

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
October 27, 2009

The Board of County Commissioners of Leon County, Florida, met in regular session at 3:00 p.m. with Chairman Desloge presiding. Present were Commissioners Akinyemi, Thael, Proctor, Rackleff, Dailey, and Sauls. Also present were County Administrator Parwez Alam, County Attorney Herb Thiele, Finance Director David Reid and Board Secretary Rebecca Vause

Invocation was provided by Commissioner John Dailey, who then led the Pledge of Allegiance.

Awards and Presentations:

- Chairman Desloge presented a 15-Year Service Pin to Commissioner Cliff Thael and acknowledged his tenure on the County Commission.
- Commissioner Thael presented a Resolution Recognizing the Accomplishments of Gallop Franklin, Student Body President of Florida A&M University.
- Charles McDonald, President of Big Bend Pop Warner (BBPW) provided an update on the program.
 - Mr. McDonald thanked the Board for its support and stated that the program would not have been possible without the one-time start-up funds of \$60,000 in 2005.
 - He shared that the program currently has over 1,200 participants (football players, cheerleading and dance squads); has had over 100 scholastic All-Americans, (Leon county students who achieved higher than a 3.98 GPA) and has over 600 volunteers.
 - He commended the outstanding job done by County staff to maintain the parks and facilities. He announced that the Apalachee Regional Park will be the site of all Pop Warner games next year.
 - Each Commissioner was presented, by representatives of Pop Warner football teams from their district, football helmets and other tokens of appreciation.
- Jane Johnson, Executive Director, made a presentation on the services provided by the Children's Home Society (CHS):
 - Established in Tallahassee since 1964.
 - Employs approximately 100 area residents and was recently presented by the *Orlando Sentinel* a Family Friendly Business Award.
 - Operates 10 different programs and provides services such as early intervention for infant and toddlers born with developmental delays/ disabilities; foster care; private and special needs adoption program, and prevention services.
 - Works closely with other local/state entities to help identify and respond to gaps in service delivery.
 - Invited Commissioners to attend a Forum on Wednesday, October 28, at 11:30 a.m. to be held at CHS.
 - Commissioner Dailey indicated an interest in learning more about partnering with CHS specifically in situations where a child is removed from a home and law enforcement is involved.
 - Commissioner Dailey confirmed with the County Attorney that there would not be a conflict should more than one Commissioner attend the Forum as there would be no discussion or Board action taken.

- Chairman Desloge presented a Resolution Recognizing October 2009 as "Disability Employment Awareness Month". The Resolution was accepted by Jim DeBeaugrine, Director of the Agency for Persons with Disabilities, and Dan Moore, Director of Programs and Services, Ability First.
- Mr. DeBeaugrine offered that disabled individuals are a viable contributor to the workforce.
- Dan Moore shared that Ability First has chosen to focus its employment based efforts on disabled youth and looks forward to working with the County in future collaborations.
- Commissioner Rackleff pointed out that Leon County is Florida's only county government that has contributed directly to the operation of the Transportation Disadvantaged Program; which provides essential transportation services to the disabled.

1. Presentation on Project Search: Transition from School to Work for Individuals with Disabilities

JR Harding, External Affairs Manager, provided an overview of Project SEARCH and stated Board approval was needed to move forward to implement Project SEARCH in Leon County for August 2010, in conjunction with the 20th Anniversary of the Persons with Disabilities Act.

Lillian Bennett, Director of Human Resources, provided a brief summary of the agenda item and further advised on the options available to the Board.

Commissioner Rackleff moved, duly seconded by Commissioner Dailey, to approve Options 1, 2, & 3: 1) Direct Agency for Persons with Disabilities to provide written confirmation from the Leon County School Board of its student participation in the Project SEARCH program for the 2010/11 school year and commitment to providing per pupil funding in the second and future years of the Project SEARCH Program; 2) Direct staff to create a Project SEARCH Pilot Program for Leon County that would provide internships for students with disabilities and bring back for Board review and approval once confirmation of participation and future year funding is received by the Agency from Persons with Disabilities from the Leon County school Board, and 3) Approve budget amendment and funding in the amount of \$15,225 from the general fund for a 30-hour a week OPS position to assist in the development, implementation, and monitoring of the Project SEARCH Pilot Program for the first year beginning in January 2010. Include a request in the FY 2010/2011 Budget for a full-time Leon County Project SEARCH Coordinator position to administer the Project SEARCH Program for future years. The motion carried 7-0.

Steven Hodges, Environmental Planner, introduced Ms. Antoaneta Yoveva, Vice-Mayor, Municipality of Sofia, District Oborishte, Republic of Bulgaria and shared that she will meet with the directors and staff from the state Office of Greenways and Trails, the Florida Communities Trust program at the Florida Department of Community Affairs, FDOT's Bicycle and Pedestrian Safety Program office, and staff from the Tallahassee - Leon County Planning Department and the directors of both the City of Tallahassee's Department of Parks and Recreation and Leon County's Division of Parks and Recreation.

Consent:

Commissioner Sauls moved, duly seconded by Commissioner Thaell, to approve the following Consent Agenda with the exception of items 8 and 10, which were pulled for discussion. The motion carried 7-0.

2. Approval of Minutes: September 22, 2009 Educational Facilities Authority Workshop and September 22, 2009 Regular Meeting

The Board approved Option 1: Approve the minutes of the September 22, 2009 Educational Facilities Authority Workshop and September 22, 2009 Regular Meeting.

3. Approval of Payment of Bills and Vouchers Submitted for October 27, 2009, and Pre-Approval of Payment of Bills and Vouchers for the Period of October 28 through November 9, 2009: \$7,781,925.00

The Board approved Option 1: Approve Payment of Bills and Vouchers Submitted for October 27, 2009, and Pre-Approval of Payment of Bills and Vouchers for the Period of October 28 through November 9, 2009: \$7,781,925.00

4. Authorization to Carry Forward FY 2009 Operating Appropriations

The Board approved Option 1: Authorize the carry forward of FY 2009 appropriations to the FY 2010 budget, and approve the associated resolution and budget amendment.

5. Approval of a Quit Claim Deed and Acceptance of Three Conservation Easements from David A. Barrett

The Board approved Option 1: Approve the Quit Claim Deed and approve and accept for recording the three Conservation Easements from David A. Barrett

6. Request to Schedule Two Public Hearings to Consider a Proposed Ordinance Amending the Land Development Code to Implement the Mahan Gateway Node Future Land Use Map Category for Properties Along the Mahan Corridor for Tuesday, January 19 and February 9, 2010 at 6:00 p.m.

The Board approved Option 1: Schedule two public hearings to consider a proposed Ordinance amending the Land Development Code to implement the Mahan Gateway Node Future Land Use Category for properties along the Mahan Corridor for Tuesday, January 19 and February 9, 2010 at 6:00 p.m.

7. Approval of the Annual Contract Between Leon County and the State of Florida Department of Health for the Provision of Health Services in Leon County

The Board approved Option 1: Approve the annual Contract between Leon County and the State of Florida Department of Health for the provision of health services in Leon County.

8. Approval to Renew the Agreement Between Leon County and Apalachee Center, Inc. for the Provision of State-Mandated Baker Act and Marchman Act Services for FY 2010

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

County Administrator Alam advised that the County has been providing funding to Apalachee Center, Inc. (ACI) for the purpose of matching state funds for many years. He added that the item has been included in the 2010 budget in the amount of \$628,000, which will leverage \$1.2 million in State funding.

Commissioner Thaeil shared that the County has an opportunity to participate in a federal stimulus funding opportunity which could more than double the amount of local public funds committed to substance abuse treatment for Medicaid recipients to be administered through a local substance abuse provider. He added that alcohol and drug intervention, comprehensive community support, recovery and aftercare are services that would be funded through the Medicaid substance abuse program. Commissioner Thaeil pointed out that the funding amount would be determined by the Board and can be changed at any time. He suggested that staff be directed to bring back an agenda item to discuss the County's participation in the program.

Commissioner Thaeil moved, duly seconded by Commissioner Dailey, to approve Option 1: Approve the renewal of the Agreement with Apalachee Center, Inc. for Baker Act and Marchman Act services in the amount of \$628,004 for FY 2010, and authorize the County Administrator to execute.

Commissioner Proctor established with Commissioner Thaeil that it was not his intent to limit the participation of other substance abuse providers and voiced his support for the inclusion of other substance abuse providers in the program. Candice Wilson, Director of Health & Human Services, provided that the monies would "pass through" the County to any provider that had been certified and approved by the County.

Chairman Desloge expressed concern that the agreement did not include performance standards and opined that a minimal level of performance expectancies should be included.

Chairman Desloge passed the gavel to Vice-Chairman Rackleff.

Commissioner Desloge moved a substitute motion to delay approval of the agreement until the Board can address minimum performance standards with the provider. The motion was seconded by Commissioner Sauls.

Commissioner Sauls inquired of a timeframe for the monies. Ms. Wilson responded that this was an annual appropriation with no timeframe.

Commissioner Sauls withdrew her second of the motion. The substitute motion died for lack of a second.

The gavel was returned to Chairman Desloge.

Chairman Desloge stated that the motion on the floor was made by Commissioner Thaeil to approve Option 1. The motion carried 6-1 (Commissioner Desloge in opposition).

Commissioner Thaeil moved, duly seconded by Commissioner Dailey, to direct staff to bring back an agenda item to consider County participation in the Medicaid Match Certification for Substance Abuse Service.

Commissioner Akinyemi suggested that the contract be awarded; however that standards be established for next year.

The motion carried 7-0.

County Administrator recommended that should the Board want to include performance measures, the item not be approved to allow staff time to discuss the issue with the provider.

Commissioner Rackleff noted the recommendation of the County Administrator and established with Ms. Wilson that delaying the item until December would not have an effect of payment to the provider.

Commissioner Rackleff moved, duly seconded by Commissioner Desloge, to reconsider Agenda Item #8.

Commissioner Thae'll stated that Apalachee has shown a willingness to provide data on the number of patients served, etc. to the Board and cited information provided in the agenda item.

Commissioner Proctor stated that the County had committed the resources and should not withhold the funds. He also noted the lack of state funding for mental health services.

The motion to reconsider Item #8 failed 3-4 (Commissioners Dailey, Proctor, Sauls and Thae'll opposed).

Commissioner Akinyemi moved, duly seconded by Commissioner Sauls, that prior to the renewal of the Apalachee Center, Inc. Agreement for next fiscal year that the Board discuss services provided, measuring performance, and State-mandated Baker and Marchman Act requirements with Apalachee Center, Inc.

Commissioner Dailey suggested a workshop be held with Apalachee Center to discuss minimal performance standards and other issues.

Commissioner Proctor proclaimed support for a broader scoped workshop to be held with all mental health providers to get a better sense of mental health services in the community. Commissioner Desloge concurred and asked that Bond, Neighborhood Health, Sheriff, Apalachee be included.

The motion on the floor was restated by Chairman Desloge: Schedule a workshop to discuss the establishment of performance standards and address issues brought forward by Commissioner Akinyemi. The motion carried 7-0.

9. Approval to Renew the Agreement Between Leon County and the Children's Home Society for the Provision of State-Mandated Child Protection Examinations for FY 2010

The Board approved Option 1: Approve the renewal of the annual Agreement with Children's Home Society for FY 2010 for the provision of child protection examinations, and authorize the County Administrator to execute.

10. Request to Schedule a Workshop on Leon County Research and Development Authority for Tuesday, December 8, 2009 from 12:00 - 1:30 p.m.

Chairman Desloge requested that the item be pulled for further discussion. He suggested that a prior to the Workshop a list of questions from Commissioners be developed and transmitted to the Leon County Research and Development Authority and that it be requested that any information be presented in writing. There was support for the recommendation and Commissioners agreed to provide Chairman Desloge questions for transmittal.

Commissioner Thae'll stated that he supported a more entrepreneurial environment in Leon County through the partnership with Innovation Park.

Commissioner Sauls moved, duly seconded by Commissioner Dailey, to approve Option 1: Schedule a Workshop on Leon County Research and Development Authority for Tuesday, December 8, 2009 from 12:00 – 1:30 p.m. The motion carried 7-0.

11. **Request to Reschedule the MIS Technology Update Workshop for Tuesday, January 19, 2010 from 1:30 p.m. to 3:00 p.m. and Request to Schedule a Workshop to Review and Discuss the Status and Initiatives of Leon County's Sustainability Program for Tuesday, December 8, 2009 at 1:30 – 3:00 p.m.**

The Board approved Options 1 & 2: 1) Reschedule the MIS Technology Update Workshop for Tuesday, January 19, 2010 from 1:30 p.m. to 3:00 p.m. and 2) Schedule a Workshop to Review and Discuss the Status and Initiatives of Leon County's Sustainability Program for Tuesday, December 8, 2009 from 1:30 – 3:00 p.m..

12. **Approval of Amended Bylaws for the Tallahassee-Leon County Local Mitigation Strategy Steering Committee**

The Board approved Option 1: Approve the proposed amended Bylaws for the Tallahassee-Leon County Local Mitigation Strategy Steering Committee

13. **Approval of Contract Amendment No. 3 to the Stormwater Flow Monitoring Contract with the Northwest Florida Water Management District**

The Board approved Option 1: Approve Contract Amendment #3 to the Stormwater Flow Monitoring Contract with the Northwest Florida Water Management District, and authorize the Chairman to execute.

14. **Approval of Recording the Plat of Rocky Hill Subdivision and Acceptance of a Two-Year Maintenance Agreement and Surety Device**

The Board approved Options 1 & 2: 1) Approve the Plat of Rocky Hill for recording in the Public Records, and 2) Accept the two-year Maintenance Agreement and Surety Device

15. **Request to Schedule a Public Hearing Regarding Intent to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments for Rainbow Acres 2/3 Paving Project for Tuesday, December 8, 2009 at 6:00 p.m.**

The Board approved Option 1: Schedule the public hearing regarding Intent to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments for Rainbow Acres 2/3 Paving Project for Tuesday, December 8, 2009 at 6:00 p.m.

16. **Acceptance of Owner's Settlement Offer for Parcel Acquisition Associated with the Killlearn Lakes Stormwater Capital Improvement Project**

The Board approved Option 1: Accept the Owner's settlement offer for 1616 Southbrook Lane in the amount of \$260,000, inclusive of attorney's fees and costs, and authorize the County Administrator and the County Attorney to execute any and all documents necessary to affect the purchase of property.

16. **Approval of Agreement Awarding Bid to Hale Contracting, Inc. for the Construction of Sidewalk Improvements Along Dempsey Mayo Road in the Amount of \$145,240.**

The Board approved Option 1: Approve the Agreement awarding the bid to Hale Contracting, Inc. for the construction of sidewalk improvements along Dempsey Mayo Road in the amount of \$145,240, and authorize the County Administrator to execute.

17. **Approval of a Resolution for Exchange of Drainage Easement within Killearn Lakes, Unit 1**

The Board approved Options 1 & 2: 1) Approve the Resolution for Exchange of Drainage Easement within Killearn Lakes, Unit 1, and authorize the Chairman to execute the Resolution and County Deed, and 2) Accept the Perpetual Drainage Easement and authorize staff to record.

18. **Approval of a Memorandum of Agreement with the Florida Department of Transportation for the Maintenance of a Section of Hwy. 27 (Apalachee Parkway)**

The Board approved Option 1: Approve the Memorandum of Agreement with the Florida Department of Transportation for the maintenance of a section of Hwy. 27, and authorize the County Administrator to execute.

19. **Request to Schedule a Public Hearing Regarding Intent to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments for Fire Protection Services for Tuesday, December 8, 2009 at 6:00 p.m.**

The Board approved Option 1: Schedule the Public Hearing Regarding Intent to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments for Collection of Fire Services Assessments for Tuesday, December 8, 2009 at 6:00 p.m.

Citizens to be Heard on Non-Agendaed Items

3-minute limit per speaker; there will not be any discussion by the Commission.

- Tom Jacobs, 4944 Crooked Road, expressed that he and other residents were concerned about the City's proposed (Lake Talquin) Jackson Bluff Dam Spillway project and its impact on flooding in the area. He requested that the Board assist in addressing concerns with the City's project.
 - County Administrator Alam stated that, under his time, Theresa Heiker, Chief of Stormwater Engineering, would provide information on the project and an agenda item is being prepared on the issue for the Board's next meeting.
 - Chairman Desloge stated that he would bring the issue up at the Mayor/Chair meeting.
 - Commissioner Sauls requested that a City representative attend the next meeting to answer questions and provide information on the project.

General Business

20. **Approval of a Joint Project Agreement with CNL Authorizing Staff to Execute an Application for a Linear Infrastructure Variance from the City of Tallahassee on Behalf of CNL for the Development of Dove Pond as a Regional Stormwater Facility**

County Attorney Thiele explained the agenda item.

Commissioner Thaele moved, duly seconded by Commissioner Rackleff, to approve Option 1: Approve the modified Joint Project Agreement with CNL and authorize the County Administrator to execute Joint Project Agreement and documents necessary to apply for the Linear Infrastructure Variance application.

The Board recessed at 5:05 p.m. and will reconvene at 6:00 p.m.

Chairman Desloge called the meeting to order at 6:05 p.m. Due to a family emergency, Commissioner Proctor did not return from the break.

21. Authorization to Submit an Application to the Florida Department of Community Affairs in the Amount of \$10,179,232 for the FY 2008 Supplemental Community Development Block Grant Appropriations for Disaster Recovery Funds and Approval of the Proposed List of Projects

County Administrator Alam explained that the County has an opportunity to receive funding in the amount of \$10,179,232 from the Community Development Block Grant (CDBG) Disaster Recovery Grant to address damage and to initiate projects which reduce flooding caused by natural disasters such as Tropical Storm Fay and Hurricanes Ike and Gustav. He noted that a list of the proposed projects were included in the Board's agenda packet for approval. Mr. Alam reported that the grant requires that 14% of the disaster recovery funding be used for activities that address affordable rental housing and advised that the County is working with the City to determine and address affordable rental housing that was affected by Tropical Storm Fay.

Commissioner Dailey commended staff for their hard work on this issue and voiced understanding that the projects are contingent on the County receiving the funding.

Commissioner Dailey moved, duly seconded by Commissioner Sauls to approve Options 1 & 2: 1) Authorize the submittal of the 2008 Community Development Block Grant Disaster Recovery Grant application for \$10,179,232, and 2) Approve the proposed list of projects.

Commissioner Thaele asked about funding for projects that did not make the list and inquired if there would be an opportunity to make a supplemental funding request. Don Lanham, Grants Program Coordinator responded that should additional funds become available staff will submit a supplemental application and would come back to the Board with additional projects. Commissioner Thaele dialogued with staff on the County's Residential Flooded Property Acquisition Program and affordable rental housing.

Commissioner Sauls commented that these are projects that had no previous funding source and voiced appreciation for staff's efforts.

The motion to approve Options 1 & 2 carried 6-0 (Commissioner Proctor absent)

Commissioner Dailey made the Board aware of a situation involving the Jones Family and their attempts to help alleviate flooding on their property on Fairbanks Ferry Road. He explained that the family has lived on Fairbanks Ferry Road for over 60 years and in their efforts to relieve the flooding have become non-compliance with County policies. He advised that the family has spent over \$11,000 in expenses associated with the implementation of an after-the-fact environmental compliance mitigation permit and

Commissioner Dailey opined that he did not believe that the County's policy in this particular case "makes sense".

Commissioner Dailey moved, duly seconded by Commissioner Akinyemi, to ask staff to bring back an agenda item to address the Jones' family property at Fairbanks Ferry and ask staff to provide an analysis to specifically look at reimbursement of their expenses to the family. The motion carried 6-0 (Commissioner Proctor absent).

22. Consideration to Establish Economic Recovery Zones Pursuant to the American Recovery and Reinvestment Act

County Administrator Alam explained the agenda item requests approval of a resolution designating Economic Recovery Zones. He noted that this is a joint City/County project and that stimulus funds are available at a discounted interest rate for selected projects in the designated zones. He shared that the total bonding capacity for the County and City is \$9.7 million. Mr. Alam stated that staff was available to provide additional information and answer questions.

Commissioner Sauls moved, duly seconded by Commissioner Dailey, to approve Options 1 & 2: 1) Approve the Resolution Establishing the County's Economic Recovery Zones pursuant to the American Recovery and Reinvestment Act of 2009, and 2) Direct staff to continue to work with the Economic Development Council and the City of Tallahassee to develop an application process for private investors seeking Recovery Zone Facility Bonds.

Commissioner Rackleff noted that this type of financing could help facilitate development of the fairgrounds property for mixed use affordable housing, market rate housing, commercial businesses, etc.

Commissioner Dailey commented that the designated zones should include all areas in Leon County that would qualify and proposed that the item not be approved and an agenda item be brought back to expand the current map.

Chairman Desloge inquired about the inclusion of the Tallahassee Mall/Silver Slipper. Mr. Morris shared that there was not, at this time, sufficient data to support their inclusion.

County Attorney Thiele advised that the Board could approve the map as presented and amend at a later date.

Commissioners Akinyemi and Sauls expressed concern with delaying action on the matter as the City Commission would be addressing this item at its next meeting. Commissioner Akinyemi also stated that the intent would be diluted if the entire county was included.

Commissioner Sauls offered to amend her motion to ask staff to bring back expanded areas as appropriate.

Chairman Desloge restated the motion on the floor: Approve options 1 & 2, as amended to direct staff to bring back expanded areas as discussed, such as Tallahassee Mall, Silver Slipper. The motion carried 6-0 (Commissioner Proctor absent).

23. Approval to Review the Board Agenda Packet Distribution List in Pursuit of the County's Sustainability Goals

Commissioner Sauls moved, duly seconded by Commissioner Thaele, to approve Option 1: Approve the revision to the Board agenda packet distribution list in pursuit of the County's sustainability goals. The motion carried 6-0 (Commissioner Proctor absent).

24. Ratification of Actions Taken at the October 13, 2009 Workshop on the Leon County Minority, Women and Small Business Enterprise Division Disparity Study Update by MGT of America and Acceptance of the Disparity Update Study as the Final Report.

Commissioner Thaele moved, duly seconded by Commissioner Rackleff, to approve Option 1 and 2: 1) Ratify the actions taken at the October 13, 2009 Workshop on the Leon County Minority, Women and Small Business Enterprise Division Study Update by MGT of America, and 2) Accept the Disparity Update Study as the final report. The motion carried 6-0 (Commissioner Proctor absent).

County Administrator Alam stated that the next three items (#25, 26, and 27) address the procurement issues that the Board has been discussing over the past few months. He explained that he would like to ask Alan Rosenzweig, Assistant County Administrator to make a brief presentation on these items.

25. Adoption of Revised Policy No. 96-1, "Purchasing and Minority, Women and Small Business Enterprise Policy" and Approve of Recommendations for the Process of Selection of Professional Services Under the Consultants Competitive Negotiation Act (CCNA)

Mr. Rosenzweig shared that staff have been meeting regularly and an exhaustive review of other processes used throughout the State has been done by the Purchasing Department (county survey data including "best practices" is included in the Board's agenda package). He provided information on the CCNA statute and the process it dictates. Mr. Rosenzweig acknowledged that the current selection process has some element of subjectivity and there has been no defined criterion or a way of evaluating each proposal.

Mr. Rosenzweig remarked that staff recommends a two part process: 1) ranking of a firm with much tighter criteria, and 2) upon completion of formal presentations by firms proceed to an ordinal process. Mr. Rosenzweig stated that the process will remove as much subjectivity as possible while continuing to maintain compliance with CCNA. Mr. Rosenzweig then detailed the proposed criteria matrix and point system to be used for each criteria.

Commissioner Dailey moved, duly seconded by Commissioner Sauls, to approve Options 1 & 2: 1) Adopt revised Policy 96-1, "Purchasing and Minority, Women and Small Business Enterprise Policy," Section 5.091, and 2) Approve the selection process for professional services covered under the Consultants Competitive Negotiation Act, Section 287.055, Florida Statutes. The motion carried 6-0 (Commissioner Proctor absent).

26. Approval of the Pre-Qualification and Bid Process and Adoption of Revision to Policy No. 96-1, "Purchasing and Minority and Small Business Enterprise"

Mr. Rosenzweig stated the proposed policy will provide a process by which firms will 1) pre-qualify based on a set of criteria, and 2) allow all pre-qualified contractors the opportunity to submit a competitive sealed bid for jobs. He pointed out that the process

is very similar to the current method used by DOT and Blue Print 2000. Detailed information was provided by Mr. Rosenzweig.

Commissioner Thael moved, duly seconded by Commissioner Rackleff, to approve Options 1, 2, & 3: 1) Approve the pre-qualification and bid process for the building construction of the Eastside Branch Library; 2) Approve the pre-qualification and bid process for future building construction projects, and 3) Approve revision to Policy No. 96-1, "Purchasing and Minority, Women and Small Business Enterprise."

Commissioner Akinyemi expressed concerns over items 6-8 of the Criteria Section of the pre-Qualification Application and engaged in dialogue with Mr. Rosenzweig over these concerns and requested the motion be amended to reduce minimum years of experience and language added that the criteria be commensurate with project scope and evidence of bonding capacity. Commissioner Thael accepted the amendments.

Chairman Desloge restated the amendment motion: Approve Options 1, 2, & 3, as amended: 1) Approve the pre-qualification and bid process for the building construction of the Eastside Branch Library; 2) Approve the pre-qualification and bid process for future building construction projects, with language modification to Criteria 6 (required criteria shall be commensurate with project scope, Criteria 7 (minimum of five (5) three (3) years experience), and Criteria 8 (submit evidence of bonding capacity), and 3) Approve revision to Policy No. 96-1, "Purchasing and Minority, Women and Small Business Enterprise." The motion carried 6-0 (Commissioner Proctor absent).

27. Request to Schedule the First and Only Public Hearing Regarding Revisions to the Local Preference Ordinance for Tuesday, December 8, 2009 at 6:00 p.m.

Assistant County Administrator Rosenzweig recalled that it was the Board's direction to enhance local vendor participation in its construction projects. He reported that the County has a high success rate in the use of local vendors (98% in 2009). Mr. Rosenzweig summarized the proposed changes to increase local preference, which included an opportunity for the local vendor to match the low bid if their bid is within 10% of low bid amount. In addition, staff would bring back a revised ordinance in December which creates an aspirational target for subcontractor work with local firms.

Commissioner Dailey moved, duly seconded by Commissioner Rackleff, to approve Option 1: Direct the County Attorney's Office, with County Administration, to draft revised Ordinance language consistent with the following, and schedule the first and only public hearing for Tuesday, December 8, 2009 at 6:00 p.m.:

- a. *Revise the Local Preference Ordinance for construction services as follows:*
 - i. *Subject to Federal and State law limitations, when the lowest responsive and responsible bid on a construction project is submitted by a business that is not local, the local business that submitted the lowest responsive and responsible bid from local businesses shall be offered the opportunity to perform the work at the lowest bid amount, if their bid was no greater than 110% of the lowest bid amount; and*
 - ii. *Create an aspirational target to be determined based on market and economic factors as follows: Contractor shall agree to engage no less than a certain percentage of the dollar value of Trade Contractor work with local firms (based in Leon, Wakulla, Jefferson, or Gadsden Counties) unless Contractor proves, to the County's satisfaction, that the Trade Contractor work is not available locally.*
 - iii. *Incorporate a 3-year sunset provision.*

- b. *Retain and do not revise the Local Preference Ordinance provisions for non-construction services.*

Commissioner Akinyemi stressed the importance of publicizing the public hearing, citing particularly the builder and realtors associations along with the trade industry.

Commissioner Rackleff voiced concern that the initiative would discourage outside companies from bidding on projects. He suggested that staff review policies every year to determine their impact.

The motion carried 6-0 (Commissioner Proctor absent).

Mr. Rosenzweig shared that Agenda Item #27 addressed issues to be covered during the November 10 Local Preference Workshop and recommended that that workshop be cancelled. This recommendation was accepted by the Board.

28. Consideration to Amend the Comprehensive Plan due to Legislative Change in Applicability of Development of Regional Impacts Review and Transportation Concurrency Exception Area Requirements

Commissioner Thaell moved, duly seconded by Commissioner Rackleff to approve Options 1 & 7 on Development of Regional Impact options: 1) Do not authorize staff to initiate an amendment to the Comprehensive Plan to designate the portion of the Urban Services Area, within unincorporated Leon County applying the Transportation Concurrency Exception Area process, and 5) Do not authorize staff to initiate an amendment to the Comprehensive Plan to designate the portion of the Urban Services Area within unincorporated Leon County exempt from DRI review. The motion carried 5-0 (Commissioner Sauls out of Chambers and Commissioner Proctor absent)

The record will reflect that although Commissioner Thaell moved Option 7 which is Board Direction, Wayne Tedder, Planning Director confirmed that the Board's position was consistent with Option 5.

29. Expirations, Vacancies, and Appointments to the Miccosukee Community Center Focus Group and Tourist Development Council

Miccosukee Community Center Focus Group:

- Commissioner Proctor's appointment was continued.
- Commissioner Akinyemi reappointed Linda Sue Cromartie
- Commissioner Sauls reappointed Albert Green
- Commissioner Thaell reappointed Patricia Herold

Tourist Development Council

- *Commissioner Dailey moved, duly seconded by Commissioner Thaell, to reappoint Michelle Wilson. The motion carried 5-0 (Commissioner Sauls out of Chambers and Commissioner Proctor absent)*
- Chairman Desloge recalled that the County was going to pursue during the last legislative session a change in the statute which states two City Commissioners be appointed to the TDC and inquired the status of the initiative. Ken Morris, Legislative Affairs and Economic Development Director, shared that issue came up too late for legislative action last year and advised that it may be challenging to get a sponsor for a bill of this nature. Chairman Desloge stated that he would discuss this at the next Mayor/Chair meeting and a decision on whether to continue to pursue this action will be made at a later date.

30. Approval of the Leon County Board of County Commissioners' 2009 Reorganization Ceremony Agenda and Adoption of Revised Policy No. 98-7, "Reorganization of the Board of County Commissioners and Installation of Newly Elected Commissioners"

Commissioner Sauls moved, duly seconded by Commissioner Dailey, to approve Options 1 & 2: 1) Approve the Leon County Board of County Commissioners' 2009 Reorganization Ceremony Agenda, and 2) Adopt revised Policy No. 98-7, "Reorganization of the Board of County Commissioners and Installation of Newly Elected Commissioners." The motion carried 6-0 (Commissioner Proctor absent)

Citizens to be Heard on Non-Agendaed Items:

3-minute limit per speaker; Commission may discuss issues that are brought forth by speakers.

- Mike Nissley, 3651 Capital Circle NW, expressed his opposition to the proposed fire service fee and addressed the lack of public notice and public input on the proposed fee.
- Matt Hays, 1804 Hill n Dale St., voiced his concern regarding the fire services fee and requested that the Board consider its repeal.

Comments/Discussion Items:

County Administrator

- Mr. Alam distributed a copy of a letter dated October 27, 2009 sent to the Department of Environmental Protection and NW Florida Water Management District expressing the County's concern over the potential for flooding and a request for a copy of the City's documentation of compliance with FEMA regulations regarding floodplain management.
 - Theresa Heiker, Chief of Stormwater Engineering, provided additional information on the project.
 - Commissioner Thaelle expressed numerous concerns over the project and the manner in which information has been dissemination. He stated that he was troubled over the City's "casual" approach in notifying the County and the 65 Leon County property owners of the proposed project. He remarked on the need for the County and its citizens to have an opportunity to review and comment on the plan.
 - Commissioner Thaelle added that the proposed changes would impact Wakulla and Liberty County and learned that those local governments and citizens had also not been alerted to the plan. Commissioner Thaelle opined that there was an obligation to keep Wakulla and Liberty Counties informed.
 - *Commissioner Thaelle moved, duly seconded by Commissioner Sauls, to authorize the County Attorney's Office to intervene on behalf of the County at the appropriate time in the project's permitting process. The motion carried 6-0 (Commissioner Proctor absent)*
 - Mr. Alam shared that an agenda item on this issue is currently being prepared and will be presented at the next Commission meeting.
 - Commissioner Sauls indicated that this was in her district and expressed that she had received a lot of concern from residents of Crooked Road. She wanted to ensure that appropriate action is being taken.
 - Commissioners Akinyemi and Sauls both expressed a desire for representatives from the City to be invited to attend the November 10 Board meeting to provide additional information and answer questions.

- Mr. Alam requested Board approval to share the County's Building Officer with Wakulla County. He noted that Wakulla County will incur costs associated with the loaned position.
- *Commissioner Rackleff moved, duly seconded by Commissioner Dailey, to enter into an agreement with Wakulla County to provide on a part time basis use of Leon County's Building Officer. The motion carried 6-0 (Commissioner Proctor absent)*
- Announced the passing of Clarence Moore.

Discussion Items by Commissioners:

Commissioner Proctor

- On Commissioner Proctor's behalf:
Commissioner Sauls moved, duly seconded by Commissioner Akinyemi, to authorize the expenditure of \$150 from Commissioner Proctor's account to purchase a table for the God's Successful Business, Inc. Entrepreneur Expo luncheon to be held Friday October 30 at TCC. The motion carried 6-0 (Commissioner Proctor absent).

Commissioner Thaeil

- Shared that the Wakulla County Commission unanimously passed a Resolution in opposition to the proposals to lift the ban on oil drilling in Florida Waters.
- Stated that current Board policy states that citizen input **shall** be taken at County workshops and opined that the policy should be amended or followed.
- *Commissioner Thaeil moved, duly seconded by Commissioner Sauls, to direct staff to bring back an agenda item regarding the clarification of "citizen input" as written in Policy No. 01-05, Rules of Procedure for Meetings of the Leon County Board of County Commissioners.*
- Congratulated Commissioner Proctor's former Aide, Kathy Garner, on her appointment as a new Gadsden County Judge.
- Expressed condolences to Chairman Desloge and his wife for the loss of her father.

Commissioner Akinyemi

- *Commissioner Akinyemi moved, duly seconded by Commissioner Sauls, to agenda a funding request to sponsor a table of eight for the Hope Community First Annual Kay Freeman Luncheon.*
- Commissioner Dailey indicated that although he will support the motion to agenda the issue; he will not be supporting the request when presented.
- *The motion carried 6-0 (Commissioner Proctor absent)*
- Requested a Resolution in support of the Department of Environmental Protection's water protection efforts.
- Requested the County to use its lobbying efforts to encourage the development a statewide comprehensive renewable energy plan.

Commissioner Dailey

- Requested that staff pursue wireless internet access at the Railroad Avenue Community Room and Tallahassee Film Society space.

Commissioner Rackleff

- Shared that the Family Tree will present the County Commission with the Leadership Award in Equality which Commissioner Rackleff will accept on the Board's behalf.

Chairman Desloge

- *Commissioner Dailey moved, duly seconded by Commissioner Desloge, to direct staff to come up with ways to work with Wakulla County on development of a contiguous trail system. The motion carried 6-0 (Commissioner Proctor absent)*
- Requested that staff work with the City in development of an anti-idling educational campaign.
- Requested that staff look into developing a policy, possibly in conjunction with local veteran organizations, for properly recognizing local military service members killed in action upon the return of their remains.
- Asked that staff work/partner with the City on its anti-litter program to provide educational sessions and to address problem of litter coming from Waste Management vehicles.

Receipt and File:

- Dove Pond Community Development District Fiscal Year 2010 Meeting Schedule

ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 8:25 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____

Bob Rackleff, Chairman
Board of County Commissioners

BY: _____

Bob Inzer, Clerk of the Court
Leon County, Florida

DRAFT