12. Approval of a Local Agency Program Agreements Between Leon County and Florida Department of Transportation; Waiver of Certain County Procurement Requirements to Utilize Federal Stimulus Funds; and Adoption of Resolution to Execute the Local Agency Program Agreements (R09-17)

Commissioner Proctor requested that the item be pulled for further discussion.

County Administrator Alam explained that the item pertains to the Federal Stimulus Funds to construct sidewalks along Perkins Road, Velda Dairy Road, and Dempsey Mayo Road at a total cost of $925,007.

Commissioner Proctor confirmed that the County's Minority Women Small Business Enterprise (MWSBE) standards were waived for the project and in their place, the Florida Department of Transportations (FDOT) standards would be used. He expressed concern over the lack of sidewalk projects for the South and West portions of the County and opined that the stimulus funds were inequitably distributed and asked for an explanation on how the projects were chosen. Joe Brown, Engineering Services Director, explained that a much larger list consisting of various projects were submitted and that the FDOT made the decision on which projects would be funded.

Commissioner Proctor moved, duly seconded by Commissioner Akinyemi, to resubmit the list to the FDOT and request that a project list be approved that more equitably distributed the funds throughout the County.

Commissioner Rackleff stated that he would not support the motion and offered that these were valuable sidewalk projects that should be approved. He also expressed concern over the possible loss of the funding if the Board postponed action. He shared that staff will bring forward at the July meeting information on a "bundle" of sidewalk projects, evenly distributed throughout the County, that have already been identified and would have an impact on transit routes. These would be submitted as a competitive grant to the Federal DOT. He shared that this offered at least a partial solution to the situation. He asked staff to include in the upcoming sidewalk agenda item a map showing the distribution and area of sidewalks, including City projects.

Commissioner Proctor inquired of the selection criteria used by the DOT. Mr. Brown offered that the DOT's decision was based solely on the shovel readiness of the project, and had nothing to do with the location or type of project. Commissioner Proctor reiterated his dissatisfaction with the omission of projects from the entire community and offered that it was appropriate for the Board to delay action until the next meeting. He asked the Board to grant him an opportunity to make inquiries as to what can be done to modify the plan and see if there are other "shovel ready" projects that could qualify for support of funding.

Commissioner Akinyemi inquired about an appeal process. Mr. Brown explained that DOT has a very rigid process and previous efforts to have projects reconsidered were unsuccessful. He explained that the DOT is under great pressure to get agreements executed and stated that it was possible that if approval was delayed the funds could be reallocated to another part of the State.

Tony Park, Public Works Director added that the City of Tallahassee has several sidewalk projects identified for funding that are located on the Southside.

Commissioner Akinyemi withdrew his second of the motion.

Commissioner Rackleff moved, duly seconded by Chairman Desloge to approve Options 1, 2, & 3: 1) Approve the Local Agency Program Agreements between Leon County and Florida Department of Transportation and authorize the County Administrator to execute; 2) Adopt the Florida Department of Transportation Disadvantaged Business Enterprise Program goals and Local Agency Program/Federal-

AID Contract requirements, and waive the Leon County local preference and MWSBE requirements, and 3) Approve the Resolution and associated Budget Amendment Request.

Commissioner Proctor remarked that he would not support the motion as the allocation and distribution of the funds were not representative of his constituents.

Commissioner Sauls articulated that although she supported comments by Commissioner Proctor, she did not want to run the risk of losing the opportunity for the funding and would support the motion.

The motion carried 5-1 (Commissioner Proctor in opposition and Commissioner Thaell out of Chambers)

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