/Transportation Security Administration (TSA) Other Transaction Agreement (OTA) (TSA No. HSTS04-11-H-CT1011) and amended the project budget for the In-Line Baggage Handling System project (COT Project No. 07130) to add \$6,350,960 of TSA grant funds, remove \$4.5 million of FAA Grant funds, and reduce the Passenger Facility Charge portion to \$4,149,040, for a total project budget of \$10.5 million. *(Recommended by Aviation)*

Item 6 - Approved the recommended amendments to the Airport Advisory Committee By-Laws. *(Recommended by the City Manager's Office)*

Item 7 - Approved the ranking of the Aerial Light Detection and Ranging (LiDAR) survey firms; authorized staff to enter into negotiations with top-ranked firm, HSA/ACA Group, and if an agreement cannot be reached, to continue negotiations with firms in the order of ranking; authorized the City Manager or designee to execute a contract with the selected firm; and authorized the City Manager to approve a task order in an amount not to exceed \$485,000 for the LiDAR survey work; to be funded from the Electric Utility operating (COT Project No. 1100515).(RFP No. 0067-11-RM-RC) *(Recommended by the Electric Department)*

Item 8 - Authorized purchase of the Talquin electric distribution line between Crawfordville Highway and Woodville Highway for \$187,596; to be funded from COT Project No. 1100551 - 2634 D Cap Cir SW. *(Recommended by the Electric Department)*

Item 9 - Approved award of the term contract for Minor Electrical Services: Substation & Underground Distribution to both All Florida Electric, Inc. and Power Secure, Inc. for an initial period of three years, with the option of extending for up to two one-year periods; authorized the City Manager or designee to execute contracts with the selected firms; to be funded by approved operating or capital budgets at the time work is identified utilizing the appropriate authorization process for the magnitude of the work. *(Recommended by the Electric Department)*

Item 10 - Approved award of three 3-year contracts, with options for two additional one-year extensions, to Talcor Commercial Real Estate Services, Inc., SouthLand Commercial Inc., and Coldwell Banker Hartung and Noblin, Inc. for general real estate services; authorized staff to finalize contracts subject to review and approval by the City Attorney and City Manager; sales

commissions to be funded from the proceeds of individual transactions. (RFQ No. 0057-11-ER-RC) *(Recommended by the Property Management Division)*

Item 11 - Approved the Hartsfield Hills Replat-1 subdivision plat. *(Recommended by the Public Works Department)*

Item 12 - Approved the Hartsfield Hills Replat-2 subdivision plat. *(Recommended by the Public Works Department)*

Item 13 - Authorized, through a negotiated sale, the issuance of a fixed-rate bond to refund certain outstanding Energy System Bonds by adopting Resolution No. 11-R-19 authorizing the issuance of not to exceed \$3.5 million City of Tallahassee, Florida Energy System Revenue Refunding Bonds, Series 2011, delegating certain responsibilities to the Mayor and City Treasurer-Clerk, delegating to the Mayor the authority to approve the final official statement with respect to the Series 2011 Bonds, appointing a registrar and paying agent, providing certain other covenants and agreements in connection therewith, and providing an effective date. *(Recommended by the Treasurer-Clerk)*

Item 14 - Adopted Resolution No. 11-R-21 authorizing the issuance of the bonds subject to completion of a Tax Equity and Financial Responsibility Act (TEFRA) Hearing on July 25, 2011; delegated certain responsibilities to the Mayor and the City Treasurer-Clerk, including delegating to the Mayor the authority to approve the TEFRA hearing. *(Recommended by the Treasurer-Clerk)*

Item 15 - Approved the minutes of the January 12, 2011 Regular Commission Meeting. *(Recommended by the Treasurer-Clerk)*

### **Introduction of Ordinances**

City Attorney English presented the following ordinances.

**Item 16** - Introduction of Ordinance No. 11-O-15, Proposed Amendment to the Tallahassee Land Development Code Amending Section 9-233, related to Deviation Criteria specifically within the Multi-Modal Transportation District; first and only public hearing on Wednesday, August 31, 2011. *(Recommended by the Planning Department)*

City Attorney English read the title of Ordinance No. 11-O-15 into the record as presented.

**Item 17** - Introduction of Ordinance No. 11-O-19, Annexation Petition of Cortona Hills Subdivision; first and only public hearing on Wednesday, August 31, 2011. *(Recommended by the Department of Management & Administration)*

The property is located generally at the southwest corner of the intersection of Gardner Road and North Meridian Road, approximately 1.2 miles north of Ox Bottom Road.

City Attorney English read the title of Ordinance No. 11-O-19 into the record as presented.

**Item 18** - Introduction of Ordinance No. 11-O-26, Proposed Amendment to the Tallahassee Land Development Code, Amending Chapter 10, Section 10-165, Planned Unit Development (PUD) Zoning District Requirements and Procedures; first and only public hearing on Wednesday, August 31, 2011. *(Recommended by the Planning Department)*

City Attorney English read the title of Ordinance No. 11-O-26 into the record as presented.

By consensus, the Commission introduced said ordinances and set the public hearings as stated herein.

### **Policy Formation and Direction**

**Item 19** - Voted 5-0 to adopt the current millage rate of 3.7000 mills as the FY 2012 tentative millage rate for the City, and 1.0000 mill for the Downtown Improvement Authority (DIA). Approved September 7 and 21, 2011, as the dates for public hearings to begin at 6:00 p.m. in the City Hall Commission Chambers at 300 South Adams Street. *(Option 1 as recommended by the Department of Management & Administration)*

Mr. Raoul Lavin, Director, Management & Administration, and Ms. Beckye Simpson, Manager, Office of Budget and Policy, Management & Administration, conducted the presentation and answered the Commission's questions relative to the item.

Adoption of a tentative millage rate of 3.7000 mills for the City and 1.0000 mill for the DIA will result in ad valorem revenues of \$34,780,106 for the City and \$212,017 for the DIA for fiscal year 2012 (based on July 1, 2011 certified values from the Leon County Property Appraiser).

**Item 20** - Voted 5-0 to approve a five-year extension of the Aquifer/Wellhead Protection Interlocal Agreement, which gives City staff the authority to implement the County's Aquifer/Wellhead Protection code and thus safeguard the aquifer from potential contamination. *(Option 1 as recommended by the City Attorney)*

City Attorney English presented the item.

**Item 21** - Voted 5-0 to approve the report as presented and authorized the Office of Management and Budget (OMB) to include \$32,766 of additional operating funds for the Palmer Munroe Teen Center in the FY12 proposed budget. *(Option 1 as recommended by Parks, Recreation & Neighborhood Affairs)*

Mr. Dee Crumpler, Director, Parks, Recreation & Neighborhood Affairs, and Ms. Tomica Smith, Director, Palmer Munroe Teen Center, presented the item.

Mr. Crumpler introduced Mr. Rick Davison, former Deputy-Secretary of the Florida Department of Corrections, who recently joined the staff of the Palmer Munroe Teen Center.

**Item 22** - Received an update on Financial Sustainability Initiative - Local Hire Program and Community Awareness Campaign. *(Brought forward by the Department of Management & Administration)*

Mr. Jay Townsend, Assistant City Manager, and Mr. Raoul Lavin, Director, Management & Administration, presented the item.

**Item 23** - Voted 5-0 to approve the Initial Concept Report concerning the future utilization of Cascades Park Electric Building as amended to include a Historic Property Overlay (HPO) on the property and to list the property on the National Register of Historic Places and authorized staff to continue to develop the recommended course of action that includes funding exploration, partner solicitation and land use amendments. A Final Concept Report, including complete recommendations on the aforementioned areas, will be presented to the City Commission on August 23, 2011. *(Recommended by Assistant City Manager Townsend)*

Mr. Jay Townsend, Assistant City Manager, Ms. Roxanne Manning, CRA Program Director, and Ms. Eve Williams, Program Architect, Facilities Management, presented the item.

Staff briefed the Commission on the history of the Electric Building, built in 1920, and the proposed uses of the renovated structure, such as a retail storefront, restaurant, or museum. The estimated cost to restore the structure to a "leasable" condition is estimated at \$765,000, with an additional \$351,000 necessary to complete interior construction improvements readying the building for occupancy by a tenant. Staff answered questions relative to use of the building as a restaurant, funding for tenant build-out, and concerns that the location has too few parking spaces.

Mr. Russell Snyder, Land Use Division Manager, Planning Department recommended an amendment to the report to include a HPO and to list the building on the National Register of Historic Places.

**Recognition of Retiring Equity & Workforce Development Director Sharon Ofuani** - The Commission recognized Ms. Sharon Ofuani for her 33-years of service to the City of Tallahassee. Ms. Ofuani was recruited to Tallahassee in 1978 by former City Manager Dan Kleman to serve as the Director of the newly-created Affirmative Action Office. Ms. Ofuani served as Director throughout the years as the department transitioned into the current-day Department of Equity & Workforce Development. The Commission thanked Ms. Ofuani for her service and announced that a retirement reception was scheduled for July 14, 2011.

**Item 24** - Voted 5-0 to authorize the implementation of the cost-saving strategies identified in the agenda item, and authorized the City Manager or her designee to execute and submit all related documents required to enter into an Amended Service Agreement for Medicaid Waiver transportation with the Agency for Persons with Disabilities and an updated Subcontracted Transportation Agreement for Non-Emergency Medicaid Transportation (NET) services with the Florida Commission for the Transportation Disadvantaged reflecting a 4% decrease in funding. Authorized the City Manager or her designee to execute and submit all related documents

required for StarMetro to continue serving as the Community Transportation Coordinator (CTC) for Leon County through June 30, 2017. *(Recommended by StarMetro)*

Mr. Ron Garrison, Director, StarMetro, was present to answer questions, but was not called to speak.

**Item 25** - Voted 5-0 to approve setting up a project with \$7,500 in current rent revenue and approve expending up to \$12,000 of expected rental revenue from Neighborhood Stabilization Program Fund 118 for necessary maintenance issues related to the Patrick Avenue Apartments. *(Recommended by Economic & Community Development)*

**Item 26** - Voted 5-0 to authorize City staff to hold a mid-project celebration on August 26, 2011, and approved an amendment to section 138.09 of City Commission Policy No. 138, the City Property Alcohol Policy, to include Boulevard Park and Doug Burnette Park as "Exception Parks". *(Recommended by the Planning Department)*

Ms. Michelle Bono, Assistant to the City Manager, Ms. Lizzy Kelly, Public Information Specialist, Communications Department, and Mr. Steve Shafer, City Engineer, Public Works, presented the item.

**Item 27** - Voted 5-0 to authorize the City Manager to execute an agreement with Blueprint 2000 for "turn-key" property acquisition services for the FAMU Way project. *(Recommended by the Planning Department)*

The agreement provides for Blueprint to perform all acquisition services with respect to the FAMU Way project, including the following: coordination with City staff and the City Project Manager; obtaining surveys; contacts with property owners; extension of offers; negotiations relating to purchase and sale; preparation and execution of all required documentation including contracts and deeds; obtaining title work and title insurance; closing of transactions; relocation services; and all legal and other services necessary to carry out condemnation proceedings where required property cannot otherwise be acquired.

**Item 27.1** was an update on the new StarMetro transit system Nova2010 route structure. *(Recommended by StarMetro)*

Mr. Ron Garrison, Director, StarMetro, gave a presentation on the performance of the new route structure that went into effect on Monday, July 11, 2011. Mr. Garrison noted many positive comments and feedback had been received, but also noted that there were several minor issues that surfaced and needed to be resolved. Most notably, there were issues with late buses, inadequate signage on the buses, and the text-messaging services did not function correctly on all cell phone service providers. Mr. Garrison noted that Mayor Marks and Commissioners Ziffer and Miller rode the bus on Monday as part of the restructuring outreach. Mr. Garrison noted that StarMetro and Public Works staff would continue to install the remaining bus shelters and work to complete the ongoing sidewalk improvement projects. Mr. Garrison noted that staff would continue weekly community meetings and would tweak the system as needed in response to

feedback from riders. City Manager Thompson thanked staff who served as Ambassadors and rode the buses in order to assist citizens in navigating the new system.

## **Public Hearings**

**Item 28** - Voted 4-0 (Commissioner Miller absent) to adopt Ordinance No. 11-Z-10AA amending the Official Zoning Map and providing for a change in zoning to the Residential Preservation 1 (RP-1) and Residential Preservation 2 (RP-2) districts. *(Recommended by the Planning Department)*

City Attorney English asked if there were any public speakers, and no one appeared.

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 29** - Voted 4-0 (Commissioner Miller absent) to adopt Ordinance No. 11-O-16AA, thereby amending the Tallahassee Land Development Code, based on the findings of fact and the recommendation of the Planning Commission and Urban Design Commission, the information contained herein, and any evidence presented at the hearing hereon. *(Recommended by the Planning Department)*

City Attorney English asked if there were any public speakers, and no one appeared.

The ordinance amends the Land Development Code (LDC) to streamline the review process in the All Saints and University Village and Central Core Design Districts. Specifically, the ordinance shifts the responsibility for reviewing small projects, signs, and minor redevelopment for compliance with design district standards from the Urban Design Committee (UDC) to Planning Department or Growth Management Department staff. In addition, the proposed ordinance exempts fences from design district review.

**Item 30** - Public Hearing on Pension Ordinance No. 11-O-22, Proposed Amendment to City Ordinance relating to the inclusion of Personal Leave in Retirement Benefits. By consensus, the item was continued to August 31, 2011. *(Recommended by the Treasurer-Clerk)*

City Attorney English asked if there were any public speakers, and no one appeared.

**Item 31** - Voted 5-0 to adopt Ordinance No. 11-O-24, proposed Amendment to City Ordinance changing 175/185 trustee terms from 2-year to 4-year period. *(Recommended by the Treasurer-Clerk)*

City Attorney English asked if there were any public speakers, and no one appeared.

**Item 32** - Voted 5-0 to approve recommendations for allocation of the FY11 Justice Assistance Grants, and authorized the Police Department to expend U.S. Department of Justice JAG funds and approximately \$3,000 in interest earnings. (*Recommended by the Police Department*)

City Attorney English asked if there were any public speakers, and no one appeared.

### **Unagendaed Business/Speakers**

The following persons appeared before the Commission:

Dr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission to present additional information regarding the Mayor, the Mayor's law firm, the Alliance for Digital Equality (ADE), and the ADE Board of Directors and Executive Director. Mr. Jackson alleged that the Mayor's law firm, ADE, and the ADE Board of Directors were receiving compensation from AT&T. Mr. Jackson stated that ADE and its Board paid themselves in excess of \$830,000 out of the \$2,500,000 donated to the program. Mr. Jackson levied accusations that the Mayor's staff attempted to influence the Tallahassee Housing Authority (THA) into awarding a no-bid contract to AT&T for internet broadband services. Mr. Jackson inquired why the Mayor's Office was soliciting contracts on behalf of AT&T. To substantiate his claim, Mr. Jackson presented a copy of an e-mail, sent by Ms. Alexandra Steele to Ms. Claudette Cromartie of the THA. Mr. Jackson publicly thanked Ms. Cromartie for not responding to pressure from the Mayor's Office and for comparing prices and services and ultimately determining that Embarq could provide more favorable prices.

Mayor Marks inquired from Mr. Jackson if he (Mr. Jackson) was alleging that the e-mail in question was sent from the Office of the Mayor, and Mr. Jackson responded in the affirmative. Mayor Marks replied that he did not know who Ms. Steele was and that she was not an employee of his office. Mayor Marks admonished Mr. Jackson by responding that Mr. Jackson's remarks were off-base, misleading, false, and untrue. After a verbal exchange, the Mayor silenced Mr. Jackson and ordered Mr. Jackson to be seated.

Mr. Curtis Baynes, 1323 East Tennessee Street, appeared before the Commission to thank the Commission for not raising the millage rate and for the Commission's efforts in not raising utility rates. Mr. Baynes expressed dissatisfaction with the structure of the Citizen's Utility Advisory Committee (UAC) that reports to the City Manager. Mr. Baynes suggested that the UAC should report directly to the City Commission, not the City Manager. To support his claim, Mr. Baynes noted that the City Manager already has \$1.5 Million in staff to advise her. Mr. Baynes requested that the Commission reconsider its decision and alter the structure of the UAC to report to the Commission.

Mr. James Chapman, 299 Teal Lane, representing Team Wellness Challenge, LLC and webmaster for the Florida Department of Juvenile Justice, appeared before the Commission to solicit support for a wellness initiative for the City of Tallahassee. Mr. Chapman informed the Commission of his efforts to create a "challenge" event that encourages government and small-business employees to eat healthier and to walk, bike, run, or swim 831 miles in the upcoming year.

Mayor Marks requested Mr. Chapman to speak to Mr. Rick Minor, Chief of Staff, Office of the Mayor, relative to his wellness program.

Mr. Marc Mitchell, 1819 Doomar Drive, representing Mitchell Asphalt, Inc., appeared before the Commission to express concern with the asphalt and milling supply contract. Mr. Mitchell expressed concern with Peavy and Sons Construction located in Gadsden County receiving the full 20% local business preference. Mr. Mitchell alleged that the local preference policy was changed to specifically aid Peavy & Son.

Mayor Marks requested that Mr. Mitchell submit the documents from which he was reading, and Mr. Mitchell agreed. Mayor Marks ascertained from City Attorney English that the 'cone of silence' related to the competitive bid process was not yet in effect and the Commission could review the materials submitted by Mr. Mitchell.

Mr. Eric Eggers, 3743 Ravine Drive, appeared before the Commission, to express concern with the proposed Solid Waste Ordinance changes. Mr. Eggers noted that he purposefully purchased a home free of restrictive covenants so that he would not be subject to regulations imposed by others. Mr. Eggers suggested that the Commission find ways to exempt certain properties or to make the ordinance applicable only to those areas or neighborhoods, such as Killlearn Estates, advocating for the new requirements. Mr. Eggers expressed his belief that the ordinance would further encourage disputes between neighbors.

Commissioner Gillum expressed concern with the proposed changes. Commissioner Ziffer cautioned residents against being too concerned with the proposed ordinance, noting that it was not scheduled for final public hearing until August 31, 2011 and that staff would be addressing many of the concerns sent to the Commission via phone calls and e-mail messages. City Manager Thompson inquired from the Commissioners if they could provide specific concerns relative to the ordinance and Commissioner Gillum noted his discomfort with the provisions establishing the earliest and latest timeframe that refuse containers could be placed at the curb and removed from the curb; and with the costs of enforcing the ordinance. Commissioner Miller noted that the ordinance had been extensively debated at the Environmental and Energy Resources Target Issue Committee. Commissioner Ziffer expressed agreement that the timeframe for placing refuse containers at the curb for pickup and the restrictions on placing yard waste at the curb needed further revision. Assistant City Manager Rick Fernandez stated that the existing Solid Waste inspectors would enforce the ordinance.

### **Sharing of Ideas**

Mayor Marks briefly spoke on the Local Business Saturday program and noted that he and his wife were at Market Square over the past weekend. Mayor Marks announced the opening of two new businesses in Market Square: Zone 5 Bike Cafe and Firefly Pottery Studio.

Mayor Marks also noted that a new TMH medical center would be constructed near Interstate-10 and Thomasville Road and that the groundbreaking would occur soon, with construction in 2012. Mayor Marks praised the new jobs that the project would create and the boost to medical services in community.

Mayor Marks completed his comments by announcing the Aug. 20th Annual Back-to-School experience to be held at the Leon County Fairgrounds.

Commissioner Ziffer noted that the Commission would be on summer break and that the next Regular Commission Meeting would occur on August 24, 2011.

There being no further business, the meeting adjourned at 7:30pm.

## **City Commission Meeting Summary - August 24, 2011**

The City Commission met in regular session at 4:02 p.m. in the City Hall Commission Chambers and took the following action:

Assistant City Manager Fernandez was present in the absence of City Manager Favors-Thompson.

### **Presentations**

**Item 1** - Presentation of Proclamation to Mr. Dick Kane, the 2011 Florida Big Brother of the Year. (Brought forward by Mayor Marks)

Mr. Kane, along with his "Little Brother" Michael, accepted the proclamation with thanks. Mr. Kane encouraged those citizens who want to give back to the community to become involved with the Big Brothers, Big Sisters of the Big Bend area. Mr. Kane noted that studies show kids are less likely to skip school or use drugs or alcohol and are more likely to build confidence and succeed when they have a mentor

**Item 2** - Presentation by Ms. Dot Inman Johnson regarding the Federal Community Services Block Grant (CSBG) and Low Income Home Energy Assistance Program (LIHEAP) cuts and how they affect the Community. (Brought forward by Mayor Marks)

Ms. Inman-Johnson, Executive Director, Capital Area Community Action Agency, conducted a presentation on the CSBG and LIHEAP programs and discussed the potential impacts of reductions in federal funding. Ms. Inman-Johnson noted that the \$1.4 million was expended last year from the LIHEAP and Project Share program to provide utility bill assistance to City of Tallahassee customers. Ms. Inman-Johnson requested that the Commission support these programs by contacting Congressional leaders and requesting Congress to reevaluate the proposed cuts to these programs. Mayor Marks and Commissioner Gillum thanked Ms. Inman-Johnson for her comments.

Commissioner Gillum stated his opinion that the City needed to contact its lobbyists and transmit a letter to Congressman Southerland and to both Florida Senators raising concerns of these proposed cuts.

**Item 3** - Presentation on Fee Waiver Request for Seminole Block Party Events. (Brought forward by the Department of Parks, Recreation and Neighborhood Affairs)

Ms. Ashley Edwards, Assistant Director, Parks, Recreation & Neighborhood Affairs, was present and available to answer questions, but was not called. Voted 5-0 to approve the fee waiver request.

## **Consent**

**Items 4-7** - Voted 5-0 to approve staff's recommendation presented on Consent Agenda Items 4 through 7 taking the following action:

Item 4 - Authorized staff to accept and execute the FAA AIP Grant Agreement; modify the Runway 9-27 Reconstruction (COT Project No. 07131) and Runway 18-36 Improvements project (COT Project No. 07129) budgets to show the grant funding as outlined in the Capital Improvement Project (CIP) Amendment Summary; award the construction contract to C.W. Roberts, Inc. in the amount of \$12,589,748; award the Construction Engineering task to Reynolds Smith & Hill in the amount of \$1,724,644; and execute a Reimbursable Agreement with the Federal Aviation Administration for engineering support services for Navigational Aids in the amount of \$1,409,331. *(Recommended by Aviation)*

Item 5 - Approved the proposed SHIP allocation summary and authorized staff to appropriate funds and execute contracts for the activities and programs listed; including replacing \$90,000 in CDBG funds that were allocated to Accessibility Rehabilitation in the FY 2011-2012 Annual Action Plan. *(Recommended by the Economic & Community Development Department)*

Item 6 - Approved and authorized staff to execute a one-year contract with Peavy and Son Construction Co., Inc., of Tallahassee, Florida, for the Asphaltic Concrete Materials and Asphalt Milling Services (Continuing Supply), provided funding is available for the applicable fiscal year. *(Recommended by the Public Works Department)*

Item 7 - Approved the Subdivision Plat - Southwood Unit 27 Replat. *(Recommended by the Public Works Department)*

## **City Commission**

**Item 8** - Voted 5-0 to authorize the formation of a sister city relationship between the City of Tallahassee and the City of Rugao, and authorized the execution of a partnership between the two cities. *(Recommended by the Office of the Mayor)*

Mr. Rick Minor, Chief of Staff, Office of the Mayor, presented the item. Mr. Minor noted that China is steadily becoming an economic powerhouse and noted that having a sister city relationship with one of the key industrial centers in China is a strategic economic step and will help position the City of Tallahassee in an economic sense. Highlighted was the relocation of the Chinese firm Bing Energy, of Rugao, to Tallahassee. Mr. Minor noted that this relationship is not funded by the City; no City budget exists for supporting or promoting this relationship. It was noted that although no direct funds were allocated, in-kind contributions were expected to be donated, such as use of meeting rooms within City Hall.

Mr. Minor introduced Ms. Wang, President, Tallahassee-Rugao Sister City Committee. Ms. Wang conducted a presentation on the history and basic information of the City of Rugao, and highlighted the benefits of creating a sister city relationship between the two cities. Ms. Wang recognized other members of the Sister City Committee who were present in the Chambers.

Commissioner Miller congratulated Ms. Wang for the quality of her presentation.

Commissioner Mustian brought to the Commission's attention that this process has been citizen-driven and has *not* been an expensive endeavor.

Mayor Marks recognized Dr. Clyde Diao, Chairman, Big Bend Asian Coalition, who was present in the Chambers.

### **Introduction of Ordinances**

**Item 9** - Introduction of Ordinance No. 11-O-27, providing an exception to distance requirements from schools in the Alcoholic Beverage Code for certain restaurant properties; First and only public hearing on Wednesday, August 31, 2011. (*Recommended by the City Attorney*)

City Attorney English read the title of Ordinance No. 11-O-27 into the record as presented.

By consensus, the Commission introduced said ordinance and set the public hearing as stated herein.

### **Policy Formation and Direction**

**Item 10** - Voted 5-0 to authorize the City Manager to execute an amendment to the Option Agreement with Artspace, Inc. and the Council on Culture and Arts (COCA) for City parcels on Railroad Avenue to extend the term of the agreement and to add additional performance requirements during the agreement extension period as amended with an expiration date of September 23, 2011. (Recommended by the Economic & Community Development Department)

Mr. Michael Parker, Economic & Community Development, and Ms. Peggy Brady, Executive Director, Council on Culture & Arts, were present and answered questions relative to the item.

Commissioner Mustian reminded everyone that he has been skeptical of this project in the past and requested an update on the current status of the project, compared to one year ago. Commissioner Mustian asked several detailed questions relative to the project and requested staff to provide answers at a later time.

Commissioner Mustian disclosed that his law firm represents the state agency that administers this program; but stated that this did not create a conflict.

Commissioner Ziffer expressed concern with approving a contract extension that would remove the property from the market and prevent the City from selling the property should another buyer be located. Commissioner Mustian supported Commissioner Ziffer's comments.

After discussion, Commissioner Miller suggested that the item be deferred to allow staff time to draw up a new agreement and to answer the questions submitted by Commissioner Mustian. City Attorney English suggested a one-month extension to the existing option agreement, as this would satisfy Artspace's immediate needs and would allow staff more time to revise the agreement further.

**Item 11** - Voted 5-0 to authorize staff to enter into a contract with Bethel Community Development Corporation (Bethel CDC) for up to three (3) owner-occupied rehabilitation projects for a total not to exceed \$117,000 (\$39,000/each). (Recommended by the Economic & Community Development Department)

Mr. Tom Lewis, Director, Economic & Community Development, was present to answer the Commission's questions relative to the item, but he was not called to speak.

**Item 12** - Voted 5-0 to approve establishing the Community Gardening Program application process. (Recommended by the Planning Department)

Mr. Zach Galloway, Senior Planner, Tallahassee-Leon County Planning Department, noted that this was a citizen-driven effort and recognized the citizens in attendance who participated in the effort.

**Item 13** - Voted 5-0 to approve the Second Amended and Restated Concurrency Relief Agreement with New Horizon Retail Development, LLC, for the Mahan Village Shopping Center. (Recommended by the Growth Management Department)

Ms. Karen Jumonville, Director, Growth Management, was present to answer the Commission's questions relative to the item, but she was not called to speak.

**Item 14** - An update on the Nova2010 Implementation. (Recommended by StarMetro)

Mr. Ron Garrison, Director, StarMetro, conducted a lengthy presentation on the implementation of the new Nova2010 route structure.

### **Target Issue Updates**

Commissioner Miller presented updates on the Environmental & Energy Resources (E & E) Target Issue Committee including discussion of the following:

- EPA \$1M Brownfield Revolving Loan Fund Grant
- Advanced Wastewater Treatment (AWT) permit hearing update
- Status reports on 2011 goals
- 5-year Potable Water permit

- Reclaimed Water ordinance is under development
- Minimum countywide environmental standards
  - Unresolved issues will go to a citizen's committee
- Community gardening program

### **Unagendaed Business/Speakers**

The following persons appeared before the Commission:

Mr. J. D. DuRant, 2359 Tina Drive, President of "Fix Tallahassee", appeared before the Commission to advocate for a no-kill animal shelter. Mr. DuRant cited the City of Austin, Texas as a model shelter. Mr. DuRant prepared a model ordinance to submit for the Commission's review.

Dr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission to demand a formal apology from Mayor Marks, in relation to a verbal exchange that occurred at the previous Commission meeting. Mr. Jackson played a video clip from the previous meeting.

Mayor Marks noted that this matter is being reviewed by several agencies with which Mr. Jackson has filed complaints.

Dr. Jackson responded that the issues he alleged are NOT being reviewed by anyone.

Mr. Owen B. McCaul, 1711 Monticello Drive, appeared before the Commission as an opponent to StarMetro's new Nova2010 route structure. Mr. McCaul advocated for increased funding of the transit system and for taking measures to decrease the headway between buses and for additional bus shelters.

Mr. Michael Elliot, 2322 Jim Lee Road, a visually-impaired rider, appeared before the Commission as an opponent to StarMetro's new Nova2010 route structure. Mr. Elliot implored the Commission to return to the old route structure.

Mr. John Plescow, 1504 Belmont Trace, appeared before the Commission as an opponent to StarMetro's new Nova2010 route structure. Mr. Plescow opined that the Commission was attempting to expand ridership at the expense of those who had no other transportation option - other than the transit system.

Ms. Erica McCaul, 1711 Monticello Drive, appeared before the Commission as an opponent to StarMetro's new Nova2010 route structure. Ms. McCaul responded to Mr. Garrison's presentation and stated that the "active listening" to the community came too late in the process. Ms. McCaul requested that the Commission make cuts to the technological "gizmos" and use those funds to increase service, citing that most riders don't have Internet access or smart phones.

Ms. Sila Miller, 2201 Limerick Drive, a visually-impaired rider, appeared before the Commission as an opponent to StarMetro's new Nova2010 route structure. Ms. Miller discussed

problems with the tactile indicators that mark the path to and location of the transit stops for visually-impaired riders.

Mr. Robert Miller, 2201 Limerick Drive, a visually-impaired rider, appeared before the Commission as an opponent to StarMetro's new Nova2010 route structure. Mr. Miller discussed problems with the tactile indicators that mark the path to the transit stops for visually-impaired riders. Mr. Miller noted that he attended the orientation and was attempting to give the new system a chance, but was still not satisfied with the changes. Mr. Miller noted that StarMetro successfully removed the sign marking the deleted stop, but did not adequately advise him where his new stop was located, which resulted in him dangerously wandering around.

Mr. Adam M. Gaffney, 2905 Guinevere Lane, a visually-impaired rider, appeared before the Commission as an opponent to StarMetro's new Nova2010 route structure. Mr. Gaffney was dissatisfied that his stop was moved to nearly one-half mile away from his home, from its previous location of only two blocks away. Mr. Gaffney noted that he purchased his home specifically because it was in close proximity to a transit stop.

Ms. Sue Ellen Smith, 3784 Ivy Green Trail, appeared before the Commission as an opponent to StarMetro's new Nova2010 route structure. Ms. Smith informed the Commission of her difficulties with the new system, which has become so impractical for her work schedule that she is now considering the purchase of an automobile.

Mr. Norris Coster, 426 Belmont Road, Apt #4, a visually-impaired rider, appeared before the Commission as an opponent to StarMetro's new Nova2010 route structure. Mr. Coster noted that the northbound Red Hills route now forced him to cross the busy Capital Circle roadway, and drivers were failing to yield the right of way. Mr. Coster noted that some drivers become angry and honk their horns at him while he is crossing the roadway. Mr. Coster further noted that there were no audible (chirping) crosswalk signals at this location and pointed out their common use in the downtown area. Mr. Coster also noted the lack of bus schedules that are readable by visually-impaired drivers and stated that the online bus schedule was not up to date with the most recent route changes.

Mayor Marks thanked all those who attended the meeting and provided their sincere feedback to the Commission. Mayor Marks noted that the City would need to continue to work hard to make the transportation system usable by the disadvantaged.

### **Sharing of Ideas**

Commissioner Ziffer drew attention to the public announcement from Commissioner Mustian that he would not be running for re-election in 2012. Commissioner Mustian confirmed that he would not be running, citing his 10 years of service and that he felt it was a good time to move on.

There being no further business, the meeting adjourned at 6:27 p.m.

## **City Commission Meeting Summary - August 31, 2011**

The City Commission met in regular session at 4:02pm in the City Hall Commission Chambers and took the following action:

### **Agenda Modifications**

- Item .1 - Presentation of Video Performance of "The Tallahassee Song" by students at Apalachee Elementary
- Item 20 - Public Hearing on Ordinance No. 11-O-27, Providing an Exception to Distance Requirements from Schools in the Alcoholic Beverage Code for Certain Restaurant Properties

### **Presentations**

**Item .1** - Presentation of Video Performance of "The Tallahassee Song" by students at Apalachee Elementary. (Brought forward by the Assistant to the City Manager)

Ms. Iris Wilson, Principal, Apalachee Elementary School, and Ms. Mary Register, Music Teacher, Apalachee Elementary School, appeared before the Commission along with the students who starred in the video. At the conclusion of the video presentation, Mayor Marks presented pins to each of the students.

### **Consent**

**Items 1-7** - Voted 5-0 to approve staff's recommendation presented on Consent Agenda Items 1 through 7 taking the following action:

Item 1 - Reappointed Ms. Dorothy Inman-Johnson to serve on the Affordable Housing Advisory Committee; Term to expire June, 2014. (Recommended by Mayor Marks)

Item 2 - Approved the award of IFB No. 0080-11-RM-BC for the purchase of Sulfuric Acid to Shrieve Chemical Co., of The Woodlands, Texas, which is the lowest responsive and responsible bidder meeting the technical specifications. The contract is for a three-year term period with an option to extend for an additional year. An economic price adjustment will be applied at the end of the first and second year of the contract. If the contract is extended an additional year, an economic price adjustment will be applied at the end of the third year. (Recommended by the Electric Department)

The contract value is estimated at \$358,500 for the initial three-year term period. The actual fiscal impact will depend on quantities utilized at the power plants since sulfuric acid usage is dependent on the amount of electricity generated. Funding will be provided from the approved operating budgets at the time the chemical is procured.

Item 3 - Approved the award of IFB No. 0095-11-RM-BC for the purchase of Caustic Soda to Key Chemicals, Inc., of Waxhaw, North Carolina, which is lowest responsive and responsible bidder meeting the technical specifications. The proposed contract is for a three-year term period with an option to extend for an additional year. An economic price adjustment will be applied at

the end of the first and second year of the contract. If the contract is extended an additional year, an economic price adjustment will be applied at the end of the third year (Recommended by the Electric Department)

The contract value is estimated at estimated at \$414,400 for the initial three-year term period. The actual fiscal impact will depend on quantities utilized at the power plants since caustic soda usage is dependent on the amount of electricity generated. Funding will be provided from the approved operating budgets at the time the chemical is procured.

Item 4 - Approved the recommendation submitted by the Selection Committee for RFP No. 0081-11-TJ-RC and authorized the City Manager, or her designee, to negotiate a contract with Ward International Trucks of Florida, LLC, for the proposed Cab and Chassis, Vehicles, Equipment, and Associated Service. If negotiations are not successful and an agreement cannot be reached, another request for proposals (RFP) will be initiated. The completed contract will be brought back for City Commission approval. (Recommended by the Fleet Department)

Item 5 - Approved Metropolitan Life Insurance Company, of New York, NY, as the Employee and Dependent Life and Accidental Death and Dismemberment (AD&D) and Voluntary Disability Program (VAD&D) provider, authorized the Human Resources Division to complete negotiations with this provider, and allow the City Manager to approve and execute the contract. (RFP No. 0065-11-KR-RC) (Recommended by the Department of Management & Administration)

Item 6 - Approved the subdivision plat of Arnold Street Subdivision, Phase II. (Recommended by the Public Works Department)

The preliminary plat of Arnold Street Subdivision, Phase II, a replat of Block "S", Mabry Manor Revised Plat, was approved by the Development Review Committee on December 13, 2010. The subdivision, planned as Residential, is being developed by Big Bend Habitat For Humanity, Inc., a Florida Non-Profit Corp., owner-in-fee-simple. The subdivision lies within the city limits. It is bound on the north by Van Fleet Street, on the south by Ridgeway Street, on the east by Arnold Street, and on the west by Kelley Street.

Item 7 - Authorized Public Works staff to negotiate and the City Manager to execute a contract with O'Brien's Response Management Inc. for Disaster Debris Monitoring Services (Leon County RFP No. BC-03-16-11-23) (Recommended by the Public Works Department)

City and County staff will independently negotiate and then enter into separate contracts for the disaster debris monitoring services. The contract will be for a five-year period, effective February 1, 2012. There is no financial impact until the contractor is issued a notice to proceed to provide services. This usually occurs after a disaster declaration. In the event of such a declaration, the City of Tallahassee will be responsible for up to 12.5% of the costs for response and recovery associated with the event. The additional costs, including debris monitoring and management, would be reimbursable through FEMA.

## **City Commission**

**Item 14.1 (added to the agenda)** - Voted 4-0 (Commissioner Miller absent) to adopt Resolution No. 11-R-26; City of Tallahassee Joining the National Moment of Remembrance of the 10th Anniversary of September 11th. (Option 1 as recommended by the Mayor's Office)

Mayor Marks announced that at 1 p.m., Eastern Time, Sunday, September 11, 2011, a moment of remembrance would occur and requested that all churches, fire stations, and emergency vehicles, along with other members of the public, to ring their bells and sound their sirens to acknowledge.

Mayor Marks noted that he will be a Fire Station No. 1 at that hour to commemorate the anniversary.

### **Policy Formation and Direction**

**Item 8** - Voted 5-0 to adopt Ordinance No. 11-O-05AA, Annexing City-Owned Property (Welaunee Toe). (Option 1 as recommended by the City Attorney)

A small portion of property owned by the City of Tallahassee on the Welaunee Toe remains in Leon County, outside the City limits. The City is planning the development of the Welaunee 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 annexed the remaining portion of the Welaunee Toe into the City limits.

**Item 9** - Voted 5-0 to approve the selection committee's recommendation of Big Bend Homeless Coalition to own and manage the Chelsea Apartments, located at 1602 Stuckey Avenue, and authorized the transfer of ownership of the property with restrictions on the use of the property and the City retaining a reversionary interest, and monitoring for fifteen years to ensure compliance with Neighborhood Stabilization Program (NSP) and Weatherization Assistance Program (WAP) grants. (RFQ No. 0013-11-KR-RC) (Option 1 as recommended by the Economic & Community Development Department)

No funds will be exchanged in the transfer of ownership of Chelsea Apartments. NSP funds were set aside for disposition costs. The total cost of the project was \$2,428,342.04, of which \$2,176,032.89 were NSP funds provided to the City from HUD and \$252,309.15 were WAP funds provided to the City by the Capital Area Community Action Agency. The Tallahassee Housing Authority and the Big Bend Homeless Coalition jointly secured Veteran Affairs Supportive Housing (VASH) rental vouchers valued at \$375,000 per year for 15 years for a total value of \$5,625,000, plus they committed to manage the Chelsea Apartments as affordable housing for 15 years.

Mr. Michael Parker, Director, Department of Economic & Community Development, presented the item and answered the Commission's questions. No local taxpayer money was used to fund the project.

**Item 10** - Voted 5-0 to approve a contract amendment with Atlantic Student Assets, Inc. (for the sale of City property located at 556 West Madison Street a/k/a 601 South Copeland Street) to

extend the closing date through January 14, 2013, and other necessary revisions to extend inspection periods. (Option 1 as recommended by the Property Management Division)

Environmental inspections of the property prior to the sale located the presence of arsenic and groundwater contamination. Obtaining formal approval of a remediation plan by the Florida Department of Environmental Protection (FDEP) is expected to take up to six months. Additionally, soil conditions will require the building foundation to be redesigned and additional reinforcement will lengthen the construction period. For these reasons, the buyer has requested that the closing date be extended by 10 months.

**Item 11** - Voted 4-0 (Commissioner Ziffer abstained) to approve the First Amendment to the Construction Management Services Agreement with Ajax Building Corporation/Construction Support Southeast (Ajax/CSS) for the Public Safety Complex Facility for establishing the Guaranteed Maximum Price (GMP) of \$29,994,543, approve the amendment to Exhibit B to the Agreement with Ajax/CSS, authorizing an increase in the construction schedule to a total of 330 days and authorize the City Manager to execute the Amendment, in a form approved by the City Attorney and consistent with the terms of the original Agreement. (COT Contract No. 2202). (Option 1 as recommended by the Public Works Department)

Mr. Carl Morgan, Architect, Leon County, conducted a presentation and answered the Commission's questions.

Mayor Marks disclosed that approximately seven years ago he had a prior association with a consultant on this project.

Commissioner Ziffer abstained after disclosing that his sister had a business relationship with Ajax Construction.

**Item 12** - Voted 4-0 (Commissioner Miller abstained) to accept the offer from Evening Rose Properties, LLC, the developer, of the subject 0.25-acre parcel (Parcel No. 1128030000060), as payment for the required concurrency mitigation (currently appraised at \$150,000) but not to waive the additional \$30,381 in concurrency mitigation dollars required for the project; as amended with an option allowing the permittee to reduce the square footage of the project in order to offset the required \$30,381. The total refund to the developer (Evening Rose Properties, LLC) would be \$119,919. (Recommended by the Growth Management Department)

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

Commission discussion focusing on concurrency refunds and/or forgiveness of future concurrency payments occurred. Consensus was that approval of this request did not set a precedent establishing a refunding or forgiveness mechanism, or a mechanism whereby developments that exceed their original permitted square footage are provided discounts on any additional concurrency fee owed. Commissioner Mustian noted that the applicant was exchanging a piece of property in conjunction with the request. Mr. Dwight Arnold, Manager, Land Use & Environmental Services (LUES), Growth Management, noted that the Evening Rose

project was unique in the fact that it is the only project with a phased-in concurrency payment. Normally, developers pay the entire concurrency fee up front, at the beginning of the project. It was noted that developers are afforded the opportunity to scale back the scope of development in order to lessen their concurrency obligation, provided that the reduction in scope occurs prior to the issuance of the Development Order.

Prior to the vote, Commissioner Miller disclosed that during her tenure as the TAPP Campaign Coordinator she was formerly a paid and unpaid consultant of K2 Urbancorp, approximately 6 years ago on a different project, whereby she provided assistance related to the construction of rain gardens and bio swales. Following the opinion of City Attorney English, Commissioner Miller abstained.

The Commission received public speakers and conducted the Sharing of Ideas agenda item prior to recess. The Commission recessed at 5:23 p.m. and reconvened at 6:01 p.m., with all Commissioners present.

### **Public Hearings**

**Item 13** - Voted 5-0 to adopt Ordinance No. 11-O-19, Annexation Petition of Cortona Hills Subdivision (Recommended by the Department of Management & Administration)

The property is located generally at the southwest corner of the intersection of Gardner Road and North Meridian Road, approximately 1.2 miles north of Ox Bottom Road.

The following persons submitted a Speaker Slip, but did not speak:

- Mr. Wade Pitt, 930 Thomasville Road, representing Cortona Hills, LLC, as a proponent of the ordinance.

**Item 14** - Voted 5-0 to adopt Ordinance No. 11-O-02AA; Proposed Amendment to Solid Waste Ordinance (Recommended by the Solid Waste Department)

The proposed ordinance enacts provisions regulating the timely removal of refuse containers from the curb; regulates the time and manner in which waste may be placed at the curb in advance of collection day; alters the level of service of non-compliant customers; regulates use of unapproved containers; prohibits commingling of yard debris and other wastes; disclaims damages to privately-owned obstacles or structures; defines Backdoor Service, Helping Hands, Premium and Standard residential services; institutes qualifications for the Helping Hands program; prohibits the discharge of used oil, grease, bio-medical, biological and bio-hazardous waste into the sanitary sewer or waste/recycling containers; and provides for enforcement of violations and assessment of fines.

The following persons appeared before the Commission:

- Mr. Derek McLean, 210 Belmont Road, Secretary and representative of the Belmont Homeowner Association, appeared before the Commission as an advocate of the proposed ordinance.
- Ms. Patsy C. Yon, 1009 Mission Road, President and representative of the Mission Hills / Buena Vista Neighborhood Association, appeared before the Commission as an advocate of the proposed ordinance.
- Mr. Chip Perkins, 2350 Wanda Way, representing Cabot Properties, appeared before the Commission as an advocate of the proposed ordinance.
- Ms. Brooke Lochore, 1537 Spruce Avenue, representing Keep Tallahassee Leon County Beautiful, appeared before the Commission as an advocate of the proposed ordinance.
- Mr. Curtis Baynes, 1323 East Tennessee Street, appeared before the Commission as an opponent to the proposed ordinance.
- Mr. David P. Hormuth, 1905 Raa Avenue, appeared before the Commission as an advocate of the proposed ordinance.
- Ms. Christic Henry, 3121 Pontiac Drive, representing the Council of Neighborhood Associations (CONA), appeared before the Commission as an advocate of the proposed ordinance.
- Mr. Stan Rosenthal, 615 Paul Russell Road, representing the University of Florida / Leon County Extension, appeared before the Commission as an advocate of residents keeping yard waste on-site vs. disposal.

**Item 15** - Voted 5-0 to adopt Ordinance 11-O-15AA; Proposed Amendment to the Tallahassee Land Development Code Amending Section 9-233 Related to Deviation Criteria specifically within the Multi-Modal Transportation District (Recommended by the Planning Department)

With the 2009 Multi-Modal Transportation District (MMTD) adoption, the Comprehensive Plan committed the City to adopt pedestrian-oriented design standards for the 18.2 square mile area. Those design and development standards were adopted at the February 2011 City Commission public hearing. During the February 2011 public hearing, the Commission directed Planning staff to revise the Code's deviation criteria to ensure that, for a 1-year period, flexibility was granted to developments along the periphery of the MMTD, an area that exhibits a more suburban character than more central areas of our community. Commissioners gave additional direction to limit this increased flexibility to those zoning districts that, prior to adoption of the MMTD Code, lacked urban design standards. These zoning districts include AC (Activity Center), CP (Commercial Parkway), and C-2 (General Commercial). This additional criterion will receive a sunset review in August, 2012, to determine if the criterion has served its purpose in providing a 1-year acclimation period.

**Item 16** - Voted 5-0 to adopt Pension Ordinance No. 11-O-22AA; Proposed Amendment to City Ordinance relating to the inclusion of Personal Leave in Retirement Benefits (Recommended by the Treasurer-Clerk)

On May 4, 2011 the Florida Legislature passed Senate Bill 1128 dealing with the administration of public retirement plans; mandating a number of changes relative to the inclusion of unused sick or annual leave in the retirement calculation of salary for pension benefits. While the Legislature has clarified that payments for personal leave earned before July 1, 2011 are still

eligible for inclusion in pension calculations, SB1128 requires that no further accrual of personal leave to be used when calculating pension benefits. Accordingly, the City's Pension Ordinance for General Employees requires amendment to clearly outline this new accrual deadline for purposes of pension calculation. In addition, the ordinance change will permit unused sick leave in retirement calculations, subject to the same city-imposed cap of six (6) weeks and the state-imposed cutoff of July 1, 2011. Pension Ordinances for Fire and Police will be addressed at the expiration of the current Collectively Bargained Agreements.

Buck Consultants, the City's actuary, has completed the fiscal impact study for this change and has determined that adopting this change will have no measurable financial impact to the City's pension plan.

**Item 17** - Voted 5-0 to adopt Ordinance No. 11-O-25, Contracting City Limits within City-Owned Property (Welaunee) (Recommended by the City Attorney)

On this date, in a separate action by the City Commission, a small portion of property owned by the City of Tallahassee on the Welaunee Toe that remains in Leon County was annexed. In order to avoid the creation of an enclave of County property, however, the City must contract its boundaries in the same area. The contraction area is on the western portion of the City's Welaunee property, and consists of a strip 200' wide running through a proposed green area north to south and connecting to Miccosukee Road. The 200' strip will connect an area of the County north of the Welaunee property to an area of the County south of the Welaunee property, thereby preventing the creation of an enclave.

**Item 18** - Held the First and Only Public Hearing on Ordinance No. 11-O-26AA; Proposed Amendment to the Tallahassee Land Development Code, Amending Chapter 10, Section 10-165 planned unit development (PUD) zoning district requirements and procedures. By consensus the item was continued to September 21, 2011. (Recommended by the Planning Department)

The proposed ordinance gives the City Commission more discretion in crafting unique zoning district development standards, signage standards and traffic engineering-related design features such as aisle, road, and sidewalk widths for Planned Unit Developments (PUDs). Secondly, the ordinance allows PUD boundaries to extend across local streets and minor collector roadways.

**Item 19** - Voted 5-0 to approve Resolution 11-R-12; adopting and certifying the 2011 non-ad valorem assessment roll. (Recommended by the Treasurer-Clerk)

The City uses the special assessments as a mechanism to require property owners to participate in the cost of local improvements (primarily street paving) that directly benefit individual property owners. Typically, the portion of the cost conveyed to the property owner (currently 50% of the project cost) has been amortized for up to ten years so as to not place a large financial burden on the owner at the time the improvement is completed. The cost to the City of Tallahassee will be an administrative fee of three percent (3%) paid to the Leon County Tax Collector for collecting the amounts owed via the landowner's property tax bill. This method of collection has accelerated the collection efforts of delinquent accounts and improved annual collections, thereby significantly lowering the risk of financing future special assessments.

**Item 20** - Voted 5-0 to adopt Ordinance No. 11-O-27; providing an Exception to Distance Requirements from Schools in the Alcoholic Beverage Code for Certain Restaurant Properties (Recommended by the City Attorney)

Section 3-2 of the Tallahassee Code of General Ordinances provides that any vendor of alcoholic beverages must be located at least 500 feet from a school or church, excepting vendors who were licensed on or before June 22, 2005. The exception currently applies to subsequent businesses in the same property, as long as there is continuous operation. The exception does not apply to licensed vendors who take over a vacant property. To encourage the lease and use of vacant properties that previously housed an eating establishment that also served alcohol within 500 feet from a school, the ordinance was amended. There is only one property located at the corner of Tennessee and Gadsden Streets (formerly Carlos' Cuban Caf  ) that is currently known to be affected, but other commercial areas may be impacted. The areas where businesses can take advantage of the exception provided in the amended ordinance are limited.

### **Unagendaed Business/Speakers**

The following persons appeared before the Commission:

Dr. Erwin Jackson, Ph.D., 1341 Jackson Bluff Road, appeared before the Commission and played a short video of the January 27, 2010 Commission meeting relative to the Elected Officials Retirement Benefit, or "deferred compensation." However, the sound of the video was inaudible. Dr. Jackson repeated his requests that the Commissioners return all deferred compensation monies. Dr. Jackson named several entities purportedly paying the Mayor. Dr. Jackson asked that the Commission make a formal request to the Florida Attorney General in regards to the legality of the now-repealed deferred compensation policy.

Mr. Curtis Baynes, 1323 East Tennessee Street, appeared before the Commission to voice dissatisfaction with the public speaker process during Commission meetings. Mr. Baynes expressed dissatisfaction that citizens are only permitted to speak during public hearings and at the end of the meeting, but not on any other policy formation items. Mr. Baynes also expressed dissatisfaction with the Citizen Utility Advisory Committee; opining that the Committee should report directly to the City Commission and not to the City Manager.

Mr. Adam Cay, 567 Industrial Drive, Chairman of the Board of Advisors, Silicon Tally, appeared before the Commission to promote the upcoming Startup Weekend Tallahassee event scheduled for the weekend of September 30th through October 2nd. The event encourages technology-based entrepreneurs to pitch ideas for a new web or mobile technology product and compete over a 54-hour weekend to build a working product. The overall winner will receive \$20,000 at the end of the weekend, including \$10,000 in legal services.

Mr. Derrick Young, 675 West Pensacola Street, appeared before the Commission to express dissatisfaction with the new StarMetro Nova2010 route structure.

Ms. Suzanne Hancock, 1525 Chuli Nene, appeared before the Commission to advocate for funding the Leon County Mental Health Court.

Ms. Patricia T. Thomas, 2985 Teton Trail, appeared before the Commission to advocate for funding the Leon County Mental Health Court.

### **Sharing of Ideas**

Mayor Marks noted the recent Back to School event at the Leon County Fairgrounds.

Commissioner Gillum commented on the recent Splash & Jam events held at several community centers that targeted local teenagers. City Manager Favors noted that Assistant City Manager Tom Coe attended all but one of the events.

Commissioner Ziffer noted last Friday's celebration marking the opening of the first phase of the Gaines Street project. Commissioner Ziffer thanked Mr. Gabe Menendez, Director, Public Works, and COCA on the success of the ongoing Gaines Street project.

Commissioner Mustian noted that the entire area will look dramatically improved when Gaines Street, Cascades Park, and FAMU Way are all fully completed.

Commissioner Miller noted that she would be absent at the next Commission meeting and would be attending the State Meeting of the American Planning Association, accompanied by Michelle Bono, Assistant to the City Manager. Commissioner Miller requested that the Commission postpone any discussion on the old Electric Building at Cascades Park.

There being no further business, the meeting adjourned at 7:30 p.m.