BOARD OF COUNTY COMMISISONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
JUNE 28, 2005
DRAFT

The Board of County Commissioners of Leon County, Florida, met in regular session at 3:00 p.m. with Chairman Thaell presiding. Present were Commissioners DePuy, Grippa, Proctor, Rackleff, Sauls, and Winchester. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, and Secretary Jennifer Meale.

Invocation was provided by Commissioner Winchester. It was followed by the Pledge of Allegiance to the Flag led by Commissioner Winchester.

Consent

Chairman Thaell announced that Item #2 has been pulled from consent and will be taken under General Business and, at the request of Mr. Eugene Danaher, Item #6 has been pulled from the Consent Agenda.

Commissioner Sauls moved, seconded by Commissioner DePuy and carried unanimously, 5-0 (Commissioners Grippa and Proctor were Out of Chambers), to approve the Consent Agenda, except for Items #2 and #6, which were pulled for discussion under General Business.

The Board entered discussion of Item #6.

1. Approval of Bills and Vouchers Submitted for June 28, 2005 and Pre-approval of Bills and Vouchers Submitted for June 29 through July 11, 2005

   The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for June 28, 2005, and pre-approve payment of bills and vouchers for the period June 29 through July 11, 2005.

2. Ratification of the June 14, 2005 Budget Workshop on the Preliminary FY 2005/2006 Budget

   This item was pulled and placed under General Business.

3. Approval of Mid-Year Funding Request from the Chaires Volunteer Fire Department

The Board approved Option 1: Approve the mid-year funding request from the Chaires Volunteer Fire Department in the amount of $6,982, and approve the associated Budget Amendment Request.

4. Approval of the Historic Preservation Grant Award Agreement Amendment One with the Florida Department of State for the Leon County Heritage Trail Project

The Board approved Option 1: Approve the Historic Preservation Grant Award Agreement amendment Number One between Leon County and the Florida Department of State for the Leon County Heritage Trail Project and authorize the Chairman to execute.

5. Approval of the Standard Rate Agreement with the Florida Department of Revenue, Child Support Enforcement, for the Sheriff's Service of Process

The Board approved Option 1: Approve the Standard Rate Agreement for the Sheriff's Service of Process with the Florida Department of Revenue, Child Support Enforcement and authorize the Chairman to execute.

6. Approval of the 2005 Travel Schedule for the Board of County Commissioners

Speaker, Mr. Eugene Danaher, 10263 Thousand Oaks Circle, suggested that Item #6 is potentially a disputatious issue. Mr. Danaher voiced concern about the travel expenditures for various conferences they attend. He stated that in the backup material for the item, 2/3 of the Commissions that were evaluated have agenda approvals and not blanket approvals. Mr. Danaher stated that this item prepares a goal for blanket approvals for all conferences for the year. He stated that the Board just approved seven people going to Hawaii. Mr. Danaher stated that citizens would like to know when Commissioners ask for approval to attend a specific conference. He suggested reevaluating the recommendation.

Commissioner Rackleff moved, duly seconded by Commissioner Sauls, to approve Options 1 and 2: 1) Approve the 2005 Board of County Commissioners' Travel Schedule for the remainder of calendar year 2005, and 2) Authorize travel for Commissioners included in the Travel Schedule.

The following discussion ensued:

- Commissioner Rackleff supported the motion and stated that these are the events that occur annually. He stated that the $6,500 budget for Commissioners' expenses, including travel, provides an adequate

check on extravagance. Commissioner Rackleff stated that the conference is a great learning experience.

Commissioner Winchester offered a friendly amendment to include in the motion a learning workshop with Commissioners and staff upon their return from conferences so that the ideas can be shared with the Board.

Commissioner Rackleff included an amendment of a one to two-page report from each Commissioner that summarizes information gathered and how that information could be used in Leon County.

- Commissioner Sauls stated that it is up to each Commissioner's discretion on whether to attend the trips or to use the money differently. She explained that the trips are beneficial and supported the motion on the floor.

Commissioner Grippa suggested an amendment to the motion to send one designee, Commissioner Sauls, to Hawaii.

Commissioner Rackleff denied the amendment.

- Commissioner Proctor asked for clarification on whether this is the set agenda for which the Commissioners are authorized to travel. Chairman Thaell clarified that these are routine, annual meetings and a Commissioner can participate in those meetings without bringing an agenda item to the Board. Commissioner Proctor stated that next month he would be gong to the National Urban League Convention in Washington. He stated that for the last several years, he has attended the Congressional Black Caucus.

Commissioner Proctor asked the maker of the motion to amend the motion to include the Congressional Black Caucus meeting as a regular approved meeting on the list.

The maker of the motion (Commissioner Rackleff) accepted the amendment.

Commissioner Grippa made a substitute motion to include everything in the original motion, but to add that the Commission send one Board designee to the NACO Conference in Hawaii and to nominate Commissioner Sauls.

The substitute motion failed for a lack of a second.

- Commissioner Rackleff stated that he is the Vice Chair of a transportation committee and one reason he goes to NACO is to take

part in policy development on transportation issues. He is also a member of the Sustainability Leadership Team, which works on economic, environmental, and affordability issues. Commissioner Rackleff noted that he is using frequent flyer miles to fly from here and back to and from San Francisco to defray the cost of the plane ticket to Hawaii. He is bearing over half of the expense.

- Commissioner Grippa clarified that he would include Commissioner Rackleff in his substitute motion, since it was not his intention to exclude anyone. He stated that several Boards of County Commissioners have adopted resolutions that they are not going to Hawaii.

The motion carried, 6-1 (Commissioner Grippa opposed) to approve Options 1 and 2, as amended: 1) Approve the 2005 Board of County Commissioners' Travel Schedule for the remainder of calendar year 2005; 2) Authorize travel for Commissioners included in the Travel Schedule; amended to include the Congressional Black Caucus meeting in the approved travel schedule; and amended to implement Commissioner reports of one to two-pages upon return from meetings to share information with staff and the Board.

The Board entered discussion of General Business, beginning discussion with Item #2, which was moved from the Consent Agenda.

7. Approval of Resolution and Associated Budget Amendment Request to Realign $40,000 for the Automatic Vehicle System

   The Board approved Option 1: Approve the Resolution and the associated Budget Amendment Request realigning $40,000 from the Emergency Medical Services Contingency Account for the Automatic Vehicle Location (AVL) System Project.

8. Approval of Letter of Agreement with Capital Area Healthy Start Coalition, Inc. for the Renewal of the *Smart Start* Program Grant

   The Board approved Options 1 and 2: 1) Approve the Letter of Agreement with the Capital Area Healthy Start Coalition, Inc. for the extension of the Smart start Program Grant, and authorize the Chairman to execute, and 2) Approve the Resolution and associated Budget Amendment Request for the $41,509 Grant funding.

9. Request to Schedule a First and Only Public Hearing to Consider Proposed Ordinance Amending Chapter 2, Article IX, Section 2-400, Leon County Code of Laws, Relating to Local Preference in Purchasing and Contracting for Tuesday, July 12, 2005 at 6:00 p.m.

The Board approved Option 1: Schedule a public Hearing to consider proposed amendments to Chapter 2, Article IX, Section 2-400 of the Leon County Code of Laws, Relating to Local Preference in Purchasing and Contracting for Tuesday, July 12, 2005 at 6:00 p.m.

10. Request to Reschedule the Workshop on Innovative Techniques for Reducing Overall Costs of Acquiring Rights-of-Way for Tuesday, September 20, 2005 from 1:30 – 3:00 p.m.

    The Board approved Option 1: Reschedule the Workshop on Innovative Techniques for Reducing Overall Costs of Acquiring Rights-of-Way for Tuesday, September 20, 2005, from 1:30 – 3:00 p.m.

11. Acceptance of Status Report on Bradfordville Agreements and Associated Issues

    The Board approved Option 1: Accept the status report on the Bradfordville Settlement Agreements.

12. Approval of Agreement with Pro-Tech Monitoring, Inc. for Global Position Satellite Monitoring Services

    The Board approved Option 1: Approve the Agreement with Pro-Tech Monitoring, Inc. for Global Positioning Satellite monitoring services and authorize the Chairman to execute.

13. Approval of a Joint Participation Agreement and Scope of Services with the City of Tallahassee for Magnolia Drive and Lafayette Street Intersection Engineering Design

    The Board approved Option 1: Approve the Joint Participation Agreement and Scope of Services with the City of Tallahassee for the design of the improvements at the intersection of Lafayette Street and Magnolia Drive and authorize the Chairman to execute.

14. Acceptance of Maintenance Agreement and Surety Device for Sierra Woods, Units I and II

    The Board approved Option 1: Accept the two-year Maintenance Agreement and Surety Device for Sierra Woods, Units I and II.

15. Approval of Pisgah Church Road Maintenance Map and Authorization to Record in the Public Records of Leon County

The Board approved Option 1: Approve the Pisgah Church Road Maintenance Map, the section between Bradfordville Road and Centerville Road, and approve record in the Public Records of Leon County.

16. Approval of the Chaires Cross Road Maintenance Map and Authorization to Record in the Public Records of Leon County

The Board approved Option 1: Approve Chaires Cross Road (SR 154) Maintenance Map, a section between Chaires-Capitola Community Park and Mahan Drive (US 90), and record in the Public Records of Leon County.

17. Approval of the Recording of the Plat for the Bannerman Corner Commercial Subdivision

The Board approved Option 1: Approve the plat of Bannerman Corner Commercial Subdivision for recording in the Public Records.

Consent Items Pulled for Discussion

Citizens to be Heard on Non-Agendaed Items (3-minute limit; non-discussion by Commission)

General Business

2. Ratification of the June 14, 2005 Budget Workshop on the Preliminary FY 2005/2006 Budget

The June 14, 2005, Budget workshop was developed based on preliminary property valuations. Subsequent to the workshop, the Property Appraiser's Office has provided final valuations for purposes of budget preparation. Based on the new valuations, the County is anticipated to receive an additional $1,262,843 in property tax revenue during FY2005/2006.

County Administrator Alam explained that the property appraisal provided the number in terms of what the property tax revenue would be and that number is $1,262,843. He stated that the Board needs to make a decision in terms of that $1.2 million in revenue. County Administrator Alam stated that staff recommendation is to restore the cuts that the Board made and that would leave the Board with $893,000 for other programs or projects.

- Commissioner Proctor asked whether the budget of the State Attorney's office and Public Defender's office is included in this item tonight.

- Mr. Rosenzweig, OMB Director, responded that those numbers were in the packet presented at the workshop and there were no issues as far as their offices are concerned with what the staff recommended. They are funded and their offices are in agreement with what the County Administrator recommended in the previous workshop.
- County Administrator Alam clarified that the State Attorney and Public Defender's budget was included in the budget workshop.

Commissioner Proctor moved, duly seconded by Commissioner Winchester, to place the $1,262,843 in reserve.

- Commissioner Sauls brought-up the request for the Woodville Library and stated that at the Florida Association of Counties conference last week she picked-up information on public libraries that for every dollar that is spent on a public library, taxpayers get a return of $6.54.
- Commissioner Sauls suggested setting aside money for a Woodville Library and to consider what was in the budget packet during the budget workshop.
- Commissioner Winchester stated that in the event that the Board will be able to allocate those funds toward one-time Capital Projects, the Board should take a community-wide priorities and services where the needs are the greatest. He suggested taking a more methodical approach.
- Commissioner Rackleff supported Commissioner Proctor's motion in order to avoid a feeding frenzy over the money.
- Commissioner Grippa clarified that Option 1 is to restore the cuts.
- Chairman Thaell stated that the Board has until September to decide how to allocate the money. He asked the County Administrator whether the Board could have this discussion in the first meeting in July if this motion passes.
- County Administrator responded that they could, but the issue is that the Board has to have the budget by July 15, 2005, which is state law. He stated that the Board could place the $1.2 million in unspecified reserved and in the public hearing in September, they could do as they wish. He stated that the Board could also restore the cuts and they would be in the budget that the Board publishes and the remaining $893,000 would be in the unspecified reserve. He explained that the reason for doing the latter is that when the public receives the budget, they should have the most accurate picture possible.

Commissioner Grippa moved a substitute motion, seconded by Commissioner Winchester, to approve Option 1: Based on an additional $1,262,843 in anticipated property tax revenue, direct the tentative budget to include the following:

- $50,000 for the Growth Management Consultant to review/revise the County Land Development regulations.

- $19,000 to restore the County Attorney's new receptionist position to a full time position.
- $100,320 to maintain parking at the Courthouse at $30 a month.
- $200,000 for Senior Management bonuses.
- Allocate $893,523 towards projects/programs as directed by the Board.

- Commissioner Proctor asked how the County could have a 10,000 square foot library in an area without central sewer. He asked whether the Board is prohibited, for the lack of infrastructure, and would not they be a clearer thinking Board to favor a central sewer effort first.
- Mr. David McDevitt, Development Services, responded that with the new water and sewer agreement, it would be allowed and it would be a septic tank situation.
- Commissioner Proctor stated that the ecological and environmental area is already strained with septic tanks.
- County Administrator Alam clarified that Commissioner Sauls is suggested putting money aside for the library next year, not commencing building. He stated that hopefully in four or five years, the County will be putting in a new sewer system in Woodville.
- Commissioner Proctor stated that he feels as though he has been left out of the decision-making and he favors the original motion, which is to put the money in reserve.
- Commissioner Sauls stated that she is disappointed with what is happening with Woodville Library and she has supported other districts' community centers.
- Commissioner Proctor stated that $450,000 is not enough for the Woodville Community Center project.
- Commissioner Sauls stated that that information has not been shared with her.
- Mr. Tom Brantley, Facilities Management, answered that the $450,000 will not go entirely to bricks and mortar. He stated that there is an issue that staff is investigating that would involve potentially adding fire protection equipment to the building. With the addition of square footage and increased occupancy calculation, there are issues with fire safety and architectural modifications.
- Commissioner Proctor suggested designating $200,000 for the Woodville library effort and placing the remaining $693,000 in reserve.

The motion to approve Option 1 carried, 5-2 (Commissioners Sauls and Proctor opposed).

Commissioner Rackleff moved, duly seconded by Commissioner Grippa, to ratify the actions taken at the budget workshop.

- Commissioner Proctor stated that he does not support the budget because he believes that the State Attorney's office and the Public Defender's office should have more than one black attorney.

The motion carried, 6-1 (Commissioner Proctor opposed).

18. Consideration of Mid-Year Funding Request from the 2005 Dizzy Dean Tallahassee Nine-Years Old All-Stars in the Amount of $500

County Administrator Alam summarized the item and stated that, if approved, the money would come out of the contingency funds.

At the June 14, 2005, regular meeting, the Board directed staff to bring back an agenda item to consider the funding request from the 2005 Dizzy Dean Tallahassee 9 yr. Old All-Stars for $500 to participate in the Dizzy Dean Florida State Baseball Tournament. The tournament will be held July 8th – 13th, 2005, in Panama City, Florida. If the team places first or second at this tournament, they will go on to the World Series Tournament two weeks later.

Commissioner Proctor moved, duly seconded by Commissioner Rackleff and carried unanimously, 7-0, to approve Option 1: Approve the mid-year funding request for the 2005 Dizzy Dean Tallahassee 9 Yr. Old All-Stars in the amount of $500 and approve the associated Budget Amendment Request.

19. Consideration of Economic Development Council Proposed Incentive Package for Corporate Relocation

On June 2, 2005, Chairman Thaell received a letter from Brad Day, EDC Executive Director, requesting Board consideration of the County providing a "direct" or cash incentive package for a corporate relocation (Attachment #1). This Canada-based business has recently expressed an interest to the EDC in relocating to Leon County through their site selection consultant. During their regular meeting on June 14, 2005, the Board approve a motion to agenda this issue for further Board consideration (Attachment #1).

County Administrator Alam summarized the item and stated that the total package would be approximately $5 million. He stated that the Innovation Park Board met last week and approved that request.

Speaker, Dr. Bill Law, 2950 Giverny Circle, President of Tallahassee Community College, stated that they have been working for years to attract business and industry to our community. There is the opportunity today to support the dream package: a company that manufactures a

clean, green product (high end compressors for high end air conditioning), and uses magnetism rather than petroleum products. Dr. Law stated that they are interested in hiring Baccalaureate Engineering graduates, Associate level graduates in Engineering Tech, high-end PhD's and Master's trained engineers, and access to people with expertise in the field of magnetic research. Dr. Law stated that they are a global corporation. He stated that he committed $100,000.

Speaker, Mr. Mike Coburn, 6143 Pickwick Road, stated that he is a member of the EDC Board but is present to represent himself, as a businessperson. He stated that he is on the Innovation Park Board of governors and he supports the package and believes that it is in the best interest of the community. He encouraged approval of the package.

Speaker, Mr. Brad Day, 2123 Sunlight Terrace, Executive Director of EDC, stated the following:

- Referenced the summary document that was passed out; they are requesting a direct incentive of $1.605 million for this project, which is the maximum they would ask for from the County.
- Drawing on several state and local programs.
- The company is "green" and has received the highest recognition from the Environmental Protection Agency of the U.S. and by the equivalent agency in Canada. It has not only an environmentally sensitive product, but that product is also produced in an environmentally sensitive way.
- Mr. Day summarized the decision factors listed on the handout.

Speaker, Mr. Bob Bodine, 325 John Knox Rd., stated that those with the Tallahassee Chamber sponsored a workforce study for the area. Mr. Bodine stated that the estimate was that there are 57,361 people in the Tallahassee/Leon County MSA who are underemployed—that is 30% of the workforce. He explained that the primary reason they are underemployed is due to the lack of variety of jobs and the wages. Government accounts for 19.7% of the workforce, education is 14.3%, retail industry is 11.6%, and healthcare is 9.5%. Mr. Bodine stated that diversity is needed. He added that the Leon County average wages is $29,797. He urged the Board's favorable consideration of the item.

Speaker, Mr. Ed Murray, 2117 Jennette Street, stated that he is present as the Chairman of the EDC. Mr. Murray explained that the if the Canadian company could move into the Tri-Eagle site, which the Leon County School System owns, they could move into a readymade building. He stated that the #2 choice is Innovation Park. Mr. Murray explained that one of the greatest problems with economic development in our community is lack of available sites. He stated that that is a separate issue.

Commissioner Winchester moved, duly seconded by Commissioner Rackleff, to approve Option 1: Accept the staff report on the Economic Development Council's relocation incentive proposal and provide staff direction for any new direct relocation incentives, at a level determined by the Board.

The Board discussed the following:

- Commissioner Winchester stated that a top need is economic development and the County needs to send a message that Leon County is willing to step up to the plate.
- Commissioner Rackleff asked: Where is the company now? How long have they been there? Why does the company want to move?
- Mr. Brad Day responded that the company is located in Montreal. He explained that the government of Quebec used to be a half-owner of this company, and, with the political changes in Quebec, the government wanted to divest itself of involvement with all their companies, except utilities or public transportation. Mr. Day explained that they sold to a private investment company, and the President of that company wants to relocate the company to a more competitive area—the Southeast of the United States with access to the Atlantic and Gulf port.
- Commissioner Grippa asked whether the $1.6 million is payable over a period of time or is it cash this year?
- Mr. Day responded that it would not come out upfront. He explained that one structure is $675,000 from the County in the first year, $475,000 after the end of the third year, and $475,000 after the fifth year. He stated that all of these figures would be based on the company reaching performance levels—employment levels and salary levels previously committed to. Mr. Day stated that the money at the highest risk would be the initial, upfront money that they would probably tie to a capital piece such as their building.
- Commissioner Grippa asked whether they would hire an independent auditor to make sure the entity is financially sound and to verify the information that the have been given.
- Mr. Day responded that once Tallahassee/Leon County is selected, they would go through the due diligence process. He stated that the company would check out the County to make sure they have the capacity to pay and the EDC would check them out.
- Commissioner Grippa stated that the School Board owns the Annheiser-Busch site and he asked if the private entity selling that site has real estate commission.
- Mr. Day answered that there is no representation of the property and the research development authority represents itself in those transactions and has legal counsel on Innovation Park, but he does not believe that they have real estate representation outside of that.

- Commissioner Grippa asked if there could be anything include in regards to health insurance to find out what they have done in the past, since every uninsured person costs Leon County and the hospital money.
- Mr. Day stated that a job with benefits is higher quality than those without and does not burden the taxpayer as much. He stated that Workforce Plus might help them with some of the hiring responsibilities of this transaction if they choose to come here and that may be something that they screen for.
- Commissioner Grippa stated that he is committed to the $1.6 million. He stated that Innovation Park is a County entity and if you put Leon County's number at $1.6 from the Board of Commissioners and $1 million from Innovation Park, it is really the County contributing $2.6 million. Commissioner Grippa stated that he sat through a Gainesville City Commission meeting last night, and found that the Gainesville Utility gives $3 million to economic development.
- Commissioner DePuy thanked the EDC for their work.

The motion carried unanimously, 7/0.

20. Consideration of "Retroactive" Application of Stormwater Standards to Existing Lots

County Attorney Thiele requested that the matter be continued to an upcoming meeting because some of the individuals that have been involved in one of the issues in the neighborhood could not attend the meeting.

Speaker, Mr. George Lewis II, 203 North Gadsden Street, requested that the Board keep the following items in view:

1. Fallschase and the existing lots and developing lots that is there. He stated that there is a continuing debate between Fallschase Owner's and the County Attorney regarding the ability to enforce subsequent environmental control on the property.
2. Commercial Subdivisions and PUDs (Plan Unit Developments). He requested that the Board not look at this as solely a single-family lot or residential lot problem.
3. The County's Enforceability or the willingness to step in and enforce restrictive coding. He stated that the Board has not taken action regarding this matter and that that is part of the reason the Board has a problem.

Speaker, Mr. Rick Bateman, 300 East Park Avenue, stated that the land development regulations have been pasted and put together and that they are contradictory and redundant in some areas and have created a burden

for the staff. He clarified that when the stormwater studies were done for these particular subdivisions, the stormwater studies were done utilizing the criteria that there were platted lots that did not retain and treat their own water. He further added that if the Board goes back and changes it around, they would have to deal with the stormwater studies all over again. He voiced concern as to what owners will do if they are told that they have to treat their own stormwater. He stated that there is no place to put a stormwater pond, no easements have been given and that it will require more engineering. He explained that, before, the subdivisions were told that they would not have to go through the strenuous test and that they would be, grandfathered in so to speak. He voiced concern about that Board coming back and trying to place restrictions on things after they have already been passed. He suggested that the Board forward this item to the GEM Permitting Process Improvement Citizen's Focus Group for consideration as part of the Group's review of the Land Development Code/Regulations.

Commissioner Rackleff moved, seconded by Commissioner Grippa, to continue this item to August 30, 2005 Board meeting, and refer the issue to the GEM Permitting Process Improvement Citizen's Focus Group.

Commissioner Proctor made a substitute motion to approve Option 2: Do not direct the County Attorney's Office to draft an ordinance amendment to effectuate "retroactive" application of stormwater standards to existing lots. The motion failed for lack of a second.

Chairman Thaell suggested considering directing the Permitting Process Improvement Citizen's Focus Group to examine the issue and share their thoughts and recommendations to the Board.

The original motion carried unanimously, 7-0.

21. Approval of Guaranteed Maximum Price for Construction with Peter R. Brown Construction, Inc. for Renovation of the Leon County Courthouse Annex

County Administrator Alam summarized the item.

Commissioner Winchester stated that construction supplies have increased anywhere from 25% to 40%. He asked Mr. Tom Brantley if 5.4 million, for the repair of the ceiling, was a reasonable number given the increase in construction material supplies. Mr. Brantley explained that the figures do include some consideration in the inflation area aspect of material prices and the cost of construction in general.

Commissioner Winchester moved, seconded by Commissioner Sauls to approve Option 1: Approve and incorporate the Guaranteed Maximum Price and related exhibits into the Agreement with Peter R. Brown Construction, Inc., and authorize the Chairman to execute.

Commissioner Grippa voiced concern about the inconsistency of the GMP (Gross Maximum Price). He stated that the Board previously approved a GMP of 4.9 million for this project and questioned why it has increased to 5.4 million. Mr. Brantley stated that they do not have benefit of bid values and that bids are left to be performed. He explained that there has been an over estimate of the work to account for the uncertainties of both the plans and the construction bid test. He added that you could increase the certainty with which the numbers are reported to you with higher-level construction documentation, but that it would take considerably more time to arrive at that level of certainty. He stated that a 5%-10% range of overage would come down once the bids are done. County Administrator Alam clarified that the reason for the increase to the bid was for the installation of an elevator and a new stairwell. He stated that was not included in the first GMP number. Ms. Kim Dressel explained that the Board did not approve the entire phase-1 in October. Commissioner Grippa asked the Board how many other times they have deviated from the GMP and asked if it is customary for that to happen. Ms. Dressel clarified that, when they presented the bid, there was not a GMP, and that the development of a GMP was part of the contract. She added that the bid was for them to do pre-construction services and arriving at a GMP falls under that category. Mr. Brantley added that the pre-construction services have entailed professional scheduling services, professional cost estimating services and stated that they had to work with the CM to reconcile the initial set of numbers that was originally received by them, there has been a fair amount of work that has gone into this. Stated that the cost is locked in on a high-end level. Ms. Dressel stated that if the cost comes down the Board would be reimbursed.

Commissioner Grippa requested an amendment to the motion to approve Option 1, accepted by Commissioner Winchester, to include and direct staff to provide status reports regarding the project to the Board as agenda items.

Commissioner Proctor voiced concern in reference to the "change order" for construction. He stated that if the Board needs to consider doing business with the lowest bidder in order to keep the cost down, then he would support that. Mr. Brantley informed Commissioner Proctor that there are no other bids for this project. Commissioner Proctor explained that he is very disturbed that a project of this magnitude didn't receive any other bids. Mr. Brantley stated that the Construction Manager's contract does include a bid process, but it does not occur until after which time the guaranteed maximum price has been said and that this request for approval initiates that process. He explained that the GMP protects any additional cost that is incurred through a bid process. County Administrator Alam stated added that this is double protection for the taxpayer. Commissioner Proctor asked Mr. Brantley whether any other company was

considered to be appointed construction manager. He responded that they did an RFP to recruit the services and the Board granted the approval of Peter R. Brown Construction. Chairman Thaell clarified that the approval of Peter R. Brown Construction was not based on money, it was based on qualifications. Commissioner Proctor urged Peter R. Brown Construction to use minority contractors and to buy products from local markets. Mr. Brantley stated that there is a minority in women business enterprise element in the CM contract. Commissioner Proctor requested that there be a guaranteed minimal amount in employing minority businesses in the area. Commissioner Grippa asked if any of the increase inclusive of Peter R. Brown's fee. Mr. Brantley stated that they did not have the initial budget of the project broken down in that way, but he added that it is spread over the whole job. Commissioner Rackleff stated that this is a needed renovation and that it's going to help rationalize the space in the courthouse. Commissioner DePuy asked this is a standard type of management project and an accepted business practice. County Administrator Alam answered that it is a standard type of management project. Commissioner Grippa requested clarification of the "sales tax" item in attachment #6, 3 of 3. He stated that Florida has a 7.5 percent sales tax and that 7.5 x 4 would be roughly a 29,000 sales tax savings (attachment #6 showed a 46,000 sales tax savings), he asked if there were more cost that were not enumerated in the report. Mr. Brantley explained that half of the construction job will be materials and the other half will be installation and that the parts that are materials have been evaluated for parts that could be made sales tax savings eligible by direct purchase by the county. He stated that a calculation was done by the material values represented and those amounts.

The motion, as amended, carried 6-1 (Commissioner Grippa opposed).

22. Approval of Agreement Awarding Bid to Allen's Excavation, Inc. in the Amount of $1,018,129 for the Construction of the Faulk Drive Closed Basin Drainage Improvements

    Commissioner Winchester moved, seconded by Commissioner Rackleff and carried unanimously, 7-0, to approve Option 1: Approve the Agreement awarding bid to Allen's Excavation, Inc., in the amount of $1,018,129 for the construction of the Faulk Drive Closed Basin Improvements and authorize the Chairman to execute.

Scheduled Public Hearings

23. First and Only Public Hearing to Adopt an Ordinance Amending Chapter 11, Article XIII, "Towing Services", Leon County Code of Laws

    County Attorney Thiele summarized the item. He also stated that the Sheriff's Office and the County Attorney's Office recommend its approval.

Commissioner Winchester asked if this option increased rates. County Attorney Herb Thiele answered that it did, but that the rates have not been increased in seven or eight years.

Commissioner Proctor asked how the ordinance would create an access for citizens to file complaints against what they deem to be inappropriate actions by the towing agencies. County Attorney Thiele answered that there is a specific employee at the Sheriff's Office who is designated to handle complaints. He added that complaints could result in a suspension or a revocation of the violator's license to perform towing duties.

Commissioner Sauls moved, seconded by Commissioner DePuy and carried unanimously, 7-0, to approve Option 1: Conduct the First and Only Public Hearing and Adopt the proposed Ordinance amending Chapter 11, Article XIII, *Towing Services*, of the Leon County Code of Laws.

24. Public Hearing to Impose Special Improvement Liens and Adopt a Non-Ad Valorem Assessment Roll for Beech Ridge Trail Sewer Utility 2/3 Project

Commissioner Grippa moved, seconded by Commissioner Winchester and carried unanimously, 7-0, to approve Options 1, 2, and 3: 1) Conduct the Public Hearing regarding imposition of Special Improvement Assessment Liens and adoption of a Non-Ad Valorem Assessment Roll for Beech Ridge Trail Sewer Utility 2/3 Project. 2) Adopt the Resolution imposing Special Improvement Assessment Liens for the Beech Ridge Trail Sewer Utility Project indicating a 12-year assessment. 3) Adopt the Resolution adopting the Non-Ad Valorem Assessment Roll for the Beech Ridge Trail Sewer Utility Project indicating a 12-year assessment.

Citizens to be Heard on Non-Agendaed Items (6-minute limit)

A petition in support of constructing a community center housed in a new location in Miccosukee, Florida was submitted.

Speaker, Ms. Mary Young, P.O. Box 5452, spoke in support of construction of a new community center in Miccosukee. She requested the Board's consideration for a new community center that will serve the greater Miccosukee. She explained that partitions were removed from the center and placed outside. She stated that she scheduled the center for Tuesday and Thursday and that the partitions are needed in order to conduct her classes. She asked the Board to investigate the removal of the partitions from the community center. She mentioned that she received a letter that had a letterhead that said "Mary Young's Miccosukee Youth Education Foundation", she stated, for the record, it is not Mary Young's Center, it is the Miccosukee Education Foundation. She said that this indication was disturbing. She informed the Board that the storage

closet located in the community center has been locked for several months. She stated that when she last looked in the storage closet, it was full of unnecessary items and that they could use this space to store their supplies.

The Board discussed the following:

- Commissioner Grippa agreed that an official investigation of this incident needs to be conducted, and if there is a problem, it needs to be handled. He stated that the message that is being sent is that a person, not the community, will decide what goes on in the community center. He mentioned that the Board will have a workshop on the construction of a new community center, and that he supports it.
- Chairman Thaell requested County Administrator Alam to look into the issue.
- Commissioner Sauls mentioned that as of now, the Board has some control of who they appoint to serve on the Community Boards, but when they move into the new status, the Board loses control. She stated that she does not support it and that she is not sure that they are going in the right direction.
- County Attorney Thiele explained that the issue that originally gave rise to this was a request from the various park associations and community associations for greater control over their parks and community centers. He stated that at the time that this was discussed, the individual parks and community centers were collecting fees for goods or subleases and that they do not want that to be the County's money. He stated that the only way that that could be done is if they are created as an independent entity. He explained that there has been resistance from the parks associations and community associations because of the requirements that they will have to undertake. He reminded the Board that there are advantages and disadvantages to this.
- Commissioner Sauls stated that she was under the impression that the County recommended that the parks and community centers operate this way because they did not want maintain reimbursement to the community centers. She mentioned that Ft. Braden Community Center is not pressing to adopt the 501c(3) and that they are satisfied with the way that their community center is operated.
- Commissioner Rackleff stated that there needs to be a mediator to protect what is County owned, and also stated that he does not support the 501c(3). He requested a status report on the community centers and parks that operate under the 501c(3).
- Chairman Thaell suggested that the Board address certain aspects of the 501c(3) with the lawmakers. He stated that it is not right to make a "citizen's group" not be able to discuss concerns with each other and that the law is ridiculous.

- County Administrator Alam suggested that the Board schedule a workshop and allow the staff to present the pros and cons.
- Commissioner Grippa suggested a focus group or advisory board for the community centers.
- Chairman Thaell stated that he would look favorably on efforts to build a new community center.
- Commissioner Winchester thanked Dr. Young for informing the Board on the issue.

Speaker, David Hall, 12700 Miccosukee Road, spoke in support of a new community center in a new location. He stated that he was told that the community center, in the present location, does not meet safety codes. He informed the Board that the community center has inadequate parking and that it is located in a residential area.

Speaker, Perry Duhart, 9021 Chester & Lucy Duhart Lane, requested that the Board look into the installation of fans at the Miccosukee Park Pavilion, installation of lights at the basketball court, and the installation of outfield nets at the baseball field.

Chairman Thaell requested a status report on all of the issues raised by Mr. Duhart.

Speaker, Tameka German, 9760 Veterans Memorial Drive, spoke in favor of the construction of a new community center in a new location.

Speaker, Mandy Williams, 9801 Veterans Memorial Drive, spoke in favor of the construction of a new community center in a new location. She informed the Board that a local citizen donated his time to build the partitions and that they were built on-site (at the community center). She stated that some of the members of the community center told him that he needed to leave the community center and threatened that if he didn't leave, the police would be called. The citizen then took the partitions to his house, built them, and then brought them back to the community center. She stated that this type of behavior has gone far enough. She stated that there is one person controlling the community center, and that should not be allowed to happen. She requested that the Board appoint a different person to handle the Miccosukee Community Center.

Speaker, Doby Flowers, 8398 Veterans Memorial Drive, spoke in support of the construction of a new community center. She voiced concern on the safety of the existing community center building.

Commissioner Grippa stated that the County needs to take control of the Miccosukee Community Center and also needs to make sure that everyone has equal access to it. Commissioner Proctor supported the 194

signatures from the Miccosukee Area requesting an updated community center. County Attorney Thiele stated that the County has an obligation to control access and use of County public facilities.

Discussion by Commissioners

Commissioner Rackleff

- announced that Kate Brady, his Commission Aide, has had a medical relapse and expressed his support to her.

Commissioner Grippa

- wished Laticia Adams, his Commission Aide, a Happy Birthday.
- stated that he was impressed with the city of Gainesville downtown development and encouraged people to visit.
- requested a Resolution for Indian Springs Baptist Church, celebrating the Church's 176th anniversary.
- announced the kick-off for Pilot Club of Tallahassee's Project Lifesavers at 10:30 a.m. on Wednesday, June 29, 2005.
- asked County Attorney Thiele if the Fallschase Chapter 163 Agreement was ready and when the item would be brought before the Board.
  County Attorney Thiele answered that he did not believe it was time to bring the Chapter 163 Agreement to the Board.

Commissioner Winchester suggested having an agenda request on the July 12th meeting with an update on the Fallschase Agreement.

Commissioner Grippa suggested having it as an agenda item to schedule a public hearing and discuss the issue at that time.

Speaker, Rick Bateman, representing Fallschase, stated that an agenda item requesting the Board schedule the two public hearings could be brought before the Board at the July 12th meeting.

Commissioner Rackleff stated that there needs to be a review and suggested having a workshop on the issue, rather than rush into a public hearing.

Commissioner Proctor voiced concern on the delay of the construction of the Fallschase Development and stated that he believes that there is a prejudice.

Commissioner Winchester moved, seconded by Commissioner Grippa and carried 6-1 (Commissioner Rackleff Opposed), to agenda the request to schedule the public hearings on the Fallschase Chapter 163 Development Agreement for August 30th and September 13, 2005.

Commissioner Grippa requested staff revisit the Bradfordville Settlement Agreement as they relate to residential stormwater development standards and

code requirements that call for building of stormwater ponds on residential lots in the Bradfordville area. He requested staff bring an agenda item to the Board on July 12, 2005 to discuss the issue.

Commissioner Grippa moved, seconded by Commissioner Winchester and carried 5-1 (Commissioner Proctor opposed and Commissioner Rackleff out of Chambers), to direct staff to bring to the Board an agenda item on July 12, 2005 updating the Board on what staff is currently doing with regard to applicability.

Commissioner Proctor voiced concern about the installation of too many holding ponds in our community.

Commissioner Winchester

- requested that staff looks into CSX repairing the railroad crossing at Tower Road and bring back as an agenda item, if needed.

Commissioner Thaell moved, seconded by Commissioner Winchester and carried unanimously, 7-0, to direct County Attorney Thiele to bring back an opinion on the Supreme Court decision regarding Kilo v. New London, CN as it relates to Florida and Leon County eminent domain.

Commissioner Thaell

- requested opinion regarding posting notices of sexual predators in County facilities.
- Staff responded that the issue has been addressed and the County cannot post these notices; however, the County does provide a link to the FDLE sexual predator page from the County's home page website.

Commissioner Proctor

- requested a lifetime achievement Resolution Honoring Ms. Clifton Lewis.
- requested a Resolution recognizing the Lincoln High School 4x100 meter Track Team's national championship.
- requested a Resolution Honoring Professor Dr. Charles Bean for his four decades of service to the community.
- requested Resolutions for three businessmen in his district: Mr. Monroe, Mr. Perry, and Mr. Mack.
- stated that the fifth floor administrative office does not have enough of African-American Professionals working there and noted that the community deserves better
- voiced concern regarding the lack of African-American in the State Attorney and Public Defender Offices, and stated that this is why he did not support the Budget this year.

There being no further business to come before the Board, the meeting adjourned at 8:03 p.m.

APPROVED:_____
Cliff Thaell
Chairman

ATTEST:

_____
Bob Inzer
Clerk of the Circuit Court