

## City Commission Meeting Summary - September 15, 2010

The City Commission met in regular session and took the following action:

**Item 1** - Presented a proclamation to Ms. Dee Dee Rasmussen, Leon County Schools, recognizing Arts Education Week in Tallahassee. (Recommended by the Mayor's Office)

Ms. Rasmussen accepted the proclamation on behalf of the Leon County School System with thanks and expressed her appreciation, also recognized school board members and the art educator advocates present in the audience.

**Item 2** - Presented a proclamation recognizing the Tallahassee Branch of the NAACP Afro-Academic Cultural Technological Scientific Olympics (ACT-SO). (Recommended by the Mayor's Office)

Ms. Anita L. Davis, ACT-SO Chairperson, along with additional staff and current and past academic Olympians accepted the proclamation with thanks and expressed their appreciation for the proclamation.

**Item 3** - Presented a proclamation recognizing September as National Childhood Obesity Awareness Month. (Recommended by the Mayor's Office)

Ms. Rasmussen accepted the proclamation with thanks and expressed her appreciation for the proclamation. Also recognized Leon County School Board members Mr. Dee Crumpler, Vice Chair, Ms. Georgia M. "Joy" Bowen and Ms. Shelia Costigan, Executive Director of the Foundation for Leon County Schools.

**Item 4** - City Attorney English and Deputy City Attorney Shelley, introduced the City's 2010 United Way Department Coordinators and their respective Department Directors. (Recommended by the Legal Department)

**Item 4.1** - (Added to the Agenda) Presented a proclamation recognizing the Out of the Box Sports Basketball teams for their 3rd in the Nation and State Champion Teams. (Recommended by the Mayor's Office)

Coaches, Vincent Edwards, Marion Jones, Billy Auguste, Sandra Auguste, Danielle Vaughn, and Dennis Barnes, the Manager, Faye Jones, along with team members expressed their appreciation and accepted the proclamation with thanks.

**Items 5-10** - Voted 4-0 (Commissioner Mustian absent) to approve staff's recommendations presented on Consent Agenda Items 5-10, taking the following action:

Item 5 - Approved the Florida Division of Emergency Management Grant Memorandum of Understanding for receipt of a Portal Monitor and Vehicle Kit for radiation detection. The value of the portal monitor and vehicle kit for radiation detection is \$10,995. (Recommended by the Fire Department)

Item 6 - Approved the Memorandum of Understanding offered by the Leon County Sheriff's Office (LCSO) for authorized expenditures from the 2007 State Homeland Security Program (SHSGP) Grant Number 2008-LETP-LEON-3-S3-053. This MOU is for receipt of an Access Control Card Reader System for Fire Station No. 4. (Recommended by the Fire Department)

Item 7 - Adopted Fee Resolution No. 10-R-17, revision to reflect amendments to the abandonment application process. (Recommended by the Tallahassee-Leon County Planning Department)

Item 8 - Approved the purchase of two (2) side boom mowers for the mowing and trimming operations within the Public Works Department at a total cost of \$265,695.16. (Recommended by the Public Works Department)

Item 9 - Approved the purchase of a boom truck crane for tree removal and construction operations within the Public Works Department at a total cost of \$278,910.10. (Recommended by the Public Works Department)

Item 10 - Authorized the Treasurer-Clerk to amend the contract with Banc of America PCC to provide an additional \$4,700,000 of financing to fund the Smart Metering Program. (Recommended by the Office of the Treasurer-Clerk)

**Item 11** - Introduced Ordinance No. 10-Z-12, proposed amendment to the Official Zoning Map changing the zoning classification from the Downtown Institutional/Cultural/University Transition Areas (DI), Targeted Retail/Office Growth Area (RO), and Capital Center Planning District (CCPD) Zoning Districts to the Central Core (CC) Zoning District (# PRZ 100001) and scheduled the first of two public hearings on October 27, 2010 and the second and final public hearing on November 23, 2010. (Recommended by the Tallahassee-Leon County Planning Department)

**Item 12** - Introduced Ordinance No. 10-O-14, proposed amendment to the Tallahassee Land Development Code to adopt the Downtown Overlay Regulating Plan map series and the Implementing development regulations, including the creation of the Central Core zoning district, for areas within the Multi-Modal Transportation District, and scheduled the first of two public hearings for October 27, 2010 and the second and final public hearing on November 23, 2010. (Recommended by the Tallahassee-Leon County Planning Department)

**Item 13** - Introduced Ordinance No.10-O-30, maintenance of Disability Accessibility standards, and scheduled the first and only public hearing on September 29, 2010. (Recommended by Growth Management)

**Item 14** - Introduced Ordinance No. 10-O-35, adopting a Comprehensive Plan Amendment for the 2030 Annual Capital Improvements Element Update (Amendment #2010-CIE) and set the public hearing for September 29, 2010. (Recommended by the Legal Department)

**Item 15** - Introduced Ordinance No. 10-O-36, proposed amendment to the Land Development Code to amend the Governmental Operational Heavy Infrastructure (GO-2) Zoning District to include privately owned or operated accessory development to a commercial service airport and to provide for appropriate development standards and site plan review of such development and set the first of two public hearings for September 29, 2010, and the second and final public hearing for October 12, 2010 at 6:00 p.m., in the County Commission Chambers located in the Leon County Courthouse. (Recommended by the Tallahassee-Leon County Planning Department)

**Item 16** - Introduced Ordinance 10-Z-37, proposed amendment to the Official Zoning Map to change the zoning classification from the Development of Regional Impact (DRI), Rural (R) and Office Residential (OR-2) Zoning Districts to the Governmental Operational-2 (GO-2) and Open Space (OS) Zoning Districts (PRZ #10017) and set the first of two public hearings for September 29, 2010, and the second and final public hearing for October 12, 2010 at 6:00 p.m., in the County Commission Chambers located in the Leon County Courthouse. (Recommended by the Tallahassee-Leon County Planning Department)

**Item 17** - Introduced Ordinance No. 10-O-45, repealing distance requirements between alcoholic beverage licenses, and set the first and only public hearing for September 29, 2010. (Recommended by the Legal Department)

**Item 18** - Introduced Ordinance No. 10-O-50, adopting Comprehensive Plan Amendments, Cycle 2010-2, and set the public hearing at the joint meeting of the City Commission and Leon County Board of County Commissioners on October 12, 2010, at 6:00 p.m., in the County Commission Chambers located in the Leon County Courthouse. (Recommended by the Legal Department)

**Item 19** - Voted 4-0 (Commissioner Mustian absent) to approve the City's participation in the Broadband Technology Opportunities Program (BTOP) grant and allowed the City Manager to execute the agreement with the National Telecommunications and Information Administration. The total grant amount is valued at \$1,619, 013. The City in-kind match of \$88,000 over two years is currently funded for FY11. These funds will go towards the Alliance for Digital Equality (ADE) Learning Without Walls (LWOW) initiative at the Apalachee Ridge Technology Learning Center and enhance the Go Beyond Foundation's Digital Harmony program. (Recommended by Information Systems)

**Item 20** - (Deleted from the Agenda) Discussed the Temporary Economic Emergency Concurrency Relief application for the Evening Rose Development. (Recommended by the Growth Management Department)

**Item 21** - Voted 4-0 (Commissioner Mustian absent) to adopt Resolution No. 10-R-24 to approve the issuance of not to exceed \$9,795,000 Recovery Zone Facility Revenue Bond, Series 2010 and the recovery project. (Recommended by the Office of the Treasurer-Clerk)

**Item 22** - Received an update on the Gaines Street Improvements. Presented by Mr. Gabe Menendez, Director of Public Works and Ms. Roxanne Manning, Project Director, Community Redevelopment Agency. No action required. This item was for informational purposes only. (Recommended by the Public Works Department)

**Item 23** - Voted 4-0 (Commissioner Mustian absent) to approve the continued development for the Hybrid Bus/Bike Lanes concept on Tennessee Street between Monroe Street and Ocala Road, and directed staff to communicate this support to Florida Department Of Transportation (FDOT). Presented by Mr. Gabe Menendez, Director of Public Works. (Recommended by the Public Works Department)

**Item 24** - Held the first of two statutorily required public hearings on the tentative millage rate and fiscal year 2011 Budget for the City of Tallahassee and the Downtown Improvement Authority. The next public hearing is scheduled for September 29, 2010 at 6:00 p.m.

Received a staff overview of the proposed FY2011 Budget and the proposed millage rate. Staff also requested guidance on the funding request from Town and Gown.

City Attorney English indicated that Florida Statutes requires eleven steps to be taken and that he would guide the Commission through the required steps.

1. City Attorney English read into the record the tentative millage rate for fiscal year 2011 is 3.7000 for the City of Tallahassee and 1.000 for the Downtown Improvement Authority, which is less than the aggregate rolled back rate of 3.8346 by 2.96%. Resolution No. 10-R-28 proposes to state the percentage that the tentative millage rate is below the rolled-back rate.

2. Allowed public input on the City's tentative millage rate of 3.7000

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

- Mr. Erwin Jackson, P.O. Box 4008, appeared before the Commission to express opposition to the City's proposed budget and millage rate also expressed opposition to the proposed increase in utility rates.

- Mr. Curtis Baynes, 1323 E. Tennessee Street, appeared before the Commission to express opposition to the City's proposed budget and proposed increase in utility rates.
- Mr. Michael Rosenthal, 4045 Kilmartin Drive, appeared before the Commission to express opposition the City's proposed budget, and millage rate, also expressed concern with government spending.

3. Allowed public input on the City's tentative budget.

4. Allowed public input on the Downtown Improvement Authority's (DIA) tentative millage.

5. Allowed public input on the Downtown Improvement Authority's tentative budget.

6. Voted 4-0 (Commissioner Mustian absent) to approve the City's tentative millage rate of 3.7000 mills, resolution No. 10-R-28, and publicly announced the proposed aggregate millage rate is less than the rolled back rate by 2.96%.

7. Voted 4-0 (Commissioner Mustian absent) to approve the adjustments to the City's proposed budget as recommended.

8. Voted 4-0 (Commissioner Mustian absent) to approve the City's tentative budget as amended.

9. Voted 4-0 (Commissioner Mustian absent) to approve the Downtown Improvement Authority's tentative millage rate of 1.0000 mills, Resolution No. 10-R-28.

10. Voted 4-0 (Commissioner Mustian absent) to approve the Downtown Improvement Authority's tentative budget.

11. Introduced Appropriation Ordinance No. 10-O-42, making appropriations for the expenditures and obligations of the City. Public hearing set for September 29, 2010.

The Commission also took the following action:

Vote 4-0 (Commissioner Mustian absent) to approve benefit changes including health insurance and holiday schedule as recommended, and approved financing the Government Policy changes for Electric Utility Reserve as recommended.

The Commission directed staff to provide more information on the funding request from Town and Gown.

Commissioner Ziffer requested consideration of contingency funds for the arts community.

City Attorney English announced that the next public hearing is scheduled for September 29, 2010 at 6:00 p.m.

### **Target Issue Update**

Received a Target Issue Update from Mayor Marks on the following:

#### **Economic Development**

- Convention Center Hotel Request for Qualifications Process
- Recovery Zone Bond Allocation for the Gateway Project
- Airport Development

- Gaines Street & FAMU Way

### **Unagendaed Business/Speakers**

Mr. Erwin Jackson, P.O. Box 4008 appeared before the Commission and congratulated Commissioner Ziffer for winning the election and also stated that 70% of registered voters did not vote in the election. Mr. Jackson requested Commissioner Ziffer to contact the Attorney General to request a determination in whether the City Commission violated the City Charter when it voted for the Deferred Compensation that was not approved by the public or the City Charter. Mr. Jackson thanked city employees for sharing information.

Mr. Larry Hendricks, 406 Alpha Avenue, appeared before the Commission to express concern with the continued funding of Smart Meters and Smart Thermostats, which he feels is a scam. Mr. Hendricks quoted various calculations of the costs of smart meters for residential and commercial customers and stated the numbers did not support a savings to the customer.

Commissioner Ziffer commented about the election and stated that he was supported by over 50% of the voters. Commissioner Ziffer invited Mr. Jackson to meet with him when he had an issue that he wished to discuss. Commissioner Ziffer also encouraged Mr. Jackson to stay involved in city government.

### **Sharing of Ideas**

Mayor Marks commented about the campaign and stated that there had been a lot of misinformation and misconstrued information during the campaign season and that it continues even after the election.

Commissioner Lightsey stated that citizens may obtain correct information relating to the Smart Metering program by contacting the City's Energy Services Department and cautioned citizens on taking comments made earlier during the meeting about the Smart Meter project at face value. Mr. Hendricks, in the audience, made an outburst and was silenced by both Commissioner Lightsey and Mayor Marks. Commissioner Lightsey also commented that the Smart Metering program was being adopted around the country and the federal government has supported it with multiple million-dollar grants to communities. Commissioner Lightsey indicated the City has received at least \$9 million under the direct heading of Smart Meters. Commissioner Lightsey stated that she felt that it was a good investment for the government and for the community.

Commissioner Gillum clarified that smart meters were not intended to reduce utility bills, however, they were intended to be used by customers to regulate their utility bills. Commissioner Gillum stated that the smart meter is a tool for customers to use to manage their own utility demands.

Commissioner Gillum stated that he would like to volunteer to assist with planning the upcoming City Commission retreat. Commissioner Gillum requested the Commission's permission to move forward with working with the City Manager and staff to plan a retreat that builds on some of the plans that were laid during the last retreat. The Commission concurred in authorizing Commissioner Gillum to work with the City Manager and staff to plan the up-coming City Commission retreat.

Mayor Marks recognized comments made by Mr. Baynes during the public hearing and commented that the smart meters give customers the ability to make informed choices in how they use their utilities. Mayor Marks also commented that there are programs available to assist residents with paying utility bills. Mayor Marks also noted that there were other programs available that assist with things such as insulation that are also available. Mayor Marks encouraged the public to contact the City's Utility Department to find out about the programs that are available. Mayor Marks also commented about the double rebate program and indicated that it was a success and expressed a desire to bring the program back at some point in the future.

## **City Commission Meeting Summary - September 29, 2010**

The City Commission met in regular session and took the following action:

**Item 1** - Presentation of checks to the Florida State University (FSU) Raising Readers Program.

Mr. Michael Sittig, Executive Director, Florida League of Cities presented a check in the amount of \$7,450 to WFSU Raising Readers Program.

Ms. Sally Santana-Uptagrafft, Director Assistant, Target; Mr. Craig Clifton, Store Team Leader, Target, Mary Esther, FL; Mr. Joe Benkoski, Store Team Leader, Target, Appalachee Parkway; and Mr. Phillip Robertson, Executive Team Leader, Human Resources, Target, Appalachee Parkway, presented a check in the amount of \$3,500 to WFSU Raising Readers Program.

Ms. Kim Kelling-Engstrom, Director of Educational Services, WFSU accepted the checks with thanks and explained what the money would be used for.

Adjourned the City Commission meeting and convened as the Sinking Fund Commission.

Non-commission committee members included Mr. Kim Davis, Capital City Bank Group, Mr. Darrin Holloman, Regions Bank, and Mr. Tom Harrison, Retired Controller, Florida State University.

**Item 2** - Voted 5-0 to approve the revised Non-Pension Investment Policy CP 234. (Recommended by the Office of the Treasurer-Clerk)

**Item 3** - Voted 5-0 to approve the revised Pension Investment Policy 236. (Recommended by the Office of the Treasurer-Clerk)

Adjourned the Sinking Fund Commission and convened as the Pension Board of Trustees.

Non-commission committee member included Captain Joani Chase, Tallahassee Police Department.

**Item 4** - Voted 5-0 to accept and implement the actuarial report for the Defined Benefit Plan and the Matched Annuity Pension Program. (Recommended by the Office of the Treasurer-Clerk)

Adjourned the Pension Board of Trustees and reconvened as the City Commission.

**Items 5-14** - Voted 5-0 to approve the staff's recommendations presented on Consent Agenda Items 5-14, with the exception of Commissioner Mustian's abstention on Items 12 and 13, taking the following action:

Item 5 - Reappointed Ms. Regina Davis, Ms. Pricilla Howard and Ms. Pamela Keller to serve on the Affordable Housing Advisory Committee. Terms will expire June 2013. (Recommended by the Mayor's Office)

Item 6 - Approved Resolution No.10-R-31 and authorized staff to accept and execute the Florida Department of Transportation (FDOT) Joint Participation Agreement (JPA) (FDOT No.41221019401) and amended the project budget for COT Project No. 07129 to add \$57,550 of FDOT funds and \$57,550 of Airport RR&I funds. (Recommended by Aviation)

Item 7 - Approved the proposed Interlocal Minority Women Business Enterprise (M/WBE) Certification Agreement between the City of Tallahassee and Leon County and the revision of M/WBE policy to extend the certification period to two years. (Recommended by Economic & Community Development)

Item 8 - Approved and authorized staff to execute a one-year term contract to Trojan Labor, Temporary Personnel Solutions, Able Body Labor and Action Labor to furnish temporary labor services (building maintenance and construction) with the option to renew for two additional years if deemed necessary. (Recommended by Management and Administration)

Item 9 - Authorized acceptance by the City of property conveyance related to the Orange Avenue widening project and the realignment of Polk Drive from Leon County. (Recommended by the Public Works Department)

Item 10 - Approved the Selection Committee's ranking for the purchase and installation of Intelligent Transportation System (ITS) Vehicle Tracking Software, RFP No. 0077-10-BM-RC, and authorized the City Manager or her designee to execute the related contract with the top ranked firm. (Recommended by StarMetro)

Item 11 - Authorized the City Manager to negotiate and execute a Joint Project Agreement with BluePrint 2000 for relocation and construction of the water and sewer infrastructure, to facilitate the widening of Capital Circle Southeast from Woodville Highway to Crawfordville Highway. (Recommended by Underground Utilities)

Item 12 - Authorized, through a negotiated sale led by Goldman Sachs, the issuance of fixed-rate bonds to finance several Energy System projects by adopting Resolution No. 10-R-32 authorizing the issuance of not to exceed \$190,000,000 City of Tallahassee, Florida Energy System Revenue Bonds, Series 2010, 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 2010 Bonds, delegating to the City Treasurer-Clerk the authority to determine the Reserve Fund Requirement for the Series 2010 Bonds, appointing a registrar and paying agent, providing certain other covenants and agreements in connection therewith, and providing an effective date. (Recommended by the Office of the Treasurer-Clerk)

Item 13 - Authorized issuance of Florida Lease Revenue Refunding bonds, Series 2010 for Florida State University Schools, Inc. through authorizing Resolution No. 10-R-33. (Recommended by the Office of the Treasurer-Clerk)

Item 14 - Approved the minutes from the June 9, 2010 regular Commission meeting. (Recommended by the Office of the Treasurer-Clerk)

**Item 15** - Received a presentation on the Community Human Service Partnership (CHSP) funding recommendations from Ms. Phyllis Bush, Supervisor, Jack McLean Recreation Center. Received a presentation on the CHSP process from Ms. Laura Reeves, CEO, Common Sense Practice Global Enterprises, LLC and also received a presentation on the CHSP findings by Mr. Joe Pete, Florida Department of Business and Professional Regulation. Voted 5-0 to accept the human service funding recommendations made by the Citizens Review Teams and the Community Improvement Advisory Council; and authorized staff to negotiate and execute contracts for the amounts presented in the 2010/11 Grant Funding Summary. In addition, authorized staff to collaborate with Leon County to facilitate a joint mini grant process (maximum of \$25,000 per grant), utilizing residual Community Human Service Partnership (CHSP) funds to address emergency and basic needs. Lastly, authorized staff to execute contracts for the following special projects: Whole Child Leon, Domestic Violence Coordinating Council, and United Partners for Human Services. (Recommended by Economic & Community Development)

**Item 16** - (DELETED FROM THE AGENDA) Discussion of Temporary Economic Emergency Concurrency Relief application for the Evening Rose Development.(Recommended by Growth Management)

**Item 17** - Received a power point presentation by Mr. Ron Garrison, Executive Director, StarMetro on the StarMetro Advertising Program and voted 5-0 to approve the Selection Committee's ranking for vendors under the StarMetro Advertising Program, RFP No. 0095-10-BC-RC, and authorized the City Manager or her designee to execute the related contracts with the top ranked firms. (Recommended by StarMetro)

**Item 18** - Voted 5-0 to authorize the City Manager to execute a contract with Tallahassee Urban League Inc. (TUL) for up to 15 owner-occupied rehabilitation projects for a total amount not to exceed \$600,000. (Recommended by Economic & Community Development)

**Item 19** - Held the final statutorily required public hearing on the tentative millage rate and fiscal year 2011 Budget for the City of Tallahassee and the Downtown Improvement Authority.Â (Recommended by Management and Administration)

Received a staff overview of the proposed FY2011 Budget and the proposed millage rate.

City Attorney English stated that Florida Statute 200.065 requires that two public hearings be held concerning adoption of the fiscal year 2011 budget. The first public hearing was held on September 15, 2010. This is the second and final public hearing and does not conflict with county and school board public hearings. Specific actions to be taken at this public hearing, in the required order of execution, as delineated as follows:

1. City Attorney English read into the record the tentative millage rate for fiscal year 2011 is 3.7000 for the City of Tallahassee and 1.000 for the Downtown Improvement Authority, which is less than the aggregate rolled back rate of 3.8346 by 2.96%.
2. Allowed public input on the City's tentative millage rate of 3.7000 mills.

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

Mr. Curtis Baynes, 1323 E. Tennessee Street, appeared before the Commission to express concern with the millage rate, also expressed concern with the upcoming utility rate study and likely rate increase. Mr. Baynes also expressed concern with surcharges levied against utility customers residing in the unincorporated area of the county.

Ms. Karen Moore, Chair Elect, Economic Development Council, 100 N. Duval Street, appeared before the Commission and stated that the community and the Economic Development Council secured a Small Business Association (SBA) loan in the amount of \$150,000 per year for three years and also requested funding in the amount \$15,000 from the City to support an entrepreneurial excellence program.

Mr. Michael Rosenthal, 4045 Kilmartin Drive, appeared before the Commission to express concerns about questions that were previously raised by citizens related to the budget. Mr. Rosenthal requested answers to the following questions:

1. Why is the budget \$12 million more the proposed budget in June?
2. Why is the general fund spending up \$1.9 million?
3. Why was there a pre-election budget showing a reduction in spending and now there is a post election budget, which has a 1.4% increase in spending?
4. Why can't spending and taxes be cut?

The Commission directed Ms. Beckye Simpson, Budget Manager, Department of Management and Administration to address questions raised by Mr. Rosenthal.

3. Allowed public input on the City's tentative budget.
4. Allowed public input on the Downtown Improvement Authority's Tentative Millage.
5. Allowed public input on the Downtown Improvement Authority's Tentative Budget.
6. Voted 5-0 to approve the City's final millage rate of 3.7000 mills, Resolution No. 10-R-28AA, and publicly announced the final aggregate millage rate is less than the rolled back rate by 2.96%.
7. Voted 5-0 to approve adjustments to the City's tentative budget as recommended.
8. Voted 5-0 to approve the City's Final FY 2011 Budget, as amended.
9. Voted 5-0 to approve the Downtown Improvement Authority's Final FY 2011 Millage Rate of 1.0000 Mills, Resolution No. 10-R28-AA.
10. Voted 5-0 to approve the Downtown Improvement Authority's Final FY2011 Budget.
11. Voted 5-0 to approve appropriation Ordinance No. 10-O-42AA, making appropriations for the expenditures and obligations of the City.

Commissioner Ziffer commented about the number of citizens who watch WCOT and the potential for utilizing the TV station for generating revenue through underwriting and offering more varied programming content, such as highlighting the City's arts and cultural organizations, tourism destinations and economic development projects, and not solely government information. Commissioner Ziffer offered PBS as an example on the use of underwriting, and not advertising, as a source of revenue.

Mayor Marks noted that WCOT is a Public, Educational, or Governmental (PEG) channel provided by Comcast, which may have restrictions on its use.

The Commission concurred in directing staff to explore the possibilities of generating revenue through the use of underwriting on WCOT and for additional programming.

**Item 20** - Held the first and only public hearing on Ordinance No. 10-O-30, Maintenance of Disability Accessibility Standards, and voted 5-0 to adopt Ordinance No. 10-O-30. (Recommended by Growth Management)

**Item 21** - Held the first and only public hearing on Ordinance No. 10-O-35, adopting a Comprehensive Plan Amendment for the 2010 Annual Capital Improvements Element update, and voted 5-0 to adopt Ordinance No. 10-O-35. (Recommended by the Planning Department)

**Item 22** - Held the first of two public hearings on Ordinance No. 10-O-36 and scheduled the second and final public hearing for October 12, 2010, at the Joint Board of County Commission/City Commission Adoption Hearing for the 2010-2 Comprehensive Plan Amendment Cycle, at the Leon County Courthouse at 6:00 p.m. (Recommended by the Planning Department)

**Item 23** - Held the first of two public hearings on Ordinance No. 10-Z-37; proposed amendment to the Official Zoning Map from the Development of Regional Impact (DRI), Rural (R) and Office Residential (OR-2) Zoning Districts to the Governmental Operational-2 (GO-2) and Open Space (OS) Zoning Districts (PRZ 100016). The final public hearing scheduled for October 12, 2010, at the Joint Board of County Commission/City Commission Adoption Hearing for the 2010-2 Comprehensive Plan Amendment Cycle, at the Leon County Courthouse at 6:00 p.m. (Recommended by the Planning Department)

**Item 24** - Held the first and only public hearing on Ordinance No. 10-O-45; repealing distance requirements between alcoholic beverage licenses, and voted 5-0 to adopt Ordinance No. 10-O-45. (Recommended by the Legal Department)

Treasurer-Clerk Herndon read into the record a letter received from Lucky Dogs Enterprises, Inc. d/b/a Fermentation Lounge expressing support of Ordinance No. 10-O-45.

## **Unagendaed Business/Speakers**

Mr. Maurice D. Gosby, 600 Victory Garden Lane, appeared before the Commission to express concern with customer service in the City of Tallahassee Utilities Department, specifically with disconnects and reconnect fees.

The Commission directed Mr. Reese Goad, Director, Utility Business and Customer Services, to address concerns presented by Mr. Gosby.

Rev. Stanley B. Sims, Sr. 1320 Avondale Way, submitted a speaker appearance form, but did not speak.

Mr. Charles Futch and Ms. Susan Drake, 2953 N. Arendell Way, appeared before the Commission to express objection to the Thornton Road extension project, which has six potential routes, four of which run through their property, and two of which go through the entire length of their property and their home. Mr. Futch and Ms. Drake requested that the alternate routes be considered for this project.

Mayor Marks stated that decisions had not been made on the routes for the Thornton Road extension project. A brief discussion continued in this regard.

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

City Manager Thompson announced that Commissioner Mustian is now known as an international renowned author for his new book, *The Gendarme*.

The Commission concurred in congratulating Commissioner Mustian on his new book.

Commissioner Ziffer thanked the staff and the neighborhood on the work in Los Robles.

## **City Commission Meeting Summary - October 13, 2010**

The City Commission met in regular session and took the following action:

**Item 1** - Mayor Marks presented a proclamation to the Electric Utility Department recognizing Public Power Week.

Mr. Rob McGarrah, Interim General Manager, Electric Utility Department, along with staff accepted the proclamation and expressed his appreciation.

**Item 2** - Mayor Marks presented a proclamation to the Natural Gas Utility Department recognizing Natural Gas Week.

Mr. Mike Tadros, Director of Underground Utilities, along with staff accepted the proclamation and expressed his appreciation.

**Item 3** - Mayor Marks presented a proclamation to Ms. Vicki O'Neil, City of Tallahassee Gas Operations Department, recognizing her as the Fred Pryor Marketing Person of the Year.

Ms. Vicki O'Neil, Gas System Support Administrator, accepted the proclamation with thanks.

**Item 4-11** - Voted 4-0 (Commissioner Lightsey absent) to approve the staff's recommendations presented on Consent Agenda Items 4-11, taking the following action:

Item 4 - Approved the 2011 City Commission meeting schedule as presented. (Recommended by the City Manager's Office)

Item 5 - Approved acceptance of Grant #2271C from the Florida Department of Juvenile Justice in the amount of \$100,000 and authorized expenditure of funds by the Palmer Munroe Teen Center. (Recommended by Parks, Recreation and Neighborhood Affairs)

Item 6 - Approved the award of a construction contract to M of Tallahassee, Inc., in the amount of \$1,441,392, as the lowest responsive and responsible bidder meeting specifications for the Weems Road PASS Project, Phase I, IFB No. 0109-10-ER-FT. (Recommended by the Public Works Department)

Item 7 - Adopted Resolution No. 10-R-25 and authorized the City Manager to execute the Supplemental Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of \$196,000 in service development funding to continue to provide service to Fallschase and to fund the improved service on Mahan Drive as part of the nova2010 Decentralization Plan. Local matching funds in the amount of \$196,000 will be provided from StarMetro's operating funds in the amount of \$156,000 and funds from Leon County in the amount of \$40,000. (Recommended by StarMetro)

Item 8 - Approved the FY2011 allocation for StarMetro JPA with FDOT in the amount of \$932,999, and authorized the execution of the Joint Participation Agreement, and adopted Resolution No. 10-R-30. (Recommended by StarMetro)

Item 9 - Approved a request to submit an amended grant application to the Federal Transit Administration (FTA), and authorized staff to expend the total amount of \$2,682,257 provided by the 2010 Section 5307 FTA Grant. (Recommended by StarMetro)

Item 10 - Approved the term contract with Veolia Environmental Services for the transportation and disposal of wastewater biosolids at the Veolia Pecan Row Landfill and the Veolia Evergreen Landfill, both located in Valdosta, Georgia, at an estimated total cost of \$1,070,000 over three years. This contract will provide a reliable backup for disposing of biosolids that are produced during periods of unavailability of the heat dryer or buyers of the Class AA biosolids product. (Recommended by Underground Utilities)

Item 11 - Approved the minutes of the June 17, 2010 Special Commission Meeting (Budget Workshop) (Recommended by the Office of the Treasurer-Clerk)

**Item 12** - Introduced Ordinance No. 10-Z-39, proposed addition of 415 West College Avenue to the Local Register of Historic Places and amendment of the Official Zoning Map to change the zoning classification from the Downtown Institutional/Cultural/University Transition Areas (DI) Zoning District to the Downtown Institutional/Cultural/University Transition Areas (DI) Zoning District with Historic Preservation Overlay (HPO) (PRZ 100019). The first and only public hearing was set for October 27, 2010. (Recommended by the Planning Department)

**Item 13** - Introduced Ordinance No. 10-Z-40, proposed addition of 607 McDaniel Street to the Local Register of Historic Places and amendment of the Official Zoning Map to change the zoning classification from the Residential Preservation-2 (RP-2) Zoning District to the Residential Preservation-2 (RP-2) Zoning District with Historic Preservation Overlay (HPO) (PRZ 100020). The first and only public hearing was set for October 27, 2010. (Recommended by the Planning Department)

**Item 14** - Introduced Ordinance No. 10-Z-46, proposed addition of 402 and 406 Williams Street to the Local Register of Historic Places and amendment of the Official Zoning Map to change the zoning

classification from the Residential Preservation-2 (RP-2) Zoning District to the Residential Preservation-2 (RP-2) Zoning District with Historic Preservation Overlay (HPO) (PRZ 100021). The first and only hearing was set for October 27, 2010. (Recommended by the Planning Department)

**Item 15** - Introduced Ordinance No. 10-Z-51, proposed amendment to the Official Zoning Map from CCPD (Capitol Center Planning District), RO (Targeted Retail/Office Growth Area), and DI (Downtown Institutional/Cultural/University Transition) to CC (Central Core) on 149.41± acres; from OR-1 (Office Residential District-1) to CU-26 (Central Urban-26) on 2.0± acres; from OR-1 (Office Residential District-1) and OR-3 (Office Residential District-3) to CU-45 (Central Urban-45) on 29.0± acres; and from CCPD (Capitol Center Planning District) to OS (Open Space) on 3.33 ± acres. The first public hearing was set for October 27, 2010 and final public hearing was set for November 23, 2010. (Recommended by the Planning Department)

**Item 16** - Received an update on downtown project updates by Mr. Jay Townsend, Assistant City Manager. No action was required; this item was for informational purposes only. (Recommended by the City Manager's Office)

Staff to bring back a report relating to a timeline when construction dollars will begin and when it will end and also the number and the kind of jobs that will be generated as a result of the construction projects.

**Item 17** - Voted 3-1 (Commissioner Mustian opposed, Commissioner Lightsey absent) to approve the application for Temporary Economic Emergency Concurrency Relief for Earth Fare Supermarket located at the former Circuit City at 2425 Apalachee Parkway. Staff recommended a 50% reduction in transportation concurrency mitigation dollars. However, the Commission approved a 75% reduction in transportation concurrency mitigation dollars for the project. (Recommended by Growth Management)

Commissioner Mustian stated that the Temporary Economic Emergency Concurrency Relief Program was created to help stimulate the economy and would expire at the end of the year unless the Commission took action to extend it. Commissioner Mustian noted that he did not wish to continue the program beyond the end of the year. Commissioner Mustian noted that he would support this request at a 50% reduction but did not feel it warranted the 75% level as proposed by Commissioner Gillum's motion.

Commissioner Gillum recognized Ms. Tomica A. Smith, Director of the Palmer Munroe Teen Center, who was present in the audience and introduced Mr. Anthony Brown, who will operate the Community Connections Restorative Justice Program.

**Item 18** - Introduced Ordinance No. 10-O-53, which provides for the establishment of new time-limited electric rate pilot programs by Resolution and set the public hearing for October 27, 2010. (Recommended by Utility Business & Customer Services)

Mr. Reese Goad, Director of Utility Business & Customer Service, provided an overview of the Nights & Weekend Pricing Program.

A brief discussion ensued with several Commissioners enforcing that this program was voluntary and customers would have to opt-in to the program.

**Item 19** - Received an update on Demand Side Management (DSM) Initiative related to income-based energy assistance (Neighborhood REACH Program) and received an update on the Double Rebates Incentive DSM. Presented by Mr. David Byrne, Director and Mr. Michael Ohlsen, Energy Services Department. (Recommended by Energy Services)

**Item 20** - Voted 4-0 (Commissioner Lightsey absent) to adopt Resolution No. 10-R-34, which provides that the City will provide its portion of the required local match payment, up to a total of \$17,500, if

SunnyLand Solar LLC. satisfies the requirements for the Qualified Targeted Industry (QTI) Program. (Recommended by Economic & Community Development)

**Item 21** - Voted 4-0 (Commissioner Lightsey absent) to adopt Resolution No. 10-R-35, which provides that the City will provide its portion of the required local match payment, up to a total of \$10,500, if Events Photography Group Inc. satisfies the requirements for the QTI Program. (Recommended by Economic & Community Development)

**Item 22** - Voted 4-0 (Commissioner Lightsey absent) to adopt Resolution No. 10-R-36, which provides that the City will provide its portion of the required local match payment, up to a total of \$15,000, if SolarSink LLC. satisfies the requirements for the QTI Program. (Recommended by Economic & Community Development)

**Item 23** - Voted 4-0 (Commissioner Lightsey absent) to adopt Resolution No. 10-R-37, which provides that the City will provide its portion of the required local match payment, up to a total of \$88,000, if Bing Energy Inc. satisfies the requirements for the QTI Program. (Recommended by Economic & Community Development)

### **Target Issue Updates**

Economic Development Target Issue update provided by Mayor Marks on the following:

Qualified Targeted Industry Applications

1. Sunnyland Solar LLC
2. Event Photography Group Inc.
3. SolarSink LLC
4. Bing Energy Inc.

Health and Human Services Target Issue update provided by Commissioner Gillum on behalf of Commissioner of Lightsey who was absent on the following:

- Homeward Bound
- The Cold Night Sheltering Plan
- Joint Planning Board

Environmental and Energy Resources Target Issue update provided by Commissioner Ziffer on the following:

- Consideration of Proposal for Clean Tap Water Citizen Advisory Committee
- Tallahassee Sustainable Action
- Smart Grid Update

### **Unagendaed Business/Speakers**

Mayor Marks announced that the City of Tallahassee had been nominated as one of the most livable cities in the world by the International Awards for Livable Communities. Livecom Awards had been endorsed by the United Nations and was established in 1997. Mayor Marks noted that over fifty countries from around the world participated in the competition and noted that Tallahassee was one of forty communities from across the world to be invited to participate in the finals held in Chicago, Illinois on November 4, 2010 to November 8, 2010.

Ms. Cynthia Barber, Director, Environmental Policy and Energy Resources provided a brief overview of the Livecom Awards.

Mr. Curtis Baynes, 1323 E. Tennessee Street, appeared before the Commission to express concern with the utility rates and the proposed pilot programs relating to utility rates. Mr. Baynes stated that he was comfortable knowing that the program was voluntary and also expressed a desire to have information included with customer's utility bills on how the program would work and the cost and potential savings. Mr. Baynes commented that there were people in the community who did not have access to computers and are unable to view their utility bills online and expressed a need for customers to have access by phone. Mr. Baynes also stated that he had attended the Leon County Commission meeting and had recommended to the County Commission that the County terminate its recreation agreement with the City because of surcharges that appear on the utility bills. Mr. Baynes indicated that his concern was with the surcharges and not with the recreation agreement. Mr. Baynes noted that the City's budget had about \$24 million in surcharges, which amounts to about \$5 million per year.

### **Sharing of Ideas**

Commissioner Mustian stated he had been asked to represent the City at a County workshop related to the Welaunee Project.

## **City Commission Meeting Summary - October 27, 2010**

The City Commission met in regular session and took the following action:

**Item .1** – Recognized Mr. Terrence McNeil and the 2010 graduating class of the Tallahassee Digital Connectors Program.

Mr. McNeil expressed his gratitude to the City and invited the public to attend the graduation ceremony being held at the Tallahassee Community College at 7:00 p.m.

**Item .2** – Recognized Ms. Lawson Yale and Mr. Alex Mendelson along with their families for assisting in saving the life of Ms. Kathy Raynor, who was leaving a FSU football game on September 25, 2010 when she became the victim of a hit and run incident on West Madison Street. The incident left Ms. Raynor severely injured.

Mr. Tom Raynor, along with his daughter expressed appreciation to Ms. Yale and Mr. Mendelson for their compassion and leadership and for assisting in saving Ms. Raynor's life.

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

Mayor Marks recognized Ms. Angela Poole member of the Audit Committee for her hard work on the City's Audit Work Plan.

Item 1 - Approved the 2011 Audit Work Plan as presented. (Recommended by the Audit Department)

Item 2 - Approved the five-year single source pricing agreement with GE Betz, Inc. for the supply of the Hopkins cooling tower chemical treatment program products and services as negotiated. Estimated at \$500,000 over five years, the actual amount spent will

depend on unit operation and dispatch. Funding will be from the Hopkins operating account. (Recommended by the Electric Utility Department)

Item 3 - Approved acceptance and appropriated revenues and expenditure of \$99,561 in grants awarded by Florida Department of Transportation (FDOT) and the U.S. Department of Justice; and accepted the police vehicle donated by the U.S. Marshal Service along with an additional \$6,000 annually to reimburse the City for expenses related to maintenance and fuel for the vehicle. (Recommended by the Police Department)

Item 4 - Approved the request to apply for, execute and administer the 2009 and 2010 funding from the Federal Transit Administration (FTA) Section 5316 Job Access and Reverse Commute (JARC) grants in the amounts of \$177,708 and \$169,910, respectively. (Recommended by StarMetro)

Item 5 - Approved the request to apply for, execute and administer the 2010 Federal Transit Administration (FTA) New Freedom Program (NFP) grant funds in the amount of \$52,257. (Recommended by StarMetro)

Item 6 - Approved Resolution No. 10-R-39, amending the definition of "Project" as previously defined in Resolution No. 10-R-32. (Recommended by the Treasurer-Clerk's Office)

Item 7 – Approved the minutes of the June 24, 2010 Special Commission Meeting (Budget Workshop) (Recommended by the Treasurer-Clerk's Office)

**Item 8** – Reviewed the 2009 Charter Review Committee (CRC) Final Report, and voted 5-0 to approve the charter recommendation which amends the duties of the Mayor and to address the non-charter recommendations at the up coming City Commission Retreat. (Recommended by the Treasurer-Clerk's Office)

**Item 9** – Voted 5-0 to adopt the concurrency relief agreement, which provides a 50% reduction in transportation concurrency mitigation dollars required for the Providence Neighborhood Center. (Recommended by Growth Management)

**Item 10 - Deleted from the Agenda** - Discussion to adopt the concurrency relief agreement, which provides 50% reduction in transportation concurrency mitigation dollars required for the Metropolitan Planned Unit Development (PUD). (Recommended by Growth Management)

**Item 11** – Received a power point presentation by Mr. Reese Goad Director, Utility Business & Customer Service, and voted 5-0 to adopt Resolution No. 10-R-38, which provides for the establishment of an optional residential time-of-use electric rate pilot program effective November 1, 2010. (Recommended by Utility Business & Customer Services)

**Item 11.1** – Voted 5-0 to approve the selection committee's recommendation to award a contract to North Florida Asphalt, Inc., in the amount of \$470,137.70 for IFB No. 0116-10-ER-BC and authorized staff to execute the contract for the bus yard pavement resurfacing project. (Recommended by StarMetro)

City Manager Thompson announced that there would be a reception at 5:15 p.m., in the City Hall Mezzanine, 2<sup>nd</sup> floor to honor Commissioner Lightsey in recognition of her dedication and commitment to the Tallahassee community as both a leader and citizen advocate for more than 21 years as an elected official.

City Manager Thompson along with Mayor Marks also thanked Mr. Don DeLoach, Chief Information Systems Officer, for over 28-years of outstanding service with the City.

**Item 18 – (Taken out of order)** Held the first and only public hearing on Ordinance No. 10-O-53, which provides for the establishment of new time-limited electric rate pilot programs by Resolution, and voted 5-0 to adopt the ordinance. Received a power point presentation by Mr. Reese Goad, Director of Utility Business & Customer Services. (Recommended by Utility Business & Customer Services)

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

Mr. Bob Elias, 1806 Wagon Wheel Circle E., appeared before the Commission to express support of the Time-Limited Electric Rate Pilot Programs and requested that the Commission direct staff to explore the option of extending the program to non-residential customers.

Mr. Michael Rosenthal, 4045 Kilmartin Drive, appeared before the Commission to express concern with the implementation of the smart meter program and stated that he felt that the program was poorly thought out. Mr. Rosenthal stated that he felt that the smart meter program should have been implemented as a pilot program on a small number of homes first. Mr. Rosenthal posed the following questions and requested that they be answered:

1. Will the time of use rates eventually become mandatory?
2. Why are more power plants not built?
3. Will the time of use rates be revenue neutral as recommended by the R. W. Beck study?

Mr. Rosenthal indicated that the operating fund shows \$19 million of new revenue in 2012 under the rate study, which goes up to \$36 million in 2013. Mr. Rosenthal inquired about where the extra funds came from. Mr. Rosenthal requested that the Commission authorize a study to explore the idea of selling the City of Tallahassee electric utility to the Florida Power and Light Company, he stated that the citizens of Tallahassee would benefit from dramatically lower electric rates and it would free up the city with having manage a utility.

Mr. Erwin Jackson, 1341 Jackson Bluff, appeared before the Commission and stated that he was a small business owner who pays \$12,000-\$15,000 per month to the City of Tallahassee for utilities. Mr. Jackson stated that the Commission approved spending approximately \$50 million on the smart meter program, which does not generate any electricity and does not reduce utility rates. Mr. Jackson stated that he believes that this collective decision of the Commission will be the largest financial disaster in the history of Tallahassee. Mr. Jackson stated that the \$50 million expenditure resulted into the proposed Nights and Weekend plan that even Mayor Marks said that he would not follow as printed in the newspaper. Mr. Jackson stated that the plan proposes to increase utility rates from twelve cents to twenty-two cents per kwh, an 84% utility rate increase if used between the hours of 7 a.m. and 7 p.m. Mr. Jackson indicated that he understands that the program is voluntary, however, \$50 million was spent on a voluntary program that not even the Mayor wants to follow. Mr. Jackson indicated that it was time for a formal investigation as to why the City approved the program and the \$5 million nonbinding contract with Honeywell. Mr. Jackson inquired about how much of the funding was given to their attorneys, specifically Adorno & Yoss Law Firm, and its most favorite member of

the firm, Mayor John Marks. Mr. Jackson also inquired about the legal involvement of Adorno & Yoss Law Firm has had with the City of Tallahassee while John Marks has been Mayor. Mr. Jackson indicated that a recent ruling by the Broward Judge Tutor against Adorno & Yoss founding partner Mr. Henry Adorno was concerning. Mr. Jackson stated that the Florida Bar took disciplinary action against Mr. Adorno, ruling that he breached his duty by accepting excessive attorney fees of \$2 million. Mr. Jackson also stated that the Third District Court of Appeals concluded, "A more unethical and reprehensible behavior by attorneys against their own clients is difficult to imagine - Judge Angel Cortinas." Mr. Jackson stated that the integrity of specific elected officials is being questioned and stated a full investigation must be conducted and the money trail must be followed. Mr. Jackson stated that assurance from the City Attorney, the silence by the Tallahassee Democrat, and other media outlets is unacceptable and at this point the only thing that is known for sure is that Honeywell, Adorno & Yoss, and Mayor Marks got the gold and the citizens of Tallahassee got the shaft.

Commissioner Mustian left the meeting at 6:35 p.m. and did not return.

**Item 12** – Held the first of two public hearings on Ordinance No. 10-O-14AA; proposed amendment to the Tallahassee Land Development Code to adopt the Downtown Overlay Regulating Plan map series and the implementing development regulations, including the creation of the Central Core zoning district, for areas within the Multi-Modal Transportation District. Mr. Zachary Galloway, Senior Planner, Planning Department presented a power point presentation. The second and final public hearing was set for November 23, 2010. (Recommended by the Planning Department)

There were no speakers relative to this item.

**Item 13** – Held the first of two public hearings on Ordinance No. 10-Z-12; proposed amendment to the Official Zoning Map Changing the zoning classification from the DI (Downtown Institutional/Cultural/University Transition Areas), RO (Targeted Retail/Office Growth Area), and CCPD (Capitol Center Planning District) Zoning Districts to the CC (Central Core) Zoning District. (PRZ100001) The second and final public hearing was set for November 23, 2010. (Recommended by the Planning Department)

There were no speakers relative to this item.

**Item 14** – Held the first of two public hearings on Ordinance No. 10-Z-51; which will amend the Official Zoning Map from CCPD (Capitol Center Planning District), RO (Targeted Retail/Office Growth Area), and DI (Downtown Institutional/Cultural/University Transition) to CC (Central Core) on 149.41± acres; from OR-1 (Office Residential District-1) to CU-26 (Central Urban) on 2.0± acres; from OR-1 (Office Residential District-1) and OR-3 (Office Residential District-3) to CU-45 (Central Urban-45) on 29.0± acres; and from CCPD (Capitol Center Planning District) to OS (Open Space) on 3.33 ± acres. All parcels are within the Downtown Boundary and are generally bounded on the east by the CSX railroad (just east of Franklin Boulevard), on the south by Van Buren Street, on the west by Gay Street, and on the north by Tennessee Street. (PRZ10017) The second and final public hearing was set for November 23, 2010. (Recommended by the Planning Department)

There were no speakers relative to this item.

**Item 15** – Held the first and only public hearing on Ordinance No. 10-Z-39, thereby adding the property to the Local Register of Historic Places and amending the Official Zoning Map to change the zoning classification from the Downtown Institutional/Cultural/University Transition Areas (DI) zoning district to the Downtown Institutional/Cultural/University Transition Areas (DI) zoning district with Historic Preservation Overlay (HPO), (PRZ100019) and voted 4-0 (Commissioner Mustian was absent) to adopt Ordinance No. 10-Z-39. (Recommended by the Planning Department)

There were no speakers relative to this item.

**Item 16** – Held the first and only public hearing to adopt Ordinance 10-Z-40, thereby adding the property to the Local Register of Historic Places and amending the Official Zoning Map to change the zoning classification from the Residential Preservation-2 (RP-2) zoning district to the Residential Preservation-2 (RP-2) zoning district with Historic Preservation Overlay (HPO) (PRZ100020). Voted 4-0 (Commissioner Mustian was absent) to adopt Ordinance No. 10-Z-40.

There were no speakers relative to this item.

**Item 17** – Held the first and only public hearing on Ordinance 10-Z-46, thereby adding the properties to the Local Register of Historic Places and amending the Official Zoning Map to change the zoning classification from the Residential Preservation-2 (RP-2) zoning district to the Residential Preservation-2 (RP-2) zoning district with Historic Preservation Overlay (HPO) (PRZ100021). Voted 4-0 (Commissioner Mustian was absent) to adopt Ordinance No. 10-Z-46. (Recommended by the Planning Department)

There were no speakers relative to this item.

## **SHARING OF IDEAS**

Commissioner Lightsey provided an update on the Tallahassee-Leon County Animal Service Center challenge. Commissioner Lightsey stated that the challenge is a chance for the Shelter to win \$125,000 from the American Society for the Prevention of Cruelty to Animals (ASPCA). Commissioner Lightsey stated that over 1,000 cats and dogs had been adopted since August 1, 2010 and noted that about 50 animals still needed permanent homes before the challenge ends on Sunday October 31, 2010. Commissioner Lightsey stated all adoption fees would be waived on Saturday and Sunday. Commissioner Lightsey also announced that the community could help by going online to the website [VoteToSaveLives.org](http://VoteToSaveLives.org) and casting their vote for the Tallahassee-Leon County Animal Service Center, and also stated you are allowed to vote once a day, each day per email through October 31, 2010. Commissioner Lightsey noted that the City of Tallahassee was currently in first place and encouraged everyone to continue to help with the adoptions and the voting and also thanked the community for donations of food and other items to the shelter.

Mayor Marks stated for the record that comments made by Mr. Erwin Jackson were misleading, misconstrued, or false. Mayor Marks also stated that he had just returned from a trip to Stockholm, Sweden, which was at no expense to the City of Tallahassee, where the City of Tallahassee was invited by the National League of Cities as well as the U.S. Swedish Embassy to participate in a program regarding sustainability. Mayor Marks also noted that the City of Tallahassee had been nominated as one of the most livable cities in the world and that the final selection of the winners will be held in Chicago, Illinois from November 4<sup>th</sup> through November 8, 2010.

Commissioner Lightsey thanked the community for their well wishes on her retirement.

## **City Commission Meeting Summary - November 10, 2010**

The City Commission met in regular session and took the following action:

**Item 1** - Presentation of proclamation recognizing Underground Utilities employees for saving in excess of one million dollars.

**Item 2** - Presentation of proclamation recognizing StarMetro for their four outstanding awards received from Florida Public Transportation Association.

**Item 3** - Received a video presentation relating to the International Awards for Livable Communities (LivCom). The City of Tallahassee received the Silver Award.

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

Item 4 - Approved a list, consisting of the following seven (7) firms, of contractors pre-qualified to perform sidewalk construction and rehabilitation services and authorized the award of individual sidewalk construction and rehabilitation services projects in accordance with the City's procurement policy: (Recommended by the Public Works Department)

1. Blankenship Contracting Company
2. Concrete Services of Quincy, Inc.
3. Hale Contracting, Inc.
4. M of Tallahassee, Inc.
5. North Florida Asphalt, Inc.
6. Peavy and Son Construction Co., Inc.
7. Sandco, Inc.

Item 5 - Approved the Florida Department of Transportation (FDOT) United We Guide Regional Mobility Manager Pilot Project and FDOT Grant. (Recommended by StarMetro)

**Item 6** - Introduced Ordinance No. 10-O-49; proposed amendment to the Tallahassee Land Development Code, Amending Chapter 10 to Implement the Mahan Gateway Node Future Land Use Map category (PTX100006), and set the first of two public hearings for January 26, 2011 and the second and final public hearing for February 23 2011. (Recommended by the Planning Department)

**Item 7** - Introduced Ordinance No. 10-Z-48; proposed amendment to the Official Zoning Map changing the zoning classification from the Mahan Residential Corridor Node (MRCN) zoning district to the Mahan Corridor Node (MCN) zoning district (PRZ100022), and set the first and only public hearing for February 23, 2011. (Recommended by the Planning Department)

**Item 8** - Introduced Ordinance No. 10-Z-52; proposed amendment to the Official Zoning Map to change the zoning classification from the Medium Density Residential-1 (MR-1) zoning district to the Westgate Mission Planned Unit Development (PUD) zoning district (PRZ100025), and set the first and only public hearing for December 8th, 2010. (Recommended by the Planning Department)

**Item 9** - Introduced Ordinance No. 10-O-55 Providing an Exception to Distance Requirements in the Alcoholic Beverage Code for Planned Unit Developments, and set the first and only public hearing for November 23, 2010. (Recommended by the Legal Department)

**Item 10** - Introduced Ordinance No. 10-Z-04; Proposed Amendment to the Official Zoning Map to Change the Zoning Classification from the Critical Planning Area (CPA) to the Canopy Planned Unit Development (PUD) Zoning District (PRZ070015), and set the first and only public hearing for December 8, 2010. (Recommended by the Planning Department)

**Item 11** - Introduced Ordinance No. 10-O-54; related to the Piney Z Community Development District, and set the public hearing for November 23, 2010. (Recommended by the Legal Department)

**Item 12** - Voted 4-0 (Commissioner Mustian abstained) to approve an extension to the Professional Services Agreement with Real Estate InSync, LLC for Welaunee Development Representative Services for an additional term of one year in an amount not to exceed \$84,000 plus costs, fees and expenses incurred to render the services to the City, and approved a supplemental appropriation of \$290,000 from available RR&I Fund Balance for project #06119 to support this extension and the other third party services required to support the ongoing development requirements. (Recommended by Electric Utility)

**Item 13** - Voted 5-0 to approve the Stormwater Facilities Master Plan for the Canopy PUD. (Recommended by Underground Utilities)

**Item 14** - Received a presentation on City/County Bicycle and Pedestrian Facility Website, "Bike Tallahassee." (Recommended by the Planning Department)

**Item 15** - Voted 4-1 (Commissioner Lightsey opposed) to adopt the concurrency agreement, revised after discussion to provide a 75% reduction in transportation concurrency mitigation dollars, instead of 50% reduction recommended by the Growth Management Department, required for the Metropolitan PUD, which also includes the applicant's requested language to extend the period to issue building permits to five years from the date of the approval of the agreement and six years to issue the certificate of occupancy. (Recommended by Growth Management)

## **Public Hearing**

**Item 16** - Held the first of two public hearings on the development agreement between the City of Tallahassee and CNL, Tallahassee I, LLC and Powerhouse, Inc., relating to the Welaunee Toe, and set the final public hearing for December 8, 2010. (Recommended by the Legal Department)

Ms. Jumonville provided a brief overview of the project.

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

- Mr. Tim Edmond, 525 N. Calhoun Street, representing CNL, appeared before the Commission to express support of Item 16.
- Mr. Kim Williams, 2069 Cantigny Way, as Chairman of the Economic Development Council (EDC), appeared before the Commission to express support of Item 16.
- Mr. Stephen N. Martin, 2625 Stonegate Drive, appeared before the Commission to express opposition to Item 16.
- Mr. David Powell, Hopping Green & Sams, representing Powerhouse Inc. and the Mettler Family, appeared before the Commission to express support of Item 16.
- Mr. Curtis Baynes, 1323 E. Tennessee Street, appeared before the Commission to express opposition to Item 16.
- Mr. Reggie Bouthillier, 101 East College Avenue, representing CNL, supports Item 16, did not speak, but was available to answer questions.
- Mr. Rick Moore, 805 N. Gadsden Street, representing CNL, supports Item 16, did not speak, but was available to answer questions.

Attorney English announced the next public hearing was set for December 8, 2010.

## **Unagendaed Business/Speakers**

Mr. Stephen N. Martin, 2625 Stonegate Drive, appeared before the Commission continued to express opposition to Item 16.

## **City Commission Meeting Summary - November 23, 2010**

The City Commission met in regular session and took the following action:

**Item .1 (added to the agenda)** - Recognition of police officers Officer Earnest V. "Jesse" Goram, III and Sergeant Reginald T. "Reggie" Lawyer and members of the Tallahassee Fire Department, including Battalion Chief Leroy James, Lieutenants Byron Meadows and Mike Terhune, Engineers Jeffery Lawhon and Troy Marks, Firefighters Chad Persing, Bradley Boldt, Phillip Register and Matthew Genter for their life-saving rescue of four children from a burning home at 2825 Botany Place during the early morning hours of November 22, 2010. Mayor Marks read a letter written by Registered Nurse Christine Sutherland, Tallahassee Memorial Hospital Bixler Emergency Room, commending the actions of the Police, Fire and EMS personnel who responded to the fire. Police Chief Dennis Jones and Fire Chief Cindy Dick gave a brief statement honoring the actions of those who responded.

**Item 1** - Received a presentation from Daniel Runyon on the Emerald Warrior Military Training Exercise. The exercise is scheduled to be conducted during March and April, 2011, in Leon, Liberty, Calhoun and Franklin counties. Mr. Runyon stated that the military would be in contact with local law enforcement agencies throughout the training exercise.

Mayor Marks welcomed incoming Commissioner Nancy Miller to the Commission and recognized that this was her first meeting. Mayor Marks also thanked Greg Frost for his efforts while serving as Interim Chief of Staff to the Mayor. Mayor Marks also introduced Rick Minor as his new Chief of Staff and announced that Mr. Brad Johnson, of Congressman Allen Boyd's office, would be joining the Mayor's office in January.

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

Item 2 - Approved Resolution No. 10-R-26 authorizing an Eminent Domain Action for the Upper Lake Lafayette Nutrient Reduction Facility for the acquisition through condemnation of parcel 1127202210000 located on Powell Road, having owners of record Gregory Powell, Rudolph Powell, Susie Powell Brown, and Kimberly Rich. (Recommended by the City Attorney's Office)

Item 3 - Approved Resolution No. 10-R-40 authorizing staff to request approval from the Florida Department of Transportation (FDOT) to temporarily close state roads for the special event of the Governor of the State of Florida's Inauguration on January 4, 2011. The specific roads, dates and times of closure are to be set by staff at a later date. (Recommended by the City Attorney's Office)

Item 4 - Approved the purchase of Annual Maintenance Agreements with Oracle/PeopleSoft, Motorola/PrintTrak, and Siemens for FY11 in the total amount of \$1,642,718 as proposed by Information Systems Services. (Recommended by the Department of Management & Administration)

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

- January 13, 2010 Special Meeting (Charter Review Committee)
- July 7, 2010 Regular Commission Meeting
- July 14, 2010 Regular Commission Meeting

**Item 6** - By consensus, appointed Commissioner Nancy Miller to the Capital Regional Transportation Planning Agency (CRTPA) Board. (Recommended by Commissioner Miller)

**Item 7** - Introduced Ordinance No. 10-O-56, Amending policy 1.2.1.c of the Capital Improvements Element in the Comprehensive Plan related to financial feasibility and set Public Hearing for this item on December 8, 2010. (Recommended by the Tallahassee-Leon County Planning Department)

**Item 8** - Voted 5-0 to approve the purchase of Motorola's PremierOne Records Management software (for the Tallahassee Police Department) under the Motorola Lease-Purchase program for the amount of \$499,855 (\$300,000 from the Public Safety Systems Integration Project, project #11050, and the remaining \$199,855 under a 3-year lease to be paid from the Information Systems Services operating budget, 705-410502-521190). (Recommended by the Department of Management & Administration)

**Item 9** - Voted 5-0 to authorize staff to negotiate and execute a contract with Motorola for the purchase of PremierOne Computer Aided Dispatch (CAD), Mobile and Radio Communications software and hardware for the Joint Dispatch Center and to fund 50% of the total cost in the amount of \$1,279,340 (Leon County to fund the remaining 50%). (Recommended by the Department of Management & Administration)

Commissioner Mustian requested staff to compile a catalog of all occurrences where the City has agreed to split costs with Leon County and to agenda this as an item for the January retreat.

**Item 10** - Voted 4-0 (Commissioner Mustian abstained) to approve Resolution No. 10-R-29, approving the execution and delivery of an Interlocal Agreement with the Capital Trust Agency for the purpose of authorizing the financing of the construction of the Honda Jet Center and other facilities at Tallahassee Regional Airport by Million Air Interlink, Inc. for lease to Flightline Development Corporation. (Recommended by the Treasurer-Clerk's Office)

Mr. Roger Woolsey, CEO of Million Air Interlink, Inc., Houston, TX, was requested by Treasurer-Clerk Herndon to provide a brief presentation and answer any questions.

**Item 11** - Voted 5-0 to **deny** the application made by Leon County for Temporary Economic Emergency Concurrency Relief for the Public Safety Complex requesting a 50% reduction in concurrency mitigation fees from \$280,519 to \$140,259.50. (Recommended by the Growth Management Department)

Commissioner Mustian expressed an interest to revisit the currency relief program in the near future and suggested this may be another item to undertake during the January commission retreat.

**Item 12** - Held the second and final public hearing on Ordinance No. 10-O-14AA; Proposed amendment to the Tallahassee Land Development Code to Adopt the Downtown Overlay Regulating Plan map series and the implementing development regulations, including the creation of Central Core Zoning District, for areas within the Multi-Modal Transportation District. By consensus, continued to January 26, 2011. (Recommended by the Tallahassee-Leon County Planning Department).

There were no speakers on this item.

**Item 13** - Held the second and final public hearing on Ordinance No. 10-Z-12; Proposed Amendment to the Official Zoning Map to change the zoning classification from the DI (Downtown Institutional/Cultural/University Transition Areas), RO (Targeted Retail/Office Growth Area) and CCPD (Capitol Center Planning District) Zoning Districts to the CC (Central Core) Zoning District. The properties are located in the downtown area and are bound to the north by West Carolina Street, to the west by South Copeland Street, to the south by FAMU Way and to the east by North Meridian Street and the C.S.X. Rail Road and comprise 446.49 acres. By consensus, continued to January 26, 2011. (Recommended by the Tallahassee-Leon County Planning Department)

There were no speakers on this item.

**Item 14** - Held the second and final public hearing of Ordinance No. 10-Z-51: Proposed amendment to the Official Zoning Map, implementing Comprehensive Plan Amendment PCM100202, changing from CCPD (Capitol Center Planning District), RO (Targeted Retail/Office Growth Area), and DI (Downtown Institutional/Cultural/University Transition) to CC (Central Core) on 149.41± acres; from OR-1 (Office Residential District-1) to CU-26 (Central Urban-26) on 2.0± acres; from OR-1 (Office Residential District-1) and OR-3 (Office Residential District-3) to CU-45 (Central Urban-45) on 29.0± acres; and from CCPD (Capitol Center Planning District) to OS (Open Space) on 3.33 ± acres. All parcels are within the Downtown Boundary and are generally bound on the east by the CSX railroad (just east of Franklin Boulevard), on the south by Van Buren Street, on the west by Gay Street, and on the north by Tennessee Street. By consensus, continued to January 26, 2011. (Recommended by the Tallahassee-Leon County Planning Department).

There were no speakers on this item.

Mayor Marks requested staff to schedule a briefing with him on items 12 - 14 prior to the January 26, 2010 Regular Meeting.

**Item 15** - Held the first and only public hearing on Ordinance No. 10-O-54, Amending and Restating Interlocal Agreement between the City and Piney-Z Community Development District (CDD), granting authority to the CDD to perform certain improvements and maintenance services on behalf of the Piney-Z Plantation Homeowners Association as authorized by the agreement and to the extent permitted by Chapter 190, Florida Statutes. Voted 5-0 to adopt Ordinance No. 10-O-54. (Recommended by the City Attorney's Office)

The following persons submitted speaker slips, but did not speak:

Chasity O'Steen, 2548 Blainstone Pines Drive, General Counsel for the Piney-Z Community Development District (proponent of the item).

**Item 16** - Held the first and only public hearing on Ordinance No. 10-O-55, proposal to provide an exception to the minimum distance requirements between establishments that serve alcohol and churches and schools as specified in Chapter 3, Section 3-2 of the Alcoholic Beverage Code for Critical Areas or Planned Unit Developments. Voted 5-0 to adopt Ordinance No. 10-O-55. (Recommended by Commissioner Ziffer)

There were no speakers on this item

### **Unagendaed Spekaers/Business**

Mr. Louis Jean-Baptiste, 1817 Raa Avenue, a FAMU student, appeared before the Commission to advocate for increased support to end homelessness in the community.

## **City Commission Meeting Summary - December 1, 2010**

The City Commission met in regular session and took the following action:

**Item 1** - Recognized the graduates of the 9th Neighborhood Leadership Academy and held a reception in the Mezzanine immediately after the meeting.

**Item 2** - Voted 4-0 (Commissioner Gillum absent) to approve providing in-kind City services up to \$10,000 as required for the Capital City Countdown New Year's Eve event at Kleman Plaza on December 31, 2010. Presented by Ms. Cheryl Phoenix, Executive Director, America's Second Harvest of the Big Bend. (Recommended by Parks, Recreation & Neighborhood Affairs)

Mr. Dee Crumpler, Director, Parks, Recreation & Neighborhood Affairs, announced the 2010 Winter Festival and Celebration of Lights activities on December 4, 2010 and Elf Night at the Dorothy B. Oven Park on December 16, 2010 and encouraged the Commission and the public to attend the activities.

**Items 3-5 and Items 7-9** - Voted 4-0 (Commissioner Gillum absent) to approve staff's recommendation presented on Consent Agenda item 3-9 taking the following action:

Item 3 - Authorized the City Manager to increase the expenditure authority in Tallahassee Fire Department's (TFD) Minimum Standards Training Program (No. 0101329) by \$27,654.96. Revenues received from Tallahassee Community College (TCC) from student fees will be utilized to fund this increase. (Recommended by the Fire Department)

Item 4 - Approved the purchase of a lift truck and tree planting loader at a total cost of \$231,432.26 for the Tree Bank Program. (Recommended by the Public Works Department)

Item 5 - Approved a construction purchase order under City of Tallahassee Contract No. 1162 with Sandco Inc., in the amount of \$370,880.00 to correct Americans with Disabilities Act (ADA) deficiencies on sidewalks in the Northwood Zone. (Recommended by the Public Works Department)

Item 6 - (Deleted from the Agenda) Approval of Consultant Task Assignment for the Design, Implementation and Evaluation of Bus/Bike Lanes on Tennessee Street. (Recommended by the Public Works Department)

Item 7 - Approved six (6) consultant task assignments for selected sidewalk projects under existing continuing services contracts. The task assignments are for the preparation of design and bid documents for the various sidewalk segments. (Recommended by the Public Works Department)

Item 8 - Approved the purchase of a replacement excavator for the Drainage Operations Unit within the Public Works Department Operations Division at a total cost of \$129,168.00. (Recommended by the Public Works Department)

Item 9 - Approved the Federal Transit Administration (FTA) Section 5311 Grant application for federal assistance in an amount up to \$308,156 (final amount to be determined by Florida Department of Transportation (FDOT)). Approved execution of the authorizing Resolution and all related documents and approved administration of said grant. (Recommended by StarMetro)

**Item 10** - Voted 4-0 (Commissioner Gillum absent) to authorize submittal of a grant application to the Federal Transit Administration (FTA) for the 2010 Section 5309 grant funding, and upon award and execution, to expend funds from said grant. This grant will provide \$1,000,000 for the purchase of buses as identified in Earmark E2010-BUSP-059 StarMetro Buses, Tallahassee, FL. (Recommended by StarMetro)

**Item 11** - Voted 4-0 (Commissioner Gillum absent) to adopt Resolution No. 10-R-43 authorizing the City Manager to execute an International Swap Dealers Association (ISDA) contract and associated schedules and annexes with Goldman Sachs/J. Aron. (Recommended by Energy Services)

**Item 12** - Received an update on Development Review Improvements and Customer Service Initiatives. Presented by Ms. Karen Jumonville, Director, Growth Management Department. (Recommended by the Growth Management Department)

Directed staff to add discussion of consolidation to the City Commission Retreat Agenda.

Commissioner Miller inquired about Growth Management's plan for responding to increased workload due to an improving economy. A brief discussion followed.

**Item 13** - Voted 4-0 (Commissioner Gillum absent) to approve the prioritization system for planned multimodal projects for the purposes of allocating concurrency and other multimodal project construction funds, consistent with the recommendation of the Long range Target Issue Committee. Presented by Ms. Megan Doherty, Transportation Planner, Planning Department. (Recommended by the Planning Department)

Mayor Marks expressed concern with the health and fitness of the community and urged that this aspect should be included as a prioritization criteria.

Directed staff to add discussion of the NOVA2010 sidewalk plans to the City Commission Retreat Agenda. Also directed staff to provide information relating to the population on who will utilize the sidewalks.

**Item 14** - Received an update on the Palmer Munroe Teen Center by Mr. Dee Crumpler, Director, Parks, Recreation, & Neighborhood Affairs and Ms. Tomica Smith, Director, Palmer Munroe Teen Center. (Recommended by Parks, Recreation & Neighborhood Affairs)

Mr. Crumpler announced that the Tallahassee-Leon Animal Service Center (ASC) won the American Society for Prevention of Cruelty to Animal's (ASPCA) \$25K Community Engagement Award.

**Item 15** - Voted 4-0 (Commissioner Gillum absent) approved a two-year extension to the Evening Rose Letter of Credit, with a two-year extension to each of the conditions included in the Letter of Credit. (Recommended by the Growth Management Department)

**Item 16** - Voted 4-0 (Commissioner Gillum absent) to approve the Southwood Unit 35, Phase III Subdivision plat. (Recommended by the Public Works Department)

### **Target Issue Updates**

Long Range Planning - Update provided by Commissioner Mustian on the following issues:

1. Procedure for Designating Historic Preservation Districts
2. Ordinance Deleting the Construction Industry Review Committee
3. Update on Placemaking Activities

Environmental and Energy Resources - Update provided by Commissioner Ziffer on the following issues:

1. Community Carbon Fund Partnership
2. Advanced Wastewater Treatment Update
3. Rule Making Process for HB 697
4. Smart Grid Update
5. Numeric Nutrient Criteria Rule Update

Mayor Marks stated that the City's Smart Grid program continues to get additional attention beyond local and also stated that he had been invited to Washington to participate in a program at the National Press Club with the American Association of Retired Persons (AARP) and the National Policy Institute in regards to the City's Smart Grid Program and the impact it has had on the community.

### **Unagendaed Business/Speakers**

Mr. Curtis Baynes, 1323 E. Tennessee Street, appeared before the Commission to express concerns relating to the new full-body scanners and searches implemented by the Transportation Security Administration (TSA) at airports.

Ms. Wendy Grey, 1047 Myers Park Drive, appeared for the Commission to express support of the Bike and Pedestrian plan improvements.

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

Commissioner Miller suggested adding Lafayette Street to the place making list.

Directed staff to submit a list of the names and contact information of the graduates of the Neighborhood Leadership Academy and the neighborhoods they represent.

Commissioner Mustian commented about the joint growth management issue and on functional consolidation and questioned what the Commission's objective was.

Commissioner Ziffer stated that he would only be interested in consolidation if it saves money.

Staff to bring back an update on the status of functional consolidation of Growth Management and the cost associated with it and to provide Commissioner Miller with a briefing on prior discussions relating to consolidation.

## **City Commission Meeting Summary - December 8, 2010**

**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 - Approved the personal injury claim settlement of Mr. & Mrs. Kay Harrell in the amount of \$97,000 relative to a March 5, 2008 collision with a StarMetro bus on Champions Way near FSU's Doak Campbell Stadium. *(Recommended by the City Attorney's Office)*

Item 2 - Approved the Historic Property Grant and Loan (HPGL) application of the Watson Temple Institutional Church of God In Christ (Watson Temple) requesting a \$41,000 grant and a \$59,000 loan for a total of \$100,000 for the complete restoration of the structure located at 701 West Brevard Street with the condition that Watson Temple fund the balance of the restoration costs, in the amount of approximately \$57,882. *(Recommended by Economic & Community Development)*

Items 3 - Approved a 3-month extension to the Concurrency Relief Agreement with Bainbridge Campus Communities, LLC for the Campus Circle Apartments located on the west side of Basin Street, north of West Tennessee Street, extending the date for commencement of construction until March 31, 2011. *(Recommended by the Growth Management Department)*

Item 4 - Approved the request to purchase a maintenance agreement in the amount of \$352,923.75 associated with the operation of the City's computer network equipment and software systems for FY11 from Dell Marketing L. P., utilizing the State of Florida contract #250-000-9-1 *(Recommended by the Department of Management & Administration)*

Item 5 - Approved the subdivision plat for the Southeast Community Medical Campus, planned as a Medical Facility, being developed by Southeast Community Health Services, Inc. The property is bound on the north by Centerville Road, on the east by un-platted lands, on the south by Miccosukee Road, and the west by un-platted lands and contains 72.51 acres divided into 11 lots and will have an estimated annual recurring maintenance costs of \$7,400. *(Recommended by the Public Works Department)*

Item 6 - Approved Resolution No. 10-R-44 authorizing City of Tallahassee, Lease Revenue Refunding Bonds, Series 2010, for Florida State University Schools, Inc. to be issued as "Bank Qualified" bonds in an aggregate principal amount not to exceed \$20,000,000 to be privately placed with a financial institution. *(Recommended by the Treasurer-Clerk)*

Item 7 - Approved the minutes of the August 18, 2010 Regular Commission Meeting. *(Recommended by the Treasurer-Clerk)*

**Item 8** - Voted (5-0) to accept the year-end closeout report on the FY10 budget and authorized the transfer of funds as contained therein (summarized below). *(Option 1 as submitted by the Department of Management & Administration)*

- General Fund: \$3.36 Million surplus, \$3,118,497 to be transferred to the Deficiencies Fund and \$250,000 to be reserved for potential repayment to the Florida Department of Revenue of over-recovered Communications Services Tax revenues.
- Building Code Enforcement Fund: \$101,047 surplus, to be transferred to the Deficiencies Fund offsetting a previous advance.
- Electric Fund: \$8.29 Million surplus, to be transferred to the Electric Operating Reserve Fund per the City's Finance Policy.
- Gas Fund: \$3.22 Million surplus, to be transferred to the Gas RR&I Fund per the City's Finance Policy.
- Water Fund: \$1,337,285 deficit, offset by a transfer from the Water Operating Reserve Fund, leaving said fund with a zero balance.
- Sewer Fund: \$2.29 Million surplus, to be transferred to the Sewer RR&I Fund per the City's Finance Policy.
- StarMetro Fund: \$47,949 surplus, to be transferred to the Deficiencies Fund per the City's Finance Policy.
- Aviation Fund: \$1.99 Million surplus, to be allocated between the Airline Prepaid Fees Credit and the Airport RR&I Fund in accordance with the Airline Use and Lease Agreements.
- Solid Waste Fund: \$2.35 Million surplus, to be transferred to the Solid Waste Rate Stabilization Fund per the City's Finance Policy.
- Stormwater Fund: \$7.09 Million surplus, to be transferred to the Stormwater RR&I Fund, per the City's Finance Policy.
- Hilaman Golf Course: \$89,497 surplus, to be transferred to the Golf Course RR&I Fund, per the City's Finance Policy.
- Cemetery Fund: \$167,137 deficit, offset by a transfer from the Perpetual Care Reserve Fund.
- Fire Services Fund: \$1.91 Million surplus, to be transferred to the Fire Services Operating Reserve.

City Manager Favors Thompson highlighted that for the first time in recent history, both the StarMetro and the Hilaman funds completed the fiscal year with a positive balance.

The Commission also discussed a \$312,500 reimbursement that has not been received from the Governor's Office supporting the recruitment of Delta Airlines intrastate air service to the Tallahassee Regional Airport. After a brief discussion, the Commission expressed interest in pursuing legal action to recover those funds, if other amicable attempts are unsuccessful.

**Item 9** - Voted (4-0) (Mayor Marks abstained) to authorize the City Manager to negotiate and execute 3-year contracts with the grant partners of a Federal Sustainable Broadband Adoption Grant, Å #12-43-B10543, from the Broadband Technologies Opportunities Program (BTOP), part of the American Recovery and Reinvestment Act of 2009, to the Go Beyond Foundation in an amount not to exceed \$600,187 and with Partners for Digital Equality (PDE) in an amount not to exceed \$761,609 and to authorize City matching funds and in-kind services in the amount of \$257,217 (including \$136,333 in Federal dollars). The Federal grant award will establish PDE's Learning Without Walls (LWOW) initiative at the Apalachee Ridge Technology Learning Center and to enhance the Go Beyond Foundation's Digital Harmony Project. *(Option 1 as submitted by the Department of Management & Administration)*

Mayor Marks disclosed that he was a member of the Board of the Alliance for Digital Equality and he abstained from voting.

**Item 10** - Voted (5-0) to approve the extension of the current Memorandum of Understanding (MOU) between the City of Tallahassee and One Economy Corporation for FY11 and to accept \$10,625 in grant funds from One Economy Corporation, with support from Comcast, to continue the Digital Connectors Youth Program at the Apalachee Ridge Technology Learning Center. *(Option 1 as submitted by the Department of Management & Administration)*

City Attorney Jim English advised the Commission that several of the standard boilerplate provisions of the proposed contract, as submitted to the City, would require modifications to resolve conflicts with public records laws and that the One Economy would not object to the changes.

**Item 11** - Voted (4-1) (Commissioner Mustian opposed) to approve the Concurrency Relief Agreement for Phase II of the Summit East Subdivision including a 75% reduction in transportation concurrency mitigation fees from \$2,188,732.00 to \$547,183 and eliminates the Auto Owners and MEGAS parcels from all requirements of the agreement. The project is located on Summit Lake Road near the I-10 interchange on Mahan Drive. Karen Jumonville answered questions from the Commission. *(Recommended by the Growth Management Department)*

Prior to the vote, Commissioner Ziffer disclosed that he had previously worked for Mr. Rick Kearney, President and CEO of Summit East, approximately 18 months ago on a small project, but after prior discussion with the City Attorney, did not believe this created any conflict of interest and that he would participate in the vote on the item.

**Item 12** - Received a presentation from Tallahassee Police Chief Dennis Jones, TPD Major Lewis Johnson, and FDLE Special Agent Chris Hirst concerning the upcoming Governor's Inaugural Events outlining TPD's support roles in nine events on January 3rd and 4th, 2011 at an estimated expense of \$10,000 in direct overtime costs. *(Brought forward by the Police Department)*

**Item 13** - Voted (5-0) to authorize the City Attorney's Office and the Department of Economic and Community Development to amend the Frenchtown Community Development Corporation's (FCDC) Community Based Development Organization (CBDO) contract providing sufficient funding of \$18,884.11 to cover the costs of legal fees (\$15,000 from CDBG program income and \$3,884.11 from the City Attorney's professional services fund) associated with mediation between the Carolina Oaks Homeowners Association and the Frenchtown CDC concerning a "common area" known as the Tish Byrd Community Garden adjacent to the Tish Byrd House located at 421 West Georgia Street. *(Option 1 as submitted by the Economic & Community Development Department and the City Attorney's Office)*

**Item 14** - Held the first and only public hearing on the proposed Stipulated Settlement Agreement with Florida Department of Community Affairs (DCA), under which the City agrees to amend Policy 1.2.2 of the Capital Improvements Element in the Tallahassee-Leon County 2030 Comprehensive Plan related to Financial Feasibility. Agreement to undertake said amendments to Policy 1.2.2 is the first step to settle Florida Division of Administrative Hearings (DOAH) case no. 09-007048GM, filed by the DCA against proposed Comprehensive Plan Amendment PCM090211 (Mahan Gateway Node), Cycle 2009-2. Voted (5-0) to approve the agreement. *(Option 1 as submitted by the City Attorney's Office)*

There were no speakers on this item.

**Item 15** - Held the first and only public hearing on Ordinance No. 10-O-56; amending Policy 1.2.2 of the Capital Improvements Element in the Tallahassee-Leon County 2030 Comprehensive Plan related to Financial Feasibility, resolving Florida Division of Administrative Hearings (DOAH) case no. 09-007048GM, filed by the DCA against proposed Comprehensive Plan Amendment PCM090211 (Mahan Gateway Node), Cycle 2009-2. Voted (5-0) to adopt Ordinance No. 10-O-56. *(Option 1 as submitted by the City Attorney's Office)*

There were no speakers on this item.

**Item 16** - Held the first and only public hearing on Resolution 10-R-42; approving the abandonment of City rights-of-way which include 280 feet of Woodward Avenue located south of the pedestrian segment that bisects the university campus, which will remain open to vehicular travel, and one block of Dunwoody Street between St. Augustine Road and Pensacola Street for construction of FSU parking garage #6 and transfers maintenance of both road segments to Florida State University (FSU). Voted (5-0) to adopt Resolution 10-R-42. *(Option 1 as submitted by the Tallahassee-Leon County Planning Department)*

There were no speakers on this item.

Mr. Tom O'Steen, 805 N. Gadsden Street, representing Moore Bass Consulting, Inc., was asked to step forward and answer the Commission's questions relative to the item.

**Item 17** - Held the first and only quasi-judicial public hearing on Ordinance No. 10-Z-52AA: proposed amendment PRZ100025 to the Official Zoning Map to change the zoning classification from the Medium Density Residential (MR-1) zoning district to the Westgate Mission Planned Unit Development (PUD). The subject property is 5.04 acres on the west side of Blountstown Street approximately 675 feet south of West Tharpe Street at Westgate Court and is owned by the applicant, Good News Outreach, Inc., and identified as parcel number 2129200010000. Voted (5-0) to adopt Ordinance No. 10-Z-52AA, with the conditions recommended by staff. *(Option 2 of the replacement item submitted by the Tallahassee-Leon County Planning Department)*

The following speakers appeared before the Commission:

- Jim Davis, 2989 Dian Road, in opposition of the item
- Chuck White, representing Good News Outreach, in support of the item
- Barry Poole, Poole Engineering, representing Good News Outreach, in support of the item

**Item 18** - Held the first and only public hearing on Ordinance No. 10-Z-04: proposed amendment PRZ070015 to the Official Zoning Map to change the zoning classification from the Critical Planning Area (CPA) to the Canopy Planned Unit Development (PUD) zoning district for 505 acres located south of Centerville Road and east of Fleischmann Lane and identified as parcels 1115204050000, owned by Powerhouse, Inc., and 1114204050000 owned by CNL, Tallahassee I, LLC (CNL). By consensus, continued to January 26, 2011. *(Submitted by the Tallahassee-Leon County Planning Department)*

The following speakers appeared before the Commission:

- Julianne Hare, 3048 Bell Grove Drive, in opposition of the item
- Ann Bidlingmaier, 1920 Harriet Drive, asking the Commission to exercise caution and care in planning the development

**Item 19** - Held the second and final public hearing on the development agreement between the City of Tallahassee and CNL, Tallahassee I, LLC and Powerhouse, Inc., related to the process by which development approvals will be sought and obtained for development of the Canopy Project (Welaunee Toe) and providing for the construction of Welaunee Boulevard through the property to the eastern boundary. By consensus, continued to January 26, 2011. *(Submitted by the City Attorney's Office)*

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

- Ann Bidlingmaier, 1920 Harriet Drive

### **Unagendaed Speakers/Business**

There were no speakers.

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

Mayor Marks commented on the Winter Festival and on the cold-nights shelter located at the old Bellevue Middle School and encouraged the other members of the Commission to visit the shelter and encouraged that donations of clothing be dropped off to that location.

City Attorney English recognized Planning Department staff for their efforts to get 4 of the public hearing items on the meeting agenda.

There being no further business, the meeting adjourned at 6:46pm.