City Commission Meeting Summary - September 7, 2011

The City Commission met in regular session at 4:01p.m. in the City Hall Commission Chambers and took the following action:

Commissioner Miller was absent.

Agenda Modifications

- Item 14.1 - Resolution on National Moment of Remembrance of the 10th Anniversary of September 11th.

Presentations

**Item 1** - Presentation of Plaque to the City Commission by Veteran Events in Tallahassee, LLC. (Brought forward by the Mayor's Office)

Mayor Marks began his remarks by thanking veterans and Veteran Events for their service. Mr. Joe West, a Vietnam veteran and member of Veteran Events in Tallahassee, appeared before the Commission to present a plaque to the City, thanking the City for its support of the Veterans' Day activities. Mayor Marks accepted the plaque on behalf of the City, with thanks. Mr. West announced that 2011's Veterans Day events will include an all-day festival in the Park Avenue Chain of Parks.

**Item 2** - Presentation of Proclamation recognizing September 24, 2011 as National Public Lands Day. (Brought forward by the Mayor's Office)

Mr. Dee Crumpler, Director, Parks, Recreation & Neighborhood Affairs, accepted the Proclamation with thanks. Mr. Crumpler stated that the City operates 110 parks comprising over 4,000 acres. Mr. Crumpler thanked the staff of the Parks & Recreation department for their service and encouraged all citizens to get out and use the parks on September 24th.

**Item 3** - Presentation of Proclamation to Jennifer Lauren Berrian, Governor of Florida Girls State and President of Girls Nation. (Brought forward by the Mayor's Office)

Ms. Jennifer Berrian accepted the Proclamation, with thanks. Ms. Berrian also thanked her parents, family, and friends for their support. In addition, Ms. Berrian thanked the Leon County School Board and schools, the American Legion Auxiliary, Veterans and members of the armed forces, and Florida Representative Alan Williams, who was present in the Chambers.

Ms. Berrian is the 16-year-old daughter of Pastor Tobbie and Mrs. Sharon Berrian and was elected Governor of Girls State via the Florida American Legion Auxiliary leadership program; selected as one of two delegates to represent Florida at the American Legion Auxiliary Girls Nation; and elected President of Girls Nation on July 27, 2011, to lead 97 other young ladies representing 49 states from throughout the nation.

**Item 4** - Presentation of Proclamation recognizing the month of September as Senior Center Month. (Brought forward by the Mayor's Office)

Ms. Sheila Salyer, Tallahassee Senior Center Manager, Parks, Recreation, and Neighborhood Affairs, accepted the Proclamation with thanks. Ms. Salyer recognized other Senior Center staff and volunteers who were present in the Chambers including:

- Linda Roberts, Vice-Chair, Senior Center Foundation Board
- Joan Guilday, Chair, Senior Center Advisory Council
- Roger Owen, Councilman, Senior Center Advisory Council
- Margaret Hamilton, former Councilwoman, Senior Center Advisory Council
Gena Varn, Participant & Volunteer Coordinator, Tallahassee Senior Center

Ms. Salyer also recognized and thanked Mr. Dee Crumpler, Director, Parks, Recreation & Neighborhood Affairs.

**Item 5** - Presentation of Proclamation to the Mt. Zion Primitive Baptist Church recognizing its 96th Anniversary. (Brought forward by the Mayor’s Office)

Ms. Mable Johnson, Primitive Baptist Church, appeared in the absence of Elder Kenneth Tellis and accepted the Proclamation with thanks. Ms. Johnson thanked the Commission for recognizing both Mt. Zion and the Macon community.

Mt Zion Primitive Baptist Church was founded in 1913 in the historic Macon community by the late Mr. and Mrs. Oscar Macon on land donated by the Macons. The church, initially known as the White Primitive Baptist Church, still stands at its original location of 3116 North Meridian Road, in Tallahassee, Florida.

**Item 6** - Presentation of Proclamation recognizing the month of September, 2011 as Hunger Action Month. (Brought forward by the Mayor’s Office)

Mr. Paul Clements, Development Director, America’s Second Harvest of the Big Bend, accompanied by Mr. Brad Johnson, Aide to the Mayor, Office of the Mayor, accepted the Proclamation with thanks. Mr. Clements reminded citizens that hunger is a silent problem and that one in six individuals suffer from hunger. Mr. Clements encouraged citizens to visit the Second Harvest website, www.fightinghunger.org, for more information.

**Appearances by City Commission Appointed Boards and Committees, and other Governments**

**Item 7** - Voted 4-0 (Commissioner Miller absent) to adopt Resolution No. 11-R-27; Supporting the creation of a College Of Dental Medicine at Florida A&M University. (Brought forward by President Ammons, Florida A & M University)

President James Ammons, Florida A&M University, accompanied by Board of Trustees members Ms. Marjorie Turnbull and Dr. Spurgeon McWilliams, M.D., appeared before the Commission to request a $5 Million financial investment into the creation of the FAMU College of Dental Medicine. President Ammons thanked the Commission for its previous expression of support by adopting Resolution No. 11-R-05, on January, 26, 2011. President Ammons discussed the many advantages of having a College of Dental Medicine including becoming the largest provider of dental services to low-income patients in the Tallahassee area. Projections indicate the school would provide service to an estimated 44,000 local residents, totaling 102,000 patient visits per year. President Ammons noted that the proposed business model was similar to the models implemented by other top schools including Harvard, Boston University, and the University of Chicago.

President Ammons drew attention to the significantly-reduced per-student costs using the proposed business model, noting that it would cost $36,570 per year versus $93,000 with a traditional school model. It was estimated that the project would create 2,000 short-term construction jobs, 700 sustainable local jobs, $200 million in short-term economic activity, and $80 million in annual economic impact to the greater Tallahassee area.

In addition, 60 new faculty positions would be created, with 50 of those positions based in Tallahassee. The average annual salaries for dental faculty and dental specialists are $165,000 and $210,000, respectively; and the project is forecasted to create 235 positions with an average annual salary of $55,000 or greater. 140 of those positions will be located in Tallahassee and Leon County. President Ammons announced that the proposal would be presented to the Board of Governors on Sept. 14th & 15th and he completed his remarks by stressing the proposed school was an investment in the community that would create many high-skill, high-paying jobs.

Mayor Marks thanked President Ammons for his presentation. Commissioner Gillum thanked all those who were present in support of the initiative. Upon inquiry from Commissioner Gillum, President Ammons clarified that there were two other proposals under consideration by the Board of Governors, and that Board of Governors may approve any or all of the proposals.

Mayor Marks responded favorably to characterization of this request as an investment in the community. At the request of the Mayor, Mr. Kim Williams, Immediate Past President, Economic Development Council
(EDC), appeared and stated that the project would bring a significant number of jobs to the community, according to the report prepared by MGT of America, Inc. In Mr. Williams' assessment, he stated that there will not be another opportunity such as the dental school that would add the number of jobs - jobs focused on serving the disadvantaged and underserved populous. Mr. Williams added that it was well recognized within the Tallahassee Memorial Hospital (TMH) and EDC communities that medical teaching jobs boost the economic engine of the community.

Mayor Marks recognized the following persons who were present in the Chambers: Ms. Beth Kirkland, Executive Director, Economic Development Council, Ms. Sue Dick, President, Greater Tallahassee Chamber of Commerce, and Mr. Todd Sperry, Chairman of the Board of Directors, Greater Tallahassee Chamber of Commerce.

Commissioner Ziffer thanked President Ammons for appearing and noted that he had received several e-mails concerning this issue. Commissioner Ziffer asked President Ammons how many of the five "clinics" would be located outside of Tallahassee, and President Ammons responded that four clinics would be located elsewhere. President Ammons further clarified that the dental school and one clinic will be located in Tallahassee and will provide 130 dental chairs; and the school intends to partner with Bond Community Health Center, Inc. Commissioner Ziffer inquired about Medicaid reimbursements and asked if dental graduates were likely to have difficulties securing jobs with starting salaries high enough to pay back student loans. President Ammons responded that the school will be run like a business, stating that the school's operational costs will be funded by the Medicaid reimbursements received when students provide dental care to Medicaid-eligible patients. President Ammons noted that the school's reimbursement rate will be higher than regular dentists and also drew attention to the fact that 90% of regular private-practice dentists do not accept Medicaid patients. President Ammons stated that half of the faculty salary budget will be generated through research conducted by the faculty and also stated that incentives will be offered to encourage graduates to remain and provide dental services in underserved communities. Commissioner Ziffer characterized the project as a dental school "with a conscience" and opined that this would be a new model that other schools would follow in the future.

Commission Ziffer responded to accusations that the Commission was attempting to 'sneak' this proposal into the FY12 budget versus making a commitment to finding the requested funds in future. Commissioner Ziffer also responded to arguments that it was 'inappropriate' for the City to participate in projects such as this. Commissioner Ziffer disagreed, noting that the project would create job opportunities for the area, citing the attempt to attract the Torrey Pines bio-medical research center as an example of a similar past project.

Commissioner Ziffer completed his remarks by announcing his support of Resolution No. 11-R-27. Commissioner Mustian thanked President Ammons for bringing this proposal forward, noting that it took "guts" to bring this request forward.

Mayor Marks presented a list of past examples of community investments in which the City of Tallahassee has participated:

- Danfoss-Turbocor
  - $1.5 million in relocation incentives ($11,307 per job)
  - Created 160+ jobs earning at least $45,000 per year
  - Generates $358,000 in annual payments to the City
- AirTran
  - $3.3 million between 2002 - 2003
- Leon County Civic Center
  - $5.9 million in land & construction
- Delta Airlines
  - $487,000 in revenue guarantees
- Challenger Learning Center
  - $1.85 million in land
  - $2 million in construction costs
- Innovation Park / TallaCom (f/k/a Tadiran)
  - $1.8 million
- Commonwealth / General Dynamics
  - $1.36 million in land purchased
  - $5.3 million for development of the business park
Commissioner Mustian clarified that Resolution No. 11-R-27 is an expression of support to be presented to the Board of Governors and that the next step was to discuss funding. Commissioner Mustian concurred with Commissioner Ziffer that the State was increasingly changing its method of funding local projects. Commissioner Mustian reiterated that Tallahassee stood to gain 50 faculty positions, 144 staff positions, and 300 students and that these job figures were in ballpark of the past projects, in terms of jobs created per dollar invested. Commissioner Mustian encouraged President Ammons to continue his search for additional donors in order to reduce the City’s financial participation, noting that the City has its own budget woes. Commissioner Mustian expressed reservations about encumbering a large sum of funds, stating his preference of retaining sufficient funds to finance other EDC proposals that may be brought forward.

Commissioner Mustian moved conceptual support of moving forward with the Dental School and to adopt Resolution No. 11-R-27, and upon second by Commissioner Gillum, the vote was 4-0 in favor thereof, with Commissioner Miller absent.

Mayor Marks recognized Former Florida Representative Marjorie Turnbull and Dr. McWilliams, M.D., and Florida Representative Alan Williams, who were present in the Chambers.

**Consent**

**Items 8-14** - Voted 4-0 (Commissioner Miller absent) to approve staff’s recommendation presented on Consent Agenda Items 8 through 14 taking the following action:

- **Item 8** - Approved the budget transfer and project amendments in the amount of $82,000 in Passenger Facility Charge (PFC) funds from the South Apron Expansion Project (COT Project No. 08119) to the Airport Terminal Rehabilitation Phase II - Water Intrusion Improvements Project (COT Project No. 0900725). (Recommended by the Aviation Department)

- **Item 9** - Authorized staff to move forward with exercising the first ten-year option to renew the sublease agreement of the C.H. Corn Hydroelectric facility with no substantive changes in the terms and conditions, and to authorize the City Manager, or her designee, to execute whatever lease extension documents are required. (Recommended by the Electric Department)

  The facility is owned by the State Board of Trustees for the Internal Improvement Trust Fund (TIITF) and is leased to the Florida Department of Environmental Protection (f/k/a the Department of Natural Resources (DNR)) and subleased to the City. The original term will expire on October 1, 2012. The Corn operations are governed by an operating license issued by the Federal Energy Regulatory Commission, which has a 40 year term. In order to continue operations of the facility until the end of the FERC license, the City will need to exercise the first of the renewal options.

- **Item 10** - Authorized the acceptance and appropriation of the U.S. Environmental Protection Agency (EPA) Brownfields Revolving Loan Fund grant in the amount of $1,000,000 and authorized the City Manager to execute the Grant Acceptance Contract and approve the program procedures, which will include loan signature levels. (Recommended by Environmental Policy & Energy Resources)

  Acceptance of the EPA Brownfields grants in the amount of $1,000,000 will allow the City to provide loans and sub-grants to support cleanup activities for sites contaminated with hazardous substances and petroleum. A 20% cost share for the grant is required, and can be met through project implementation, loan fees, and allowable in-kind services.

- **Item 11** - Approved the reallocation of $75,000 to the Trauma Center, contingent upon approval of the budget on September 21, 2011, to be used as matching funds for the TMH Low Income Pool (LIP) program, and approve the Letter of Agreement (Attachment #1). (Recommended by the Department of Management & Administration)

- **Item 12** - Approved and authorized the City Manager, or her designee, to execute an amendment to the Florida Agricultural & Mechanical University (FAMU) Venom Express Service agreement, providing the City with an estimated $422,874 in funding for the transit system. (Recommended by StarMetro)
The proposed amendment continues the use of the monthly rate calculator, which adjusts the rate in accordance to changes in the cost of fuel. The agreement is expected to bring in an estimated $422,874 for FY2011. The estimated cost of operating the Venom Express service is $291,156.

Item 13 - Approved the Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) in the amount of $1,141,605 and authorized the execution of the JPA and adopt Resolution No. 11-R-24. The required 50% local match ($570,802.50) is met through the City of Tallahassee’s General Fund Transfer to StarMetro’s Operating Budget. (Recommended by StarMetro)

Item 14 - Authorized StarMetro to submit the Federal Transit Administration (FTA) Section 5311 grant application for federal and county operational assistance in an amount up to $282,500. Upon award, approve execution of the authorizing Resolution No. 11-R-20 and all related documents to administer said grant. (Recommended by StarMetro)

If approved by the FTA, this grant will provide up to $282,500 in revenue to the FY 2012 StarMetro CTC Operating Budget. Actual amounts will be determined by FDOT when all applications are submitted and distributions of appropriations are made. Service will be provided based on actual funds received and City funds will not be used to supplement these services.

City Commission

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

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

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

Introduction of Ordinances

Item 15 - Introduced Ordinance No. 11-O-17; Proposed Amendment to the Land Development Code to Modify Site Plan Review Thresholds, and scheduled the first and only public hearing for September 21, 2011.

City Attorney English read the title of Ordinance No. 11-O-17 into the record as presented.

Item 16 - Introduced Ordinance No. 11-O-23; Modifications to Chapter 5-54 (Natural Features Inventory Process) of the Tallahassee Land Development Code, and set the first and only public hearing date for September 21, 2011.

City Attorney English read the title of Ordinance No. 11-O-23 into the record as presented.

Item 17 - Introduced Ordinance No. 11-O-28; Adopting the Annual Capital Improvements Element Update in the Comprehensive Plan, and set the first and only public hearing date for September 21, 2011.

City Attorney English read the title of Ordinance No. 11-O-28 into the record as presented.

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

Policy Formation and Direction

Item 19 (taken out of order) - Voted 4-0 (Commissioner Miller absent) to authorize the receipt of a bronze sculpture from the Tallahassee Firefighter Memorial Foundation (TFFMF). (Option 1 as recommended by the Fire Department)
City Manager Favors stated that the artwork was sculpted by the students of Professor John E. Raulerson, Florida State University (FSU) College of Visual Arts, and that the work was commissioned by Fire Lt. Judi Davison, having a value of $15,000.

The artwork is a commemorative piece dedicated to the past, present and future firefighters of the Tallahassee Fire Department.

Chief Cindy Dick, Tallahassee Fire Department, appeared before the Commission in support of the request. Chief Dick also invited the public to attend a remembrance ceremony honoring the victims of the September 11, 2001 terrorist attacks. The ceremony is scheduled to occur at 8:48 a.m. on Sunday, September 11, 2011 on the steps of Capitol building.

**Item 18** - Voted 4-0 (Commissioner Miller absent) to accept the Staff Report concerning the Community Planning Act, Laws of Florida 2011-139 [formerly HB 7207]. (Brought forward by the Planning Department)

Ms. Cherie Horne, Manager, Special Project Planning, Planning Department, advised the Commission of the many changes to the Community Planning Act. Ms. Horne noted that the changes will be implemented over several months. The macro issue was the disbandment of the Florida Department of Community Affairs (DCA), which removed State oversight. It was noted that local government would now have more accountability and greater fiscal responsibility.

Ms. Horne introduced Ms. Susan Poplin, Planner, Planning Department, who conducted a presentation. Ms. Poplin is a former employee of the now-disbanded DCA whose former duties included implementing planning regulations at the State level. Ms. Poplin completed her presentation and requested Commission acceptance of the staff report.

Commissioner Gillum inquired if House Bill 7202 had been legally challenged and Ms. Poplin replied that the City of Yankeetown challenged portions of the bill related to the specificity of term "state resource".

The Commission recessed at 5:33 p.m. and reconvened at 6:00 p.m. to conduct the scheduled public hearing.

**Public Hearings**

**Item 20** - First of Two Public Hearings and Adoption of Tentative Millage Rate and Fiscal Year 2012 Budget for the City of Tallahassee and Downtown Improvement Authority (Recommended by the Department of Management & Administration)

Mr. Raoul Lavin, Director, Department of Management & Administration, briefed the Commission on the proposed balanced budget. Mr. Lavin stated that new State revenue projections were received and the projections decreased by $400,000 in revenue sharing and that the Property Appraiser's tax roll projections decreased by $70,000. In light of these anticipated reductions in revenue, staff made several expenditure adjustments. Mr. Lavin also noted that staff utilized more up-to-date personnel data, yielding an additional $400,000 in savings. Mr. Lavin stated that the proposed Cost of Living Adjustment (COLA) was modified from the original 2% across-the-board recommendation and was spilt into two 1% increases to be phased in 6 months apart.

Mr. Lavin noted that the sale of the former City utility payment drive-through facility had been delayed and was not expected to close until FY13. As a result, the FY12 planned transfer to the Deficiencies Fund was reduced to $352,000.

Mr. Lavin completed his presentation by summarizing that the General Fund was reduced by $1.6 million and the overall City budget was reduced by $14.5 million.

City Attorney English conducted the statutory public hearings, in accordance with Ch. 200.065, F.S., including the following 11 specific steps:

1. Read into the record the Truth in Millage (TRIM) statement, publicly announcing the tentative millage rate of 3.700 mills for the City of Tallahassee and 1.000 for the Downtown Improvement Authority (DIA).
City Attorney English read in millage rates into the record.

2. Allowed public input on the City's proposed Millage rate:

There were no speakers on this item.

3. Allowed public input on the City's proposed budget:

The following persons appeared before the Commission:

Jennifer Ripley, 1304 South Magnolia Street, filed a speaker appearance form, but was not present in the Chambers when called to speak. Ms. Ripley's form indicated she was an advocate for funding the Mental Health Court.

The Honorable Nancy Daniels, Leon County Public Defender, Leon County Courthouse, appeared before the Commission to advocate for funding for the Mental Health Court. Public Defender Daniels noted that the existing funding grant for the Mental Health Court will expire on September 30th and will not be renewed. Public Defender Daniels noted that the 3-year programs served 1,700 clients and had been a widely successful program. Public Defender Daniels requested $30,000 for a contingency fund to provide psychiatric medication, transportation services, and temporary housing assistance to mentally ill defendants released from jail. Public Defender Daniels opined that the amount requested was reasonable, noting that many defendants are City residents who, when released, would likely be homeless, hang out within the City, and therefore affect the quality of life. Public Defender Daniels disclosed that the County was also being asked to appropriate funding, but that the County would not likely be able to provide the full $250,000 requested.

John Hedrick, 1551 Cristobal Drive, Apt #1, appeared before the Commission to advocate for funding for the Mental Health Court. Mr. Hedrick opined that allocating funding was an investment in the City's "human capital". Mr. Hedrick also brought attention to a recent National Public Radio story on Miami-Dade county's mental health issues. The NPR story indicated that Miami-Dade had expended $13.4 million in response to 97 persons who had mental health issues. Mr. Hedrick opined that the potential savings of operating a Mental Health Court could be used for other beneficial public projects, such as funding the FAMU Dental College of Medicine.

Curtis Baynes, 1323 East Tennessee Street, appeared before the Commission to thank the Commission for practicing fiscal control over the budget by not raising the MILLAGE rate or taxes, citing his forecast that the economy would continue to decline over the rest of the current decade. Mr. Baynes also commended the Commission for not increasing utility rates and for using utility reserve funds to accomplish this. Mr. Baynes reiterated previous concerns related to residents in the unincorporated area paying a surcharge for their utilities. Mr. Baynes also voiced concerns with fire service spending in the corporate limits, noting that the budgeted costs amounted to nearly $1,000 per person. Mr. Baynes completed his comments by voicing support for the proposed millage rate.

Dr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission and thanked the Commission for the opportunity to speak, noting that many people in other countries are not permitted such opportunities. Dr. Jackson noted that it was nice to speak to the public and that only when the public is knowledgeable can changes be sought. Dr. Jackson displayed a bumper sticker he acquired immediately before the Commission meeting that read "Crime Pays? Ask our Mayor. Question Authority" Dr. Jackson noted he was not responsible for its creation and that the sticker proves people are listening and people care. Dr. Jackson stated his dissatisfaction for the approval of Item No. 7, the FAMU dental school item, noting that Commissioner Mustian commented that the City had not available funds, yet the Commission agreed to find $5 million for the proposed school. Dr. Jackson pointed out that the Commission didn't offer a lesser amount of $2.5 million and make a corresponding $2.5 million reduction elsewhere in the budget. Dr. Jackson opined that the City was still borrowing, from the Utilities,
and alleged that the City planned to raise both taxes and utility rates after the
next election to pay for the alleged borrowing. Dr. Jackson opined that while every
program likely merits funding, the City needed to establish priorities.

Michael Rosenthal, 4045 Kilmartin Drive, appeared before the Commission as an
opponent to the proposed budget. Mr. Rosenthal recommended that the
Commission roll back the millage rate to 3.2115 mills and make budget cuts to
balance the budget. Mr. Rosenthal noted that the Property Appraiser's increase of
property values would result in increased taxes. Mr. Rosenthal voiced his
opposition to pay increases for municipal employees, opining that raises were
"unconscionable", given that the public is suffering and State employees have not
had pay increases in years. Mr. Rosenthal characterized the proposed municipal
pay increases as "blatant irresponsibility." Mr. Rosenthal implored the Commission
to abandon the current defined benefit pension system and transition to an
investment fund, 401K style plan. Mr. Rosenthal believe an investment plan
retirement system would prevent "mass firings" if the pension fund became
insolvent. Mr. Rosenthal advocated for the creation of a Citizen's Advisory Board
to reduce government spending. Mr. Rosenthal asked Commissioner Mustian what
he thought; and Commissioner Mustian declined to respond, noting the public
hearing was for citizens to provide their comments.

Ray McCallister, 1894 Buford Boulevard, appeared before the Commission as an
opponent to the budget process. Mr. McCallister stated that he read the tentative
budget released in June in its entirety and watched the budget workshops on TV.
Mr. McCallister characterized the budget document as "disappointing" and
"confusing". Mr. McCallister further opined that the Commissioners' comments
from the earlier budget workshops had not been implemented and that all of the
recent budget changes were ministerial in nature and had been accomplished by
reducing the transfer to the Deficiencies Fund and by phasing in the proposed pay
increases. Mr. McCallister voiced his opposition to the proposed 2% pay increase.
Mr. McCallister stated that, by his estimate, a 2% pay increase would equate to $2
million if you include the cost of employee benefits. Mr. McCallister completed his
comments by stating his agreement with Commissioner Mustian regarding the
budgets for the out-years and the need to hold off on expenditures until those
years approach.

Suzanne Hancock, 1525 Chuli Nene, appeared before the Commission as an
advocate for funding for Mental Health Court. Ms. Hancock stated her belief that
the City Commission is only focused on businesses and neighborhoods and that
funding the Mental Health Court would assist businesses and the appearance of
neighborhoods because mental health suffers disrupt the daily flow of business.
Ms. Hancock provided the Solid Waste Ordinance as an example, opining that
persons with untreated mental illnesses would riffle through garbage cans, making
neighborhoods less attractive. Ms. Hancock disclosed that she previously suffered
from untreated mental health issues and 13 years ago, she was incarcerated. Ms.
Hancock drew attention to the fact that the lack of a mental health court at that
time resulted in her confinement for 3 times longer than if she had been found
guilty and that she was not afforded a competency review.

Karen L. Jackson, 3517 Chatealaine Court, appeared before the Commission as a
proponent for funding the Mental Health Court. Ms. Jackson stated that she had
been through the justice system before the creation of the Mental Health Court
and, as a result of her experience, became disenfranchised and that her marriage,
Doctoral studies, and career suffered. Ms. Jackson stated that she was
incarcerated for 122 days for her first offense on a bondable, fist-time
misdemeanor offense. Ms. Jackson alleged she was deprived of medication and
medical treatment during her confinement. Ms. Jackson opined that it took a long
time to be restored to the community and that the community paid high costs
while she was a ward of the state.

Mr. Larry Hendricks, 406 Alpha Avenue, appeared before the Commission as a
proponent for funding the Mental Health Court. Mr. Hendricks stated his belief that
mental health issues affect a large percentage of families in the communities and
that a Mental Health Court would alleviate strain on families, the court system, and the community in general. Mr. Hendricks opined that the City spends lots of money and could find funds to support the Mental Health Court program. Mr. Hendricks completed his remarks by reiterating his support for the creation and funding of a summer swimming program; stating that kids need to learn how to swim and that Florida is a swimming state.

4. Allowed public input on the DIA's proposed millage rate:

   There were no speakers on this item.

5. Allowed public input on the DIA's proposed budget rate:

   There were no speakers on this item.

6. Approved adjustments to the City's budget as recommended in the item.

   By consensus, the Commission approved the adjustments.

7. Voted 4-0 (Commissioner Miller absent) to approve the City's Tentative Millage Rate of 3.7000 mills and adopt Resolution No. 11-R-23.

8. Voted 4-0 (Commissioner Miller absent) to approve the City's Tentative Budget, as amended.

   Commissioner Gillum expressed interest in amending the budget before the adoption of the final budget. Commissioner Gillum responded to previous public comment regarding the health of the City's pension system. Commissioner Gillum commented that the City pension system was over 100% funded and that the City has done a superb job in managing its pension compared to comparable Florida governments. Commissioner Gillum noted that other Florida governments are paying for their poor past choices, but that Tallahassee is not in that situation.

   Commissioner Gillum reiterated that approval of the FAMU dental school resolution did not specify a funding source and that a number of funding ideas would need to be evaluated and that, in the long run, the project would likely be funded over period of time versus all at once. Commissioner Gillum agreed that the project would be an investment.

   Commissioner Gillum thanked the Honorable Nancy Daniels for appearing.

   Commissioner Gillum expressed agreement with need to fund Mental Health Court, citing the high costs of having no alternative to adjudicating offenders. Commissioner Gillum suggested that the Commission find funding in the requested amount of $30,000 and stated that he would, within one week, communicate to the City Manager, his recommendations for $30,000 in cuts to the proposed budget to offset an appropriation to the Mental Health Court.

   Commissioner Ziffer stated that four citizens have brought the mental health court issue to his attention and he concurred the City should try to find the requested funding to support the Mental Health Court. Commissioner Ziffer noted that Leon County may also try to find funding.

   Commissioner Mustian proposed a different approach to addressing the forecasted budget woes in the out-years by adjusting the FY12 budget. Commissioner Mustian suggested that the Commission should locate $1.5 million in cuts this year - to apply toward the FY13 projected deficit. Commissioner Mustian opined that there were two ways to do this: (1) Inventory, market, and sell unneeded City property. If after 6 months this approach did not produce results, the Commission should (2) consider employee furloughs or similar measures. Commissioner Gillum inquired if any long-term structural changes to pension system would apply towards the $1.5 million goal and Commissioner Mustian responded in the affirmative - provided that the saving occurred in the 2012 fiscal year.

For the benefit of the public and responding to comments made by public speakers, Mayor Marks asked Treasurer-Clerk Cooke if the overfunded amount in
the pension system could be utilized to pay other expenses. Treasurer-Clerk Cooke responded in the negative.

Commissioner Mustian opined that the City must continue to fund the Deficiencies Fund while also selling off unneeded City property and that the government could not rely solely on land sales to rebuild the Deficiencies Fund balance. Commissioner Ziffer offered support of this recommendation, but suggested that a report be submitted in 3 months to inform the Commission of the progress towards meeting the $1.5 million goal.

The Commissioner voted 4-0 (Commissioner Miller absent) to set a goal of $1.5 million in FY12 revenues and/or budget reductions by identifying and selling surplus City property or by implementing employee furloughs or other expenditure reductions, and to request a status report be submitted to the Commission in 90 days.

The Commission then voted 4-0 (Commissioner Miller absent) to approve the City's Tentative Budget, as amended.

9. Voted 4-0 (Commissioner Miller absent) to approve the DIA's Tentative Millage Rate of 1.000 mill and adopt Resolution No. 11-R-23.

10. Voted 4-0 (Commissioner Miller absent) to approve the DIA's Tentative Budget.

11. Introduced Appropriation Ordinance No. 11-O-29.

City Attorney English read the title of Ordinance No. 11-O-29 into the record as presented.

By consensus, the Commission introduced said ordinance and set the second and final public hearing for September 21, 2011.

**Target Issue Updates**

- Long Range Planning (presented by Commissioner Mustian)
  - Revisions to the Sign Code
    - Billboards & Electronic Reader Boards
    - Bus Shelter Advertising
    - Kleman Plaza Signage
    - Planning Commission Hearing Oct 4th
  - Ordinance enforcing No Solicitation / No Advertising signs on Residences
  - Yard/Garage Sales Regulations
  - Outdoor Amplification Ordinance
    - Use of electronic measuring devices to accurately measure noise
  - Sense of Place Status Report
    - Midtown / South Monroe Street / Market Square
- Economic Development (presented by Mayor Marks)
  - ITER Project
    - Loan to Flightline repaid
    - FSU's High Performance Magnetics (HPM) Facility
  - Targeted Business Industries for Leon County
  - EDC Recruitment Efforts of Target Industries
    - QTI Program
  - FSU Campus Development
  - "College Town" Project Update

**Unagendaded Business/Speakers**

The following persons appeared before the Commission:
Dr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission regarding a recent public records request for documents related to the firm KMR. Dr. Jackson submitted a copy of a letter to the Treasurer-Clerk that he received from Attorney Barry Richard of Greenberg Traurig, with a request that the letter be added to the public record. Dr. Jackson characterized the letter as a threat from Mayor Marks to sue Dr. Jackson, if Dr. Jackson "goes public" with information concerning the law firm KMR Consultants, LLC or if he contacted the FBI, the Florida Bar, or the Florida Ethics Commission. Dr. Jackson stated that he wanted to respond publicly to what he characterized as a threat and intimidation tactic originating from the Mayor. Dr. Jackson informed the Mayor that the Mayor did not have the financial means to buy his silence. Dr. Jackson stated that he was informed that transmitting such a letter was a violation of Federal law. Dr. Jackson challenged the Mayor to sue him, noting his belief that the facts of the matter would protect him (Dr. Jackson) and 'destroy' Mayor Marks. Dr. Jackson publicly admitted that he is a participant in several investigations into a criminal enterprise; investigations that were initiated after comments he (Dr. Jackson) made at previous Commission meetings. Dr. Jackson stated that Mayor Marks represented himself as the Executive President of KMR Consultants for the past 8 years and that only after his public records request was submitted did KMR remove Mayor Marks' photo and biography from its website. Dr. Jackson named Republic Parking, AJAX, MGT of America, Reynolds Smith & Hill, and the City of Tallahassee as clients of KMR. Dr. Jackson stated if the City was paying KMR, the City Manager should call the FBI and the contractors should inform the FBI of their relationships with KMR and Mayor Marks. Dr. Jackson concluded his comments by stating that Mayor Marks should resign.

Mr. Bob Ippolito, President, Killearn Homes Association, accompanied by Mr. Brad Trotman, Executive Director, Killearn Homes Association, appeared before the Commission as representatives of the Killearn Estates neighborhood. Mr. Ippolito presented several photographs of recently-completed storm water improvements constructed by the City Underground Utilities department in the Killearn Estates neighborhood. Mr. Ippolito voiced dissatisfaction that the Bay Shore Drive ditch project stopped 100 feet short of extending the storm water canal all the way to Timber Lake. Mr. Ippolito noted that the City informed the homeowner association that the lake and canal was property of the homeowner association and therefore, the City was not responsible for the uncompleted portion of the stormwater canal. Mr. Ippolito expressed dissatisfaction with this determination and that the 12,000 Killearn residents would appreciate their elected officials for taking responsibility for this stormwater matter.

Commissioner Ziffer inquired if the problem was due to increased velocity of the water, and Mr. Ippolito responded in the affirmative. City Manager Thompson requested Mr. Ippolito to provide his contact information to Mr. Mike Tadros, Director, Underground Utilities.

At the completion of Mr. Ippolito’s comments, Mr. Brad Trotman advised the Commission that he would not need to address the Commission.

Charles Stratton, 215 South Monroe Street, Suite #408, appeared before the Commission and noted that he was an attorney who represents property owners and tenants in eminent domain cases throughout the state of Florida. Mr. Stratton also stated that he was a taxpayer whose taxes funded Leon County, City of Tallahassee, and Blueprint2000 projects. Mr. Stratton voiced concerns with revisions to Blueprint2000's "Relocation Policy", which he felt was revised specifically for the FAMU Way revitalization project. Mr. Stratton stated that the new policy violated the requirements of Federal and Florida DOT requirements and therefore was placing the City at risk from receiving Federal funding for the FAMU Way project, or any other project in which the current Relocation Policy was utilized. Mr. Stratton requested the revised policy be reexamined.

Curtis Baynes, 1323 East Tennessee Street, responded to President Ammons' presentation by presenting several questions to the Commission. Mr. Baynes asked if there were any demand statistics that prove a dental school is needed. Mr. Baynes also inquired about the total financing of the project, not just the City's contribution. Mr. Baynes reiterated statements made at prior meetings concerning setting priorities on enforcement actions of violations of the new Solid Waste Ordinance. Mr. Baynes supported the prioritization of issuing citations based on safety issues caused by the containers being left out versus the simple blanket citation of all
violations. Mr. Baynes completed his comments by thanking the Solid Waste Department for cleaning up the trash pile reported during the previous Commission meeting.

Mr. Michael Rosenthal, 4045 Kilmartin Drive, appeared before the Commission as an opponent to the proposed budget. Mr. Rosenthal voiced his dislike of the City's pension system and the current financial status of the pension system. Mr. Rosenthal disagreed that the pension system was "fully funded" and the Police and Fire plans were currently underfunded. Mr. Rosenthal requested that the City Attorney and City Treasurer-Clerk respond to several questions but he was reminded that the Unagendered Business section of the meeting agenda was for citizen's comments.

Mr. Larry Hendricks, 406 Alpha Avenue, appeared before the Commission as a proponent for funding the Mental Health Court. Mr. Hendricks stated that he wished to clarify a point he feared the City Commission may have missed. Mr. Hendricks noted that $30,000 would do little to support the Mental Health Court when the original budget was $250,000. Mr. Hendricks requested that the Commission give serious consideration to funding the Mental Health Court, opining that the City was spending money on other unessential items, such as the Gaines Street project or the Joint Dispatch facility.

Ms. Kathy Hunt, 2240 Wednesday Street, Apt. #1, appeared before the Commission as a proponent for funding the Mental Health Court. Ms. Hunt advised that she left her home at 5 p.m. in order to arrive at City Hall by 6 p.m., via StarMetro. Ms. Hunt voiced her dissatisfaction that she did not arrive until 6:45 p.m. Frustrated with the new Nova2010 transit system, she proposed that all City Commissioners should ride the City bus for an entire week, weekends included, to experience firsthand the difficulties everyday riders face. Ms. Hunt voiced her support for funding for the Mental Health Court and noted that she formerly appeared before the Court due to a misdemeanor violation. Due to the Court's representation, her probation fee of $30 per month was waived, which was critical on her $670/month disability income.

Mr. Curtis Richardson, Former Florida Representative and President of the Tuskegee Neighborhood Association, 533 Tuskegee Street, appeared before the Commission to express anger and dissatisfaction with the return of the Broadband Technologies Opportunity Program (BTOP) grant. The grant would have provided broadband Internet access to underprivileged youth in the Apalachee Ridge and south side neighborhoods. Mr. Richardson cited numerous baseless and frivolous complaints filed against the Mayor as the main cause of the grant's return. Mr. Richardson stated that children and disadvantaged families are being deprived of broadband resources and noted that it was sad that individuals' personal and political vendettas against elected officials caused the loss of the grant. Mr. Richardson challenged those persons behind the complaints to pledge their own personal financial resources to replace the lost grant funding, or find other grants to replace the lost funding.

Mr. Don Dillard, 4737 Plantation View Drive, appeared before the Commission as an opponent to Item No. 7 relating to the FAMU Dental School proposal. Mr. Dillard advised that he was unable to be present earlier to hear President Ammons' presentation and asked if a $5 million loan had been made to the University. Mr. Dillard voiced concerns that the dental school should be State-funded, not City-funded; and that municipal taxpayers were subsidizing a State school. Mr. Dillard expressed concern that potential residents would not want to relocate to Tallahassee if they were aware their taxes would be used to repay a loan to FAMU. In addition, Mr. Dillard stated his opposition to any loan to FAMU and expressed that local citizens did not want to pay to fund a state school.

Sharing of Ideas

City Attorney English asked the Commission to confirm that approval of Resolution No. 11-R-27 was included in the vote taken on Item No. 7 of the agenda (the FAMU dental school item). The Commission unanimously concurred.

There being no further business, the meeting adjourned at 7:28 p.m.
City Commission Meeting Summary - September 21, 2011

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

**Agenda Modifications**

There were no modifications

- At the request of Commissioner Ziffer, Item No. 12 related to the Public Safety Communications Center (Joint Dispatch) was deferred.

**Presentations**

**Item 1** - Presentation by Ms. Annie Harris, President, Carolina Oaks Neighborhood Association, regarding the Frenchtown Heritage Festival. (Brought forward by Carolina Oaks)

Ms. Harris conducted a presentation and submitted a copy of their Association newsletter to the Commission.

**Item 2** - Presentation of Awards Received at Florida Public Relations Association (FPRA) and 3CMA Conferences. (Brought forward by the Mayor's Office)

The City of Tallahassee, the City Commission and City staff have been recognized over the past month at the state and national level for their commitment to citizen involvement and outreach. Ms. Amanda Fliger, President, Florida Public Relations Association Capital Chapter, presented the recently-received awards to the Commission. The awards include:

At the Florida Public Relations Association conference, the City of Tallahassee received 12 awards including:

- The Dick Pope All Florida Grand Image Award for the "Ready, Set, Stop!" Red Light Camera Safety Program awareness campaign
- The top video award for the Red Light Camera public service announcement.

At the nationwide City, County, Communications and Marketing Association (3CMA) Conference, the City of Tallahassee received 9 awards and tied itself for the following 1st place awards:

- The Reaching for the Stars Campaign wherein the Animal Shelter won the ASPCA's Community Engagement Award, netting $25,000 for its operations.
- Red Light Camera Safety Program
- The City also received an award for the Gaines Street "Flash Mob" dance video.

Ms. Michelle Bono, Assistant to the City Manager, thanked the Communications Department staff for their efforts in achieving said awards.

**Item 3** - Presentation of Proclamation recognizing the month of September, 2011 as Emergency Preparedness Month in the City of Tallahassee. (Brought forward by the Mayor's Office)

Mr. Robby Powers, Emergency Management Coordinator, Emergency Management, accompanied by Fire Chief Cindy Dick and Police Chief Dennis Jones, accepted the proclamation with thanks. Mr. Powers reminded citizens to be ready, and be prepared. Citizens were also reminded of the "See Something, Say Something, Do Something" campaign aimed at encouraging citizens to report suspicious activities to law enforcement and to "do something" by volunteering in the community.
Commissioner Gillum recognized Chiefs Dick and Jones for the ceremony recognizing the 10th anniversary of the September 11, 2011 terrorist attacks. Commissioner Gillum noted that the remembrance was a respectful, moving ceremony.

Consent

Items 4 - 8 - Voted 5-0 to approve staff's recommendation presented on Consent Agenda Items 4 through 8 taking the following action:

Item 4 - Appointed Ms. Karen Anne Stanford and Ms. Pamella Jane Butler to the Audit Advisory Committee; terms to expire June, 2013 and June, 2014, respectively. (Recommended by the Mayor's Office)

Ms. Stanford replaces Mr. James Murdagh who recently resigned. Ms. Stanford is the retired Director of Research and Planning for the Florida Department of Financial Services, and a former university instructor who taught public administration.


Item 5 - Appointed Mr. Carl Monson to the Sinking Fund Commission; term to expire in June, 2014. Mr. Monson replaces Mr. Tom Harrison whose term expired in June, 2011. (Recommended by the Mayor's Office)

Mr. Monson is a Senior Partner with Strategic Wealth Management Advisors, Inc.

Item 6 - Approved the Second Amended Bylaws for Tallahassee Memorial HealthCare, Inc. (TMH) and confirmed the election of Mr. Avery D. McKnight, Esq., Dr. Gary Winchester, M.D., and Dr. Christopher Rumana, M.D., to the TMH Board of Directors. (Recommended by the City Attorney)

The Bylaws were amended to raise the maximum number of Directors who may serve on the Board from 18 to 20; and modified the composition of the Compensation Committee, changing membership from the four (4) elected officers of the Board to at least three (3) members appointed by the Board Chair.

Item 7 - Authorized the City Manager to sign the Agreement with the State of Florida, Department of Financial Services (2010 State Homeland Security Grant Program (SHSGP)), in the amount of $309,874, enabling staff to expend the grant monies as allocated in this agenda item. (Recommended by the Fire Department)

This agreement will provide continued funding for the Hazardous Materials (Hazmat) and Urban Search and Rescue (USAR) special operations teams and the Mutual Aid Radio Communications (MARC) unit through March 30, 2013. No expenditures are required on behalf of the City and no matching funds are necessary.

The funds will be allocated as follows:

$163,659 for training, sustainment and procurement of equipment for the Hazmat Team;

$117,104 for training, sustainment and procurement of equipment for the USAR Team; and

$29,111 for maintenance and procurement of equipment for the MARC unit.

Item 8 - Approved the minutes of the January 26, 2011 Regular Meeting. (Recommended by the Treasurer-Clerk)

Policy Formation and Direction
**Item 9** - Voted 5-0 to approve the Final Concept Report and direct staff to proceed with associated recommendations including Land Classifications, Disposition of the Property, Public Input, Funding and Soliciting Private Interest in the development of the Electric Building Project. (Brought forward by the City Manager’s Office)

Mr. Jay Townsend, Assistant City Manager, thanked the following City staff for their parts including the following:

- Ms. Cherie Horne, Planning Department
- Ms. Eve Williams, Facilities Management
- Mr. Mark Beaudoin, Real Estate Division
- Mr. Russell Snyder, Planning Department
- Ms. Roxanne Manning, Planning Department
- Ms. Karen Jumonville, Growth Management Department
- Ms. Hetal Desai, Office of the City Attorney
- Ms. Arlecia Harris, Facilities Management

Mr. Jay Townsend introduced Ms. Roxanne Manning, Interim Manager, Planning Department. Ms. Manning conducted the presentation and answered the Commission’s questions relative to the item.

The Commission approved the following actions related to the reuse of the Old Electric Building:

- Continue with the rezoning and historical designation of the project site to prepare the property for redevelopment in the future;
- Agree to lease vs. sell the property;
- Direct staff to utilize a Request for Proposal approach and targeted marketing program to pursue the recommended preferred alternative (a restaurant with ancillary uses) to discern the level of private interest in the project,
- Begin a public outreach process to identify stakeholders, share the recommended reuse of the building with adjacent neighborhoods, and to obtain applicable feedback,
- Direct staff to pursue $1,226,714 in funding for the project that includes both facility rehabilitation and leasable shell space improvements in anticipation of a request from a viable proposal with funding to be derived from the following sources:
  - CRA participation: $750,000 to $1,000,000
  - City Historical Grant: $150,000
  - State Historical Grant: $50,000

The funding was classified into two levels: Level 1 ($816,789) for remediation of the structure including the installation of new windows, and Level 2 ($449,925) for the interior build-out of the structure including HVAC and plumbing; preparing the interior for use by a lessee.

The Commission’s questions related to adequacy of parking; ability to construct other buildings in the immediate area; the opening of Cascades Park in September, 2012; the use of CRA funds; and the potential purchase of the Firestone Building.

**Item 10** - Voted 5-0 to accept the Staff Report; Update on Development Review Improvements and Customer Service Initiative (Private Sector Fast Tracking) (Brought forward by the Growth Management Department)

Ms. Karen Jumonville, Director, Growth Management, conducted the presentation and answered the Commission’s questions relative to the item.

Overall, the fast tracking program has made significant progress towards the goals of the initiative, reducing review times for Standard Environmental Permit applications and Type A Site Plans by approximately 48% and 37.5%, respectively. Review timelines for Type B Site Plans have been reduced by approximately 46%. Since the inception of this program in 2009, approximately $352,172,259 in contract funding has been released for public sector projects processed under the fast track procurement program. Streamlined processes reduced the time required to award eligible fast track project contracts by 50%.

**Item 11** - Voted 5-0 to accept the report as submitted by the ASC and officially approve the partnership
with the American Society for the Prevention of Cruelty to Animals (ASPCA). (Brought forward by Parks, Recreation & Neighborhood Affairs)

Mr. Dee Crumpler, Director, Parks, Recreation & Neighborhood Affairs, and Ms. Erika Leckington, Director, Animal Service Center, were present and conducted a presentation. Mr. Crumpler recognized personnel of the Animal Service Center who were in attendance, along with several adoptable animals.

Mr. Crumpler recognized representatives from several local volunteer groups involved with animal adoptions including:

- Ms. Sonya White, Executive Director, Leon County Humane Society
- Ms. Jeri Phipps, Be the Solution and organizer of the Best Dog in Tallahassee competition
- Ms. Laura Bevin, Regional Director of the Humane Society of the United States

Mr. Crumpler called several speakers to inform the Commission of their agencies' efforts to increase pet adoptions, educate the public, and reduce the number of euthanized animals. The speakers included:

- Ms. Kate McFall, President, Animal Service Foundation
- Mr. Ralph Demeo, Pets Ad Litem
- Ms. Joan Carlson-Radabaugh, ASPCA

At the request of Commissioner Mustian, Mayor Marks opened the floor for unagendaed speakers who wished to speak relative to this item.

The following person appeared before the Commission:

Mr. Jack Cory, 110 E. College Avenue, representing Fix Tallahassee, appeared before the Commission to advocate for a no-kill shelter. Mr. Cory voiced disagreement with statements and statistics presented by Mr. Crumpler and representatives from the local animal agencies. Mr. Cory provided the City of Austin, Texas and Manatee County, Florida as examples Tallahassee should emulate.

Commissioner Mustian reminded Mr. Cory that the City Commission, not City staff, sets policy and that he should address his concerns and grievances with the Commission.

Due to the positive reaction the community had with the ASPCA Challenge, a partnership between Leon County Humane Society, Be the Solution, Leon County Animal Control, and the ASPCA was formed. On September 15, 2011 a press conference was held with these organizations to announce and launch this community partnership. As a result of this partnership, Tallahassee is able to apply for up to $3 million in grant funds from the ASPCA. These funds will be used to support and develop yet to be determined programs that will target the reduction of euthanasia rates with the overall goal of saving more animals.

**Item 12** - Amendment to the Memorandum of Agreement (City Contract No. 999155; dated December 13, 2006) between the City of Tallahassee, Leon County and the Leon County Sheriff, formally agreeing to the creation of a joint Public Safety Communications Center (Joint Dispatch Center). By consensus of the Commission, the item was continued. (Brought forward by the Police Department)

At the beginning of the meeting, Commissioner Ziffer requested that the item be removed from the agenda and deferred to a later date.

**Item 13** - Voted 5-0 to authorize the City Manager to execute an amendment to the Option Agreement (City Contract No. 998707) to extend the term of the agreement to May 30, 2012, and to include language that allows the City to terminate the agreement with 30-days' notice if ArtSpace has not submitted a low-income tax credit application which meets the application threshold requirements in the next available application cycle. (Brought forward by the Department of Economic & Community Development)

ArtSpace received a nine-month extension of the agreement to May 30, 2012. The terms of the amended agreement will also restrict the use of the City-owned property for up to 8 months, making it unavailable for other redevelopment projects. However, if ArtSpace does not secure eligibility for State low-income housing tax credits by May 30, 2012, the property will return to
the open market and the City will consider any and all offers for the redevelopment of the property.

Commissioner Mustian voiced concern that all of the properties along the Gaines Street corridor may be developed into student housing. For that reason, Commissioner Mustian voiced support of the Artspace project, although he remained skeptical that the project would be successful in obtaining the needed funding.

The Commission recessed at 5:43 p.m. and reconvened at 6:04 p.m. to conduct the scheduled public hearings with all of the Commissioners present.

Public Hearings

Item 14 - Second and Final Public Hearings and Adoption of Tentative Millage Rate and Fiscal Year 2012 Budget for the City of Tallahassee and Downtown Improvement Authority (Recommended by the Department of Management & Administration)

Mr. Raoul Lavin, Director, Department of Management & Administration, briefed the Commission on the proposed balanced budget.

City Attorney English conducted the statutory public hearings, in accordance with Ch. 200.065, F.S., including the following 11 specific steps:

1. Read into the record the Truth in Millage (TRIM) statement, publicly announcing the tentative millage rate of 3.700 mills for the City of Tallahassee and 1.000 for the Downtown Improvement Authority (DIA).

City Attorney English read in millage rates into the record. Resolution No. 11-R-23 is provided to state the percentage that the tentative millage rate is below the rolled-back rate.

2. Allowed public input on the City's tentative Millage rate:

There were no speakers on this item.

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

The following persons appeared before the Commission:

- Dr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission to advocate for a 15% decrease in senior management salaries, the abolishment of deferred compensation, and the elimination of car allowances. Dr. Jackson noted these steps would demonstrate to the public that the Commission understands the public's current financial situation. Dr. Jackson informed the Commission that he has retained the services of an honest, high-integrity, well-known local law firm to create a stringent ethics policy; opining that an independently-written policy is needed. Dr. Jackson stated his opposition to a City-written policy, noting that those who write the policy will also be governed by such a policy. Dr. Jackson completed his comments by advising the Commission he would present his policy within three to four weeks.

- Ms. Peggy Brady, 3011 Brandemere Drive, Executive Director of the Council on Culture & Arts (COCA), appeared before the Commission to advocate for budget appropriation to fund the arts sector. Ms. Brady noted that funding was justified given the results of surveys conducted during the budget Town Hall meetings held earlier in the year. The specific arts education programs are conducted by the LeMoyne Center for the Visual Arts and the Goodwood Museum.

- Mr. Joe Schreiber, 556 Beverly Court, appeared before the Commission to express concern regarding the proposed employee pay increases. Mr. Schreiber stated that some employees were laid off last year. Mr. Schreiber suggested that the funds allocated for pay increases be used instead to prevent future layoffs. Mr. Schreiber indicated he was not in favor of pay increases if other employees would be laid off.

- Mr. Curtis Baynes, 1323 East Tennessee Street, appeared before the Commission and acknowledged the Commission's efforts in not raising the millage rate. Mr. Baynes requested a response to his fire service fee inquiries, made during the last meeting. Mr. Baynes reiterated his prior suggestion that the Utility Advisory Committee be altered to report directly to the City Commission, versus the City Manager. Mr. Baynes requested that the parks & recreation lease agreement (City Contract No. 999525) with Leon County be terminated, as he did not support
the corresponding utility surcharges being levied against customers in the unincorporated areas.

- Mr. Michael Rosenthal, 4045 Kilmartin Drive, appeared before the Commission as an opponent to the proposed budget. Mr. Rosenthal characterized City spending as being 'out of control.' Mr. Rosenthal disagreed with the City characterization that jobs were 'eliminated', noting that the City has said the majority of these positions were vacant at the time they were deleted from the budget. Mr. Rosenthal voiced dissatisfaction with the amount of funds held in the City reserve accounts and with the proposal to provide employee pay increases during FY12. Mr. Rosenthal advocated for the elimination of the City pension plans and for the sale of the city electric utility. Mr. Rosenthal requested that the City roll back spending to the 2010 levels.

- Mr. Fred Gaske, 1600 Miccosukee Road, representing Goodwood Museum And Gardens, Inc., appeared before the Commission to advocate for $75,000 in funding for cultural arts and COCA, of which Goodwood would receive $22,000 for community-wide educational programming. Mr. Gaske provided an overview of Goodwood's efforts to reduce costs, noting the he and his predecessor have not accepted a salary. Mr. Gaske concluded his remarks by asking for the Commission's support and the approval of the requested funding.

- Ms. Colleen Castille, 3209 Adwood Drive, Volunteer President of the Board of the LeMoyne Center for the Visual Arts, appeared before the Commission to advocate for $75,000 in funding for cultural arts and COCA, of which LeMoyne would receive $18,000 for educational programming. Ms. Castille detailed LeMoyne's efforts to reduce costs. Ms. Castille thanked the Commissioners for attending past LeMoyne events.

- Mr. Carlos Ramirez, 4417 Westover Drive, appeared before the Commission to suggest that the City save money by reducing or eliminating fluoride in the drinking water; terming fluoride 'poison.' Mr. Ramirez called for the prompt return of the deferred compensation funds, stating that he couldn't understand the delay. Mr. Ramirez suggested that the City could provide food by funding the creation of community gardens.

- Ms. Chucha Barber, 4335 Bradfordville Road, representing The Brogan Museum, appeared before the Commission to advocate on behalf of the LeMoyne Center for the Visual Arts.

4. Allowed public input on the DIA's tentative millage rate:

   There were no speakers on this item.

5. Allowed public input on the DIA's tentative millage rate:

   There were no speakers on this item.

6. Voted 5-0 to approve the City's Final Millage Rate of 3.7000 mills, adopt Resolution No. 11-R-23, and publicly announced the proposed aggregate millage rate is less than the rolled back rate by 2.92%.

7. Approved adjustments to the City's tentative budget as recommended in the item including:

   - Approval of Palmer Munroe Teen Center funding in the amount of $70,000 for police overtime expenses
   - Approval of Mental Health Court funding in the amount of $30,000
   - $15,000 local match for the Economic Development Council as part of the Small Business Administration (SBA) Entrepreneurial Excellence Program
   - Approved an exception to the Capital Projects Management Policy (Policy No. CP218) for the Electric Utility Power Engineering and Transmission & Distribution divisions.
   - Continued two apprentice power plant control room operator positions at a cost of $86,662 for salaries & benefits
   - $50,000 reduction in Think About Personal Pollution (TAPP) project funding
   - Re-appropriated the current balances in four FY11 recurring projects
   - Approval of employee and city health insurance rates for FY12.
   - Approval of Airport parking lot rate increases.
   - Implementation of a lien search fee of $37.50 effective October 1, 2011.

By consensus, the Commission approved the adjustments.

Commissioner Ziffer responded to the comments made by representatives of the Arts community, relative to the request for $75,000 in funding. Commissioner Ziffer expressed support for their agencies, but stated he was not comfortable asking the Commission to
consider an appropriation this late in the budget process.

Commissioner Mustian voiced his agreement, noting that approving such a request would risk establishing a precedent for agencies to come directly to the Commission, versus following the normal process.

Commissioner Miller briefly described the different sources of revenue to the General Fund, in hopes of educating the public. It was noted that only a small portion of the General Fund originates from property taxes.

Commissioner Gillum thanked the public speakers for providing their feedback. Commissioner Gillum commented on the CHSP process, state funding, and budget cuts in general.

Mayor Marks opined that the solution to many of the budget issues related to unemployment and the key to improving the fiscal state was addressing the unemployment rate. Mayor Marks encouraged everyone to read the President's Jobs for America proposal.

Voted 5-0 to approve the City’s Final FY12 Budget, as amended.
9. Voted 5-0 to approve the DIA’s Final Millage Rate of 1.000 mill and adopted Resolution No. 11-R-23.
10. Voted 5-0 to approve the DIA’s Final FY12 Budget.

This is an increase of $10,515 over the FY11 DIA budget.
11. Voted 5-0 to adopt Appropriation Ordinance No. 11-O-29AA.

This step concluded the process of adopting the FY12 annual budget, as amended, for the City of Tallahassee and the Downtown Improvement Authority.

By separate act, the Commission voted 5-0 to ratify the final repayment of Sunshine State Governmental Financing Commission (SSGFC) loans in the amount of $4,406,144 and approved a supplemental appropriation of like amount from un-appropriated balance of the Internal Loan Pool for the Treasurer-Clerk Department.

**Item 15** - Continuation of the First and Only Public Hearing on Ordinance No. 11-O-26AA; Proposed Amendment to the Tallahassee Land Development Code, Amending Chapter 10, Section 10-165, Planned Unit Development (PUD) Zoning District Requirements and Procedures. By consensus, the item was continued to October 26, 2011. (Recommended by the Planning Department)

The proposed ordinance gives the City Commission more discretion in crafting unique zoning district development standards, signage standards and traffic engineering-related design features such as aisle, road, and sidewalk widths for Planned Unit Developments (PUDs).

Secondly, the ordinance allows PUD boundaries to extend across local streets and minor collector roadways.

**Item 16** - Voted 5-0 to adopt Ordinance No. 11-O-17AA (Recommended by the Department of Growth Management)

Ms. Karen Jumonville, Director, Growth Management, conducted the presentation and answered the Commission’s questions relative to the item.

The ordinance modifies the Type A/Type B site plan thresholds to make the vast majority of projects subject to Type A review, and makes all site plans with deviation requests Type B reviews subject to direct mail notice and signage requirements. The ordinance permits deviations to front and side-corner setbacks within the Activity Center (AC), Commercial Parkway (CP), and General Commercial (C-2) zoning districts within the Multi-Modal area to continue to be processed through the Type A site plan process for one year.

There were no speakers.

**Item 17** - Voted 5-0 to adopt Ordinance No. 11-O-23 (Recommended by the Department of Growth Management)

Ms. Karen Jumonville, Director, Growth Management, conducted the presentation and answered the Commission’s questions relative to the item.
The private sector fast tracking program identified improvements to the Natural Features Inventory (NFI) process that would result in a reduction of time, effort, and/or cost to the public during the permitting process. The ordinance creates a recertification process for existing NFIs that would reduce the amount of new data required from the development community while still ensuring the same level of environmental protection of conservation and preservation features. The ordinance provides a process for the Director, in consultation with the staff Biologist, to define the project boundary for purposes of the NFI review. The project boundary would encompass all proposed disturbed areas and all proposed mitigation areas necessary for issuance of the development order. Both changes to the NFI process would help to reduce the amount of survey work required by the applicant and reduce time in the permitting process while upholding the same level of protection of our conservation and preservation features.

There were no speakers.

**Item 18** - Voted 5-0 to adopt Ordinance No. 11-O-28; Adopting the Annual Capital Improvements Element Update in the Comprehensive Plan. (Recommended by the Planning Department)

Ms. Roxanne Manning, Interim Manager, Planning Department, was present to answer the Commission's questions, but was not called to speak.

Ordinance 11-O-28 adopts the 2011 Annual Capital Improvements Element Update to the Comprehensive Plan, which includes excerpts of the City's Five-Year Capital Improvements Program (CIP) Schedule of Capital Improvements, adopted as part of the FY12 City budget approval process. This ordinance is not, nor shall it be deemed to be, an amendment of the Comprehensive Plan.

There were no speakers.

**Unagendaed Business/Speakers**

The following persons appeared before the Commission:

Dr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission to comment on the Tallahassee Democrat article published Sunday, September 18, 2011. Dr. Jackson completed his comments by asking the Mayor to resign.

Mr. Bruce Burkhalter, 5443 Bradfordville Road, representing Med-HVAC, Inc., a mechanical contractor (City Contract Nos. 1529 and 1904) appeared before the Commission to express concern over the HVAC servicing of City facilities and stated his belief that Honeywell received two large sole-source contracts for the remediation of facilities and that, after completion of the work, said building's air quality worsened and no energy efficiencies were gained. Mr. Burkhalter alleged that even after these issues, Honeywell was paid additional monies to fix their prior work, and when these attempts failed, grant funds were spent to 'renovate' the building. Mr. Burkhalter alleged that Honeywell utilized the Public Records Law to obtain information on Med-HVAC’s repair and remedy steps and bullied his company. Mr. Burkhalter alleged that Honeywell made charitable contributions whenever mistakes or errors in workmanship were made, in order escape accountability. Mr. Burkhalter completed his comments by requesting that an independent third-party consultant be hired to investigate Honeywell’s workmanship and energy efficiency results.

Mr. Joe Schreiber, 556 Beverly Court, appeared before the Commission to request that the stormwater pipes under Lafayette Street in the vicinity of the St. Augustine Branch be dug up and replaced with larger capacity pipes to reduce flooding. In addition, Mr. Schreiber reiterated his previous suggestion that the Commission promulgate rules of conduct regulating the decorum of citizens and speakers during meetings.

Mr. Bob Fulford, 231 Westridge Drive, appeared before the Commission to voice his dissatisfaction with Mayor Mark, noting previous initiatives including ADE, the Taylor County coal plant, the Biomass plant, deferred compensation, the Honeywell contract, and reports of chromium in the drinking water. Mr. Fulford requested that the Mayor resign.

Mr. Richard Davis, 3028 Grady Road, President of the Macon School Community Association, Inc., appeared before the Commission to express dissatisfaction with 'cuts' to the budget. Mr. Davis commended Mayor Marks and City Manager Favors for their performance and leadership.
Mr. Davis stated that elected and appointed officers must have 'thick skin', noting that citizens rarely voice appreciation that the Commission has done a good job.

Ms. Anne Allen, 1517 Baum Road, appeared before the Commission carrying a sign reading "Our City Our Mayor". Ms. Allen noted that she was a county resident, but her daughter recently purchased her first home, which is located inside the City limits. Ms. Allen thanked the Commission for its performance and voiced her support for the Mayor.

Ms. Emily Meyer, 3133 Camellia Wood Circle West, appeared before the Commission to thank the Commission for its performance. Ms. Meyer stated her support for the Parks & Recreation facilities, which she frequently utilizes. Ms. Meyer noted the City was a recipient of an Award of Merit in the Grassroots Initiative category from the Florida American Planning Association for the Midtown Placemaking Action Plan. Ms. Meyer also voiced support for the Local Business Saturday initiative and for the Mayor's monthly reading list; noting that she was a former reading teacher. Ms. Meyer concluded her remarks by thanking the Commission, and specifically the Mayor, for these accomplishments.

Mr. Matthew Isbell, 982 West Brevard Street, appeared before the Commission to thank the Mayor and Commission for their actions during the tough economic times. Ms. Isbell commented on recent a Tallahassee Democrat newspaper article, noting that he did not see any evidence of wrongdoing, and to the contrary, read about a Mayor attempting to bring internet service to poor, inner-city communities. Mr. Isbell noted that many everyday resources are now internet-based, such as job applications, and that the working-poor were disadvantaged the most by the lack of access to the internet.

Ms. Rhonda Flowers, 2614 Saxon Street, a StarMetro coach operator, appeared before the Commission to request employee pay increases be the greater of (1) a percentage increase or (2) a minimum dollar amount. Ms. Flowers noted that she has been an employee for several years and has only received a $0.20 per hour increase over that time period. Ms. Flowers suggested that a way to fund these pay increases would be to enact better oversight of the use of transfer vouchers issued to certain StarMetro riders. Ms. Flowers noted that some riders were using the transfer coupons to obtain a free return trip, and not for their intended purpose of transferring to a bus traveling to a more distant destination.

Mr. Donald Axelrad, 6457 Fitz Avenue, appeared before the Commission to praise the Mayor. Mr. Axelrad noted the recent criticism of the Mayor, but opined that the city government as a whole was very good and that the Mayor has moved the City in a positive direction during his time in office. Mr. Axelrad noted that he was a former President of CONA, and that the Mayor was proactive in working to resolve nitrate problems in Wakulla Springs.

Ms. Jackie Watts, 2034 Atapha Nene, representing Watts Mechanical, Inc., a mechanical contractor (COT Contract No. 1527), appeared before the Commission to voice opposition to City contracts awarded to Honeywell. Ms. Watts stated that a Honeywell employee had boasted to a Watts Mechanical employee that Honeywell was about to take a $20,000 contract currently held by Watts Mechanical. Ms. Watts noted that her company has lost contracts for changing air filters in the power plants and working on the community centers, fire stations, city hall, and the police department. Ms. Watts voiced disagreement that the Commission was spending money locally or living up to its Local Business Saturday initiative. Ms. Watts stated her belief that Honeywell is not a "local" business and drew attention to the fact that her business is local, as she pay local taxes and her employees live and pay taxes locally. Ms. Watts concluded her remarks by urging the Commission to kick the Honeywell "monster" out of Tallahassee.

Mayor Marks requested that staff provide information on the Local Preference program to Ms. Watts. Ms. Watts responded that she already had said information and urged the Commission to compare the amount of work being awarded to Honeywell versus the other HVAC vendors; Watts Mechanical, Johnson Controls, Med-HVAC, and Keith Lawson Company, Inc (City Contract Nos. 1526 through 1529).

Mr. Michael Rosenthal, 4045 Kilmartin Drive, appeared before the Commission as a proponent of the Growth Management fast tracking program presented earlier during the meeting. Mr. Rosenthal voiced praise for Ms. Karen Jumonville, Director, Growth Management, noting efforts to improve processes without hiring additional staff. Mr. Rosenthal completed his comments by reiterating his opposition to employee pay increases, noting that many citizens do not receive
comparable raises. Commissioner Gillum responded to Mr. Rosenthal's comments.

Mr. Kenneth Thurston, 4595 Berklie Drive, appeared before the Commission to comment on several City issues. Mr. Thurston noted that he owns property in several counties and that his City taxes are second highest and that City utility rates are not competitive. Mr. Thurston stated his opposition to and commented on the now-repealed deferred compensation benefits. Mr. Thurston concluded his comments by stating that Commissioners must be independent from other activities in which they are personally involved.

Mr. Carlos Ramirez, 4417 Westover Drive, appeared before the Commission and offered comments relating to lies and honesty by quoting Hitler and making references to former U.S. President Clinton and murder of babies and the sale of their body parts. Mr. Ramirez’s comments transition to issues concerning elected officials using political positions to enrich themselves and their associates. Mr. Ramirez then noted that the number of cases of fluorosis, caused by fluoride in drinking water, has risen and that his daughter was diagnosed with this aliment. Mr. Ramirez then requested that the Commission return any deferred compensation they have received. Mr. Ramirez quoted John Rockefeller and encouraged citizens to visit www.freedomtofascism.com. Mr. Ramirez continued his remarks by commenting on mercury contained in vaccines and the relation between childhood vaccination and autism. Mr. Ramirez shifted to the September 11, 2001 terrorist attacks and encouraged citizens to visit www.ae911truth.org. Mr. Ramirez completed his remarks by stating the Federal Reserve was continuing to 'play games' and encourage everyone to visit www.ronpaul2012.com

Ms. Queen E. Bruton, 111 Lincoln Street, appeared before the Commission and voiced agreement with the previous speakers who expressed confidence in the Mayor and City Commission. Ms. Bruton stated her belief the Mayor would work to resolve any issues surrounding his prior voting record, opining that any incorrect voting was caused purely out of excitement. Ms. Bruton opined that many in her neighborhood were supportive of the Commission and the City’s efforts to improve the community.

Ms. Teri Cariota, 1158 Landings Loop, appeared before the Commission and noted she is a resident of the Piney-Z neighborhood. Ms. Cariota noted that everyone makes mistakes, but respected people own up to their mistakes and move forward. Ms. Cariota disclosed that she is the Chair of the Leon County Democratic Party, but that she was not speaking as a representative of that entity. Ms. Cariota stated that the Tallahassee Democrat, for five days straight, ran untrue articles concerning her. Ms. Cariota opined that newspapers aren't always true or factual. Ms. Cariota completed her remarks by stating there are no easy decisions, no one likes higher taxes, and thanked the Commissioner for serving.

Sharing of Ideas

Commissioner Miller stated her interest in having representatives from the various City boards and committees, and other entities, to begin making occasional scheduled appearances at Commission meetings. Commissioner Miller discussed her recent attendance to a meeting of the Planning Association, which was the reason for her absence at the September 7th meeting.

Commissioner Gillum briefly commented on the Local Preference Policy and the Local Business Saturday events.

Mayor Marks commented on the Jobs for America proposal.

There being no further business, the meeting adjourned at 8:10 p.m.
City Commission Meeting Summary - October 12, 2011

The City Commission met in regular session at 4:05 p.m. in the City Hall Commission Chambers, with Commissioners Marks, Ziffer, Gillum, and Miller present. Commissioner Mustian was absent. The following action was taken:

**Agenda Modifications**

Deleted from the Agenda:

- Item 7: Presentation by Mr. Jeffery Mason, Realistic Urban Training (RUT) Lead Planner, U.S. Special Operations Command (USSOCOM), concerning the upcoming ISO Emerald Warrior 12 RUT exercise to be conducted in the North Florida area from February 16 through March 11, 2012.

Added to the Agenda:

- Item 20.1: Introduction of Ordinance No. 11-O-35; Amending the Stormwater Utility Fee Provisions to Provide Authority and Findings. (Brought forward by the City Attorney's Office)
- Item 20.2: Introduction of Ordinance No. 11-O-40; Adopting Comprehensive Plan Amendments, Cycle 2011-1. (Brought forward by the City Attorney's Office)

**Presentations**

**Item 1** - Presentation of Proclamation recognizing the week of October 2 - 8, 2011 as the 25th annual Public Power Week. (Brought forward by the Mayor's Office)

The proclamation also recognized the Arvah B. Hopkins Generating Station, Unit 2, for being named by Power Magazine as one of the Top Six gas-fired electric power plants in the world.

Mr. Rob McGarrah, Director, Electric Department, along with staff from the Electric Department, accepted the proclamation with thanks.

**Item 2** - Presentation of Proclamation recognizing the week of October 2 - 8, 2011 as Public Natural Gas Week. (Brought forward by the Mayor's Office)

Mr. Mike Tadros, Director, Underground Utilities, along with staff from the Underground Utilities Department, accepted the proclamation with thanks.

**Item 3** - Presentation of Proclamation recognizing the week of October 3 - 7, 2011, as "Customer Service Week". (Brought forward by the Mayor's Office)

Mr. Reese Goad, Director, Utility Business & Customer Services, along with Customer Service staff, accepted the proclamation with thanks.

**Item 4** - Presentation of Proclamation honoring Police Officers Sherri Bryant and Derek Braxton for their athleticism and excellent representation of the City of Tallahassee and the Tallahassee Police Department at the 2011 World Police and Fire Games held in New York City, NY. (Brought forward by the Mayor's Office)

Officer Sherri Bryant won three silver medals for the 100 meter, 200 meter, and 400 meter track events; and Officer Derek Braxton won a silver medal for the triple jump event. Officers Bryant and Braxton accepted the proclamation with thanks.

**Item 5** - Presentation of Proclamation recognizing the day of October 24, 2011 as "Food Day". (Brought forward by the Mayor's Office)

Ms. Cynthia Barber, Director, Energy Policy & Environmental Resources, accepted the proclamation with thanks.
**Item 6** - Presentation by Mr. Rick Kearney on a proposed homelessness project being coordinated in conjunction with The Shelter. (Brought forward by Mr. Kearney)

The proposed project is the Renaissance Community Center on Virginia Street, directly south of the Renaissance Building.

Mr. Richard S. Kearney appeared before the Commission and conducted a presentation on his proposal to construct and operate a community center in the Frenchtown area.

**Item 7 (deleted from the agenda)** - Presentation by Mr. Jeffery Mason, RUT Lead Planner, U.S. Special Operations Command (USSOCOM), concerning the upcoming ISO Emerald Warrior 12 Realistic Urban Training (RUC) exercise to be conducted in the North Florida area from February 16 through March 11, 2012. (Brought forward by the Mayor's Office)

**Item 8** - Presentation by Mr. Joe West, President, Veteran Events in Tallahassee, Inc. (VET Inc.), to request City co-sponsorship of the 2011 Veteran's Day Parade and related activities, and to request in-kind or discounted City services in support of the event. (Brought forward by the Mayor's Office)

Mr. Joe West, President, Veteran Events in Tallahassee, Inc. appeared before the Commission to request in-kind support of the upcoming Veteran's Day events.

The Commission voted 4-0 (Commissioner Mustian absent) to approve the requested in-kind support, in an amount not to exceed $5,000.

**Appearances by City Commission Appointed Boards and Committees, and Other Governments**

**Item 9** - Presentation by the Honorable Robert Inzer, President, The Florida Center for Performing Arts and Education, Inc., and Clerk of Court, Leon County, concerning the revised Performing Arts Center plan. (Brought forward by the Mayor's Office)

The Honorable Robert Inzer presented the revised plan for the Performing Arts Center, dated May 26, 2011, to the Commission and answered the Commission's questions relative to this issue.

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

**Consent**

**Items 10 - 16** - Voted 4-0 (Commissioner Mustian absent) to approve staff's recommendation presented on Consent Agenda Items 10 through 16 taking the following action:

**Item 10** - Appointed Ms. Nicole P. Everett to the Municipal Code Enforcement Board; term to expire in June, 2014. (Recommended by the Mayor's Office)

Ms. Everett is the Executive Director of the Tallahassee Lender's Consortium, Inc. Ms. Everett replaces Ms. Wilma Clark whose term expired in June, 2011.

**Item 11** - Reappointed Ms. Christie Joyner to the Tallahassee-Leon County Board of Adjustments and Appeals (BOAA); Term to expire in June, 2014. (Recommended by the Mayor's Office)

Ms. Joyner is a Senior Accountant with First American Title Insurance Company and also serves as Financial Consultant to the City of Gretna, Florida.

**Item 12** - Approved the 2012 City Commission meeting schedule as proposed. (Recommended by the Assistant to the City Manager)

**Item 13** - Approved the continuing maintenance support agreements for operational equipment and software applications (Information Technology Systems) for FY12, in the amount of $2,498,825; to be funded from the ISS operating budget (705-410502-521190 and 705-410502-521100). Included contracts are identified in Attachment A (summarized below). (Recommended by the Department of Management & Administration)
- PeopleSoft Software Annual Licenses - $681,025
- Oracle Database Licenses - $482,784
- Motorola/CAD-RMS - $375,000
- Dell Marketing - $400,000
- Unisys Corporation - $275,000
- Siemens - $285,016
- Total - $2,498,825

Item 14 - Approved the acceptance, appropriated revenues, and authorized expenditure of a $50,000 grant awarded by the Florida Department of Transportation (FDOT) to improve seatbelt compliance and a $128,167 FDOT grant awarded to enhance DUI enforcement operations. (Recommended by the Police Department)

The requested FY12 grants will enable the Department to continue two critical traffic enforcement programs:

- The occupant protection grant will provide funding for an additional 100 hours of overtime per month for seatbelt compliance enforcement.
- The DUI enforcement grant will enhance overtime funding to increase the number of DUI checkpoints from one per quarter to three per quarter.

Item 15 - Approved the Technical Review Committee's ranking of the design/build teams for design and construction services and authorized the City Manager to negotiate and execute an agreement with the top-ranked team for a sum not to exceed $7,440,715 (RFP No. 0124-10-ER-RC). (Recommended by the Public Works Department)

This project is funded by the Florida Department of Transportation on a cost-reimbursable basis. Temporary project funding is available from COT Capital Project No. 0900357 (FDOT-RTMC JPA). If an agreement cannot be reached, the City Manager is authorized to terminate those negotiations and proceed to negotiate in the same manner with the second-ranked team, and so on, until an agreement can be secured.

The Technical Review Committee consisted of:

- Mr. Gabriel Menendez, City Public Works Director (committee chairman)
- Mr. Chad Williams, FDOT District 3
- Mr. Gene Glotzbach, FDOT Central Office
- Mr. Allen Secreast, City Traffic Mobility Manager
- Mr. Michael Scheiner, City P.W. Operations Division Manager

The firms were ranked as shown below.

1. World Fiber Technologies/Genesis Group: $58,773.42
3. Highway Safety Devices/Gannett Fleming: $69,908.93
5. InfraSource Construction Services/Metric Engineering: $85,636.52
6. Transcore ITS/Transcore: $91,567.62

Item 16 - Approved the Summit East, Phase II, 3A and 3B subdivision plat. (Recommended by the Public Works Department)

The preliminary plat of Summit East, Phase II, 3A and 3B was approved by the Development Review Committee on August 22, 2011. The subdivision, planned as interchange commercial business, is being developed by Hilltop Properties, LLP, a general partnership with Claude R. Walker as its manager. The area being platted contains 19.00 acres as four (4) lots. All roads and utility easements are being dedicated to the perpetual use of the public. All open space along with an ingress and egress easements are being dedicated to Summit East Property Owners Association, Inc.
**Introduction of Ordinances**

**Item 17** - Introduced Ordinance 11-Z-30; Proposed Addition of property to the Local Register of Historic Places and Amendment of the Official Zoning Map to Change the Zoning Classification from the CU-18 Zoning District to the CU-18 Zoning District with HPO. (Recommended by the Planning Department)

The applicant, Tallahassee Urban League, Inc., requests that 442 West Georgia Street be added to the Local Register of Historic Places. The subject property is the Taylor House, an architecturally unique two-story home associated with a prominent local African-American family and the development of the Frenchtown community. The house was originally constructed in 1894 for Mr. Lewis and Mrs. Lucretia Taylor. Mr. Taylor was a teacher and jewelry salesman and Mrs. Taylor was a master cook and seamstress. Together, they raised 13 children in the Taylor house, all of whom went on to become prominent teachers, principals and politicians.

A Taylor granddaughter, Mrs. Aquilina Casnas Howell, was born in the Taylor house. Mrs. Howell was a local community activist, educator and the first woman ever appointed as Assistant Superintendent of the Leon County School District. A school administration building, a local park and a city street are all named in honor of Mrs. Howell.

**Item 18** - Introduced Ordinance No. 11-Z-36; Proposed Amendment to the Official Zoning Map from the R-2 Single-Family Detached Residential District to the University Transition District, and set the first and only public hearing for October 25, 2011 at 6:00 p.m. at the Joint Comprehensive Plan Adoption Hearing in the Leon County Courthouse (PRZ110010). (Recommended by the Planning Department)

The ordinance rezones 7.24 acres located immediately south of Bellevue Way and east of Pauls Drive.

**Item 19** - Introduced Ordinance No. 11-Z-37; Proposed Amendment to the Official Zoning Map from the Residential Preservation-1 District to the C-1 Neighborhood Commercial District, and set the first and only public hearing for October 25, 2011 at the Joint Comprehensive Plan Adoption Hearing in the Leon County Courthouse at 6:00 p.m. (PRZ110011) (Recommended by the Planning Department)

This ordinance rezones 0.59 acres located on the south side of Killarney Way near its intersection with Shamrock South.

**Item 20** - Introduced Ordinance No. 11-Z-38: Proposed Amendment to the Official Zoning Map from the University Transition District to the Commercial Parkway District, and set the first and only public hearing for October 25, 2011 at the Joint Comprehensive Plan Adoption Hearing in the Leon County Courthouse at 6:00 p.m. (PRZ110012) (Recommended by the Planning Department)

This ordinance rezones 1.11 acres located at 1775 West Tennessee Street.

**Item 20.1 (added to the agenda)** - Introduced Ordinance No. 11-O-35; Amending the Stormwater Utility Fee Provisions to Provide Authority and Findings, and set the first and only public hearing for Wednesday, October 26, 2011. (Recommended by the City Attorney's Office)

In 2003, when the City Code of Ordinances was recodified, language providing authority for and findings to support the City of Tallahassee's stormwater management system was inadvertently deleted from the Code of General Ordinances. Since those provisions are important, the City Attorney's Office has drafted an ordinance to put them back into the City's Code.

**Item 20.2 (added to the agenda)** - Introduced Ordinance No. 11-O-40; Adopting Comprehensive Plan Amendments, Cycle 2011-1, and set the public hearing at the joint meeting of City Commission and Leon County Board of County Commissioners on October 25, 2011, at 6:00 p.m., in the County Commission Chambers. (Recommended by the City Attorney's Office and the Planning Department)

On June 28, 2011, the City Commission and Leon County Board of County Commissioners, acting jointly, approved 4 map amendments and 4 text amendments to the Tallahassee-Leon County Comprehensive Plan for transmittal to the Department of Community Affairs (DCA) as follows:
The Department of Community Affairs issued a letter dated August 1, 2011 indicating they have no comments on the proposed amendments.

**Policy Formation and Direction**

**Item 22 (taken out of order)** - Voted 4-0 (Commissioner Mustian absent) to accept the human service funding recommendations made by the Citizens Review Teams and the Community Improvement Advisory Council; and authorized staff to negotiate and execute contracts for the amounts listed in the 2011/12 Grant Funding Summary (shown below). In addition, authorized staff to execute contracts for the following special projects: Whole Child Leon, Domestic Violence Coordinating Council, and United Partners for Human Services. (Option 1 as Recommended by the Department of Economic & Community Development).

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31 Project Annie $7,000 $7,000
32 African Caribbean Dance Theatre $45,000 $45,000
33 Domestic Violence Coordinating Council $20,000 $20,000
34 United Partners for Human Services $40,000 $40,000
35 United Way Whole Child Project $40,000 $40,000
36 Hope House $25,000 $25,000

Subtotal Expenditures $286,191 $1,200,000 $65,000

Grand Total $1,551,191

**Item 21** - Received an update on the Electric Time-of-Use Rates (Nights and Weekends Rate Program).
(Brought Forward by Utility Business & Customer Services)

Mr. Reese Goad, Director, Utility Business & Customer Services, presented the update to the Commission. The Nights and Weekends pilot program was approved by the Commission by Resolution No. 10-R-38 on October 27, 2010. The program became effective on November 1, 2010, and is the first of the new pricing options made possible by the implementation of the City's Smart Grid network. By mid-July 2011, the program reached its subscription limit of 2,000 customers, or about 2% of the City's residential customers. Nights and Weekends participants use 9% more of their electricity during off-peak periods. As a result of their higher off-peak usage, to date Nights and Weekends customers have paid an average of 1.7% less than they would have paid under the standard residential rate, a total savings of about $32,000 for the program.

The City is currently developing optional peak demand incentive rates for commercial customers. Under this program, customers receive bill credits in return for allowing the City to interrupt all or a portion of the customer's load, or to dispatch the customer's onsite backup generators during peak periods. In the future, the City also intends to explore optional time-of-use rates for commercial customers that may aid in the deployment of emerging new systems.

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

**Item 23** - Voted 4-0 (Commissioner Mustian absent) to approve the proposed Amendment to Memorandum of Agreement (MOA), establishing a joint public safety dispatch center. (Option 1 as Recommended by the Police Department).

Section I of the expired MOA is retroactively amended to read as follows: "The Term of this Agreement shall commence on the date on which it has been executed by all parties and shall end December 31, 2012, unless earlier replaced by another agreement among the parties."

Item 24 - Voted 4-0 (Commissioner Mustian absent) to adopt The Market District Place-making Action Plan and direct staff to begin initial implementation of the Plan. (Option 1 as Recommended by the Planning Department)

Ms. Roxanne Manning, Interim Planning Manager, Planning Department, presented the action plan.

The plan establishes the following goals:

- **Goal 1**: Create a visual edge for the district through gateways and branding.
- **Goal 2**: Make the District a Regional Destination.
- **Goal 3**: Create an aesthetically attractive district.
- **Goal 4**: Support and Strengthen local business.
- **Goal 5**: Create an interconnected district that links businesses and neighborhoods.
- **Goal 6**: Reclaim or Create new public spaces.
- **Goal 7**: Improve traffic safety for all users.
• Goal 8: Knit the district together across Thomasville Road.

The plan also established two additional action items:

• Explore an adopt-a-tree program or similar means to maintain or improve landscaping along medians and at gateways.
• Provide small mileage markers to serve the recreational runners/walkers in the area. Establish a circuit that becomes popular (i.e., the Loop).

The following persons served on the volunteer Working Group:

• Sarah Bridegroom - Home Brew Den
• Anna Galagher - Maclay Hammock HOA
• Chad Gardner - Super-Suds
• Barbara Hill - TMD - Kids Pointe Fashion Pointe
• Bob Ippolito - Killearn Estates HOA
• Warren Jones - TMH / Premier Fitness
• Sherry Kelly - Ten Thousand Villages
• Marina Lickson - Honeytree Natural Foods
• Sam Varn - Awards 4 U/Glasshopper

Item 25 - Voted 4-0 (Commissioner Mustian absent) to approve the recommended selection process for the identification of City representatives to serve on the Leon County Sales Tax Committee. (Option 1 as Recommended by the City Manager's Office)

Mr. Jay Townsend, Assistant City Manager, presented the item.

As part of a larger effort to begin considering an extension of the one-cent sales tax for Blueprint 2000, which formally expires in 2019. As part of Leon County Resolution 11-58, the County Commission allocated seven (7) committee positions to the City. City Commissioners shall each appoint a single representative; and then two additional City representatives are to be selected by the full Commission. The County Commission has reserved the right to approve these two additional members.

By October 20, 2011, each Commissioner is to submit the name and resume of their primary appointee, and any additional nominees, to the City Treasurer-Clerk. At the October 26, 2011 regular commission meeting, each Commissioner's primary nominee will be formally appointed to said committee; and the Commission will select two of the remaining nominees to fill the remaining two City seats.

Commissioners will nominate appointees to fill the remaining two vacancies in the following sequence:

• Commissioner Miller
• Commissioner Mustian
• Commissioner Gillum
• Commissioner Ziffer
• Mayor Marks

Per the requirements of Resolution 11-58, the City Manager has identified Mr. Jay Townsend, Assistant City Manager, Mr. Rick Fernandez, Assistant City Manager, and Mr. Raoul Lavin, Director, Department of Management & Administration, to assist in staffing the Sales Tax Committee with representatives from their appropriate service areas.

Target Issue Updates

Long Range Planning presented by Commissioner Miller

• Transportation Concurrency under the Community Planning Act
• Schedule of Land Use Changes to the Electric Building and Cascades Park
• Downtown Sidewalk Project
• SuperStop at the Hartsfield Road and Mission Road Intersection
• Sales Tax Extension

Economic Development presented by Mayor Marks
• Update on EDC Recruitment of Pharmaceutical Manufacturer to Tallahassee

Health and Human Services presented by Commissioner Ziffer
• America’s Second Harvest of the Big Bend
• Joint Planning Board's CHSP Process Evaluation Advisory Board Update
• Capacity Building & Resource Development Strategies
• Community Youth Report
• 2011-12 CHSP Update

Environmental & Energy Resources presented by Commissioner Miller
• 2011 Sustainable YOU Conference
• Railroad Crossing Quiet Zones
• Status Reports on 2011 Goals

Unagendaed Business/Speakers

The following persons appeared before the Commission:

Mr. Curtis Baynes, 1323 East Tennessee Street, appeared before the Commission and thanked Mr. Inzer and the Board of Directors of the Performing Arts Center (PAC) for their efforts in making the PAC more palatable. Mr. Baynes opined that the community has many infrastructure needs such as a south-side sewer / primary springs protection zone and performance-based treatment systems. Noting the estimated minimum $70 Million cost of the PAC, Mr. Baynes stated he would rather see this sum spent on providing sewer service to 15,000 residents living south of Ridge Road, but inside Capital Circle. Mr. Baynes characterized this as an issue of tradeoffs and opined that sewer service was a greater need. Mr. Baynes expressed other concerns with the construction of a PAC, notably the continued reliance on bed-tax revenues for operating expenses.

Dr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission and reminded Commissioners that over two years ago he requested the return of deferred compensation funds. Dr. Jackson opined that Commissioners believe citizens will forget about this issue. Dr. Jackson requested an official clarification stating that Commissioner's retirement benefits would be based solely upon 'salary' and not upon a combination of salary and deferred compensation. Dr. Jackson alleged that former Commissioners Katz and Lightsey received inflated retirement payments as a result of receiving deferred compensation. Dr. Jackson opined that the City needs to adopt an ordinance requiring Elected Officials and Executive Staff to use personal funds to pay their own legal fees in any action where said official is found to have acted in an unethical or illegal manner. Dr. Jackson reminded the Commission that he hired an attorney to write a code of ethics policy for the City; opining City Attorney English is unqualified to write an ethics ordinance, citing a list of grievances. Dr. Jackson opined that the Commission's credibility with citizens would not improve until these issues were addressed.

Mr. Carlos Ramirez, 4417 Westover Drive, appeared before the Commission and expressed agreement with Dr. Jackson that Commissioners should return their deferred compensation. Mr. Ramirez conveyed several concerns regarding the presence of fluoride in the drinking water and suggested the City could save money by ceasing fluoridation of the City's drinking water.

Sharing of Ideas

Commissioner Ziffer noted that he, along with City Manager Thompson, would be participating in the Oxygen Ball dance competition organized by the America Lung Association. The competition will occur at the Florida State University (FSU) University Center ballroom. City Manager Thompson noted that Commissioner Miller's daughter, Ms. Betsy Couch, was also a participant.

Commissioner Ziffer made mention of several recent newspaper articles and stated that he wanted to
comment on the issues of transparency and communication; and follow those comments with several suggestions. Relating to transparency, Commissioner Ziffer opined that the Commission should give direction on the public records request process; characterizing the existing process as being somewhat archaic due to the fact that the current method was devised in a time that pre-dated the Internet. Noting that many current-day records are in electronic format, Commissioner Ziffer expressed his desire to place records online. Commissioner Ziffer opined that citizens should not have to make formal records request in order to obtain records; the records should be made available online automatically.

Relative to the topic of communication, Commissioner Ziffer recalled the recent Blueprint2000 meeting and a discussion concerning Franklin Boulevard. Commissioner Ziffer noted that this discussion was spontaneous in nature versus being structured. As a result of the success of this less formal, open discussion, Commissioner Ziffer expressed support for conducting regular City Commission Target Issue Workshop meetings to discuss matters in an open dialogue. Commissioner Ziffer recommended structuring the meetings in a less formal format; having few if any agendaed topics to facilitate more-open discussions.

Commissioner Ziffer opined that the City could do a better job on transparency and on communication between the commissioners. Commissioner Ziffer reminded the public that elected officials are prohibited by the Sunshine Law from discussing business outside of a noticed public meeting. Commissioner Ziffer recommended that the Commission find time in November to hold a roundtable (workshop) discussion where Commissioners can see one-another more easily versus being seated at the dais and having to look left and right down the row of Commissioners. Commissioner Ziffer suggested that the Commissioners hold these types of meetings on a trial basis and abandon them if they fail to be productive.

Commissioner Miller enthusiastically supported Commissioner Ziffer's recommendations; noting that she made similar suggestions at the last City Commission Retreat and that a workshop discussion would have been useful during the (hexavalent) Chromium-6 dispute regarding the City's drinking water. Commissioner Mill stated her support for holding workshop meetings throughout the year in order to hear other Commissioner's ideas; and letting the public listen and see the Commission in decision-making mode. Commissioner Gillum noted Commissioners Ziffer and Miller were both new to the Commission while he and Commissioners Marks and Mustian have served for nearly a decade. Commissioner Gillum opined that the workshop meetings held in the past detracted from the effectiveness of the smaller Target Issue Committee meetings; noting that the smaller committee meetings have become more robust and more productive and that many of the best policies and ideas have come from committee meetings. Commissioner Gillum agreed that the committee process results in targeted issues being vetted and largely decided before being presented to the full Commission. Commissioner Gillum suggested that Commission consider televising these committee meetings on WCOT. Commissioner Gillum opined that many of the recent public records requests have come from perennial candidates who are running year-round election campaigns, and that the public records process has been used as a "gotcha-game" by these persons. Commissioner Gillum discussed the various ways the City is transparent and open; disagreeing with criticisms that the City is secretive. Commissioner Gillum agreed that the issue of transparency should be discussed in a workshop setting.

Mayor Marks stated that he is in favor of making the City more transparent; but stated the City is already transparent and that the City responds to public records requests, he speaks at community events, responds to phone calls, and he meets with various community associations and groups. Mayor Marks addressed the numerous public records requests submitted by some individuals and that he has asked the City Auditor to consider an audit of the public records request process. Mayor Marks noted that often times there is not an effective or efficient mechanism to post all City records online and that he was not in favor of posting some forms of records online. Mayor Marks agreed this issue warranted further discussion. Mayor Marks suggested that the Commission look at mechanism to make the public records process more effective and efficient; but also needed to examine how the system has been abused in the past.

City Manager Thompson agreed with Commissioner Gillum in that the over the past decade, the Commission is investing more time in the committee meeting process and that the target issue workshop sessions attended by the full Commission became less advantageous and less productive. Over time, the Commission transitioned from monthly workshops meetings to quarterly workshops and eventually abandoned the workshop meetings altogether as Commissioners focused more on their committee meetings. City Manager Thompson noted that the need for workshop meetings was cyclical in nature and varied with the changes in the Commission and as new Commissioners are elected to the body. City Manager Thompson indicated that if the Commission's will was to reconvene the workshop sessions, staff is willing and ready to organize said meetings.

Mayor Marks responded and stated that he trusts the Commissioners assigned to the Target Issue Committees to do a thorough job and to bring significant items to the attention of the full Commission.
Commissioner Ziffer responded that he would like to see more information posted online; noting that many citizens will not file public records requests to obtain records on topics that they are interested in. Commissioner Ziffer noted that he hasn’t had any substantive discussions with Commissioner Mustian as they do not serve on any of the same committees. Commissioner Ziffer stated that he has the same barrier with Commissioner Miller as she too doesn’t serve on any of the same committees. Mayor Marks noted that the Sunshine Law establishes limits on discussion and that if Commissioners talk to one-another outside of a meeting, the public’s perception is that the conversation is substantive to Commission business.

Commissioner Ziffer stated his belief that items brought forward by the committees have already been decided by the time they are presented to the full Commission on the meeting agenda. City Manager Thompson responded that the committee items are only a recommendation and that each item is open for discussion and that the full Commission can go back to the beginning of the process on any item. City Manager Thompson noted that the Commission regularly receives monthly Target Issue Updates at the regular meetings and that, ultimately, the committee will bring forth a final recommendation for approval by the full Commission.

Commissioner Gillum responded that he understands the positions of Commissioners Ziffer and Miller and supported returning to the process of holding quarterly workshop meetings. However, he supports the current committee process whereby two Commissioners can focus on set of issues and that this committee process allows the assigned Commissioners to invest more time and be more thorough in evaluating a specific issue. Commissioner Gillum did not feel that the full Commission could have such in-depth discussions at a two or three hour Commission meeting.

Commissioner Ziffer noted that over the past half-hour, this was the most conversation and dialogue he has had with the full Commission. Commissioner Ziffer reiterated that transparency and communication are two important issues and he was in favor of holding workshop meetings as a tool to facilitate a broad dialogue on various issues.

Commissioner Gillum reiterated his position that the target issue committee was a more productive process; agreeing with the statements made that issues are in the final stages of approval by the time they are presented to the entire Commission. However, Commissioner Gillum did agree that some issues should be discussed at a workshop to allow all five Commissioners to express their positions.

Mayor Marks suggesting convening a quarterly ‘Sharing of Ideas’ workshop; and Commissioner Ziffer agreed - even if only four Commissioners were able to attend.

Commissioner Miller stated her support of the committee process and agreed that the committee process was very effective, and that she trusts the Commissioners assigned to handle specific target issues and expects that they will bring back a good decision or recommendation on those items. However, Commissioner Miller noted that her regular Target Issue Update was only two minutes in length and that those two minutes were a summation of over two hours of discussion. Commissioner Miller restated her belief that some items were better addressed in a workshop meeting; opining that the full board was stronger than the smaller committees.

City Manager Thompson indicated that she would poll each Commissioner and schedule a workshop meeting in the month of November.

Commissioner Gillum inquired about the committee process and how each committee’s agenda and meeting dates are communicated to the other Commissioners. City Manager Thompson and Commissioner Ziffer indicated that the Communications Departments transmits the notices of said meetings. Commissioner Miller confirmed that any Commissioner is permitted to attend any committee meeting as the meetings have been publicly noticed in compliance with the Sunshine Law. Commissioner Miller stated that it would be helpful to receive an agenda for the committee meetings and receive the meeting minutes afterwards; and Commissioners Ziffer and Gillum agreed. Mayor Marks suggested that this information could be posted online.

The Commissioners discussed a possible audit of the public records process and the efficiency and cost of responding to said requests.

There being no further business, the meeting adjourned at 8:18 p.m.
City Commission Meeting Summary - October 26, 2011

The City Commission met in regular session at 4:02 p.m. in the City Hall Commission Chambers. Mayor Marks was absent and Mayor Pro Tem Ziffer assumed the Chair and presided over the meeting. The Commission took the following action:

**Agenda Modifications**

Added to the Agenda:

- Item 13.1 - Discussion and Approval of Construction Contract Award for Middlebrooks Circle Drainage Ditch Improvements, IFB No. 0110-11-ER-FT (Brought forward by Public Works)
- Item 13.2 - Discussion and Approval of Construction Contract Award for Gaines Street Improvements - Segment II, Bid No. 0028-11-ER-BC (Brought forward by Public Works)
- Item 25: (Brought forward by the Mayor’s Office)

**Presentations**

Item 1 - Recognition of the Municipal Brain Bowl Winners. (Brought forward by Mayor Marks)

**Consent**

Items 2 - 6 - Voted 4-0 (Mayor Marks absent) to approve staff’s recommendation presented on Consent Agenda Items 2 through 6 taking the following action:

Item 2 - Appointed Mr. Joseph A. Brown and Reappointed Ms. LaVerne Wells-Bowie to the Urban Design Commission (UDC); terms to expire July, 2014. (Recommended by the Mayor’s Office)

Mr. Brown replaced Mr. David Ramsay whose term expired and ineligible to serve an additional term. Mr. Brown is an attorney employed by Hopping, Green, & Sams, P.A. and Ms. Wells-Bowie is an architecture Professor at FAMU. The UDC is a committee made up of seven representatives from the private sector whose purpose is to further the vision and intent of the Gaines Street Redevelopment Plan and the plan’s implementing zoning districts.

Item 3 - Approved the contract with Ward International Trucks of Florida, LLC, a local entity, for the proposed cab and chassis, vehicles, equipment and associated services. (COT RFP No. 0081-11-TJ-RC) (Recommended by the Fleet Department)

Item 4 - Approved Resolution No. 11-R-17 requesting a utility easement from the State of Florida. (Recommended by the Property Management Division)

The easement is needed to eliminate Sewage Pump Station No. 95, located along the northern boundary of 3950 Tyson Road, immediately east of Rankin Avenue, in the southwestern portion of the city. The pump station is a small station, constructed in 1976 to serve approximately 55 residential lots in the Seminole Manor subdivision. Pump Station 95 can be eliminated by constructing gravity sewer piping from the station to planned improvements within Capital Circle Southwest, traversing State-owned lands.

Item 5 - Approved the StarMetro Charter Policy and Procedures (801CP) as required by the Federal Transit Administration. (Recommended by StarMetro)

Item 6 - Approved the minutes of the December 1, 2010 Regular Meeting. (Recommended by the Interim Treasurer-Clerk)
Introduction of Ordinances

Item 7 - Introduced Ordinance No. 11-O-39; Annexation Petition of Southwood MDR-14 and MUOC-1, and set the first and only public hearing for Tuesday, November 22, 2011 (Recommended by the Department of Management & Administration)

Based on the current millage rate, the ad valorem taxes from this annexation will generate approximately $44,000 annually. The approximate annual costs for the streetlights along Oak Bluff Way are $6,600. The approximate annual road maintenance costs for Oak Bluff Way are $3,000.

City Attorney English read the title of the ordinance into the record as presented.

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

Policy Formation and Direction

Item 8 - Request to direct staff to defer filing the Welaunee Planned Unit Development (PUD) application for 60 days to allow City Commissioner Mustian and County Commissioner Desloge to seek a consensus on the location of a future Miccosukee Road access point. (Recommended by the Electric Department)

The current plan of the Welaunee development calls for an entrance/exit roadway interconnection to be constructed on Miccosukee Road, at the intersection of Arendell Way. Staff has had a number of discussions with the Arendell Way neighborhood, Canopy Road Citizen's Committee, Miccosukee Canopy Road Greenway Citizen’s Advisory Committee, Florida Department of Environmental Protection, Leon County and other interested parties on these issues. There has been no consensus reached as a result of these discussions. Based on these discussions, the Arendell Neighborhood is against any connection at the existing location and supports relocating the connection to Thornton Road. The Canopy Road Citizen’s Committee prefers there to be no additional access, but if there is an access, it supports relocating the access to Thornton Road, with certain conditions. The Miccosukee Canopy Road Greenway Citizen’s Advisory Committee supports maintaining the access point at Arendell Way.

Commissioners Mustian and Gillum favored moving the location of the interconnection to Thornton Road while Commissioner Miller favored maintaining the original design, with the majority of traffic routed to and from the property on Dempsey-Mayo and Edenfield, although she would support the decision of the Commission. Discussion centered on exploring a partial land-swap deal with CNL, owners of the Dove Pond tract, which would expand the Miccosukee Greenway. Possibility of constructing an additional Interstate-10 interchange was discussed, as was the cost of the PUD design and permitting / approval process. Mayor Pro Tem Ziffer restated previous concerns on the expenses related to the PUD process.

The Commission voted 4-0 (Mayor Marks absent) to approve staff’s recommended Option 1, as amended to require Commission approval of any additional expenses occurring after December 31, 2011; excepting expenditures necessary to complete required amendments to, and filing of, the PUD application.

Item 9 - Request to approve the selection committee’s recommendation and authorize the City Manager or her designee to (1) execute a design/build agreement with H2 Engineering, Inc. to replace the existing old chillers and boiler at the Tallahassee Senior Center with a partial storage Thermal Energy Storage system, including Alternate 3, as proposed by H2 Engineering, Inc., (2) appropriate up to $590,000 in Energy Efficiency and Conservation Block Grant funds for the project, and (3) approve any future change orders that arise during the course of construction up to the $590,000. (COT RFP No. 0084-11-TJ-RC) (Recommended by Energy Services)

Mr. David Byrne, Director, Energy Services, conducted a presentation outlining the project. Commission discussion centered on the energy savings of the product, and if any other businesses or entities have installed similar systems. Commissioner Miller requested data concerning the building’s past energy usage and information regarding previous upgrades. Mayor Pro Tem Ziffer requested information on the cost of a comparable, traditional HVAC system. Commissioner Miller expressed interest in having an incentive program to encourage
commercial utility customers to utilize this type of technology in order to reduce peak demand.

By consensus, the Commission deferred the item to November 9, 2011.

The project will replace a non-functioning boiler with a high-efficiency unit and replace chillers with a system that utilizes ice storage, reducing utility usage by decreasing demand charges and/or taking advantage of any future time-of-day rate structure. The goal is to provide the maximum economic efficiency based on the annual operating costs without sacrificing the comfort of the center’s occupants.

Funding for the entire project is made possible through federal stimulus funding the City received under the Energy Efficiency and Conservation Block Grant (EECBG) Program. On September 28, 2009, the U.S. Department of Energy (DOE) issued Assistance Agreement No. DE-SC0002568, in an amount of $1,768,600.

**Item 10** - Voted 4-0 (Mayor Marks absent) to accept the Community Youth Report and approve the nine recommended action steps. (Brought forward by Parks, Recreation & Neighborhood Affairs and the Police Department).

Mr. Dee Crumpler, Director, Parks, Recreation & Neighborhood Affairs, and Chief Dennis Jones, Tallahassee Police Department, conducted a presentation on the Youth Report.

Mr. Crumpler provided information on the "Be Out Day" event held at the Palmer Munroe Teen Center in response to a Leon County Schools teacher planning day, which occurred on Monday, October 24, 2011. 150 students attended the event, which included presentations by cadets from FAMU. In addition, formal seminars on resume writing were conducted where staff helped each teen create a resume. The Honorable Bert Hartsfield, Leon County Property Appraiser, and representatives from Old Navy clothing store were present to recruit teens for future employment. Mr. Crumpler reviewed 7 of the 9 recommendations included in the report.

Chief Jones commented on the awareness campaign "See Something, Say Something, Do Something", known as "4SDS". Maj. Lewis Johnson was credited for developing the graphics and bumper sticker designs that promote the campaign.

Commissioners Gillum, Mustian, and Ziffer thanked Mr. Crumpler, Chief Jones, and city staff for their efforts in promoting this initiative.

**Item 11** - Voted 3-1 (Commissioner Mustian opposed, Mayor Marks absent) to authorize the City Manager to execute the 3-year option to the existing Agreement with ACS State and Local Solutions, Inc. to continue to design, install, and maintain red light cameras associated with this program, as amended to authorize the installation of only two additional red light cameras at the Capital Circle Northeast / Mahan Drive intersection. (Recommended by the Public Works Department)

Mr. Gabe Menendez, Director, Public Works, presented the item. It was noted that a contract extension was necessary as the existing contract was not of sufficient duration to permit the vendor to recoup their installation and construction costs.

All equipment and installation costs are incurred by the vendor. The Red Light Camera Safety Program will continue to operate at no cost to the City. Based on historical data from existing red light camera violations, it is anticipated that the seven additional recommended cameras may generate between $400,000 and $500,000 in additional annual revenue.

Four intersections were identified that would likely benefit from the installation of seven red light cameras. The following intersections with approaches were selected based on accident history, the level of historical violations (as determined by TPD), and red light violation data collected and validated by ACS:

- Capital Circle NE / Mahan Drive (northbound and southbound approaches)
- Tharpe Street / High Road (eastbound and westbound approaches)
- Monroe Street / Allen Road (northbound approach)
- Capital Circle NE / Centerville Road (eastbound and westbound approaches)

Commissioners Gillum and Ziffer did not support the installation of additional cameras at three of the proposed intersections, noting that recent crash data revealed the 3 locations have already experienced significant reductions in the number of vehicular collisions. Commissioners...
Ziffer and Gillum expressed concerns that installing cameras at said intersections may create the appearance that the program is revenue-motived and not safety oriented. Commissioner Mustian supported staff’s recommendations of installing seven additional cameras at the four proposed intersections and then halting the program at 24 cameras citywide.

**Item 12** - Voted 4-0 (Mayor Marks absent) to approve the reconstruction of additional sidewalks within the Downtown Zone that were not originally slated to be reconstructed as part of the Access Now, Inc. Settlement Agreement and fund the additional construction by reallocating $1.1 million from projects scheduled to have surplus funds remaining in their budgets. (Recommended by the Public Works Department)

Mr. Gabe Menendez, Director, Public Works, and Ms. Cynthia Tunnicliff, Chair, Downtown Improvement Authority (DIA), presented the item. Mr. Menendez discussed the exclusions to the project including sidewalks along State-owned roadways (Monroe and Tennessee Streets), areas adjacent to City Hall and Kleman Plaza, areas on Call Street, and areas within the interior of the downtown chain of parks on Park Avenue.

The additional repairs will address Americans with Disabilities Act (ADA) deficiencies present in the downtown vicinity. The general area affected extends from Tennessee Street south to Jefferson Street and from Gadsden Street west to Bronough Street. Unexpended funds in the following projects will be utilized to complete the additional downtown sidewalk repairs.

- Project No. 304 95039 - Mission Road - $200K
- Project No. 302 04094 - Centerville Road SW - $200K
- Project No. 312 06085 - Intersection Improvements - $700K
- Total - $1.1 Million

The work is expected to take 12 months to complete and will be completed one block at a time (although several blocks, in different areas of the downtown, may be simultaneously under construction). This work consists of disruptive construction activity and will be limited, reduced or stopped during the active downtown times (i.e. legislative sessions, special events, etc.). In order to support the Downtown’s Sense of Place, it is understood that a distinguishable sidewalk pattern (the Gaines Street diamond pattern) will be used in lieu of the Tallahassee Pattern (faux red brick pattern) at all locations, except those specifically identified to remain as Tallahassee Pattern.

**Item 13 (taken out of order)** - Proceeded with the approved selection process for the identification of City representatives to serve on the Leon County Sales Tax Committee. (Brought forward by the City Manager's Office)

The City was allocated 7 seats on the Sales Tax Committee. The following persons were each Commissioner's primary candidate and were therefore automatically appointed to the Sales Tax Committee.

- Reverend R.B. Holmes (nominated by Mayor Marks)
- Mr. Curtis Richardson (nominated by Commissioner Gillum)
- Mr. Lamar Taylor (nominated by Commissioner Mustian)
- Ms. Laurie D. Hartsfield (nominated by Commissioner Ziffer)
- Mr. Will Messer (nominated by Commissioner Miller) Interim City Treasurer-Cler

Cooke led the Commissioners thru the nominating process for the two remaining seats. Using the voting procedures specified in Commission Policy 144 (Filling Unanticipated Commission Vacancies), the Commission selected two additional candidates to fill the remaining two seats, as follows:

- Ms. Kim Rivers (nominated by Commissioner Gillum)
- Mr. Ed Murray (nominated by Commissioner Mustian)

Commissioner Ziffer’s nominee, Mr. David L. Powell, requested that his name be removed from consideration and said request was honored. Mayor Marks was absent and therefore his candidate, Mr. Lester Abberger, was ineligible for consideration. Commissioner Gillum thanked the Commissioners for recommending a dynamic and diverse group of individuals. Commissioner Gillum recognized Ms. Rivers, who was in attendance.
Commissioner Mustian recommended that the appointees be invited to attend a Commission
meeting in the near future so that the Commissioners express their thoughts in this issue; and
Commissioner Miller concurred. Mayor Pro Tem Ziffer requested that this be agendaed for a
future meeting.

The meeting recessed at 5:48 p.m. and reconvened at 6:08 p.m. with Commissioners Ziffer,
Gillum, Mustian, and Miller present.

**Item 13.1 (added to the agenda) -** Voted 4-0 (Mayor Marks absent) to approve the award of a
construction contract to Allen's Excavation, Inc., in the amount of $714,074.50, as the second-lowest,
responsive, responsible bidder, based on the Local Vendor Preference criteria, and $71,000 for non-scope
construction change order contingencies, for the Middlebrooks Circle Drainage Improvements project. (COT
IFB No. 0110-11-ER-FT, COT Project No. 08116) (Recommended by the Public Works Department)

The Middlebrooks Circle Drainage Ditch Improvements project stretches from Middlebrooks
Circle to Brinkley Glen Park. Middlebrooks drainage ditch is a natural watercourse which has a
history of significant erosion problems. The low bid for the project was submitted by Hale
Contracting, Inc., (Hale) in the amount of $686,070.40. Due to Local Vendor Preference
criteria, Allen's Excavation, Inc. was awarded the contract.

The Commissioners discussed the recent Minority Business Enterprises (MBE) program audit in
which several firms were found to be in violation of the terms of the program. Several vendors
were fined for noncompliance. The Commissioners concurred that severe penalties, including
the possibility of suspension from receiving future City work, were needed to make it clear that
violations would not be tolerated.

**Item 13.2 (added to the agenda) -** Voted 4-0 (Mayor Marks) to approve the award of a construction
contract to Allen's Excavation, Inc., in the amount of $5,718,348.43, as the lowest, responsive, responsible
bidder for the Gaines Street Improvements - Segment II Project (COT Bid. 0028-11-ER-BC, COT Project No.
05082) (Recommended by the Public Works Department)

Mr. Gabe Menendez, Director, Public Works, presented the item.

The project will have an addition $571,834.84 in additional expenses and a $571,834.84
non-scope construction contingency for a total amount of $6,826,018.11.

Phase II of the project will continue the improvements of Gaines Street from Macomb Street
westward to Stone Valley Road. The project is estimated to take 12 months and will be
completed by the end of 2012.

Mayor Pro Tem Ziffer expressed concern that Phase III funds were being used to finance Phase
II, leaving a balance of approximately $1 Million to complete Phase III of the project. Mr.
Menendez acknowledged this issue, stating Phase III may not be as elaborate, but Phase III
would not be substantially inferior compared to the first two phases. Mayor Pro Tem Ziffer
requested that the Commission be kept up-to-date with this issue. Commissioner Miller made
additional inquiries about the Gaines Street project, and the nearby FAMU Way project.

**Public Hearings**

**Item 14 -** First and Only Public Hearing on Ordinance No. 11-O-26AA; proposed amendment to the
Tallahassee Land Development Code, amending Chapter 10, Section 10-165, Planned Unit Development
(PUD) Zoning District Requirements and Procedures. By consensus, the Commission continued the item to
November 22, 2011. (Recommended by the Planning Department)

There were no speakers on this item.

**Item 15 -** Voted 4-0 (Mayor Marks absent) to approve Resolution 11-R-28; Proposed Abandonment of an
unpaved portion of right-of-way located on the south side of Northwood Boulevard between North Monroe
Street and North M. L. King Jr. Boulevard. (Recommended by the Planning Department)

The following person(s) submitted a speaker request form, but did not speak:

- Mr. Jeff Herig, representing the applicant FastSigns, was a proponent of the ordinance.

**Item 16 -** Voted 4-0 (Mayor Marks absent) to adopt Ordinance 11-Z-30, thereby adding the property to the
Local Register of Historic Places and amending the Official Zoning Map to change the zoning classification from the Central Urban-18 (CU-18) zoning district to the Central Urban-18 (CU-18) zoning district with Historic Preservation Overlay (HPO), based on the findings of the Planning Commission and any evidence submitted at the Hearing hereon. (Recommended by the Planning Department)

The following person(s) addressed the Commission relative to the item.

- Mr. Delaitre Hollinger, Curator, Taylor House Museum, 442 West Georgia Street, appeared before the Commission and thanked the Commissioners for their support. Mr. Hollinger invited the Commission to the grand opening of the museum at 10 a.m. on Saturday, October 29, 2011.

The ordinance adds 442 West Georgia Street to the Local Register of Historic Places and amends the Official Zoning Map to change the zoning classification from the Central Urban-18 (CU-18) zoning district to the Central Urban-18 (CU-18) zoning district with Historic Preservation Overlay (HPO). The house is the former residence of the late Mrs. Aquilina Casnas Howell, and will serve as a future Museum honoring the Taylor family and other notable residents of the Frenchtown community.

**Item 17** - Voted 4-0 to adopt Ordinance No. 11-O-35; Amending the Stormwater Utility Fee Provisions to Provide Authority and Finding. (Recommended by the Planning Department)

City Attorney English clarified that this ordinance re-enacts a previous ordinance which was inadvertently deleted from the Code of Ordinances during the 2003 recodification of the City Code.

There were no speakers on this item.

**Unagendaed Business/Speakers**

The following persons appeared before the Commission:

- Dr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission and distributed a handout. Dr. Jackson continued his previous criticisms of Mayor Marks, the Mayor's trip to Rugao, China, and various City programs and certain City vendors. Dr. Jackson applauded Mayor Pro Tem Ziffer for encouraging greater transparency of the City government. Dr. Jackson also applauded Commissioner Miller for quickly supporting Mayor Pro Tem Ziffer's call for greater transparency, but disagreed with Commissioner Miller's characterization that City Manager Thompson operates the City in an efficient manner. Dr. Jackson expressed dissatisfaction with Commissioner Gillum's defense of the Mayor, in relation to openness and transparency of the administration. Dr. Jackson implored the Commission to do more than register lobbyists, such as posting the City's checkbook online.

- Mr. Curtis Baynes, 1320 East Tennessee Street, appeared before the Commission and echoed Dr. Jackson's support of Mayor Pro Tem Ziffer's initiative on more-open government. Mr. Baynes agreed that the City can put more information online; stating his appreciation for the search function on meeting agenda webpage. Mr. Baynes stated that the City should post the list of for-sale surplus property online. Mr. Baynes expressed reservations on holding "town-hall" style meetings or workshops. Mr. Baynes stated his preference that such meetings should only be convened when necessary, and only to address a specific issue. Mr. Baynes noted that citizens are not normally afforded an opportunity to speak at workshops, and cautioned the Commissioners on making decisions at meetings where the public was not permitted to provide input.

- Ms. Ann Bidlingmaier, 1920 Harriet Drive, appeared before the Commission to express dissatisfaction with the level of landscaping maintenance conducted along Apalachee Parkway. Ms. Bidlingmaier asked the City to explore the possibility of taking over maintenance of the highway, especially the segment closest to the State capitol. Ms. Bidlingmaier's chief complaint was that State workers were simply cutting down or removing shrubs and vegetation versus simply pruning and maintaining them. Ms. Bidlingmaier characterized these actions by State crews as a "decimation" of the vegetation and stated it must be stopped. Ms. Bidlingmaier noted that FDOT is using prison crews for labor and opined the prisoners were not paying attention and were harming the vegetation.

- Mr. Larry Hendricks, 406 Alpha Avenue, appeared before the Commission and thanked Mayor
Pro Tem Ziffer for advocating on behalf of citizens who attended and speak at Commission meetings. Mr. Hendricks concurred that the current processes are not right and expressed his opinion that public speakers are treated with disrespect and that he is tired of the Commission's arrogance when citizens express opposing views. Mr. Hendricks stated that staff of the Treasurer-Clerk's office are always courteous and go out of their way to assist him and provide records he asks for. However, Mr. Hendricks noted that its year 2011 and the information should be computerized and posted online and he should not have to ask for information. Mr. Hendricks inquired as to why he has been unable to reach Commissioners by telephone; stating that Commissioner should return his phone calls. Mr. Hendricks also expressed dissatisfaction that the City's website does not have Commissioner's phone numbers posted, noting the Leon County website has each commissioners' and their aide's telephone numbers clearly posted on each commissioner's profile page. Mr. Hendricks also stated his opinion that community meetings should only be held in City Hall and during every meeting, Commissioners should respond to any questions asked by public speakers. Mr. Hendricks opined that the interaction between Citizen and Commissioner should be a conversation, noting the Chair of the County Commission doesn't gavel down speakers and allows speakers to complete their comments. Mr. Hendricks opined that the County Commission's process is more collegial and that gaveling-down a citizen disenfranchises citizens.

Sharing of Ideas

Commissioners Miller, Ziffer and Gillum concurred with the statements made by Ms. Bidlingmaier. City Manager Thompson noted that the City has several contracts with FDOT, but the segment of Apalachee Parkway in question was not covered by said contracts. By consensus, the Commission agreed that staff should look into the issue, with Mayor Pro Tem Ziffer noting that the King and Queen of Spain will be visiting Tallahassee in a year and they would likely travel down that roadway in order to reach the Capitol.

Commissioner Gillum responded to the topic of transparency, stating his thoughts and opinions on the issue - notably that transparency is access to information and involvement in the decision-making process. Commissioner Gillum then described the many ways in which he, and the City, engages in transparency.

Commissioner Miller suggested that the issue of more effective communication needed to be included on the agenda for the Nov 30th workshop meeting. Commissioner Miller noted that the direction and operations of City government are often misunderstood and that the City is engaged in many services not often seen in other local governments, such as the operation of a transit service, municipal airport, water utility, electric utility, wastewater treatment facilities, etc. Due to these complexities, the role of City Manager is much more complicated, as is the role of City Commissioners. Commissioner Miller suggested that a discussion about how the Mayor and commissioners communicate with one-another is needed and the Commission should discuss how to better communicate their work and decision-making processes to constituents.

Commissioner Mustian discussed at length his viewpoints on the topic of transparency and Commissioner Ziffer's suggestion of holding additional meetings including workshops at City Hall, joint City-County meetings, and town-hall style meetings at various locations throughout the City. Commissioner Mustian was not in favor of scheduling any additional meetings, noting that the City Manager and staff should be tasked with handling many of these issues. Commissioner Mustian expressed his dissatisfaction with the manner in which Commissioner Ziffer has communicated with the other Commissioners, agreeing with Commissioner Miller that part of what needs to be discussed on November 30th is a discussion about how commissioners treat one-another.

Mayor Pro Tem Ziffer responded that up until this point, he didn't have the Commission's attention, but he seems to have everybody's attention now. Mayor Pro Tem Ziffer expressed his disagreement with the decorum of some citizens as they address the Commission, but ultimately the citizen's message has been received - which is that the City's level of transparency is OK, but could be better.

Mayor Pro Tem Ziffer stated that he will have meetings, he will invite the County to participate, and that Commissioner Mustian does not have to attend. Mayor Pro Tem Ziffer indicated that he will have discussions and will listen to citizens. Mayor Pro Tem Ziffer took issue with forcing speakers to wait and speak after the Commission votes on the items the citizen wanted to speak on. Mayor Pro Tem Ziffer stated his belief that most speakers did not intent to grandstand or use the public speaker privilege as an opportunity to make accusations, but rather citizens wanted to speak on something they are concerned about. Mayor Pro Tem Ziffer reiterated that he doesn't think the current public speaker process is fair.

Mayor Pro Tem Ziffer reiterated that the City can do better, and that he intends to continue discussions with
the media relative to what information should be accessible online, and that he will offer suggestions to departments and the City Commission, even if those suggestions don’t go anywhere.

Commissioner Gillum responded in length to the comments made by Commissioners Mustian and Ziffer; noting that he hopes the point is not lost. Commissioner Gillum expressed his opinion that all of the suggested changes could be evaluated, but he does not feel that the City has any transparency issues. Commissioner Gillum noted that there is a process for addressing issues, such as bringing an issue to the appropriate Target Issue Committee which would eventually be picked up by the media, and then the issue would be brought to full City Commission. Commissioner Gillum took issue with the fact that he only learned of Mayor Pro Tem Ziffer's position on transparency via a newspaper article, and not directly from Ziffer via an open letter or e-mail.

Commissioner Miller reminded the Commission that she originally proposed the idea of convening Commission workshops back in February, 2011. Commissioner Miller stated that workshops were appropriate in some cases, providing the hexavalent Chromium / water contamination issue as a prime example. Commissioner Miller opined that workshops are the only way for all five Commissioners and City staff to discuss an issue thoroughly as a body and get more details and knowledge. Commissioner Miller opined that similar issues of importance will arise that will warrant a one-hour discussion devoted to a single item. Commissioner Miller noted that she has another newly-born granddaughter and will be in Richmond, VA for the next week. Commissioner Miller also displayed an adoptable kitten which was brought to the meeting by staff of the Animal Services Center (ASC). Commissioner Miller promoted the upcoming Pets-ad-Litem "PALapalooza" event to be held from 2 p.m. to 10 p.m. on November 5, 2011 at Kleman Plaza. Commissioner Miller noted that revenues from the sale of food and drinks will be donated to the ASC.

There being no further business, the meeting adjourned at 7:09 p.m.
SUMMARY OF COMMISSION MEETING

November 9, 2011

The City Commission met in regular session at 4:02 p.m. in the City Hall Commission Chambers. Commissioners Marks, Ziffer, Gillum, Mustian and Miller were present. The following action was taken:

AGENDA MODIFICATIONS

**Added to the Agenda**
- Item .1 - Blueprint Sales Tax Committee Appearance

**Target Issue Updates:** Long Range Planning and Health and Human Services

**Deleted from the Agenda**
- Item 23 - Consideration of Funding the FY2010 Operating Deficit of the Tallahassee-Leon County Civic Center Authority

PRESENTATIONS

**Item .1 - Appearance of the Blueprint Sales Tax Committee. (Brought forward by Commissioner Mustian)**

Commissioner Mustian recognized the members of the committee and provided a brief overview of the Blueprint Sales Tax and the purpose of the committee.

City Manager Thompson introduced the following Blueprint Sales Tax Committee members:

- Rev. R.B. Holmes
- Mr. Lamar Taylor
- Ms. Laurie D Hartsfield
- Mr. Will Messer
- Mr. Curtis Richardson
- Mr. Ed Murray
- Ms. Kim Rivers

**Item 1 - Presentation from the United States Special Operations Command, Tampa, Florida, on the joint military exercise Emerald Warrior, scheduled in the Big Bend area early 2012. (Brought forward by Sgt. Major Jonathon Kirschke & Chief Todd Sowerby)**

Mr. Joseph Kruchas, RUT Operations Planner, appeared before the Commission to review and request approval to execute a military Realistic Urban Training (RUT) concept within the City in support of joint military exercise Emerald Warrior-12.

The Commission voted 5-0 to approve the request to execute a military Realistic Urban Training (RUT) concept within the City in support of joint military exercise Emerald Warrior-12.
Item 2 - Presentation by Knight Creative Community Institute (KCCI) Cascades Park Catalyst Group to discuss plan to assist in the programming of the park. *(Brought forward by Betsy Couch, KCCI, Cultivate Cascades Chair)*

Ms. Betsy Couch, KCCI, Cultivate Cascades Chair, appeared before the Commission and conducted a power point presentation on the plan to assist in the programming of the park.

Primary goals were as follows:

- Based on research with key stakeholders and citizens develop, by February 25, 2012, a comprehensive evaluation showcasing the range of potential activities to occur in the park during one year, and make recommendations on how to best provide for long-term programming support.
- Coordinate and implement a “Community Planting Day at Centennial Field” in fall 2012 to engage citizens early.
- Evaluate and promote the value of Cascades Park to potential corporate sponsors, philanthropic organizations, government agencies and the public at large.
- Identify health-related, educational, historic, recreational, and cultural launch activities and events for the Grand Opening of Cascades Park.

The Cultivate Cascades KCCI Work Group is composed of the following:

- Sixteen community leaders representing a wide range of talent and experience. In addition, a small group of volunteers and others support the team. Catalysts on the team include: Melanie Carr, FDOT; Betsy Couch, FSU; Berneice Cox, The Bacall Group; LaKendra Cunningham, Leon County Board of County Commissioners; Rick Frazier, TCC; Julz Graham, WFSU; Bill Gwaltney, William Gwaltney, Attorneys at Law; Debbie Huey, Community Volunteer; Josh Newman, FSU; Paul Rutkovsky, FSU Artist; Carly Sinnadurai, The Sharing Tree; Robin Smith, North Florida Financial Corporation; Carlos Torregrosa, Divas & Devils; John Van Gieson, Entreprenuer and Artist; Andrew Wilcox, Wilcox and Hackett; Brian Zettle, Pro-Steel Buildings.

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

Item 3 - Update on Sister City Delegation to Rugao, China. *(Brought forward by Mayor Marks)*

Mayor Marks and members of the delegation provided an update on the Tallahassee Trade Mission to Rugao, China. Mayor Marks also recognized the following delegation:

Ms. Beth Kirkland, Executive Director, Tallahassee/Leon County Economic Development Council
Dr. John collier, Interim Dean of the FSU-FAMU College of Engineering
Dr. Dena Hurst, Deputy Director, John Scott Dailey Florida Institute of Government at Florida State University
Mr. Tola Thompson, Director of Governmental Relations, Florida Agricultural & Mechanical University
Mr. Dean Minardi, Chief Financial Officer, Bing Energy International Inc.
Mr. John Thomas “J.T.” Burnett, Technology/Business Investor
Mr. Rick Minor, Chief of Staff to Mayor Marks and the City’s Intergovernmental Liaison
CONSENT

Items 4 – 10 – Voted 5-0 to approve staff’s recommendations presented on Consent Agenda
Items 4 through 10 taking the following action:

Item 4 – Appointed the following citizens to the Affordable Housing Advisory Committee; terms to expire June 2014.  *(Recommended by Mayor Marks)*

- Mr. Carl R. Calhoun, President, CALJO Construction LLC
- Ms. E. Ann Cleare, Real Estate Broker/Agent, Premier Construction
- Mr. William Goff, Chief Executive Officer, Home Rehabilitation and Development Inc.
- Mr. Darryl Jones, Executive Director, Bethel Community Development Corporation

Item 5 – Appointment of Mr. Walter Kelly to serve on the Tallahassee Housing Authority; term to expire April 2015. *(Recommended Mayor Marks)*

Mr. Kelly is an Attorney and he is replacing Ms. Lisa Williams whose term expired in April 2011.

Item 6 – Approved property acquisition (Hopkins Generating Station). *(Recommended by the Electric Utility Department)*

The Hopkins Generating Station property contains 236 acres on Geddie Road in Leon County. Most of the property surrounding the electric generating facility is either state owned, commercial use or sparsely developed. Staff became aware that a 72-acre site south of the Hopkins plant had been approved for a 300-unit residential development. Subsequent to the economic turndown, the development of this site has not progressed and the land was recently purchased in an FDIC auction by Collins Webb. Mr. Webb approached the City about the City’s interest in securing this property. Staff agreed that this property was a strategic acquisition to protect the plant from residential encroachment and provide additional noise buffer. Following negotiations with Mr. Webb, staff secured a purchase agreement in the amount of $190,000. This proposed purchase price is $345,000 below appraised value and has been approved by the Real Estate Committee. $190,000 plus approximately $7,000 for City’s share of closing cost. Funding is available in project 02031 – Property Acquisition.
Item 7 – Approved a Certificate of Public Convenience and Necessity (COPCN) renewal with Leon County to provide Advanced Life Support, first response non-transport services within Leon County. *(Recommended by the Fire Department)*

The Interlocal Agreement Regarding the Provision of Fire Services and Emergency Medical Services (FSA) require the Tallahassee Fire Department (TFD) to provide non-transport emergency medical response services within Leon County. In order to provide such response, the Department must be issued a Certificate of Public Convenience and Necessity (COPCN) by the Leon County Board of Commissioners. The first COPCN was issued in 2004 and was renewed in 2006 and 2009. The current COPCN expires in February 2012. Application has been made, for renewal of the COPCN and supported by the Emergency Medical Services Advisory Council. The current application includes the conversion of one engine company from the ability to provide basic life support to the provision of advanced life support. The Department has sufficient staffing and equipment to implement the upgrade with no additional costs. Funding for the Fire Department to provide ALS services is outlined in the current City/County Fire Services Agreement through year 2014.

Item 8 – Approved the selection committee’s ranking and recommendation of the five highest-scored firms and authorized staff to execute a three-year contract with each firm. The firms are listed below: *(Recommended by Procurement Services)*

- Council Contracting, Inc. (Certified Minority Business)
- Bass Construction Co., Inc.
- Childers Construction
- Allstate Construction
- Warren Buildings Co., Inc.
Total expenditures are estimated at $1,950,000 over the life of the contracts (3 years). The contracts will be based on an as-needed basis by the various City departments. Therefore funding for these contracts will not be required until a using department establishes a specific general-contractor project.

Item 9 – Approved the recommended ranking of the Geotechnical Engineering & Material Testing Selection Committee and approved the negotiation of a contract with the four (4) firms (Southern Earth Sciences, Inc., Nodarse & Associations, Inc., Environmental and Geotechnical Specialists, Inc., Ardaman & Associates, Inc.) simultaneously, and authorized the City Manager to execute the contract with each firm following each negotiation. (Recommended by Procurement Services)

Florida Statute 287.055 requires the Commission to approve the committee’s rankings prior to the contract negotiations and executions. The Geotechnical Engineering and Material Testing master term contracts with the recommended four (4) firms may be used citywide for a three-year term. All firms are local Leon County vendors and certified with the City of Tallahassee’s Local Business Certification Program.

The firms were ranked as shown below:

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<th>Maximum Rating Points</th>
<th>30</th>
<th>25</th>
<th>10</th>
<th>20</th>
<th>10</th>
<th>25</th>
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<td>Name of Applicant Firms</td>
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<tr>
<td>1. Southern Earth Sciences</td>
<td>24.5</td>
<td>16</td>
<td>10</td>
<td>20</td>
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<td>21.5</td>
<td>14.5</td>
<td>106.7</td>
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<td>2. EGS</td>
<td>27.7</td>
<td>13.6</td>
<td>10</td>
<td>20</td>
<td>5</td>
<td>22</td>
<td>17.5</td>
<td>123.2</td>
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<td>3. Nodarse &amp; Associates</td>
<td>22</td>
<td>10</td>
<td>10</td>
<td>5</td>
<td>20</td>
<td>14.2</td>
<td>195.6</td>
<td></td>
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<tr>
<td>4. Ardaman &amp; Associates</td>
<td>27.9</td>
<td>16.7</td>
<td>10</td>
<td>20</td>
<td>5</td>
<td>21.7</td>
<td>18.7</td>
<td>120.7</td>
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Item 10 – Authorized the City Manager to negotiate and execute a Joint Project Agreement (JPA) with BluePrint 2000 for relocation and construction of water and sewer infrastructure to facilitate the widening of Capital Circle Northwest/Southwest from Orange Avenue to Tennessee Street. (Recommended by Underground Utilities)

The estimated cost for water main relocation JPA is $2,711,280. The water main relocation JPA will be funded from Project #1100601 – N2 Water Relocation which has a current balance of $3,100,000. The estimated costs for sewer relocation JPA is $3,066,567. Sewer relocation JPA will be funded from Project #1100602 – N2 Sewer Relocation which has current balance of $2,399,441 and Project #1000584 N2 Sewer Improvements that has current balance of $667,126. In summary, the total estimated water and sewer JPA cost will be approximately $5.78 million.

Summary – November 9, 2011 - Page 5 of 19
Item 11 – Received an update on the State and Federal Legislative Priorities. *(Brought forward by the Mayor's Office)*

Mr. Rick Minor, Chief of Staff, provided an overview of the following State and Federal Legislative priorities:

**Section I - 2012 State Legislative Program:**

**Section I-A: State Appropriations**

1. $418,157 – Tallahassee/Leon County Juvenile Assessment Center (JAC)
2. $1 Million - Tallahassee – FDOT Aviation Grant Fund
3. $2.5 Million – Coal Chute Pond Stormwater Management Facility
4. $65,300,000 – Capital Circle Southwest Road Improvements
5. 5.5 Million – IntraState Air Services to Tallahassee

**Section I-B: State Policy Issues**

1. Gift Ban Legislation
2. Hoffman Claims Bill
3. State Employee Buss Pass Program
4. Intra-State Air Service to Tallahassee

**Section II - FY2012 Federal Legislative Program:**

**Section II-A: Federal Appropriations**

1. $500,000 – Neighborhood REACH Neighborhood Livability Project
2. $4,400,000 – Satellite Transfer Facilities
3. $850,000 - Intelligent Transportation System (ITS) Implementation
4. $5,850,000 – Purchasing Replacement Vehicles (Buses/Vans)
5. $8,750,000 – Para transit Maintenance Facility
6. $500,000 - Support for Small Community Air Service Development Grant
7. $3 Million – Transportation Security Administration (TSA) Grant for In-Line Hold Baggage Screening System (HBSS)
8. $4 Million – Advanced Wastewater Treatment (AWT) Infrastructure

**Section II-B: Federal Policy Issues**

1. Tallahassee Regional Airport Policy Items
2. Water Resources Development Act Authorization
3. SAFETEA-LU Reauthorization

**Section II-C: Federal Grants**
1. Evaluate federal grant opportunities for City projects:
   a. Federal Aviation Authority for airport runway reconstruction
   b. Department of Homeland Security for firefighting and law enforcement grants
   c. Department of Justice for law enforcement grants
   d. Other federal grants opportunities

2. Monitor proposed cuts to important grant funding:
   a. 7.5% reduction in the Community Development Block Grant (CDBG)
   b. U.S. House of Representatives plans to eliminate the SAFER Grant Program
   c. U.S. House of Representatives plans to cut the FIRE Grant Program by $90 million

Staff to bring back additional information relative to this item. Action deferred until the November 30, 2011 City Commission Workshop.

INTRODUCTION OF ORDINANCES

ORDINANCE NO. 11-Z-31

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA AMENDING THE BREVARD STREET URBAN PLANNED UNIT DEVELOPMENT ON THE OFFICIAL ZONING MAP OF THE CITY OF TALLAHASSEE ADOPTED AND ESTABLISHED BY THE CITY COMMISSION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Item 12 – Introduced Ordinance No. 11-Z-31; proposed amendment to the Brevard Street Urban Planned Unit Development (PUD) (PRZ110007). The public hearing was set for November 22, 2011. (Recommended by the Planning Department)

The applicant is requesting an amendment to the existing Brevard Street Urban Planned Unit Development (UPUD). The proposed amendment will remove the hotel use, and replace it with an additional 52 multi-family units, while incorporating two additional parcels into the UPUD boundary. These two parcels will be utilized as a surface parking lot and a continuance of an existing retail/commercial use. The proposed project would encompass 4.16 acres located north of West Brevard Street between Richmond and Wadsworth Drives. The applicants are Phoenix Property Company, Morghem Akram, Judy Eckstein, and Ravi Vemuri. The agent is Moore Bass Consulting, Inc.
Item 13 – Introduced Ordinance No. 11-Z-32; proposed amendment to the West End Urban Planned Unit Development (UPUD) Concept Plan. (PRZ110008). The public hearing was set for November 22, 2011. (Recommended by the Planning Department)

The applicant is requesting an amendment to the existing West End UPUD Concept Plan to change the name to “West End Village”, decrease the residential use from 139 to 126 units and to increase the maximum non-residential use from 12,000 to 30,000 square feet. The site is located on property north of West Call Street between Conradi Street and Whitehall Street. The applicant is Westgate Investments of Tallahassee and the agent is Poole Engineering and Surveying, Inc.
ORDINANCE NO. 11-O-33

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, RELATING TO COMPREHENSIVE PLAN REFORM AMENDING THE TALLAHASSEE LAND DEVELOPMENT CODE OPEN SPACE ZONING DISTRICT (OS) TO ALLOW COMMERCIAL USES RELATED TO PARK SERVICES IN REGIONAL PARKS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Item 14 – Introduced Ordinance No. 11-O-33; proposed amendment to the Land Development Code to amend the Open Space (OS) Zoning District to allow commercial uses related to Park Services in Regional Parks and set the first of two public hearings for November 22, 2011 and the second and final public hearing for December 14, 2011. (Recommended by the Planning Department)

The proposed ordinance implements changes to the Open Space (OS) zoning district to enhance park services in regional parks. Specifically, this ordinance expands the OS district intent and allowable uses to include restaurant and retail uses associated with active recreational services in regional public parks.

This ordinance will be implemented through the existing land development process in the Growth Management Department with no new costs identified.

ORDINANCE NO. 11-Z-34
Item 15 - Introduced Ordinance No. 11-Z-34; proposed amendment to the Official Zoning Map Changing the Zoning Classification from the Central Core (CC) Zoning District to the Open Space (OS) Zoning District (PRZ110009). The first of two public hearings was set for November 22, 2011 and the second and final public hearing was set for December 14, 2011. (Recommended by the Planning Department)

The application is requesting an amendment to the Official Zoning Map to change the zoning classification from the Central Core (CC) zoning district to the Open Space (OS) zoning district. The subject properties are located in the downtown area and comprise Cascades Park (Park). The 30.45-acre properties are bound to the west by South Monroe Street, to the south by C.S.X. Railroad, to the west by South Meridian Street, to the north by East Pensacola Street and to the east by Suwannee Street.

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ORDINANCE NO. 11-Z-41

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING AND INCLUDING ADDITIONAL TERRITORY AS AND IN MR-1 MEDIUM DENSITY RESIDENTIAL ON THE OFFICIAL ZONING MAP OF THE CITY OF TALLAHASSEE ADOPTED AND ESTABLISHED BY THE CITY COMMISSION; AND PROVIDING AN EFFECTIVE DATE.
**Item 16** - Introduced Ordinance No. 11-Z-41, proposed amendment to the Official Zoning Map changing the zoning classification from the Light Industrial (M-1) zoning district to the Medium Density Residential (MR-1) zoning district (PRZ110017), and set the first and only public hearing for November 22, 2011. *(Recommended by the Planning Department)*

The subject property is a 1.95-acre parcel zoned M-1 located immediately east of Someplace Else, a transitional housing/community facility owned by the applicant that is zoned MR-1. The subject property is located on the south side on Roberts Avenue between Mabry Street and North Paul Dirac Drive; the northern entrance to Innovation Park. The applicant is requesting to amend the Official Zoning Map to change the zoning classification from the Light Industrial (M-1) to the Medium Density Residential (MR-1) zoning district in order to allow the expansion of the Someplace Else facility. The applicant for this project is Capital City Youth Services (CCYS) and the agent is Paradigm Engineers & Consultants.

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**ORDINANCE NO. 11-O-42**

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING SECTIONS 7-34, 7-62 AND 7-81 OF CHAPTER 7 OF THE TALLAHASSEE LAND DEVELOPMENT CODE REGARDING ON-SITE SIGNS THAT EMIT VAPORS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

**Item 17** - Introduced Ordinance No. 11-O-42; amending the Land Development Code to Authorize Signs Emitting Vapors and set the first and only public hearing for Tuesday, November 22, 2011. *(Recommended by the City Attorney’s Office)*
The City’s Sign Code includes a prohibition against signs which emit visible smoke, vapors, particles, or odor. See Sec. 7-81, Land Development Code. Recently, a bar-b-que restaurant redeveloped a site on East Tennessee Street in downtown Tallahassee, and installed a sign emitting vapors to draw attention to the restaurant. The vapors are water-based, and the City has been assured that the vapors cause no harm to humans or the environment. In order to allow the sign to continue in operation, the City Attorney’s Office, in conjunction with the Growth Management Department, has drafted Ordinance No. 11-O-42 to allow signs emitting vapors as long as the Building Official determines that the sign’s vapors will not harm the public health, safety, or welfare.

ORDINANCE NO. 11-O-42

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING SECTION 12-4 OF ARTICLE I, OF CHAPTER 12 OF THE TALLAHASSEE CODE OF GENERAL ORDINANCES, RELATING TO NOTICE ON PRIVATE PREMISES TO PROHIBIT DISTRIBUTION AND SOLICITATION, PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Item 18 – Introduced Ordinance No. 11-O-43; regarding “No Solicitation/No Advertising” Signs on Residences and set the public hearing for November 22, 2011. (Recommended by the City Attorney’s Office)

The City Attorney’s Office was asked to draft an ordinance that would provide a penalty for unwanted solicitors that intentionally disregarded signs posted by residents stating “No Advertising,” “No Solicitation,” or other similar words. The City currently bars posting of unwanted handbills and advertisements on public property and on vehicles that are on city streets or on private property in the city. The proposed ordinance provides a penalty that would allow residents to request that no one ring their door bell, knock, or otherwise disturb them or leave flyers in the entrance way to a residence by prominently displaying a notice stating that the occupants of the premises do not desire to be bothered, have their right of privacy disturbed, or to have handbills posted on the property. The ordinance was presented to the Long Range Planning Target Issue Committee on August 30, 2011, which decided to introduce the proposed No Solicitation/ No Advertising Ordinance to the City Commission.

POLICY FORMATION & DIRECTION

Item 19 – Voted 5-0 to approve the selection committee’s recommendation and authorized the City Manager or her designee to (1) execute a design/build agreement with H2Engineering, Inc. to replace the existing old chillers and boiler at the Tallahassee Senior Center with a partial storage Thermal Energy Storage system, including Alternate 3 and Voluntary Alternate 1, as proposed by H2Engineering, Inc., (2) appropriate up to $590,000 in Energy Efficiency and Conservation Block Grant funds for the project, and (3) approve any future change orders that arise during the course of construction up to the $590,000. (Recommended by Energy Services)

The Tallahassee Senior Center is heated and cooled using a boiler and chillers respectively. Both systems are old and inefficient. The existing boiler failed recently and has become the top priority for replacement. With funding through the federal Energy Efficiency and Conservation Block Grant (EECBG) program, City staff issued a Request for Proposal (RFP), No. 0084-11-TJ-RC on June 5, 2011 for a design/build team to replace the heating system with a high-
efficiency boiler and the chillers with a system that utilizes ice storage to reduce demand during hot summer afternoon peaks. Known as Thermal Energy Storage or TES, these ice storage systems can be used to considerably reduce energy costs by allowing energy-intensive, electrically driven cooling equipment to be predominantly operated during off-peak hours. In addition, electric demand is reduced during the utility’s peak hours thereby contributing to the City’s Demand-Side Management goals. There are only three active ice storage projects in Tallahassee, and the Senior Center will serve as a demonstration project to encourage other commercial customers to consider thermal energy storage technology.

Three local contractors responded to the RFP. The proposals were reviewed and scored on September 6, 2011, and the design/build team at H2Engineering, Inc. was selected.

Item 20 – Voted 5-0 to approve the potential partnership between the City of Tallahassee, Leon County Schools, and NoPetro, LLC for TIGER Grant Funding. (Recommended by Underground Utilities)

Grant funding is currently available for selected entities that demonstrate support for the mission of conserving energy resources and providing jobs. The funding source is TIGER (Transportation Investment Generating Economic Recovery). Leon County Schools has initiated a project with NoPetro and is seeking City partnership. NoPetro, LLC is a Florida-based company headquartered in Coral Gables that proposes to finance, design, build, operate, maintain, and supply a state-of-the-art public and private compressed natural gas (CNG) fueling station for the benefit of Leon County Schools, the City of Tallahassee, and all Leon County citizens. If awarded the TIGER grant funds, and subject to all required approvals, the City of Tallahassee will use $4 Million to purchase eleven (11) brand new CNG StarMetro transit buses. The partnership will also include the City’s Utility Services extending its natural gas pipeline out to the NoPetro fueling facility to supply natural gas to the station for Leon County Schools’ buses, private fleets, and other public vehicles.

Item 21 – Received a report on a proposed process to revise the City Minority Business Enterprise (MBE)/Disadvantaged Business Enterprise (DBE) Policy and directed staff to proceed with the implementation strategy as described. Provide policy feedback on concepts, which will come back to the Commission in early 2012 for discussion. (Recommend by Economic and Community Development)

Mr. Michael Parker, Assistant Director, Economic and Community Development, provided a brief overview of the item. The purpose of this agenda item was to outline a process to secure information, data, and policy input on the future of MBE and DBE programs.

In May of 2011, the City Auditor released the results of his review of the City's business incentive programs which included the MBE, Charitable Contributions, Local Preference, and Volume of Work incentives. The Auditor’s conclusions relative to the MBE Program were: (1) the policy is outdated and needs to be discontinued or revised, (2) the 1990 disparity study which is cited in the policy should be updated to reflect more recent market conditions, and (3) the MBE office has not provided consistent site visits to ensure MBE compliance by contractors.

A more recent review by the City Auditor of large City construction contracts revealed a number of instances where the City’s MBE policies were not being followed. This review has also identified administrative issues which need to be addressed to accomplish the objectives of the MBE Program.
This item was for information purposes only; no action was required.

**Item 22 –** Received a report on the Electric Utility Reserve Audit. (*Brought forward by the City Auditor*)

Mr. Bert Fletcher, Senior Audit Manager, City Auditor’s Office, appeared before the Commission and provided a review of the Electric Utility Reserves Audit.

**BACKGROUND**

Definition of “Reserves” – Funds set aside for the purpose of ensuring sufficient cash is available to maintain continuity of operations.

For the City’s electric utility this means the continued generation and distribution of electricity to city electric customers.

**WHY THIS AUDIT WAS CONDUCTED:**

City Commission Policy 224 “Financing the Government” establishes an operating reserve for the City’s electric utility. The policy establishes four primary purposes, or components, of the reserve including:

- Working Capital
- Emergency Events
- Fuel Risk Management
- Rate Stabilization

As of the time of our audit, that policy provided for a targeted reserve level of $122 to $185.9 million.

The overall purpose of this audit was to ascertain the reasonableness of the reserves maintained for City electric utility operations. To address that overall purpose we established four specific audit objectives:

- Determine whether current City policy provides for establishment of reasonable and adequate reserves for electric utility operations.
- Determine whether the City maintains adequate and appropriate reserves for electric utility operations.
- Determine if sources and uses of reserve funds for the electric utility were proper, reasonable, and in accordance with established policy.
- Determine whether the City properly accounted for reserve funds maintained for the electric utility.

**WHAT THE AUDIT CONCLUDED:**

City Commission Policy 224 “Financing the Government” (224CP) provides for a preferred (targeted) reserve level that is comparable to reserve levels suggested by industry guidance, specifically reserve levels suggested by the American Public Power Association.
Available reserves were determined to consist of both “operating reserve funds” and “undesignated electric utility repair, replacement, and improvement (RRI) funds.” In recent years, available reserves have been within (or at some points very near) the lower end of the targeted reserve levels established by City policy and levels suggested by industry guidance. Planned uses in FY 2012 will, however, place reserves below those levels.

Increases in reserve levels over the last decade are attributable to investment earnings and transfers of operating surpluses from electric utility operations, as provided by City policy. Those increases over the last decade totaled approximately $43.4 million. Uses of reserves over the last decade have been authorized and in accordance with policy provisions. Those uses included:

- Temporary provision of working capital to allow the electric utility to timely pay expenses and obligations.
- Repair and other costs related to emergency events.
- Temporary funding of margin calls on hedged deals executed in connection with the acquisition of natural gas used in the generation of electricity.
- Direct and indirect rate stabilization such that City utility rates did not have to be increased.

While some of those uses were temporary (e.g., loans that were subsequently repaid to the operating reserves) others were permanent in nature. Those permanent uses over the last decade totaled approximately $10.1 million.

Processes and methods used by applicable City departments to account for reserve funds and related activity, including margin calls, have generally been proper and reasonable.

**RECOMMENDATIONS FROM THE AUDIT INCLUDED:**

- Process enhancements to provide for timely recording of transfers from the reserves to the Energy Services department for the temporary funding of margin calls. These enhancements are needed to provide for accurate and timely disclosure of the status of available reserves.
- Enhancements to reconciliations performed to ensure City funds (including Electric Utility operating reserves) paid into the City’s margin account maintained on the New York Mercantile Association (NYMEX) are properly received, used, accounted for, and reported by the City’s contracted agent.
- Policy enhancements to provide for additional funding sources for the Electric Utility operating sources and to clarify the dynamic nature of target funding levels.
- Revisions to the City’s Energy Risk Management Policy and Procedures to identify an appropriate funding source for certain margin calls on hedged financial deals executed in connection with natural gas purchases.

**FINAL AUDIT PERSPECTIVE:**
Cash reserves should be perceived as funds, not restricted as to use by an external entity, available to maintain “normal operations” in special circumstances so as to preclude having to
raise rates, incur additional debt, or default on legal obligations. When reserves are used (either operating reserves or available RRI funds), it is important they be replenished in a reasonable and timely manner. Replenishment (1) ensures the ability to continue maintenance of normal operations upon subsequent circumstances (e.g., new emergencies, additional working capital shortages, etc.) and (2), in the event available RRI funds are used for reserve purposes, helps ensure funds are available for future capital projects. If reserves are not replenished, it may be necessary to raise rates or incur additional debt, or even default on legal obligations upon subsequent events. Timely replenishment of reserves is also important to help ensure preferred (positive) credit ratings by bond rating agencies, which in turn is important to keep the cost of debt affordable upon the issuance of bonds for financing major capital improvements.

This item was for informational purpose only no action was required.

**Item 23 (Deleted from the Agenda)** - Consideration of Funding the FY2010 Operating Deficit of the Tallahassee-Leon County Civic Center Authority *(Recommended by Department of Management and Administration)*

**Item 24** – Voted 5-0 to approve the acceptance, appropriate revenues, and authorized expenditure of a $777,032 grant awarded by the U.S. Department of Justice, Office of Community Policing Services. *(Recommended by the Police Department)*

The grant will fund 100% of the entry-level salary and eligible benefits for four (4) officers for a three-year period. Local matching funds are not required during the grant period. Following the three year grant period, the positions must be retained and funded for at least 12 months. During this period, if the City reduces the Police Department’s authorized sworn strength due to budget constraints, there will need to be prior coordination with the U.S. DOJ, COPS Office and detailed financial documentation provided that accounts for the City’s decrease in available funding and elimination of police officer positions. Estimated fiscal impact over the next four fiscal years is as follows: (a) FY12 - $245,664 – COPS grant funding; (b) FY13 - $257,996 – COPS grant funding; (c) FY14 - $273,372 – COPS grant funding; and (d) FY15 - $287,040 – City of Tallahassee general fund. The Budget Office has reviewed this agenda item and concurs that it meets City guidelines.

Chief Dennis Jones, Tallahassee Police Department, was present and answered the Commission’s questions relative to this item.

**Item 25** – Voted 5-0 to elect Commissioner Gillum as the Mayor Pro Tem to perform the duties of the Mayor in cases of absence or inability of the Mayor to perform such duties. The Mayor Pro Tem will serve until the Commission Reorganization in November, 2012. *(Brought forward by the Office of the Treasurer-Clerk)*

Mayor Marks thanked Commissioner Ziffer on his efforts as Mayor Pro Tem.

**TARGET ISSUE UPDATE**

Environmental and Energy Resources presented by Commissioner Miller

- Impact of Flow Conditions at Spring Creek on Wakulla Spring Discharge
- Status Report on Goals

Long Range Planning presented by Commissioner Mustian
• Review of Proposed Fees for Chapter 163 Development Agreements
• Tallahassee Downtown Improvement Authority District Expansion
• Cascades Park and Trail Connectivity Issues

Health and Human Services presented by Commission Ziffer

• Capital City Youth Services, Inc.
• Poverty—Impact on the Local Community
• Review of the Change for Change Program

A brief discussion ensued regarding the Change for Change Program.

UNAGENDAED BUSINESS/SPEAKERS

1. Dr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission to discuss the need for transparency in city government and requested that Mayor Marks provide a summary of the activities that occurred in Rugao China along with copies of contracts or agreements that he may have signed during his visit to China. Dr. Jackson stated that any agreements formed between China and the City of Tallahassee needed to be confirmed as opposed to agreements between China and Marks and Marks Law Firm, or Knowles, Marks, Randolph Consultants. Dr. Jackson questioned whether Mayor Marks was representing the City of Tallahassee or his other clients, which included AT&T, Honeywell, and ADE while in China. Dr. Jackson commented about the Commission’s discussions on the need for more transparency in city government. Dr. Jackson stated two weeks ago that Mayor Marks and Commissioner Gillum stated that the City was doing a good job of being open and transparent. Dr. Jackson questioned why Mr. Sean Pittman, former Campaign Manager for Mayor Marks, was hired to be a lobbyist for the City of Tallahassee. Dr. Jackson stated information received through a public records request revealed an exorbitant contract with Mr. Pittman and also questioned why Mr. Pittman’s renewal contract was not made out to him, but was made out to Ron Book and Associates, while Mr. Pittman continues to function as a City lobbyist. Dr. Jackson also questioned why Mr. Pittman was paid approximately $200,000 from a City contract to identify MBE contractors when the City has an entire department who provides the same service. Dr. Jackson stated that this was not an act of transparency but an organized attempt to disguise the truth in an attempt to again deceive the public. Dr. Jackson stated that a few years ago a fence contractor formed his own business and weeks later was rewarded with a contract worth several hundred-thousand dollars to fence the entire Tallahassee airport. This contractor was newly-incorporated and had no experience or a physical location for his business. Dr. Jackson questioned the qualifications of the contractor. Dr. Jackson stated that the company was called Phoenix Construction Fencing LLC, which was formed by Mayor Marks’ law partner Mr. Knowles and also stated that the company later dissolved approximately one year after it was incorporated. Dr. Jackson requested that the Commission direct the City Auditor to review each of the contracts and bring the truth to the public. Dr. Jackson stated that China’s form of transparency will no longer be accepted by the citizens of Tallahassee.
2. Mr. Ken Thurston, 4595 Berklie Drive, appeared before the Commission and thanked Commissioner Miller for making herself available to the public and indicated that much of what he was about to speak about does not apply to Commissioner Miller. Mr. Thurston stated that he has been watching events and matters that have come before the Commission for years and stated that he thought that it was ironic that the Commission debated transparency at the last Commission meeting. Mr. Thurston stated that he could not fathom what the opposition to transparency might be. Mr. Thurston also stated that a few years ago the Commission voted to give themselves a $22,000 per year raise at a meeting where the subject was not clearly disclosed to the public; and that it took an indigent citizenry and research capability of a PhD. to find the facts and that it should not have taken two years for the Commission to stop the practice. Mr. Thurston stated that each of the Commissioners who received the funds knew that they had done something wrong. Mr. Thurston requested that the Commission return the funds to the city and that he did not care if there was a cost associated with returning the funds. Mr. Thurston opined that the Mayor’s behavior has gone beyond disappointment and indicated that he was disgusted. Mr. Thurston opined that Mayor Marks has abused his position and has used his office for personal gain and that it is well documented that Mayor Marks will act on his own interest and everything that the Mayor says and does is tainted by suspicion. Mr. Thurston stated that the public cannot trust the Mayor to behave in the community's best interest. Mr. Thurston accused Mayor Marks of taking large amounts of money from vendors and that this compromised the Mayor’s independence on the decisions that he was called to make. Mr. Thurston stated that Honeywell, AT&T, ADE, and KMR Consultants have given the Mayor money to steer city contracts. Mr. Thurston stated that Mayor Marks is a long-time politician and a lawyer and that the Mayor should know that what he has done is wrong, but that the Mayor thought that he could get away with it, which is the height of arrogance. Mr. Thurston stated that Mayor Marks has lost his credibility and leadership effectiveness and that he does not feel that Mayor Marks can recover it. Mr. Thurston stated that the city is a wonderful place to live and has many good people living in it and felt that there were five good citizens in the community who could behave honorably and serve in the public’s best interest and also stated that he was confident that the city could do better.

3. Mr. Larry Hendricks, 406 Alpha Avenue, appeared before the Commission and thanked Mr. Zachary Galloway, Planner II, Planning Department and others who were responsible for setting up the community garden program. Mr. Hendricks commented about the many needs of the community and stated sixty cents added to utility bills is not going to cover the needs of the community. Mr. Hendricks expressed concerns with the millions of dollars being spent on Gaines Street and the Public Safety Complex at Tom Brown Park. Mr. Hendricks opined that the Commission’s first responsibility should be to take care of the small businesses and organizations who serve the community (many on a volunteer basis), who have inadequate funds and resources. The Commission’s first responsibility should not be to take care of their friends, buddies, and co-workers, which is where Mr. Hendricks indicated that most of the Mayor’s campaign contributions come from. The community expects the Mayor to represent them and not his friends, buddies, and co-workers. Mr. Hendricks reiterated his
concerns with the money being spent on Gaines Street and the park and also commented about the need for more transparency in city government.

SHARING OF IDEAS

Commissioner Ziffer congratulated Mayor Marks and Commissioner Miller on the birth of their new grandchildren.

Mayor Marks commented that when you have a new grandbaby, many other things in life become meaningless. Mayor Marks congratulated Commissioner Miller on the birth of her grandchild. Mayor Marks noted for the record that moments while Dr. Jackson was speaking, he was looking at a picture of his grandchild and smiling, and clarified that his demeanor was not a response to Dr. Jackson.

Commissioner Gillum commented that he, along with his aide, rode StarMetro all week in order to get a firsthand experience. Commissioner Gillum stated that citizens were not shy about voicing their concerns and that there was no consensus from the people that he spoke with. Commissioner Gillum commented about the safety of transfers and the need to improve transfer opportunities and also commented that, at every stop, the bus was consistently running ten minutes late for the entire morning. Commissioner Gillum indicated that the driver stated that every morning and every afternoon during rush hour, the bus is always ten minutes late. Commissioner Gillum stated that this is an issue he felt needed to be reviewed. Commissioner Gillum commended the staff for their efforts in trying to improve the issues. Commissioner Gillum recognized Mr. Cory Sanders who works in his office and congratulated Mr. Sanders on his recent marriage.

Commissioner Mustian commented that he along with County Commissioner Bryan Desloge were scheduling meetings with various community groups relating to Miccosukee Greenway \ Welaunee PUD issue and will bring back recommendations in January 2012.

Mayor Marks clarified that the legislative agenda item required that the Commission take a vote but after Mr. Minor, Chief of Staff, spoke with several of the Commissioners who requested more information, action was deferred until the November 30, 2011 City Commission Workshop. Mayor Marks stated that staff did not have time to change the agenda statement on the agenda item.

Commissioner Miller acknowledged Veterans Day on November 11, 2011 and thanked everyone associated with the Armed Services and their families. Commissioner Miller responded to comments made by Mr. Hendricks and clarified that the city is not spending money on a park and stated that the city is building a massive stormwater containment system that will control flooding near and around Cascades and Lafayette Parks and beyond. Commissioner Miller commented that she wanted the November 30, 2011 workshop to be a constructive experience and requested that each Commissioner inform the City Manager of important issues they would like to discuss at that time.

There being no further business to discuss, the meeting adjourned at 7:09 p.m.
SUMMARY OF COMMISSION MEETING  
November 22, 2011

The City Commission met in regular session at 4:03 p.m. in the City Hall Commission Chambers. Commissioners Marks, Gillum, Mustian, Miller, and Ziffer, were present. The following action was taken:

AGENDA MODIFICATIONS

Added to the Agenda:

Item 8.1 - Application for Tallahassee to host the 2014 Sister Cities International Conference *(Brought forward by Mayor Marks)*

Pulled from Consent:

Item 3 - Approval of 2012 Audit Work Plan. *(Brought forward by the City Auditor)*

PRESENTATIONS

Item 1 - Winter Festival Update and Invitation. *(Brought forward by the Department of Parks, Recreation, & Neighborhood Affairs)*

Mr. Dee Crumpler, Director, Parks, Recreation, & Neighborhood Affairs, accompanied by Ms. Jan Bubsey, Winter Festival Director of Operations, Parks, Recreation, & Neighborhood Affairs, appeared before the Commission to provide an update on the upcoming 2011 Winter Festival. It was announced that this year is the 25th anniversary of the Winter Festival.

Along with Mr. Crumpler and Ms. Bubsey were Santa and Mrs. Claus, and other holiday-themed characters.

The annual Winter Festival parade will occur on Saturday December 3, 2011 and the parade will commence immediately after the Jingle Bell Run event.

APPEARANCES BY CITY COMMISSION APPOINTED BOARDS AND COMMITTEES, AND OTHER GOVERNMENTS

Item 3 (pulled from Consent) – Voted 5-0 to approve the 2012 Audit Work Plan as presented in the agenda item. *(Recommended by the City Auditor)*

Mr. Sam McCall, City Auditor, accompanied by Dr. Karen Stanford, City Audit Committee member, appeared before the Commission to present the 2012 Audit Work Plan.

Commissioner Gillum inquired if the City Auditor’s office had ever performed a survey or audit of employee satisfaction or employee morale, and City Auditor McCall responded in the negative.
Commissioner Gillum asked if individual Commissioners request an item or issue be added to the work plan. City Auditor McCall responded that Commissioners can present their request to the Mayor or to the Chair of the City Audit Committee.

**CONSENT**

**Item 2 and Items 4 – 7** – Voted 5-0 to approve staff’s recommendations presented on Consent Agenda Item 2 and Items 4 through 7 taking the following action:

Item 2 – Approved the Notice of Termination of the April 18, 2001 agreement between the City and Kid's Ventures, Inc., Middlebrooks Investment Group, Ltd., Estate of Nelle B. Middlebrooks, and William A. Grow, Jr. as Trustee, and instructed staff to record the notice in the public records of Leon County. *(Recommended by the City Attorney)*

Item 4 – Approved the reassignment of the City’s computer network maintenance from Dell, Inc. to Hayes E-Government Resources, Inc. *(Recommended by the Department of Management and Administration)*

Item 5 – Authorized the City Manager, or her designee, to execute the five-year trail maintenance agreement with Leon County for which the City will receive annual payments totaling $2,199, payable semi-annually; and authorized the City Manager, or her designee, to approve an optional five-year renewal. *(Recommended by Public Works)*

**RESOLUTION NO. 11-R-31**

A RESOLUTION OF THE CITY OF TALLAHASSEE, FLORIDA AUTHORIZING THE PARTIAL DEFEASANCE, REDEMPTION AND PAYMENT OF THE CITY’S OUTSTANDING CAPITAL BONDS, SERIES 2004 IN THE AMOUNT OF NOT TO EXCEED $6,000,000; DIRECTING THE INTERIM CITY TREASURER-CLERK TO TRANSMIT FUNDS TO THE ESCROW HOLDER WITH INSTRUCTIONS THAT THE ESCROW HOLDER DEFEASE CERTAIN OF THE SERIES 2004 BONDS AS PROVIDED HEREIN; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF AN ESCROW DEPOSIT AGREEMENT AND APPOINTING AN ESCROW HOLDER; AUTHORIZING THE PURCHASE OF CERTAIN DEFEASANCE OBLIGATIONS; AUTHORIZING THE MAYOR AND THE INTERIM CITY TREASURER-CLERK TO PERFORM ALL ACTIONS NECESSARY TO FACILITATE SUCH DEFEASANCE; AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Item 6 – Adopted Resolution No. 11-R-31; authorizing defeasance of Capital Bonds, Series 2004. *(Recommended by the Treasurer-Clerk)*

Item 7 – Approved the Minutes of the February 9, 2011 Regular Meeting. *(Recommended by the Treasurer-Clerk)*
CITY COMMISSION

RESOLUTION NO. 11-R-36

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF TALLAHASSEE, FLORIDA, ENDORSING AND SUPPORTING EFFORTS TO RESTORE AMTRAK SERVICE ON THE SUNSET LIMITED ROUTE

Item 8 – Voted 5-0 to adopt Resolution No. 11-R-36; Endorsing and supporting efforts to restore Amtrak railroad passenger service on the Sunset Limited route. (Brought forward by Commissioner Miller)

Mr. Bart Bibler, 3676 Mossy Creek Lane, appeared before the Commission at the invitation of Commissioner Miller. Mr. Bibler advocated for the City’s support in reviving Amtrak passenger service to Tallahassee. It was noted that the Sunset route was the only true trans-continental route.

The Tallahassee Amtrak station, located at 918 Railroad Avenue, is a historic depot that was constructed in 1858 and is considered to be one of the oldest depots in the United States. In 2005, Hurricane Katrina damaged railroad tracks west of Tallahassee. In 2006, the damaged railroad tracks were repaired, yet Amtrak passenger service was not resumed due to the projected costs of restoring the service to the region. Citizens supporting the reinstatement of the service have approached several City Commissioners requesting that the City Commission adopt a resolution to be submitted to Florida’s Congressional delegation. The purpose of the resolution is to urge the Federal Government to restore service to Florida’s gulf coast region as soon as possible for both economic and quality of life reasons.

Mayor Marks noted that discussions between the Mayor’s Office and US Representatives Corrine Brown (D-Florida) and John L. Mica (R-Florida). It was noted that Congressman Brown was the current Chair of the Transportation & Infrastructure Committee and Congresswoman Brown was a member of the Transportation & Infrastructure Committee and the former Chair of the Transportation Subcommittee on Railroads, Pipelines and Hazardous Materials.

Item 8.1 (added to the agenda) – Voted 5-0 to approve the Mayor’s Office’s coordination of the application to host the 2014 Sister City International (SCI) Conference. (Brought forward by Mayor Marks)

Rick Minor, Chief of Staff, Office of the Mayor, and Ms. Janet Roach, Meetings & Conventions Sales Director, Visit Tallahassee, Leon County, appeared before the Commission to present the request.

If Tallahassee is selected by SCI, the cost of hosting a Welcome Reception event is estimated at $10,000. The City will solicit in-kind contributions to fund the associated costs; no use of City funds is anticipated and Bing Energy has agreed to spearhead the fundraising efforts. The event is expected to attract approximately 200 people to Tallahassee for three days.
INTRODUCTION OF ORDINANCES

ORDINANCE NO. 11-O-44

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING THE TALLAHASSEE LAND DEVELOPMENT CODE TO PROVIDE AUTHORITY FOR FEES AND AN APPLICATION REVIEW PROCESS FOR CHAPTER 163 DEVELOPMENT AGREEMENTS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Item 9 – Introduction of Ordinance No. 11-O-44; authorizing Fees and Review Procedures for Development Agreements; and set the first and only public hearing for December 14, 2011. (Recommended by the City Attorney)

City Attorney English read the title of the ordinance into the record.

Under the ordinance, a review fee will be established in order to recoup the costs of staff time and publishing public notices required by Statute. This matter was reviewed by the Long Range Community Based Planning Target Issue Committee on October 18, 2011, which recommended taking the following fee proposal to the full City Commission. The proposed fee schedule is as follows:

- 0-20 acres: $400 (to offset cost of public notices)
- 21-50 acres: $750
- 51 acres or more: $750 and $10 per acre up to a cap of $10,000

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

Commissioner Gillum requested the Mayor to allow public comment for Item 12, relating to StarMetro, and this request was supported by Commissioner Ziffer. The Mayor agreed to permit public comment on the item, instituting the same rules and practices that govern unagendaed speakers.

POLICY FORMATION & DIRECTION

Item 10 – Voted 5-0 to dedicate the subject properties to Leon County Schools contingent on the preservation of existing City easements, the City’s stormwater conveyance system and the City’s approval of the School’s proposed stormwater mitigation project on said property. In addition, the City staff recommends that the Schools accept the property with written acknowledgement of the flood hazard upon receipt. (Recommended by Asst. City Manager Townsend)

The City of Tallahassee currently owns approximately 11.6 acres that are used by Leon County Schools for the purpose of providing activity space for Leon High School. Said properties have been improved by Leon County Schools over the years for baseball fields, open grass recreation and parking facilities for students. With the initiation of the Franklin Boulevard and Cascades Park flood mitigation project by the City and County, Mr. Jackie Pons, the Leon
County Schools Superintendent, has requested that the City consider the permanent dedication of the properties to the schools. There is no financial impact to the City although the properties are currently estimated to have a value of $450,000.

City Manager Thompson discussed the history of flooding on the property and prior requests from students and the School Board to resolve the issue. City Manager Thompson noted that improvements were made to provide some relief, but the problem still exists, noting that Leon High School is in a flood plain and that it is difficult to completely remedy flooding issues.

Ms. Gwen Graham, Chief of Labor and Employee Relations, Leon County Schools, representing Superintendent of Schools Mr. Jackie Pons, appeared before the Commission in support of the item. Ms. Graham thanked the Commission for considering the request.

Commissioner Gillum inquired about Leon County Schools’ financial plan for the mitigation efforts. Commissioner Miller noted that she had spoken with Superintendent Pons and that Mr. Pons had communicated that the school cannot move forward with repairs without ownership of the property.

Mayor Marks noted that questions relating to the Stormwater Fee paid by Leon County Schools were resolved.

Commissioner Mustian ascertained that Leon County Schools will be required to follow the normal building permit process to protect against upstream or downstream flooding issues, and City Manager Thompson replied in the affirmative.

Commissioner Miller made it clear that Franklin Boulevard stormwater system cannot convey any additional water than it currently handles and that the upcoming stormwater improvements will alleviate flooding issues to the extent possible, but that the risk of flooding will not be completely eliminated. Commissioner Miller relayed these limitations to Superintendent Pons, and Mr. Pons acknowledged those limitations.

**Item 11** – Voted 5-0 to approve the selection committee’s recommendation of Volunteers of America of Florida, Inc. to own and manage the Patrick Avenue Apartments and authorize the transfer of ownership of the property with restrictions and the City retaining a reversionary interest and monitoring to ensure compliance with Neighborhood Stabilization Program (NSP) regulations. (RFQ No. 0120-11-VA-RC) *(Recommended by Economic and Community Development)*

Mr. Michael Parker, Economic & Community Development, appeared before the Commission and answered questions relative to the item.

The subject apartments, located at 1524 and 1526 Patrick Avenue were acquired by the City on June 15, 2010 and were renovated by CSI Contracting, Inc. The apartment complex consists of eight 3-bedroom, 2-bathroom units in two quadruplexes. Rehabilitation of the units was completed July 1, 2011. No funds will be expended during the transfer of ownership. To date, $637,896.19 in NSP funds have been expended on the acquisition, renovation, and ongoing maintenance of the property.

Commissioner Gillum inquired if the Federal grant requirements mandated ownership of the property be transferred to the management company. Mr. Parker responded in the negative,
but noted that in order to effectively operate, the management firm needed ownership. Commissioner Gillum inquired about the 15-year time period and asked if this was normal, or if this was on the far end of the spectrum. Mr. Parker clarified that the NSP program required a 15-year timeframe.

Item 12 - Discussion of the StarMetro System and Proposed Changes. (Recommend by StarMetro)

Pursuant to Commissioner Gillum’s request, public comment was taken on this item.

The following persons appeared before the Commission:

- Mr. John Plescow, 1504 Belmont Trace, appeared before the Commission to express his concerns with the recent StarMetro Nova2010 route changes. Mr. Plescow thanked Commissioners Gillum, Ziffer, and Marks for meeting with him, and Mr. Plescow noted that Commissioners Ziffer and Gillum both rode the bus to experience first-hand the difficulties some riders face, and Mr. Plescow thanked both Commissioners. Mr. Plescow stated that the system needs to work for those riders who need the system -- those who have no other transportation option, and that this has been the point from day-one. Mr. Plescow stressed that the City needs to take these specific riders’ needs into consideration. Mr. Plescow requested that the City conduct an evaluation of the system and an evaluation of customer satisfaction and that said evaluations must be conducted by a non-biased party such as the City Auditor. Mr. Plescow completed his remarks by stating the best cure would be more funding to build more infrastructures such as adding additional shelters at bus stops and to create safer crosswalks at the bus stop locations. Mr. Plescow stressed that the headways between buses must be reduced to 20 minutes and that long headways and long waits at the bus stops makes success dubious.

- Mr. Richard Polangin, 1300 North Duval Street, representing the Florida Alliance for Retired Americans, appeared before the Commission and stated that he became involved with this issue because his wife uses StarMetro to commute to Southwood. Mr. Polangin echoed thanks to Commissioners Ziffer and Gillum. Mr. Polangin noted that he recently submitted a letter requesting the restoration of the 80X route and that better schedules and service to Southwood was needed. Mr. Polangin expressed concern with the system having adequate funding for infrastructure, noting the lack of covered transit shelters at the transfer points. Mr. Polangin stated that the lengthy headway times left riders standing at the stops in the hot sun on days where heat advisories were issued, in thunderstorms, in lightning, etc. Mr. Polangin felt that this was not appropriate consideration for riders; riders should be a priority and that adequate shelters and additional funding was needed to remedy these issues. Mr. Polangin suggested that an Action Plan was needed. Mr. Polangin reiterated that under the old system, these issues did not exist as the C. K. Steele Center was the central hub; transfers occurred there, that facility was sheltered, and riders were able to get out of the rain and extreme weather. Now, the transfer points are located throughout the City, they are uncovered, and riders are left out in the weather. Mr. Polangin reinforced that additional buses were needed to reduce wait times, and that shorter headway times would spur more riders to use the system; and that a system friendly to riders would be utilized more heavily. Mr.
Polangin stated concern for disabled and elderly riders, and the difficulties they face. Mr. Polangin completed his comments by expressing support for Mr. Plescow’s call for an independent evaluation of the recent route changes.

- Mr. Curtis Baynes, 1323 East Tennessee Street, commented that the City made a strategic decision to alter the old routes. Mr. Baynes expressed concern with some of the prior speaker’s comments and stressed that the City cannot make strategic decisions about the new routes in the first 3 months of operation. Mr. Baynes stated that he would like to see cost estimates of adding additional buses and making the infrastructure improvements discussed by staff and riders. Mr. Baynes opined that a dollar figure for these improvements was needed in order to evaluate all of the options. Mr. Baynes stated additional funding must be found from somewhere and offsetting cuts should be made elsewhere in the budget. Mr. Baynes stated that change takes time and that some of the comments from unsatisfied riders could be expected. Mr. Baynes completed his comments by stating ridership is down and that next year, the system should be studied; again stressing that the year of implementation is too soon for said evaluation. Mr. Baynes disagreed with prior speaker’s comments concerning waiting outside at stops by stating that under the old route structure riders stood around at bus stop and then riders went downtown and waited and stood there.

Mr. Baynes’ comments drew disagreement from the previous speakers, who were seated in the gallery.

Following public comment, Mr. Ron Garrison, Director, StarMetro, conducted a presentation for the Commission which provided an update on the City’s efforts in implementing the new transit routes, and efforts in resolving post-implementation issues.

It was noted that fare revenues had remained constant and ridership has also remained relatively flat during the implementation. Mr. Garrison noted that staff anticipated an initial decline in ridership and that staff expected it to take about one year for ridership to recover. However, three months after implementation, ridership is about equal to that of the old route structure.

Commissioner Gillum inquired about the online trip planning website and its usage statistics. Mr. Garrison did not have the statistics available, but would provide those to the Commissioner.

Commissioner Miller stated her opinion that 18 months was sufficient time for StarMetro staff to resolve the various issues with the implementation of the Nova2010 routes.

Commissioner Ziffer requested cost estimates for all of the additional buses, shelters, and other equipment and amenities that Mr. Garrison felt would make the new system run perfectly. Commissioner Ziffer opined that perhaps BluePrint2000 funds could be sought to fund some of Mr. Garrison’s items. Commissioner Ziffer further noted that transportation was priority for last BluePrint2000 committee and that transportation would likely be an equally-important issue for the new committee; the focus on getting people out of cars and on buses, biking or walking would increase in the future.

Commissioner Ziffer inquired about the status of the transit shelters that would have advertising panels on the exterior of the shelters. Mr. Garrison responded that the necessary Sign Ordinance changes have not been enacted. It was noted that approximately 25 of the additional shelters waiting to be installed were said ‘advertising shelters.’
Commissioner Gillum inquired about the working conditions of the coach operators and Mr. Garrison assured the Commission that treatment of staff was a top concern and priority for StarMetro.

No action taken; this agenda item was for informational purposes only.

**Item 13** – Voted 5-0 to approve suggested changes to section 104.06 of City Commission Policy 104 (Audit Policy). The Chair of the City Audit Committee may have additional insight into the audit of indications of irregularities and should be made aware of the diversion of audit staff to such audits and how that will impact completion of other audits on the approved audit plan. (104CP) *(Recommend by the City Auditor)*

Mr. Sam McCall, City Auditor, presented the item and was available to answer the Commission’s questions.

Section 104.06 of the policy shall now read (underlined text added):

104.06 REPORT OF IRREGULARITIES: If the City Auditor discovers significant indications of fraud or illegal acts, violations of law or apparent misfeasance, malfeasance, or nonfeasance by a City officer or employee, or information that indicates occurrences of this nature may be reasonably anticipated, he/she shall immediately report the matters to the Mayor, the appropriate Appointed Official, the City Attorney, the Chair of the City Audit Committee, and, in addition, law enforcement as appropriate.

**RESOLUTION NO. 11-R-32**

A RESOLUTION BY THE CITY OF TALLAHASSEE, FLORIDA, CITY COMMISSION, ESTABLISHING THE SCHEDULE OF PERMIT AND REVIEW FEES FOR SIGNS, BUILDINGS, LIFE SAFETY, ELECTRICAL, PLUMBING, MECHANICAL, ROOFING, MOBILE HOME INSTALLATION, GAS, RE-INSPECTION FEES, COMPETENCY EXAMINATION APPLICATION, ENVIRONMENTAL, LAND USE AND CONCURRENCY, TO BE EFFECTIVE ON NOVEMBER 23, 2011.

**Item 14** - Voted 5-0 to adopt Resolution No. 11-R-32; Amendment to the Growth Management Fee Schedule to Establish a Fee for the Electronic Recording of Documents. *(Recommended by Department of Growth Management)*

Ms. Karen Jumonville, Director, Growth Management, and Mr. Doug Moore, Manager, Administrative Services Division, Growth Management, presented the item to the Commission.

By the end of the 2011 calendar year, the Leon County Clerk of Court’s Office will require that documents be recorded through an online electronic process. The Clerk’s Office has contracted with a vendor, Simplifile LC, LLC, of Provo, Utah to provide the website that will allow for this process to take place. Growth Management can extend this electronic recording process to the private sector to streamline processes and expand services to the public. The proposed electronic recording for Notices of Commencement will fulfill a desire expressed by the construction industry to assist in finding a way to minimize the number of trips between the Courthouse and Growth Management. Staff notes that the electronic notary and recording processes are entirely optional.
Item 15 – Voted 5-0 to approve the purchase of wireless infrastructure equipment from Hayes E-Government Resources to upgrade the wireless infrastructure ($105,832) and expand Dragon Intrusion Detection System (IDS) ($474,256); at a total cost of $580,088, to be funded from COT Project No. 12042. (Recommended by the Department of Management & Administration)

Mr. Raoul Lavin, Director, Management & Administration, presented the item and was available to answer questions.

Hayes E-Government Resources is a local, minority, women-owned business under State of Florida Contract No. 250-000-09-1. The new equipment will enable wireless access for the increasingly-mobile workforce that utilizes mobile devices such as tablet computers, smartphones, and Windows 7 computers and will enable visitors and guests to access the Internet while at City office buildings. With the new wireless access capabilities, intrusion-detection software is needed to protect against hackers and computer viruses.

Item 16 – Voted 5-0 to authorize acceptance of the Florida Department of Environmental Protection (FDEP) grant for the FY2013 program cycle in the amount of $75,000; to fund the Think About Personal Pollution (TAPP) Campaign. (Recommended by Environmental Policy & Energy Resources)

Ms. Cynthia Barber, Director, Environmental Policy & Energy Resources, appeared before the Commission to present the item.

Commissioner Miller recognized Mr. Rick Oppenheim of RB Oppenheim, who was present, for his efforts as a TAPP vendor.

The FDEP grant will require a corresponding City match of funds and the grant is tied to two specific elements: monitoring and ad production. The funding of the two elements is tied to the vendors named in the grant application.

The cost of the 2012 TAPP project will not exceed the available funding of $277,314 which is available in the Stormwater Management Capital Budget in Project No. 100782 – TAPP Grant. Future plans for implementing the FDEP Grant and operating TAPP will be a part of the 2013 budget discussions. For the grant, the in-kind/match that is expected is the portion that is connected to the two funded items, which totals $91,000.

The Commission recessed at 5:36 p.m. and reconvened at 6:06 p.m. with Commissioners Marks, Mustian, Miller and Ziffer present.

PUBLIC HEARINGS

ORDINANCE NO. 11-O-39

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA AMENDING CHAPTER SIX OF THE CHARTER OF THE CITY OF TALLAHASSEE, TO ANNEX WITHIN THE CORPORATE AREA OF THE CITY OF TALLAHASSEE, FLORIDA, UPON ADOPTION OF SAID ORDINANCE, PROPERTY BEING SITUATED IN LEON COUNTY, FLORIDA, IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Item 17 (taken out of order) – Voted 5-0 to adopt Ordinance No. 11-O-39; Annexation Petition of Southwood MDR-14 and MUOC-1 parcels. (Recommended by the Department of Management & Administration)
There were no speakers on this item.

Commissioner Ziffer brought forward the issue of availability of recycling containers within apartment complexes. Commissioner Ziffer noted that it may be difficult to retrofit older complexes with adequate containers, but that newly-constructed complexes should be designed such that there was an area designated for recycling containers.

ORDINANCE NO. 11-O-26AA

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING THE TALLAHASSEE LAND DEVELOPMENT CODE SECTION 10-165, PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT REQUIREMENTS AND PROCEDURES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Item 18 – Voted 4-0 (Commissioner Gillum absent) to adopt Ordinance No. 11-O-26AA; Proposed Amendment to increase flexibility for Planned Unit Development (PUD) development standards, based on the findings and conclusions of the Planning Commission and any evidence submitted during the public hearing. (Recommended by the Planning Department)

There were no speakers on this item.

ORDINANCE NO. 11-Z-31

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA AMENDING THE BREVARD STREET URBAN PLANNED UNIT DEVELOPMENT ON THE OFFICIAL ZONING MAP OF THE CITY OF TALLAHASSEE ADOPTED AND ESTABLISHED BY THE CITY COMMISSION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Item 19 - Held a public hearing on Ordinance No. 11-Z-31, with conditions, which would, upon approval, amend the Brevard Street Urban Planned Unit Development (UPUD), based on the findings of fact and conclusions of the Planning Commission and the Development Review Committee, the information contained in the agenda item, and any evidence presented at the public hearing. By consensus, the Commission continued the item to December 14, 2011. (PRZ110007) (Recommended by the Planning Department)

City Attorney English stated the developer requested a continuance and that a challenge has been filed along with a request for a Quasi-Judicial proceeding. A continuance would allow time for the developer and the petitioner to resolve their issues.

The applicant is requesting an amendment to the existing Brevard Street Urban Planned Unit Development (UPUD). The proposed amendment will remove the hotel use, and replace it with an additional 52 multi-family units, while incorporating two additional parcels into the UPUD boundary. These two parcels will be utilized as a surface parking lot and a continuance of an existing retail/commercial use. The proposed project would encompass 4.16 acres located north of West Brevard Street between Richmond and Wadsworth Drives. The applicants are Phoenix Property Company, Akram Morghem, Judy Eckstein, and Ravi Vemuri. The agent is Moore Bass Consulting, Inc.
Commissioner Gillum returned to the Chambers at 6:09 p.m.

The following persons appeared before the Commission:

- Mr. Steven Taul, 2912 Ivanhoe Road, representing TW Development, LLC and the Hancock Place Condominium Association, appeared in opposition to the ordinance. Mr. Taul's concerns centered on the relocation of the approved traffic interconnection for the project. If Ordinance 11-Z-31 is approved, Mr. Taul requested that a continuous sidewalk linking Hancock Street and Brevard Street be constructed along the western edge of the PUD. Mr. Taul was not supportive of locating an interconnection immediately behind the condominium units.

- Mr. Mark Taul, 2912 Ivanhoe Road, developer of the adjacent property, appeared as an opponent to the ordinance. Mr. Taul expressed frustration with the developers of the Brevard PUD and noted that representatives from the Brevard project refuse to return his phone calls and that the parties have been unable to work together. Mr. Taul stated the Commission approved his site plan and sidewalk location back in 2007 and he is now being asked to change it, at his cost. Mr. Taul expressed his feeling that the Brevard PUD application is a larger firm from Texas that is bullying and dictating where the sidewalk will be located and is attempting to force the costs of the change upon Mr. Taul’s smaller firm. Mr. Taul characterized this as unfair and unjust and stated if the Brevard PUD applicant wants the sidewalk moved, then it should compensate Mr. Taul accordingly. Mr. Taul stated his company planned to begin construction soon.
after Thanksgiving and that this issue has impacted those plans and he will be unable to begin on schedule. Mr. Taul implored the Commission to either leave the sidewalk as-is, or force the Brevard PUD parties to come to the negotiating table and resolve the matter.

- Mr. Roger Wynn, of Phoenix Property Company, the co-developer, appeared before the Commission as a proponent of the ordinance. Mr. Wynn indicated that the Brevard PUD applicants will work with Mr. Taul to resolve the issues described herein before the December 14th public hearing.

**ORDINANCE NO. 11-Z-32**

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AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA AMENDING THE WEST END URBAN PLANNED UNIT DEVELOPMENT CONCEPT PLAN ON THE OFFICIAL ZONING MAP OF THE CITY OF TALLAHASSEE ADOPTED AND ESTABLISHED BY THE CITY COMMISSION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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**Item 20** – Voted 5-0 to adopt Ordinance No. 11-Z-32, with conditions as outlined herein, thereby amending the West End Urban Planned Unit Development Concept Plan, based on the findings of fact and conclusions of the Planning Commission, the information contained herein, and any evidence presented at the public hearing. (PRZ110008) (Recommended by the Planning Department)

The applicant requested an amendment to the existing West End UPUD Concept Plan to change the name to “West End Village”, decrease the residential use from 139 to 126 units and to increase the maximum non-residential use from 12,000 to 30,000 square feet. The site is located on property north of West Call Street between Conradi Street and Whitehall Street. The applicant is Westgate Investments of Tallahassee and the agent is Poole Engineering and Surveying, Inc.
There were no speakers on this item.

The following person submitted a speaker card, but did not speak:

- Mr. Barry Poole, 2145 Delta Boulevard, representing Poole Engineering & Surveying, Inc. and the property developer, appeared as a proponent of the item. Mr. Poole did not speak, but indicated he was available to answer the Commission’s questions relative to the item.

**ORDINANCE NO. 11-Z-34**

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING AND INCLUDING ADDITIONAL TERRITORY AS AND IN OPEN SPACE ON THE OFFICIAL ZONING MAP OF THE CITY OF TALLAHASSEE ADOPTED AND ESTABLISHED BY THE CITY COMMISSION; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Item 21** – Held the first of two public hearings on Ordinance No. 11-Z-34; Proposed Amendment to the Official Zoning Map Changing the zoning classification from the Central Core (CC) Zoning District to the Open Space (OS) Zoning District and set the second and final public hearing for December 14, 2011. (PRZ110009) *(Recommended by the Planning Department)*

The application requested an amendment to the Official Zoning Map to change the zoning classification from the Central Core (CC) zoning district to the Open Space (OS) zoning district. The subject properties are located in the downtown area and comprise Cascades Park (Park). The 30.45 acre properties are bound to the west by South Monroe Street, to the south by C.S.X. Railroad, to the west by South Meridian Street, to the north by East Pensacola Street and to the east by Suwannee Street.
There were no speakers on this item.

ORDINANCE NO. 11-O-33

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA AMENDING THE TALLAHASSEE LAND DEVELOPMENT CODE OPEN SPACE ZONING DISTRICT (OS) TO ALLOW COMMERCIAL USES RELATED TO PARK SERVICES IN REGIONAL PARKS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Item 22 - Held the first of two public hearings on Ordinance No. 11-O-33; Proposed Amendment to Chapter 10 of the Tallahassee Land Development Code to amend the Open Space (OS) zoning district to allow commercial uses related to park services in regional parks and set the second and final public hearing for December 14, 2011. *(Recommended by the Planning Department)*

There were no speakers on this item.

ORDINANCE NO. 11-Z-41

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING AND INCLUDING ADDITIONAL TERRITORY AS AND IN MR-1 MEDIUM DENSITY RESIDENTIAL ON THE OFFICIAL ZONING MAP OF THE CITY OF TALLAHASSEE ADOPTED AND ESTABLISHED BY THE CITY COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

Item 23 – Voted 5-0 to adopt Ordinance No. 11-Z-41, thereby amending the Official Zoning Map to Change the zoning classification from the Light Industrial (M-1) to the Medium Density Residential (MR-1) zoning district, based upon the findings of fact and conclusions of law of the
Planning Commission and any evidence submitted at the hearing hereon. (PRZ110017)  
(Recommended by the Planning Department)

The subject property is a 1.95-acre parcel zoned M-1 located immediately east of Someplace Else, a transitional housing/community facility owned by the applicant that is zoned MR-1. The subject property is located on the south side on Roberts Avenue between Mabry Street and North Paul Dirac Drive; the northern entrance to Innovation Park. The applicant requested an amendment to the Official Zoning Map to change the zoning classification from the Light Industrial (M-1) to the Medium Density Residential (MR-1) zoning district in order to allow the expansion of the Someplace Else facility. The applicant for this project is Capital City Youth Services (CCYS) and the agent is Paradigm Engineers & Consultants.

The following person submitted a speaker card, but did not speak:

- Mr. Mark Schuster, 3420 Mahoney Drive, representing Paradigm Engineers & Consultants. Mr. Schuster did not speak, but indicated he was available to answer the Commission’s questions relative to the item.

ORDINANCE NO. 11-O-42

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING SECTIONS 7-34, 7-62 AND 7-81 OF CHAPTER 7 OF THE TALLAHASSEE LAND DEVELOPMENT CODE REGARDING ON-SITE SIGNS THAT EMIT VAPORS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Item 24 – Voted 5-0 to adopt Ordinance No. 11-O-42; Amending the Sign Code to Permit Signs Emitting Vapors.  (Recommended by the City Attorney)
Mr. Curtis Baynes, 1323 East Tennessee Street, appeared as a proponent of the item. Mr. Baynes questioned why the City had objections to a sign that sprays water into the air. Mr. Baynes questioned how much spare time the City has to pursue said ordinance.

ORDINANCE NO. 11-O-43

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING SECTION 12-4 OF ARTICLE I, OF CHAPTER 12 OF THE TALLAHASSEE CODE OF GENERAL ORDINANCES, RELATING TO NOTICE ON PRIVATE PREMISES TO PROHIBIT DISTRIBUTION AND SOLICITATION, PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Item 25 – Voted 0-5 (Commissioners Marks, Gillum, Mustian, Miller and Ziffer opposed) to adopt Ordinance No. 11-O-43, Regarding “No Solicitation/No Advertising” Signs on Residences. (Recommended by the City Attorney)

The proposed ordinance failed adoption.

The following person appeared before the Commission relative to the item:

- Mr. Jack Quillman, 1900 South Barn Way, a proponent of the item. Mr. Quillman requested clarification and asked if the ordinance would prohibit the Tallahassee Democrat deliverymen from throwing newspapers onto his lawn. Mr. Quillman stated he was not a subscriber, yet the deliverymen routinely threw editions of the Eastside Chronicle onto his lawn and onto the lawns of his neighbors, and that the papers frequently lay in the lawns uncollected for days.

Mayor Marks asked if the ordinance exempted door-to-door campaigning or distribution of campaign literature by those seeking elected office. City Attorney English responded by stating, per case law, the ordinance must be content-neutral and that case law dictated there be no exemptions; local government could not make any distinction between the types of activities that would be permissible versus prohibited. As such, activities such as political campaigning, sale of Girl Scout cookies, etc. would all be prohibited if the owner of the property placed a “No Soliciting” sign at the entranceway of the residence. City Attorney English reinforced that it would only be prohibited if the owner posted a “No Soliciting” sign.

Assistant City Attorney Hetal Desai stated that, if adopted, the ordinance would also prohibit leaving any kind of handbills or advertising flyers on, or about, the door or entranceway of the residence if the homeowner had a “No Soliciting” sign posted.

Mr. Quillman again asked if this prohibition would also apply to the delivery of newspapers onto his lawn. Ms. Desai responded in the negative and indicated the prohibition on flyers and handbills would only apply to the area around the entrance to and door of the dwelling unit, not to the lawn in general or items attached to the mailbox.

Commissioner Gillum asked why a local ordinance was needed when there was already a Florida Statute that prohibits trespassing and makes said activity a criminal offense. City Attorney English responded by saying that the ordinance was drafted in response to several citizen’s complaints and that a local ordinance would be a softer approach than filing criminal
charges under the State statute. Commissioner Gillum ascertained that without the proposed ordinance, citizens could still contact the Police Department if persons were trespassing on their property.

Commissioner Mustian expressed agreement with many of the issues with the proposed ordinance and opined that although the ordinance was well-intentioned, it was probably not practical.

**UNAGENDAED BUSINESS/SPEAKERS**

There were no speakers.

**SHARING OF IDEAS**

Commissioner Ziffer wished everyone Happy Thanksgiving.

Commissioner Miller asked why the day of December 23rd 2011 had not been designated an official City holiday. City Manager Thompson responded and stated that the day is a normal working day and that employees were given a floating personal day of annual leave in exchange. Employees who wished to take December 23rd as a holiday could use their floating day of leave, if they so choose.

There being no further business to discuss, the meeting adjourned at 6:37 p.m.
City of Tallahassee Commission Retreat  
November 30, 2011

AGENDA

2:00 – 2:15

Welcome – Anita Favors Thompson

- Cover Letter

Overview

- Introduction of Facilitator – Dr. Fred Seamon

2:15 - 4:15 Commission Discussion Priorities

Commission Protocols (How Commissioners & staff interact with each other)

- Commission Responsibilities from the City Charter
- Protocols Overview
  - March 31, 2033 Retreat Minutes
  - March 29, 2004 Protocol Agenda Item
  - March 29, 2004 Retreat Minutes
  - General Duties and Responsibilities of the City Commission
- Charter Committee background
  - October 27, 2010 Charter Review Committee Agenda Item

Ethics

- Code of Ethics
- Ethics Training Manual

Teamwork

Communications

1. Commission outreach to citizens
2. Citizen engagement
   a. Agendaed speakers
3. Legislative process
4. Website (Talgov.com)

Council / Manager Division of Responsibilities

Appointed Official Selection Process

Employee Satisfaction Survey

Request to Waive StarMetro Bus Fares on December 10, 2011

City Commission Goal Setting Retreat - Feb 2012

4:15 - 4:30 Final Comments

4:30 Close
Dr. Fred Seamon
MGT of America

BIOGRAPHICAL INFORMATION

Dr. Fred Seamon has over 25 years of consulting, research, and teaching experience. He holds a master’s degree in Social Work and a Ph.D. in Higher Education Administration. Dr. Seamon has extensive knowledge in analyzing the structure, operations, and processes of public sector organizations and nonprofit agencies and in conducting studies related to access, equity, and disparities in education, business, and human services. He is recognized as an expert in facilitating strategic planning processes and community visioning. His experience extends to administration, consultation, organizational development, program evaluation, program auditing, and performance management in workforce development, developmental disabilities, and community philanthropy. He has facilitated strategic planning and visioning for a number of elected boards and commissions including Miami-Dade County, Fulton County, Nassau County and Seminole County.

WORKFORCE

He is currently serving a third term as a member of the Region 5 Workforce Development Board in Florida. Dr. Seamon has participated in a large number of projects dealing with workforce development, economic development, and other health and human services systems.

OPERATIONAL EFFICIENCY / NEEDS ASSESSMENT

Since joining MGT in 1983, he has been involved in numerous management efficiency studies and performance reviews for local governments as well as nonprofit organizations. Dr. Seamon is widely recognized for his expertise in organizational development. While on the faculty of the Askew School of Public Administration and Public Policy at Florida State University, he was called upon regularly to provide a variety of technical assistance to local government agencies in Florida and other states. He taught graduate courses in organizational development and helped shape the career of former students who now work in local government. Dr. Seamon’s experience includes operations and systems review, policy analysis, performance and quality improvement, and organizational development in public sector organizations and nonprofit agencies. He is recognized as an expert in organization analysis that results in changes to systems and operations.

STRATEGIC PLANNING

Dr. Seamon has extensive experience in consulting and strategic planning, which includes consulting services to numerous nonprofit organizations and local and state human service agencies in both rural and urban areas. As a faculty member and Director of Field Instruction in the School of Social Work at Florida State University, he worked very closely with public and non-profit agencies in Florida and other states to provide training opportunities for undergraduate and graduate social work students. As a result, he developed a working knowledge of service delivery operations, client populations, and service needs. Since joining MGT, he has served as Partner-in-Charge and/or Project Director on most of MGT’s strategic planning and human services/social services related projects. In doing so, he has completed strategic planning, program evaluation, organizational development, and organizational analysis projects for a diverse range of government and nonprofit organizations and agencies.
CITY OF TALLAHASSEE
CODE OF ETHICS

As public representatives, we are responsible for applying common sense and sound judgment in all of our decisions and actions. To establish the highest level of public trust, we shall maintain exemplary standards for personal integrity, truthfulness, and fairness in carrying out our public duties. We should avoid any appearance of improprieties or conflicts of interest in our roles as public servants and in our personal lives. We expect our representative agents, consultants, contractors, and vendors to be guided by these principles as well.

Our Code of Ethics is more than just a reflection of our behavioral standards; it includes our core values as an organization:

- **Customer Service is Our Business:**
  We are committed to make our products or perform services in ways that we meet or exceed each customer’s expectations.

- **Demonstrate Leadership & Personal Responsibility:**
  We strive to always give forethought to our conduct.

- **Promote & Support Employee Excellence:**
  We seek to understand our individual imperfections and are ready to correct “honest” mistakes. We believe in constant improvement in seeking to be all we are created to be, as individuals, as a group, as an organization.

- **Practice Teamwork:**
  We strive to work together, in such a way that complements each other’s abilities with a common vision and related goals.

ETHICAL DECISION-MAKING PROCESS

**Step 1:** Ask three (3) questions.

**Question 1:** Is my action legal?
Am I violating law or city policy?

**Question 2:** Is my action balanced?
Is what I’m doing fair and without harm or preference to any individual, citizen or organization?

**Question 3:** In taking this action, how do I feel about myself?
If the situation and my actions are in the newspaper, how will I feel about the publicity?

**Step 2:** If you are still unclear as to what you should do - seek advice.
ETHICS FOR A MODERN WORKFORCE

THE WAY WE DO THE THINGS WE DO

DISCUSSION TOPICS

- ETHICS- A DEFINITION
- COT'S ETHICAL VALUES
- THE IMPORTANCE OF ETHICS
- ETHICAL DECISION MAKING
- CASE STUDIES/DISCUSSION
GOALS OF THE ETHICS TRAINING PROGRAM

The goals of this session are:

- to communicate City of Tallahassee's ethical standards.

- to encourage cultural attitudes and patterns that are ethical in nature.

- to educate all employees on how to report concerns or seek advice.

- to encourage discussion and awareness of all employees.

- to enhance employee commitment to the organization.
ETHICS - A DEFINITION

Ethics is..........

Notes:

_______________________________________________________________________

_______________________________________________________________________

_______________________________________________________________________
City of Tallahassee Organizational Values

Customer Service is Our Business

We are committed to make our products or perform services in ways that meet or exceed each customer's expectations.

Demonstrate Leadership & Personal Responsibility

Each employee has an official duty and moral obligation to work towards the common good of the City of Tallahassee.

Promote & Support Employee Excellence

We seek to understand our individual imperfections and are ready to excuse "honest" mistakes. We believe in constant improvement in seeking to be all we were created to be, as individuals, as a group, as an organization.

Practice Teamwork

We strive to work together in such a way that complements one another's abilities with a common vision and related goals.
THE IMPORTANCE OF ETHICS

Benefits Of High Ethical Standards:

City of Tallahassee employees have a special obligation to behave ethically in the workplace for the following reasons:

⇒ nature & lasting impact of decisions on citizens;
⇒ resources, time, money, materials and equipment that the government uses to meet its mission are from public funds;
⇒ COT's accountability to its citizens.

Other reasons for employees to behave ethically include:

⇒ Quality Boost
⇒ Better Communication
⇒ Increased job satisfaction
⇒ Improved operating culture

Disadvantages Of Low Ethical Standards:

Low ethical standards in the workplace have been described as "silent saboteurs" because such actions are primarily subtle and do not make newspaper highlights or national spotlights. While 10% of business losses occur from poor and unethical behavior, unquestionable business practices or outright law violations, the other 90% appear in the way we treat each other when we try to protect our own turf, or get ahead at the expense of others, or do the wrong thing because we believe that is what our company wants us to do.

Saboteurs
pride, and customer satisfaction, all of those areas that should be emphasized in a highly ethical organization.

ETHICS & DECISION MAKING

WHY DO WE SOMETIMES HAVE DIFFICULTY IN MAKING ETHICAL DECISIONS?

Write down three reasons.

1. 

2. 

3. 

City of Tallahassee
ETHICS FOR A MODERN WORKFORCE
Can you think of any other “thin ice” rationalizations?

ETHICAL DECISION-MAKING PROCESS

STEP ONE:

ASK THREE (3) QUESTIONS

QUESTION 1: IS MY ACTION LEGAL?

Am I violating a law or city policy?

QUESTION 2: IS MY ACTION BALANCED?

(Is what I am doing fair and without harm or preference to any individual, citizen or organization?)

QUESTION 3: IN TAKING THIS ACTION, HOW DO I FEEL ABOUT MYSELF?

If the situation and my actions are published in the newspaper, how will I feel about the publicity?

STEP TWO:

IF YOU ARE STILL UNCLEAR AS TO WHAT YOU SHOULD DO-SEEK ADVICE.
B.2. The Vendor Is A Friend

You have been assigned responsibility to purchase supplies for your department. When you review the list of city vendors, you see that a friend of yours is one of several vendors with a city contract to provide the supplies. You know this individual well and know that the city would receive excellent customer service. Do you contact your friend and place the order? What factors do you consider? What other laws or city policies might affect this decision?

B.3. The Golf Clubs

As a city representative at a national conference last week, you received great news when your business card was drawn as the winner of a set of golf clubs. This morning, a co-worker suggested that personal use of the winnings might violate the city’s Ethics Code. Do the winnings belong to you or to the city? What ethics issues are involved? What should you do?

B.4. Time Record Blues

You have recently been assigned as Sara’s supervisor. When addressing time records, you realize that she is filling in her time sheet by showing eight hours a day, Monday through Friday, but in actuality she is working short week-days (six hours a day) and making up the ten hours on the week-end. You have full confidence that she is working the full 40-hour week, but you wonder if you should let it slide or if this is an ethical issue. What should you do?

B.5. It’s A Beautiful Day

Today, you finally finished a very important project after working really hard over the last four weeks to meet the critical
D. FUTURE EMPLOYMENT

D.1. The Job Offer

You work with a division responsible for making decisions impacting numerous opportunities available to local private businesses. One of these businesses has offered you a position, which pays $8,000 more than your city job. Do you have any legal or ethical responsibilities in receiving, considering, or accepting this offer? What are they?

E. GIFTS, GRATUITIES, FAVORS, AND EXTRA COMPENSATION

E.1. The Gifts

a. A general contractor on a city project visits the site with several cases of whiskey. He distributes the bottles to all of his crewmembers and gives one case to each of his crew chiefs. He also offers a case to you, a city employee. What issues are involved in the acceptance of the whiskey? Can you accept?

b. A vendor/client sends a box of apples to the office as a gift. Can you accept them? What factors influenced your decision?

E.2. The Meals

a. In order to increase business, the owner of a new restaurant has applied to be a vendor with the city. You review the application and approve the restaurant as a city vendor. The restaurant owner invites you and the employees in your office to come in for a free lunch. Should you or your employees accept?
E.4. Soliciting Gratuities

Working for the city, you know that the Advanced Applications Corporation gives the city a 20% discount on all computer equipment purchased by any governmental entity. You want to buy some equipment for your home. You ask the sales representative if you can also receive the 20% discount and the sales representative says yes. What are the ethical concerns involved in your taking the discount? What should you do?

E.5. Thank You, But . . .

a. A citizen comes into your office for help with a city-regulated issue. The problem turns out to be quite complex, and you spend extra time and patience to get the citizen’s problems worked out. The next day, a small floral arrangement and a large box of chocolates are delivered to you with a thank you note from the citizen. What should you do?

b. A city vendor stops by your office and delivers a box of logo mugs. The vendor tells you to give the mugs to other staff members, and if there are extras “Pass them on to your customers”. Does accepting the mugs create an ethics problem? Why or why not?

E.6. Check On The Extra Compensation

You are asked by a company that offers training seminars to be a speaker at a national conference. The company offers to pay your expenses plus a $200 honorarium. Can you accept? What are the factors that should be taken into consideration?
G.3. What About The Old, Discarded, Or Surplus Equipment?

a. Your office has recently purchased some new calculators. The old ones are being boxed up to be discarded (some of them are even broken). You love to tinker with mechanical things and can repair almost any kind of small equipment. Can you simply take the broken machines home at the end of your work shift? Why or why not?

b. Your niece attends a program sponsored by a non-profit organization, which is always in need of items. Your department is about to surplus several items that you know this organization can use. Is it OK to inform the organization about the surplus items and take those items to them?

G.4. I'll Return It Monday Morning

You really need to paint your house over the weekend. You ask one of the maintenance supervisors whether you can borrow one of the city's paint sprayers for this job. You promise to clean the unit completely and return it before start of business on Monday. Should the supervisor allow you to borrow the paint sprayer?

G.5. But My Co-Worker Is An Excellent Plumber

a. You are a first-line supervisor working for the city. At home last night, you discovered a major plumbing problem. One of the employees you supervise does plumbing work off-duty. Can you ask the employee to come fix your plumbing after work and, of course, pay him/her for their time? Is this appropriate?

G.6. Those Calls

a. You are receiving an average of three-to-four personal phone calls per day at work from your mother, sister, two kids, and the four rentals you own and manage. These are in addition to the two or more personal calls you place each day to make sure that you keep up with everything that's going on in
b. The city is paying your expenses to the national conference. The fees include payment for three lunches and one dinner (a banquet). In filling out your expense report, you've included full per diem for each of the five days you were gone. You happen to remember overhearing co-workers discussing that per diem should not be paid for those meals included in your fees. Is this an ethical concern? What should you do?

J. COMPUTERS, E-MAIL, AND THE INTERNET

J.1. What's The Big Deal?

In a meeting yesterday, a co-worker showed you a new software program containing a lot more clip art than you currently have on your computer. She said she'd be glad to come over and install the new program on your computer. Would it be all right to accept your co-worker's offer? Why or why not? What are the implications?

J.2. What's The Weather Like?

Employee use of the Internet is supposed to be limited to research or other business-related work. You found that you could check on the weather as well as keep up with the national news by visiting various sites you've found while surfing. What's the harm in spending a few minutes checking out the news and such?

J.3. The Dog Houses

In addition to your job with the city, you have a small business making unique doghouses. In the past you've used the bulletin board on the city computer system to let co-workers know about your home business. Many of your co-workers have purchased the homes for their pets. Can you advertise your business this way? What factors should be considered? Is
approved unless it is a significant personal issue. You tell your supervisor you need personal leave to care for a relative that is ill. In reality you are not caring for an ill relative. Is this acceptable behavior?

L.2 The Information I Gave Was Right

Your work unit is responsible for logging and categorizing all customer complaints that are called into the City. Instead of making the complaint via the phone, a disgruntled citizen comes to your office to lodge a complaint against your work unit. At the end of the day, your supervisor asks for a recap of all complaints you have received by phone. You do not disclose the complaint you took in person. Is this correct?

L.3 I Didn’t See A Thing

Your best friend who works with you violates a work rule that results in damage to a piece of equipment or an injury to another employee. You know if your supervisor finds out about this your friend will be disciplined. When your supervisor comes and asks what you know about the incident, you tell your supervisor that you saw the incident occur but you leave out the information about your friend violating the work rule. Is this acceptable behavior?

L.4 It’s My Sick Leave

You have a significant amount of sick leave on the books. You need to take some time off for personal business that is not related to an illness. Instead of using your personal leave, you call your supervisor and tell him that you are sick and will be out all week. Is this acceptable behavior?
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gift</td>
<td>&quot;Gift,&quot; for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given, ... [F.S. 112.312(12)(a) (see F.S. for further descriptions and examples.)]</td>
</tr>
<tr>
<td>Gratuities</td>
<td>Any gift, favor, reward, loan, meal, or other item(s) of monetary value tendered to a City employee by any source other than the city.</td>
</tr>
<tr>
<td>Meal</td>
<td>Food and/or beverages consumed at any meal.</td>
</tr>
<tr>
<td>Person</td>
<td>Person shall mean any individual, firm, or corporation.</td>
</tr>
<tr>
<td>Relative</td>
<td>A &quot;relative&quot; shall include any individual who is related to the official or employee's father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepbrother, stepdaughter, stepsister, half brother, or half sister. [Personnel Policies and Procedures Manual, Chapter 706.06]</td>
</tr>
<tr>
<td>Solicitation</td>
<td>The act of: appealing to (persons) for (aid, donations, etc.), enticing or luring. [Webster’s New World Dictionary]</td>
</tr>
</tbody>
</table>

Note: For additional definitions, refer to Florida Statutes 112.312.
city position to review and approve plans for company offering you the job, a conflict and or a perception of interest exist.

B. APPEARANCE

Summary: The appearance standard is based on the perception by a reasonable person of wrongdoing. Question to consider: If someone else took the action, would my feelings or opinion be different?

B.1. The New Position

A new position is being created in your department. After reviewing the qualifications, you realize your cousin would be an excellent candidate. Your boss feels that this will be a difficult position to fill, and inquires if you know of any qualified individuals — "Let them know about the job, and give me their names". Your boss trusts your judgment. Can you refer your cousin? What are your obligations?

You may refer your cousin, but should be careful to ensure that your boss is advised of your family relationship. You should abstain from making any recommendations regarding your cousin. Depending on the assignment within the department, the hiring of the cousin could be a violation of the anti-nepotism provisions of the Florida Statutes and city policy.

B.2. The Vendor Is A Friend

You have been assigned responsibility to purchase supplies for your department. When you review the list of city vendors, you see that a friend of yours is one of several vendors with a city contract to provide the supplies. You know this individual well and know that the city would receive excellent customer service. Do you contact your friend and place the order? What factors do you consider? What other laws or policies might affect this decision?

First you should ensure that you carefully follow the city’s procurement policies. Where there are no specific laws or policies that prohibit doing business with a friend, you should be extremely careful to avoid the appearance of any impropriety. In most cases it would be best to avoid doing business with the friend except on a competitive bid or purchase rotation method.

B.3. The Golf Clubs

As a city representative at a national conference last week, you received great news when your business card was drawn as the winner of a set of golf clubs. Your husband is thrilled. This morning, a co-worker suggested that personal use of the winnings might violate the city’s Ethics Code. Do the
This occasion creates a clear violation of city policy as well as an appearance of impropriety. If the beer is consumed on the premises, you will then be driving a city vehicle under the influence of alcohol. If the beer is “to go” you will be transporting the alcohol in a city vehicle in violation of city policy. Each employee should be aware that when wearing clothing, which identifies you as a city employee, and specifically uniformed or in a city vehicle, the employee is viewed by the public as representing the city. Your actions, appearance, and behavior should be guided accordingly.

C. OUTSIDE EMPLOYMENT & RELATED ACTIVITIES

Summary: A city employee shall not accept outside employment or engage in any private or personal-related activities if the employment or private or personal-related activities interfere with or are in conflict with the performance of his/her city position.

C.1. But It’s A Great Part-Time Job

You approve plans for construction projects. You have developed a good working relationship with a local contractor who does construction projects in the city. The contractor asks you to work for him on weekends and evenings while you are off-duty. The job involves drawing plans for building projects outside the city. Can you take the job? What are the factors affecting your decision?

You may not take the job. While the plans you draw would be for jobs outside the city, you and/or your work unit would still be responsible for approving the contractor’s jobs inside the city. If the contractor did exclusive work in another county and had no dealings with the city regarding construction projects, then that would permit you to work off-duty for that company.

C.2. Fundraising For A Good Cause

As a mid-manager with the city, you have met numerous people throughout the community. You are also very involved as a volunteer with “Healthcare”, a non-profit organization, which helps underprivileged children get the medical attention, they need. You are considering heading up their annual fundraising effort because of all the people you’ve met through your job; you believe most of them would contribute to a worthy cause. Is this an ethical concern? What issues should be considered? Should you get involved with the fundraising activities?

Examples of misuse or perceptions of misuse of your influence and resources that employees should be aware of if they choose to manage the fundraising effort are: (1) an expectation by the person/entity you solicited that their contribution would influence a decision relating to their business with the city; (2)
excess of $50 from anyone with whom the employee conducts business in his/her city capacity. Even the acceptance of one bottle should be declined because the motivating factor appears to be the city business connection.

b. A vendor/client sends a box of apples to the office as a gift. Can you accept them? What factors influenced your decision?

You may not accept the gift if it has a retail value of greater than $50.00 or if a reasonable person would believe that you would be influenced in your official actions by the receipt of the gift. (COT PP&PM, 706.06.E.2.) The best course of action would be if the value is less then $50.00, is to have the box of apples available to all of the employees and invite them to enjoy the gift.

E.2. The Meals

a. In order to increase business, the owner of a new restaurant has applied to be a vendor with the city. You review the application and approve the restaurant as a city vendor. The restaurant owner invites you and the employees in your office to come in for a free lunch. Should you or your employees accept?

No. Under these circumstances, a reasonable person might conclude that the free dinner was a reward for the favorable approval. Acceptance would therefore be prohibited by city Policy (706.06.E.1).

b. A new deli is opening up just down the street from a city facility that house 18 city employees. The deli owner comes into the offices and wants to give each of the employees assigned to that building a coupon for a free meal. Can they accept?

Assuming that the employees in this department are not “regulating” this business and the city is not “doing business” with the deli, and the coupons are made available to other non-governmental employees in the area, the employees may accept the coupon. It is assumed that the value of the Deli meal is less than $50.00. (COT PP&PM, 706.06.E.1.2.)

c. You are participating in training provided by a city contractor, working with your division. During the training the contractor invites you to dinner and offers to pay. Is accepting this invitation a violation of the Code of Ethics? Can the contractor pay for your dinner?

The gift law exempts from the reporting requirements food and beverage consumed in a single sitting. However there still may be an ethical violation if with reasonable care you should know that the meal was provided to influence you in actions you are expected to take in your official capacity. (COT PP&PM, 706.06.E.1.)
representative says yes. What are the ethical concerns involved in your taking the discount? What should you do?

If you are using information (about the discount), which is not available to the general public, you may well be violating the law prohibiting misuse of public position. The discount would also be considered a prohibited gift unless it is available to all similarly situated government employees. (COT PP&PM, 706.06.C.4.6.) Even if not prohibited, such an action may create a perception issue with the general public.

E.5. **Thank You, But...**

a. A citizen comes into your office for help with a city-regulated issue. The problem turns out to be quite complex, and you spend extra time and patience to get the citizen's problems worked out. The next day, a small floral arrangement and a large box of chocolates are delivered to you with a thank you note from the citizen. What should you do?

Provided the gifts are not worth more than $50, were not solicited and you have completed any work you might do in connection with this matter, the gift can be accepted, but must be reported to your immediate supervisor if valued at $50 or more. (COT PP&PM, 706.06.E.) The better practice would be to share the chocolates with the office staff and not accept them personally.

b. A city vendor stops by your office and delivers a box of logo mugs. The vendor tells you to give the mugs to other staff members, and if there are extras "Pass them on to your customers". Does accepting the mugs create an ethics problem? Why or why not?

The mugs may be distributed to staff members. The mugs should not be distributed to customers, as this would be seen as the city endorsing or promoting the vendor's service or product. (COT PP&PM, 706.06.E.)

E.6. **Check On The Extra Compensation**

A company that offers training seminars asks you to be a speaker at a national conference. The company offers to pay your expenses plus a $200 honorarium. Can you accept? What are the factors that should be taken into consideration?

If the company does business with the city and you have some role in that selection or oversight, then you should decline. Otherwise, you can accept provided the time you spend away from the job is on your personal or leave time. Moreover, you should not use city time, supplies, or personnel to prepare your speech. You would need to get your supervisor's approval for this off-duty work. (COT PP&PM, 706.06.G.)
The city's Electronic Resources and Information Systems Policy provides for incidental use of equipment such as this provided that the use of the equipment does not interfere with the conduct of city business. If there is an occasion where such usage results in a cost to the city, the employee shall reimburse the city for cost incurred.

(COT PP&PM, 706.06.G.)

G.2. The Office Bulletin Board

a. You work for the city, but on the side, you have a small landscaping business. Is it OK to use the employee bulletin board to advertise and promote your landscaping business? Can you place brochures promoting your business in public places at your work site or in other city buildings?

The city's non-official bulletin boards (electronic and those used for hard copy postings) are available for the posting of this type of information. Except for the times that you are on authorized break or meal periods, you should ensure that you are not posting this information during your city work hours.

b. Your neighbor sells cosmetics and has asked you to post fliers on bulletin boards for city employees. Can you do this? Are there factors that could change your response?

You may post the fliers on non-official bulletin boards, which are authorized for non-official information.

G.3. What About The Old, Discarded, Or Surplus Equipment?

a. Your office has recently purchased some new calculators. The old ones are boxed up to be discarded and some are even broken. You love to tinker with mechanical things and can repair almost any kind of small equipment. Can you simply take the broken machines home at the end of your work shift? Why or why not?

You may not take the broken machines home. This is an area where caution should be exercised to avoid the appearance of an impropriety. City policy specifically provides for the disposition of surplus materials.

(COT PP&PM, 706.06.G.)

b. Your niece attends a program sponsored by a non-profit organization, which is always in need of items. Your department is about to surplus several items that you know this organization can use. Is it OK to inform the organization about the surplus items and take those items to them?
Yes - This can be an ethical issue depending on the amount of time spent on personal matters. There is an expectation that personal communication will be limited and not interfere with city business. The city has policies that regulate the use of city resources such as telephones and they should be referred to for additional information. (COT PP&PM, 706.06.G.3. and 706.06.J.)

b. Your car is in the shop for repair. It is to be ready for you after work. Is using the phone to check on the car a violation of the city’s Code of Ethics? How about e-mailing the repair shop from your city computer with your concerns about your car?

Incidental personal use of electronic resources such as this is not a violation of city policy. The city’s Electronic Resources and Information Systems Policy should be consulted for additional information.

H. BUSINESS TRANSACTIONS

Summary: The Code of Ethics prohibits an employee from acting on matters if there is or could be a direct benefit, financial, or private to the employee. A question to consider: Does my action or decision appear to reward me or a member of my immediate family?

H.1. The No-Benefit Transaction

You are an employee with the city Parks & Recreation Department overseeing facilities. Roofers, Inc. has just completed a roofing project on one of the city’s recreational facilities and did an excellent job. You ask Roofers, Inc. to give you a quote on re-roofing your home. You get three quotes and Roofers, Inc. is the lowest. Is there any problem with having Roofers, Inc. do the roofing job?

City policies and state law would not prohibit you from doing business with this company in a bona fide business transaction. You should ensure that you are not given a below-market bid because of your city employment. While this situation would not create an ethical violation, you should be aware of the appearance of impropriety that this situation would create.

I. TRAVEL, PER DIEM, MEALS, AND ENTERTAINMENT

Summary: The Code of Ethics is clear about travel and entertainment reimbursements. Employees should pay particular attention to unusual travel situations.
J.2. **What’s The Weather Like?**

Employee use of the Internet is supposed to be limited to research or other business-related work. You found that you could check on the weather as well as keep up with the national news by visiting various sites you’ve found while surfing. What’s the harm in spending a few minutes checking out the news and such?

The city’s Electronic Resources and Information Systems Policy (COT PP&PM, 706.06.J.3.b.) states that “Allowance is made for the incidental use of this equipment for minimal non-city business use such as through . . . Internet use during an employee’s off duty time such as a lunch break and where there is no cost to the city for such use.”

J.3. **The Jokes**

A friend has sent you e-mail containing some really good jokes. They are great and you know a number of people who would also like to receive them. Is there anything wrong in forwarding the e-mail jokes to them? Is this an ethics issue? What factors are involved?

At least two factors should be considered.

The first relates to use of equipment for personal communication. The city’s Electronic Resources and Information Systems Policy (COT PP&PM, 706.06.J.3.b.) states that “Allowance is made for the incidental use of this equipment for minimal non-city business use such as through . . . email for personal communication; or minimal Internet use during an employee’s off duty time such as a lunch break and where there is no cost to the city for such use.”

The second consideration is that “Users of electronic communication systems must exercise restraint in language and terminology and exhibit the same degree of propriety and professionalism as used in official communications.” (COT PP&PM, 706.06.J.3.e.)

J.4. **The Dog Houses**

In addition to your job with the city, you have a small business making unique doghouses. In the past you’ve used the bulletin board on the city computer system to let co-workers know about your home business. Many of your co-workers have purchased the homes for their pets. Can you advertise your business this way? What factors should be considered? Is the advertising and sales of your product a violation of the city’s Code of Ethics?
L. FALSE INFORMATION

Summary: The Code of Ethics sets forth standards with the expectation that each employee will provide full and accurate information in performing his/her job duties.

L.1. No One Will Really Know

Your work unit is in an extremely heavy work period and your supervisor has indicated that personal leave will not be approved unless it is a significant personal issue. You tell your supervisor you need personal leave to care for a relative that is ill. In reality you are not caring for an ill relative. Is this acceptable behavior?

No. The City's personnel policies and procedures require all employees to provide truthful information. By knowingly misrepresenting the reason for your personal leave request you have provided misleading or false information. In addition to it being wrong, your getting personal leave during this heavy workload period results in the other employees in your work unit having to carry a larger load to complete the work.

L.2 The Information I Gave Was Right

Your work unit is responsible for logging and categorizing all customer complaints that are called into the City. Instead of making the complaint via the phone, a disgruntled citizen comes to your office to lodge a complaint against your work unit. At the end of the day, your supervisor asks for a recap of all complaints you have received by phone. You do not disclose the complaint you took in person. Is this correct?

No. It is true that your supervisor asked for complaints that were received via the telephone. But by knowingly withholding the complaint taken in person, you have failed to provide information that is relevant to the responsibilities of your work unit.

L.3 I Didn't See A Thing

Your best friend who works with you violates a work rule that results in damage to a piece of equipment or an injury to another employee. You know if your supervisor finds out about this your friend will be disciplined. When your supervisor comes and asks what you know about the incident, you tell your supervisor that you saw the incident occur but you leave out the information about your friend violating the work rule. Is this acceptable behavior?

No. Providing false information is not just telling someone something that is false or misleading, it is also knowingly omitting relevant information. The
Sec. 7. - Powers of the city generally.

That the City of Tallahassee hereby created, established and organized, shall have full power and authority to acquire, take hold, control and dispose of property, real, personal and mixed, both within and without its corporate limits for the use, benefit, welfare and best interest of said municipality, by purchase, lease, grant, gift, devise, condemnation or otherwise to issue and sell bonds, upon its property both within and without its corporate limits, or on the earnings thereof, or both, for any lawful municipal purpose [...].

(Laws of Fla. ch. 11257(1925), § 1; Laws of Fla. ch. 13437(1927), § 1; Laws of Fla. ch. 23549(1945), § 1; Laws of Fla. ch. 26246(1949), § 1; Laws of Fla., ch. 69-1643, § 1)

Editor's note—

The deleted provisions of section 7 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted. The deleted provisions of section 7 are adequately covered by such act.

Sec. 8. - General description.

The form of government of the City of Tallahassee provided for under this Act shall be that known as the "Commission—Manager Plan," [...] who shall be elected at large in the manner hereinafter provided. The commission shall constitute the governing body with powers as hereinafter provided to pass ordinances, adopt regulations and appoint a chief administrative officer to be known as the "City Manager," and to exercise all other powers hereinafter provided.

Editor's note—

Material has been deleted from section 8 that is superseded by section 9

Sec. 9. – Creation; Composition; Election and Terms.

There is hereby created a city commission to consist of five (5) electors of the city elected at large. Commissioners who shall be elected, beginning with the year 1976 and subsequently for a full term, shall hold office for four (4) years, beginning on the seventeenth (17th) day after their election.

The terms of mayor and city commissioners serving at the time of adoption of this amendment (January 23, 2002) shall be extended to provide for a transition to the election schedule adopted by Ordinance No. 01-O-86AA. The terms shall be extended as follows:


Sec. 10. - Powers granted; manner of exercising; commissioners dictating appointment of employees.

All powers of the city except as otherwise provided by this Charter, or by the Constitution of the state are hereby vested in the city commission; and, except as otherwise provided by this Charter, or by the Constitution of the state, the city commission may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised. Neither the commission nor any of its members shall dictate the appointment of any person to office or employment by any appointed official of the city nor in any manner prevent any appointed official from exercising his own judgment in selecting the personnel of his office. Neither the commission nor any member thereof shall give orders to, nor make demands of, any of the subordinates of any appointed city official, either publicly or privately. Any such dictation, orders, demands or other interference upon the part of a member of the city commission with the administration of the city shall constitute grounds for removal from office; provided, however the commission or any member thereof may at any time request information from any employee of the city relating to the performance of his duties of the operation of his office.

(Ord. No. 83-O-2143AA, § 1, 6-28-1983)


Sec. 11. - [Election of mayor].

The mayor shall be elected at large for a four-year term beginning with the regular municipal election in 1997. The term of office of the mayor shall begin on the seventeenth (17th) day after the election.

City commission seat IV shall be redesignated as the seat of the mayor-commissioner for purposes of qualifying of candidates for the office of mayor-commissioner for the election of 1997.


Sec. 12. - Candidates for mayor or commission, certain practices prohibited.

No candidate for the office of mayor or city commission nor any candidate seeking nomination in any primary election for such office shall promise any money, office, employment or any other thing of value to secure his nomination or election.

A violation of these provisions, or any of them, shall disqualify a candidate from holding the office if elected, and the person receiving the next highest number of votes, who has observed the foregoing conditions, shall be entitled to the office.

(Laws of Fla. ch. 27919(1951), § 1; Laws of Fla. ch. 57-1884, § 1; Ord. No. 96-O-0027AA, § 1, 9-11-1996)

Sec. 13. - Judge of its own election.

The commission shall be the judge of the election and qualification of its own members subject to review by the courts. Any member of the commission who shall be convicted of crime while in office shall thereby forfeit his office.

Sec. 14. - Vacancies.

Any vacancy in the commission, including the office of mayor, shall be filled by appointment until the following regular municipal election. Any vacancy occurring after the close of qualifying for a regular municipal election in which no candidate has qualified, shall be filled by appointment until the next regularly scheduled biennial election. The term of commissioners elected to fill a vacancy shall be
for the unexpired term of the position vacated. Any vacancy resulting from a recall election shall be filled in the manner provided for in such cases by the Florida Statutes.

If any vacancy is not filled within twenty (20) days after it shall have occurred, an appointment to fill the vacancy shall be made by the governor.

State law reference—Provisions for filling vacancies required, F.S. § 166.031(6).

Sec. 15. - Election of mayor pro tem.

The city commission shall annually at the time of reorganizing, on a date not later than the seventeenth (17th) day after the regular municipal election, elect one of its members as mayor pro tem. In case the members of the commission are unable to agree within five (5) days after the time fixed herein for their organization meeting, upon the selection of the mayor pro tem, then such officer shall be chosen by lot, conducted by the city attorney, who shall certify the result of such lot upon the journal of the commission. The election of mayor pro tem for the period November 23, 1999, to November 10, 2000, shall be held on November 23, 1999.

Sec. 16. - Powers and duties of mayor.

The mayor shall preside at all meetings of the commission and perform such other duties consistent with his office as may be imposed by it; and he shall have a voice and a vote in the proceedings of the commission, but no veto power. He may use the title of mayor in any case in which the execution of legal instruments of writing or other necessity arising from the general laws of the state so requires; but this shall not be considered as conferring upon him the administrative or judicial functions of a mayor under the general laws of the state. He shall be recognized as the official head of the city by the courts for the purpose of serving civil processes; by the government in the exercise of military law, and for all ceremonial purposes. The powers and duties of the mayor shall be such as are conferred upon him by the city commission in pursuance of the provisions of this Charter, and no others. In the absence of the mayor the other members of the city commission shall select one of their number to perform his duties.

Editor's note—The provisions of the fourth sentence of section 16 have been deleted as superseded by F.S. § 877.041.

Sec. 17. - Meetings.

...[O]n the seventeenth (17th) day following the regular municipal election, the city commission shall meet at the usual place for holding the meetings of the legislative body of the city, at which time the newly elected commissioner or commissioners shall assume the duties of once.

Editor's note—
Language at the beginning of section 17 has been deleted as obsolete. The provisions of the last sentence were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) or converted into an ordinance by such act which has not been readopted. Such provisions of are adequately covered by such act.

Sec. 18. - Special meetings; how called.

The mayor, any two (2) members of the commission, or the city manager, may call special meetings of the commission upon at least six (6) hours' written notice to each member, served personally, or left at his usual place of residence. All meetings of the city commission and of the committees thereof shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times. The commission shall determine its own rules and order of business and shall keep a journal of its proceedings.

State law reference— Public meetings and records required, F.S. § 286.011.

Sec. 19. - Absence from meetings.

Editor's note—

The provisions of section 19 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Tallahassee City Code. See Code § 2-31.

Sec. 20. - Legislative procedure; quorum.

(Laws of Fla. ch. 26249(1949), § 2)

Editor's note—

The provisions of section 20 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Tallahassee City Code. See Code § 2-32.

Sec. 21. - Ordinance enactment.

(Laws. of Fla. ch. 11257(1925), § 2)

Editor's note—

Except for the third sentence, the provisions of section 21 were either superseded by F.S. § 166.041 or converted into an ordinance by F.S. ch. 166 that has not been readopted. The provisions of the third sentence of section 21 have assumed ordinance status by virtue of by Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Tallahassee City Code. See Code § 2-33.

Sec. 22. - Emergency measures.

(Laws of Fla. ch. 11257(1925), § 3)

Editor's note—

The provisions of section 22 were either superseded by F.S. § 166.041 or converted into an ordinance by F.S. ch. 166 that has not been readopted.
Background Information

The City Commission has discussed the issue of protocols on a number of occasions in the past. Attached in this section are the following documents which may be useful to the current discussion:

Attachment 4A: Meeting Minutes from a City Commission Workshop / Retreat held on March 31, 2003 wherein the commission discussed principles for a high performance government and staff and commission protocols.

Attachment 4B: Agenda Item from March 29, 2004 that includes the original Commission Protocols developed in October 1997.

Attachment 4C: Minutes from the March 29, 2004, City Commission Retreat, including a memo detailing agenda protocols.

Attachment 4D: A general summary of the duties and responsibilities of the City Commission (used in orientation for all new city elected leaders).
SPECIAL COMMISSION MEETING

Tallahassee, Florida
March 31, 2003

CITY COMMISSION WORKSHOP RETREAT

The City Commission and Leadership Staff met in special session for a workshop retreat, moderated by Dr. Larry Gross, Consultant, in the Conference Room at the Florida State University (FSU) Reservation at Lake Bradford on March 31, 2003, with Commissioners Marks, Katz, Lightsey, Mustian and Gillum present. Also present were City Manager Favors, Assistant City Attorney Hurst, City Treasurer-Clerk Herndon, City Auditor McCall, Senior Assistant City Manager Michael Wright, Assistant City Manager Tom Coe, Assistant City Manager Ricardo Fernandez, Director of Management and Administration David Reid, Director of Communications Michelle Bono, Assistant to the City Manager Marlon Brown, and City Manager’s Office Intern Melanie Kopp.

I. Welcome and Expectations for the Day

Dr. Gross called the meeting to order at 10:10 a.m. and gave a brief overview of the published agenda.

Dr. Gross discussed the issue of building consensus by a high performance board, and he defined consensus as a majority of opinion that all members were willing to support, with a common understanding and acceptance of the issues by all members. He discussed the resolution of differences of opinion of a group as usually centering around the facts, goals, strategy, personal styles, and issues of values or different belief systems, and stated that he was particularly pleased with the commonality of values in this group.

At this point, the session participants were given an opportunity to describe some of their particular interests as a way of getting to know each other.

II. City Mission and Values: What do these mean?

Discussion focused on a review of the City’s organizational mission statement and values:

ORGANIZATIONAL MISSION

The mission of the City of Tallahassee is to provide excellent services and facilities to support a high quality of life for our community.

ORGANIZATIONAL VALUES

Customer Service is Our Business

- Identify customer needs and expectations.
- Be responsible, dependable and flexible to exceed customer expectations.
- Be enthusiastic and have a “can do” attitude.
- Make each customer feel important.
"customer service is our business". Brief discussion ensued and Commissioner Lightsey clarified that she accepted the majority opinion in this regard.

Mayor Marks discussed the importance of keeping promises to the citizens that they had been led to expect and making sure they were promises that were desired by the citizens.

Noting that the expectations of the City organization were high, Commissioner Mustian suggested that it was important to also be adept at telling people "no" when warranted.

Mayor Marks applauded the Appointed Officials for the satisfactory results of the citizens survey, which had indicated 80% of the citizens surveyed were satisfied with the City's services. City Manager Favors stated that the good survey results would not have been possible without the strong support of the Commission and she opined that the process of having Lead Commissioners in targeted areas had contributed greatly to the success of the City organization.

Commissioner Gillum suggested adding a value that would encourage employee feedback, and Mr. Gross suggested adding another bullet to that effect. City Manager Favors pointed out that was what was intended under “practice teamwork” and she explained that although that might not be as explicit as it needed to be, that value was intended to achieve common goals in terms of breaking down organizational barriers.

Commissioner Lightsey expressed the opinion that there continued to be problems routinely with internal communication and cooperation amongst departments, and she urged continuing efforts to push for teamwork in this regard.

Additionally, Commissioner Lightsey stressed the importance of acknowledging and recognizing the City's successes. She suggested that "good news" items be given some visibility on the Commission agenda.

Mr. McCall opined that in a broader sense, everyone coming to Tallahassee was a customer. He also expressed the opinion that it was important to realize the citizens had a lot of trust in the City.

III. **High Performance Board Principles**

Dr. Gross discussed the following ten (10) high performance board principles:

1. It is okay to have idea opponents; it is not okay to have personal opponents.
2. Attempt to promote the best solution and not win the discussion.
3. Differences are not deficits but only differences to be managed.
4. Primary change agents are groups not individuals.
5. Learn from the past but not be trapped by it.
6. Clear communication is the key to common understanding.
7. Having a high tolerance for uncertainty concerning information
8. The enemy is complexity.
9. Individuals and groups decide issues based on their values.
10. Anger and fear are managed constructively.
Action 3: Shared Issue Leadership with Commissioners

Mayor Marks requested some assistance from the other Commissioners in involving all of them in representing the City on various issues, and Mayor Pro Tem Katz agreed that the other Commissioners should have opportunities to represent the City where they were interested.

Action 4: Balancing Workload of the Aides

City Manager Favors and City Treasurer-Clerk Herndon described how the coordination of the Aides’ workloads had been handled over the past several years, indicating that the Treasurer-Clerk’s Office involvement had evolved to maintenance of the records and budget, with no involvement in the issue of compensation.

Mayor Marks opined that the role of the Senior Aide was changing to not include coordination of the Aides’ workloads.

The Commission concurred with the Mayor’s opinion that all of the Aides ought to meet together regularly.

RECESS

The meeting was recessed at 11:55 a.m. and was reconvened at 12:15 p.m. with Ms. Gloria Hall-McNeill, Director of Human Resources, joining the Retreat group at the table.

V. Discussion of City Commission Office staff and roles

Action 4: Balancing Workload of the Aides (Continued)

Commissioner Katz stated his need for a full-time Aide, not necessarily one who could type, but one who would be more similar to a Cabinet Aide. He stated that he felt strongly about the salary of his Aide and for a separate budget accounting for each Commissioner.

Commissioner Mustian stated his need for an Aide who would serve as his right-hand person – someone who could represent him and be more than a secretary while also being able to do secretarial work as well. He stated that his only concern with the current job description was the ability to get someone within the salary guidelines as the salary for a good legal secretary was in the $70,000 range.

Commissioner Lightsey questioned who would then do the clerical work for the Commissioners and also questioned if their professional staff would then need a secretary. Noting that the staff had a 40-hour work week, she questioned who would man the office if the Aides were out due to attending meetings and she opined that the public would not allow use of the Aides as a political surrogate, noting that it was even more troubling if the Aides could speak for their Commissioner. Commissioner Lightsey stated that it had worked well to have long-term employees who were familiar with the City organization, and she opined that changing the role of the Aides too much could lead to problems. She suggested that allowing the Aides to implement “alternative policy” would undermine the City’s form of government and if one was treated differently, others would soon want the same treatment.

Commissioner Gillum stated that he understood Commissioner Katz’s high expectations and he considered the written job description to be impressive on paper. He opined that it would be unrealistic to have a part-time Aide and stated that he considered it important to have an Aide who was willing to attend a function or meeting in his absence, thereby showing his interest. Commissioner Gillum also agreed that the pay grade of the Aides needed to be evaluated and adjusted.
Commissioner Katz clarified that his desire was to upgrade the Aides and he opined that not doing it in the past was not justification for not allowing an Aide to represent a Commissioner at a meeting. With regard to the need for some clerical help, he stated that he had been able to use his personal staff from his law firm but in his opinion, each of the Commissioners ought to be staffed the way it would help them best. He reiterated his support for separate budgets for which each Commissioner would be responsible.

Dr. Gross cited the following issues identified from this discussion to be resolved and brought to a vote at the next Retreat session:

1. The Aides position description and role
2. Review the issue of separate Commissioner budgets
3. Consider the Aides' salary range issue

Dr. Gross recommended that he work with the Commissioners and City staff in developing the role of the Commission Aide and setting clear parameters for that role, and the Commission concurred in this regard.

Commissioner Lightsey suggested that such consideration include who would do the record keeping and who would supervise them, and that a sincere look be given to cutting back the existing staff. She also urged sensitivity to the impacts on the government and the community, and she opined that paying their own staff more than what was paid in the government was not the right thing to do and would send the wrong message out to the community.

City Manager Favors asked how the Commission wanted the coordination of the Aides' workloads to be handled, noting that currently she and City Treasurer-Clerk Herndon worked out any problems associated with balancing of the Aides' workloads. Commissioner Lightsey stated that there had been problems in the past where the work piled up and frequently did not get done, and she stated that someone outside the office needed to oversee the screening of job applicants to make sure they met minimum requirements. Mayor Marks suggested that be included in the assessment brought back by Dr. Gross and the Commission concurred in this regard.

**Action 5: Intergovernmental Responsibility**

Discussion continued and Mayor Marks stated that he did not perceive the need for a Chief of Staff. He explained that he had not filled the Senior Aide position because he wanted to find out more about the position, and indicated he would discuss the hiring of the person who was in that position on an acting basis with Commissioner Katz, who needed to fill his Aide position.

**Action 6: Lobbyist for the City**

Discussion moved to the focus of the lobbying effort and the part-time role of the Senior Aide position in the lobbying effort. City Manager Favors opined that the Intergovernmental Liaison role could be much broader than it had been in the past. Mayor Marks stated that there was an immediate need to find someone to handle the lobbying function in a short period of time and stated that he was willing to amend that role.

Additional discussion focused on pending Federal and State Legislation. Commissioner Mustian noted that former Commissioner Meilsburg had mentioned that the City did not have a grants coordinator and City Manager Favors explained that each department handled their own grants applications while Dinah Hart in the Office of Management and Administration was the closest to filling that role for the City in general. She added that because of her interaction on the federal level, the
in place had been constrained as a direct result of individuals abusing the scheduled citizen appearance policy.

Brief discussion focused on security measures that were in place at the meetings.

Director of Communications Michelle Bono pointed out members of the public were finding that electronic mail to the Commissioners was easier than making personal appearances at the meetings, but there were people who liked to get their message out to the public by making personal appearances at the regular Commission meetings.

Dr. Gross stated that it was clear to everyone what was expected of speakers appearing before the Commission because the Mayor read a statement on acceptable behavior, therefore, the Mayor had recourse if a speaker did not abide by those rules of conduct. He concurred that it might be helpful to have a statement of acceptable conduct read and advised that often, unless the issue was addressed, the Commission would be criticized from the community at large.

VI. Review of the City’s Vision, Five-Year Goals, and Current Target Issues

The Commission reviewed and made no changes to the City’s Vision Statement and Goals, brought forward as follows:

CITY VISION

Tallahassee, Florida, a city which remembers its past while focusing on the future – a vibrant capital city; fostering a strong sense of community, cherishing our beautiful, natural environment, and ensuring economic opportunities for all our citizens.

Tallahassee 2004: Our Goals

Safe Community of People

To ensure that all residents have the opportunity to go to school, to work, and to live in a safe community

Financially Stable City Government

To conduct short term and long term planning and to make fiscal decisions to ensure a Financially Stable City Government

Preservation of Environmental Quality

To proactively demonstrate our commitment as a government to Environmental Quality

Citizen Trust in Government

To conduct the business of the government in a way that creates enhanced public support, involvement and confidence

Diversified and Expanding Local Economy: Jobs with Livable Wage
ADJOURNMENT

The retreat workshop was adjourned at 3:00 p.m.

GARY HERNDON
CITY TREASURER-CLERK
CITY OF TALLAHASSEE

CITY COMMISSION AGENDA ITEM

<table>
<thead>
<tr>
<th>ACTION REQUESTED ON:</th>
<th>March 29, 2004</th>
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<tr>
<td>SUBJECT/TITLE:</td>
<td>Discussion of City Commission Protocol</td>
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<tr>
<td>TARGET ISSUE:</td>
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STATEMENT OF ISSUE

At the retreat held on March 31, 2003 and November 12, 2003, and facilitated by Dr. Larry Gross, the City Commission, discussed the Mayor and City Commission protocols of actions developed by Lyle Sumek and Associates in October 1997, included as Attachment 1. The protocol actions were divided into three areas:

- Actions for the “Leadership” Mayor
- Actions for the City Commission
- Appointed Officials Actions

At the March retreat, discussion centered on the following:

- Establishing guidelines for publicly noticing, sharing of information on the agenda (completed).
- Follow-up from the monthly Mayor/Chair meetings transmitted to the Commission (completed).
- Use of a hierarchical process for civic representation by Commission with appointment by the Mayor, at functions or on issues that involved other entities (government or other).
- To preclude agenda items from being pulled from consent, Commissioners will seek conferences with staff to get their issues resolved prior to the City Commission meeting (completed).
- Establishing rules of conduct for speakers, either written on the speaker form or as a statement from the Mayor prior to the request for speakers (completed).

At the November retreat, further discussion on other protocols was limited due to time constraints but is being rescheduled for this retreat to continue that discussion.

RECOMMENDED ACTION

For information, discussion and direction.

Marlon Brown, Assistant to the City Manager
City Managers Office

Anita R. Favors
City Manager

For Information, please contact: Marlon Brown, Assistant to the City Manager ext. 8200
ACTION 3: Shared Issue Leadership with Commissioners

Each Commissioner has their own areas of interest and expertise and desire to be involved as much as practical in activities in that area. The City Commission suggested that the Mayor continue and expand the involvement of individual Commissioners by:

a. Informing the individual Commissioner on topics of interest, including what is going on today and what is on the horizon.

b. Inviting the individual commissioners to participate with the Mayor in activities associated with the issues.

c. Requesting assistance in representing the city on this issue.

ACTION 4: Balancing Workload of the Aides

The Mayor and City Commission recognized that their effectiveness as the governing body is influenced by the performance of their aides. During the discussion, the City Commission explored the following opportunities for improvement:

- Need for teamwork among all aides

- Need to balance workload, recognizing that the Mayor and each Commissioner have differing demands and workload expectations.

The Mayor indicated that his aide can assist other aides as time is available; and that other aides can assist his aide when needed. The Mayor is to convey the need for teamwork and cooperation on workload to all aides.
ACTION 7: Commission and Commissioner Involvement

Each individual commissioner has their own area of interest and time available for city activities. The City Commission recognized the differences among individual commissioners and expresses the desire to build off each individual Commissioner's strengths. The City Commission believes that the Mayor can enhance his effectiveness by tapping each individual commissioner. The Mayor should:

a. Ask each commissioner when and how they want to be involved, particularly in an area of interest or expertise.

b. Ask the City Commission as the governing body when and how do they want to be involved.

The overall feeling from the discussion was that this would enhance Mayor and City Commission teamwork and encourage individual Commission involvement.

ACTION 8: Chief Spokesperson for the City

A role of the "Leadership Mayor" is to serve as chief spokesperson for the City of Tallahassee. The City Commission expects the Mayor to take a leadership role in expressing city policies and positions on issues, and the consensus of the City Commission on issues. The City Commission also expects the Mayor to distinguish his personal opinions and positions from the City Commission opinions and positions. In addition, during the early discussion of an issue, the City Commission desires to have the Mayor point out that the City Commission has not addressed the issues and at the present time there is not official city policy or position.
expected to provide regular updates in writing or at a City Commission meeting on committee activities.

c. Recognize that each individual Commissioner interacts with different parts of the Tallahassee community and, as a result, should inform the entire Commission on their insights or issues on the horizon.

The Commission agreed that each Commissioner has the responsibility to report on work and activities on assigned committees, and to report their activities and insights on their community activities, particularly in their areas of interest.

**ACTION 4: Ground Rules for City Commission**

The City Commission reinforced the following ground rules for their operations and personal conduct:

- Respect each individual commissioner’s right to ask questions, to have a different opinion, to appreciate differences in operating styles

- Comments from individual commissioners should focus on the issues and not on the person

- If a Commissioner has a problem with another Commissioner, that Commissioner, as a common courtesy, should go to the other Commissioner first and not to the staff or the other Commissioners in the middle of the conflict.

- Respect the Council – Manager form of government, including respect for the City’s chain of command

- Avoid staff involvement beyond information and routine matters without the involvement and knowledge of the City Manager or Assistant City Manager

- Maintain an open-mind by listening to all the background information and policy recommendations from the City Manager

- Remember that each Commissioner has a responsibility for the overall effectiveness and teamwork of the City Commission
The Mayor and City Commission has the overall expectations of the Appointed Officials:

**Overall:**

- Work Together As A Team
- Work On Issues Together
- Recognize Individual Roles and Responsibilities
- Share Experiences and Expertise
- Remember: Policy Role of Commission
- Make Best Decisions and Recommendations

The Mayor and City Commission suggested the following actions for the appointed officials:

**ACTION 1: Complete and Accurate Information to the City Commission**

The City Commission recognized that: a) each appointed official will have their own individual, and perhaps, unique perspective or insights on an issue; b) the issue discussions evolve over time and different information may be available at different times; c) the City Commission needs to have from the appointed officials the same information up front, before deliberation begins. The City Commission directed the appointed officials to develop a mechanism for getting complete, timely and accurate information to the City Commission.
ACTION 5: Decision/Action Packages for the City Commission

On complex issues, the City Commission may feel inundated with information and data. They felt that the appointed officials could help them by separating key policy issues into decision or action packages for the City Commission consideration. The City Commission recognized that this would require teamwork among the appointed officials, coordinating the legal advise from the City Attorney, the financial advice form the City Clerk/Treasurer, the insights from the City Auditor; and the policy, professional and technical information from the City Manager and City Staff. The responsibility for the decision/action packages is the City Manager's.

ACTION 6: Review By Staff

The City Commission recognized that different issues require different levels of staff review. The ultimate responsibility for the staff report lies with the City Manager. It is the City Manager's decision on who needs to be involved in this review, and to establish standards for policy reports and recommendations. The City Commission encouraged the City Manager to work with the other appointed officials by involving them appropriately in this staff review process. This process will minimize late comments by appointed officials.

ACTION 7: Teamwork Among Appointed Officials

The City Commission encouraged the appointed officials to get together for the purposes for:

- Working through problems with recent issues
- Defining roles and operating relationships
- Developing process for enhanced communication and teamwork on issues
- Clarifying expectations for each other

They urged that this be done as soon as possible.
AGENDA FOR CITY COMMISSION RETREAT
MARCH 29, 2004
CHALLENGER LEARNING CENTER/IMAX THEATRE
1:00 p.m. – 5:00 p.m.

Facilitator: Dr. Larry Gross

TAB 1: Minutes and Summary Report from the November 12, 2003 retreat.

1:00 p.m. – 1:45 p.m.

TAB 2: High Performance Government – Dr. Larry Gross

1:45 a.m. – 2:25 a.m.

TAB 3: Leadership to Meet Current and Future Challenges – Dr. Larry Gross

2:25 a.m. – 3:25 a.m.

TAB 4: Intergovernmental Relations (e.g. Federal and State Legislative Priorities Update) – Dr. Larry Gross / Dinah Hart, Senior Aide to the Mayor

3:25 a.m. – 3:55 a.m.

TAB 5: Discussion of and Action on City Commission Protocols – Dr. Larry Gross

3:55 a.m. – 4:30 a.m.

TAB 6: Target Issue Update and Discussion – Anita Favors, City Manager

Target Issue 2003/2004

- Economic Development
  Mayor’s Economic Summit
- Water Resources for the Community
- Neighborhood Preservation & Revitalization
- Student Affairs
- Long Range Community Based Planning
- Financial Viability of the Government

4:30 p.m. – 5:00 p.m.

Recap and Conclusion
SPECIAL COMMISSION MEETING

Tallahassee, Florida
September 7, 2005

CITY COMMISSION WORKSHOP RETREAT

The City Commission and Leadership Staff met in special session for a workshop retreat, moderated by Dr. Larry Gross, Consultant, at the Florida State University Reservation, 3226 Flastacowo Road, on September 7, 2005, with Commissioners Marks, Gillum, Katz, Lightsey and Mustian present. Also present were City Manager Favors, City Attorney English, City Treasurer-Clerk Herndon, City Auditor McCall, Assistant City Manager Wright, Director of Management and Administration David Reid, Director of Communications Michelle Bono, Ms. Dinah Hart - Senior Aide to the Mayor and Legislative Liaison, and Dr. Larry Gross, Moderator.

Mayor Marks called the meeting to order at 12:04 p.m.

Mayor Marks distributed a document on the community’s response in the aftermath of Hurricane Katrina and how citizens could help with hurricane relief efforts (on file in the Office of the City Treasurer-Clerk), and invited participation in a commemorative program, Tallahassee Cares, which his office had scheduled for September 11, 2005, from 7:00 p.m. to 8:00 p.m. on Kleman Plaza. He explained that this event was intended to show support and caring for the victims of Hurricane Katrina as well as in memory of the victims of September 11, 2001, and advised that the Boys Choir of Tallahassee would provide inspirational music for the event.

Commissioner Katz announced that Mr. Fred Flowers was also spearheading a major community fundraising event on Kleman Plaza on September 17, 2005, with all proceeds to go to the American Red Cross to help victims of Hurricane Katrina. City Manager Thompson interjected a request from Mr. Flowers that the City waive the charge for using Kleman Plaza for that event, and the Commission concurred in the affirmative.

Mayor Marks discussed local and statewide efforts to help the large numbers of hurricane evacuees from Mississippi and Alabama, and Commissioner Katz described efforts of local churches in locating and coordinating housing for those evacuees seeking refuge in Tallahassee.

Assistant City Manager Fernandez entered the meeting at 12:15 p.m.

Mayor Marks discussed his concern that the City of Tallahassee needed to be prepared in the event of major flooding in its low-lying areas. He suggested that consideration be given to modeling a plan to address the effects of a category four or five hurricane in this community. City Manager Thompson advised that she would schedule a report on the City’s emergency plan and brief discussion continued in this regard, with Assistant City Manager Coe providing a brief outline of emergency processes developed over the past few years.

Dr. Gross reviewed the published agenda. He clarified that historically decisions were made on a consensual basis during these Commission retreats, with no votes taken.

Item 1. Characteristics of Good Governance

The Commissioners discussed and rated the City on demonstrating characteristics of good governance, using a scale from 1 to 10 with 1 being poor and 10 being excellent, including:

1. Leadership – with ratings ranging from 7.5 to 9
community, which would include the performing arts facility, road improvements, neighborhood enhancements, and continued efforts to attract Tier 1 technological innovation to the community

continue efforts to enhance neighborhoods, particularly the special focus on the southside

continue efforts to provide diversification and methods of providing reliable, safe, sufficient and efficient electric service to the community

modeling and planning for catastrophic events

a regional trauma center

relationships with Florida State University, Florida A & M University, and Tallahassee Community College

Commissioner Katz –

implementation of a two-year budget cycle, providing greater opportunity for performance measurement

TalTran expansion, requiring significant budget decisions

law enforcement communications

Electric Utility, determine all real energy resource alternatives

health services/social services, including a regional trauma center and a dedicated funding source

Commissioner Gillum –

increase the use of existing infrastructure to help close the digital divide

enhance Springhill Road as an entryway to the community

develop a comprehensive human services support strategy and a dedicated funding source

review development standards and the barriers for growth, particularly in the Urban Core

Long-Range Priorities

The Commissioners discussed their top long-range priorities for the next five years and beyond, as follows:

Mayor Marks –

emergency planning

impacts of institutions of higher learning on the community

electric energy diversification and methods of supply
Item 3. Amending the Target Issues

Lengthy discussion centered on integrating the Commissioners’ priorities into the existing target issues.

Dr. Gross suggested that a common format be used for reporting on the target issues, similarly to the Financial Viability of the Government report, which would include a review of accomplishments and recap of future issues to be addressed.

The Commission concurred not to include the CRAs as an Economic Development target issue as that was a responsibility of the Community Redevelopment Agency.

Brief discussion focused on the need to complete the appointments to the Watershed Management Committee, and Mayor Marks indicated he would bring that issue to a Mayor-Chair meeting.

The Commission requested that the staff provide the Commission with reports on the following issues:

- A description of the characteristics and attributes of a “Tier 1” city
- The law enforcement communications issue
- Emergency services planning

Additionally, the Commission concurred to reconsider Commissioner assignments to the target issues at a retreat following the next summer break.

By consensus, the Commission adopted the following City Commission Target Issues for FY2006:

**CITY COMMISSION TARGET ISSUES FOR 2005-2006**

**Long-Range Planning**

- Community Standards
- Springhill Road Gateway

**Economic Development**

- Gaines Street
- Incentives for business development

**Health & Human Services (Commissioner Katz, Lead Commissioner; Commissioner Gillum, Support Commissioner)**

- Process review and identification of dedicated funding source for Community Human Services Partnership (CHSP)
- Homeless Issues
- Regional Trauma Center
Commissioner Gillum emphasized his interest in building support and getting the funding for improving Springhill Road as a gateway entrance to the City, and Assistant City Manager Wright opined that the most difficult aspect of that project would be the existing land uses.

**Item 4. Issues of Protocols**

Brief discussion focused on the “Sharing of Ideas” portion of the formal agenda process. Dr. Gross distributed a September 4, 2002 memorandum from the City Manager regarding “protocol of the agenda process”, providing clarification that this “sharing” portion of the agenda was for discussion only, that the issue need not be in writing, and that no vote would be taken at the meeting in which the issue was raised. *(A copy of this memorandum has been placed on file in the Office of the City Treasurer-Clerk.)*

Discussion focused on adding an item to the agenda. City Manager Thompson clarified that any Commissioner had the option of adding an item to the agenda under City Commission Issues at any time up until the agenda was distributed while the Mayor made the decision on any proposed additions to the agenda after it was published.

Commissioner Katz requested that the agenda materials be distributed before noon on Thursday if at all possible. Commissioner Mustian advised that his primary concern was with getting the full agenda at one time prior to the weekend, and City Manager Thompson stated that her office was making every effort to have fewer agenda modifications so that the Commission could get the complete agenda at one time. The Commission concurred to notify the City Manager by noon on Wednesday of any items to be pulled from Consent.

Discussion focused on how the Commissioners should conduct themselves before and after the North Florida Power Project – Coal Plant Referendum. The individual Commissioners expressed their concerns and clarified that their differences of opinion should be managed in a respectful manner.

**ADJOURNMENT**

The meeting was adjourned at 4:30 p.m.

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GARY HERNDON
CITY TREASURER-CLERK
MEMORANDUM

TO: Mayor and Members of the City Commission

FROM: Anita R. Favors, City Manager

DATE: September 4, 2002

SUBJECT: Protocol of the Agenda Process

In response to the concern you raised at the August 21st meeting involving reviewing the protocol of the agenda process, I would like to advise you of several changes, and would also like to take this opportunity to affirm changes made previously for purposes of clarification.

1. Public hearings are scheduled for the second meeting of each month. Only those hearings that are extraordinary in nature or have a legal requirement to be heard at a specific time will be held on dates other than the second meeting of the month.

2. We have eliminated the 15 minute scheduled speakers section, and beginning September 11th, all public speakers will be unscheduled and will be heard in order of receipt of their submittal to the Treasurer Clerk during the meeting. Speakers will be heard at the conclusion of the meeting.

3. Just a reminder that items listed under “city commission” must have an accompanying memo explaining the concern or request. This protocol was established so that commissioners have adequate notice and time to give consideration to any request that would require a vote on the same day. Under “commission sharing of ideas,” any concern may be raised for discussion only and does not need to be delineated in written form. Listing an item under sharing of ideas assumes there will be no vote expected at the meeting at which the issue is raised.

Thank you for your cooperation in keeping the agenda fluid and substantive as we manage the city’s important business.

Respectfully submitted,

Anita R. Favors

Anita R. Favors

ARF/akw
I. GENERAL DUTIES AND RESPONSIBILITIES OF THE CITY COMMISSION

A. DESIGNATION OF FORM OF GOVERNMENT

The City of Tallahassee’s form of government is known as the "Commission-Manager Plan." The Commission, which includes the Mayor, constitutes the governing body with powers to pass ordinances, adopt regulations, appoint a chief administrative officer known as the "City Manager," and appoint other officials known as "Treasurer-Clerk," "City Auditor," and "City Attorney." In 1996, a charter amendment to change to a directly-elected / leadership mayor was approved by Tallahassee voters. Today, the responsibilities of the Leadership Mayor include intergovernmental relations and serving as the lead spokesperson for the City.

B. FUNCTIONS AND POWERS

The City Commission, as the legislative body, has the major responsibility for executing the legislative and policy-making procedures of the City. Some of the functions and powers entailed in the Commission's responsibility are detailed below:

1. To enact, record and publish all ordinances.
2. To judge the election and qualification of its own members, and to compel attendance of absent members.
3. To establish its own rules of procedure.
4. To maintain, as a public record, a journal of its proceedings.
5. To subpoena witnesses, administer oaths, and compel the delivery of documents and other evidence for the purpose of performing its functions.
6. To establish pay and allowance scales for City offices.
7. To appoint the City Manager, Treasurer-Clerk, City Attorney and City Auditor and to remove them when deemed necessary.
8. To adopt a balanced budget.
9. To establish rules and regulations for all purchases/sales made by or for the City.
10. To exercise any right or authority granted generally by law to the governing bodies of municipalities.

C. PROHIBITIONS OF INTERFERENCE BY CITY COMMISSIONERS IN APPOINTMENTS AND REMOVAL OF CITY EMPLOYEES
City Commission Protocol and Responsibilities

Consistent with the Charter, the Mayor and Commissioners are prohibited from interfering in the appointment or removal of any employees under the supervision of the City Manager, Treasurer-Clerk, City Attorney, and City Auditor. The Mayor and City Commissioners are also prohibited from giving orders to, or making demands of, any subordinate of any appointed official, either privately or publicly. Any such demands, orders, or interference upon the part of these elected officials will be grounds for removal from office. However, they may, at any time, request information from any employee of the City relating to the performance of his/her duties.

D. **Mayor - Duties and Responsibilities**

The Mayor is elected at large directly by the citizens of Tallahassee to serve a four-year term.

The Mayor presides at all meetings of the Commission and has a voice and a vote in the proceedings of the Commission, but no veto power. The Mayor is recognized as the official head of the City by the courts for the purpose of serving civil processes, by the government in the exercise of military law, and for all ceremonial purposes. The Mayor may take command of the police and govern the City by proclamation during times of grave public danger or emergency, and shall be the judge of what constitutes such danger or emergency. In addition, the Mayor signs all legal instruments, issues proclamations and, by consensus of the Commission, administers the office of the Commission and exercises administrative supervision over the Commission's budget and personnel management. As the Leadership Mayor, the mayoral position also directs intergovernmental relations and serves as the lead spokesperson for the City.

E. **City of Tallahassee Organizational Chart**

The Mayor & City Commission exercises direct authority over the City Manager, Treasurer-Clerk, City Attorney, and City Auditor. These appointed officials conduct individual orientation sessions with newly elected Commissioners.
City Commission Protocol and Responsibilities

and Mayors to familiarize them with the duties and responsibilities of the various departments.

The organizational chart for the City of Tallahassee is depicted within this handbook.
II. OFFICE ADMINISTRATION

The Treasurer-Clerk has the responsibility for coordinating the administration of the Office of the City Commission.

PERSONNEL

In addition to the Mayor and City Commissioners, there are seven employees in the City Commission office: two Aides to the Mayor, four Commission Aides, a Senior Aide to the Mayor, and a Secretary III. The administrative employees are full time, whereas the Commissioners are generally considered to be part-time employees.
III. CITY COMMISSION MEETINGS

A. ATTENDANCE

A quorum is essential for the conduct of business. A majority of the Commission constitutes a quorum. If a quorum is not present, the meeting may be adjourned by the members who are there.

The absence of a member from four consecutive regular meetings of the City Commission constitutes a vacation of the seat, unless such absence is excused through resolution by the Commission.

B. TYPES OF MEETINGS

1. Regular Meetings

The City Commission shall meet regularly not less than twice each month, at such hour fixed by resolution of the City Commission. All regular meetings are conducted in the Commission Chambers of City Hall. The public is informed of meetings through notification to the local news media, on the City’s website and on WCOT, Comcast channel 13. The two regular meetings are held on the second and fourth Wednesdays of each month at 4:00 p.m. in the City Commission Chambers. A schedule of 2010 meetings is attached.

2. Special Meetings

The Mayor, any two (2) members of the Commission, or the City Manager, may call special meetings of the Commission upon at least six (6) hours written notice to each member, served personally, or left at his/her usual place of residence.

3. Target Issue Committee Meetings

Annually at the City Commission Retreat, the Commissioners determine city priorities, also called Target Issue areas. These Target Issues become the focus of the government and provide a blueprint for the programming of resources during the year. A list of the 2010 Target Issues is included in this handbook in addition to priorities identified in the 2010 Retreat (attached). Two Commissioners serve on each of the target issue committees. Assignments are typically determined by Commissioners at the annual retreat. Target issue committees meet a minimum of
City Commission Protocol and Responsibilities

once each quarter. At the first regular City Commission meeting each month, the Target Issue commissioners update the full commission on items being addressed in the Target Issues committees.

4. Workshop Meetings

The City Commission shall hold informal or workshop meetings at such time and place as deemed necessary by the Commission. The City Commission typically has a workshop once each quarter for discussion of Target Issues. The meetings are conducted in workshop fashion.

NOTE: COMMISSION BREAK IS LATE JULY AND EARLY AUGUST.

5. Capital Region Transportation Planning Agency (CRTPA) Meetings

The CRTPA is the region’s metropolitan planning organization and coordinates transportation planning within the region. The CRTPA is comprised of elected representatives from Leon County, Gadsden County, Wakulla County, Jefferson County, the City of Tallahassee, the Town of Havana, the City of Midway, and the City of Quincy, the City of Monticello, the City of St. Marks, Saint Chopy, the City of Greensboro, the City of Gretna, the City of Chattahoochee, as well as a representative from the Leon County School Board. The CRTPA meets not less than six (6) times each year at such time and place as prescribed by the organization.

6. Board of Trustees -- Pension Plans

The City Commissioners serve as the Board of Trustees for the City’s Pension Plans. Meetings are held quarterly in order to make decisions relative to the benefits of the plans.

7. Blueprint 2000 (The Intergovernmental Agency (IA))

Blueprint 2000 was initiated from a voter referendum in 2000 for the exclusive purpose of implementing a series of voter approved infrastructure and environmental projects. All 12 City and County Commissioners sit on the Blueprint 2000 Board of Directors. Meetings are held three times a year.

8. Community Redevelopment Agency (CRA)
City Commission Protocol and Responsibilities

The CRA was created in 1998 to help identify and spur redevelopment in targeted areas. Today the CRA encompasses two areas: The Greater Frenchtown / Southside Community Redevelopment Area was created in 2000 and the Downtown District Community Redevelopment Area was created in 2004. The CRA Board consists of the Mayor and City Commissioners, and four Leon County Commissioners, as selected by their board. The CRA typically meets monthly in coordination with a joint city/county meeting such as Blueprint 2000 or the CRTPA.

9. Joint City/County Planning Meetings

Tallahassee and Leon County have had an agreement since the 1960's to operate a joint City/County Planning Department and adopt a joint comprehensive plan. Florida Statute permits local governments to amend their comprehensive plan twice annually, however, Tallahassee and Leon County have determined they will only amend their plan once a year. Each year, joint meetings are held for public input, transmittal of proposed amendments to the Florida Department of Community Affairs, and final amendments to the comprehensive plan. These meetings are attended by both City and County Commissions and are scheduled annually. These four joint meetings are typically scheduled in March, April, May and August of each year.

C. Agenda Procedures

An agenda is a schedule of items to be considered by the City Commission during its regular or special meetings. Generally, agenda items are prepared by the Treasurer-Clerk, City Auditor, City Attorney and administrative departments and submitted to the City Manager's Office for inclusion on the City Commission's agenda. The Mayor or individual Commissioners may specifically request inclusion of an item or the public may personally address a subject during the scheduled appearances portion of the agenda or at the conclusion of the meeting.

To be included on the Commission agenda, each agenda item must be submitted to the City Manager's Office no later than two (2) weeks prior to the date of a regular City Commission meeting.

The agenda is then prepared and distributed the week before the scheduled meeting in order that the Commission and the public may familiarize themselves with the forthcoming items of business.
City Commission Protocol and Responsibilities

When a member of the City Commission has agendaeed an item for Commission discussion, that item should not be discussed at an earlier meeting without the consent of the Mayor or Commissioner agendaeing the item, unless at a previous meeting a majority of the Commission votes to do so.

Subjects on the agenda are carefully researched so that the Commission has all available facts for consideration in their deliberations. Formal presentations and appearances by appointed boards, authorities, and committees generally take place in the early sections of the agenda. Citizens may obtain copies of the agenda by e-mail or on the City’s website. The City’s website, talgov.com, provides a variety of information resources that citizens can sign up to receive.

There may be a time when the Mayor or a City Commissioner needs supplemental information in addition to the analysis included with the agenda material. Additional information may be requested directly from the originating department prior to the commission meeting date. The responding department will make every effort possible to distribute the requested information to the Mayor and all Commissioners and other appropriate personnel prior to the meeting.

D. Conduct of Meetings

The methods used in running a City Commission meeting are largely the responsibility of the Mayor in accordance with the adopted Robert’s Rules of Order. It is the Mayor’s responsibility to see that consideration of items on the agenda moves along without delay in a businesslike manner but that reasonable time is allotted to each, that citizens are heard and that any policies or rules prescribed by the City Commission are observed. The regular City Commission meeting is, for the most part, the showcase of municipal government. This meeting is attended by members of the staff, as well as members of the news media and the community and are all aired live and replayed on WCOT. Thus, all meetings of the legislative body shall be open and public and all persons encouraged to attend.

The City Commission welcomes comments from citizens to be heard on items agendaeed for public hearings.

The City Commission does not usually take public comments on issues not scheduled for public hearing, however, the City Commission may, at the discretion of the Mayor, recognize speakers. Citizens may speak to the City Commission about any issue, just prior to the close of the meeting.
City Commission Protocol and Responsibilities

Speakers are asked to complete a speaker's slip prior to the Commission consideration of the item (Appendix C). There is a three-minute time limit imposed upon all speakers. At the discretion of the Commission, citizens may be granted additional time to speak.

1. Sunshine Law

Under the Sunshine Law, Florida Statutes, all meetings of governmental bodies, including governing bodies, committees, boards and commissions, must be conducted in sessions open to the public. The major purpose of this "open meeting" law is to promote and strengthen the right of the public to know about and attend meetings of the governmental bodies. In addition, the law requires that adequate public notice be given and that actions taken at such meetings be documented and made accessible to the public at large.

The Sunshine Law extends to discussions and deliberations, as well as formal action taken by two or more members of a board or commission. The law applies equally to elected, as well as appointed bodies and is applicable to any gathering where the members deal with some matter on which foreseeable action will be taken. With the exception of collective bargaining matters and others provided under statute, gatherings such as workshop meetings, conference sessions, etc., are all subject to the law. The Sunshine Law provides that no resolution, rule, regulation or formal action shall be considered binding except as taken or made at an open meeting. Any such action taken by a board or commission, while in violation of the Sunshine Law, is null and void. Such a violation would constitute a misdemeanor of the second degree, punishable by law.

2. Public Records

The Statutes define public record as "any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority" (Section 19.32(1), Florida Statutes). Thus, all items so defined as public record shall be made readily available for public inspection.

Minutes taken of all Commission meetings, and approved by the Commission, are mandatory and become the official record of its activities. Any corrections of the minutes must be made in public meetings with the approval of the Commission.
City Commission Protocol and Responsibilities

Copies of the minutes are filed with the City Treasurer-Clerk and other interested parties. The public has been given broad rights under the public records law. Any person has the right to inspect any governmental record unless a specific provision of the law would make a record unavailable. It should be noted that collective bargaining matters and others provided under statute are exempt from the public records law. To that end, the law is to be construed in most every instance with a presumption of complete public access, consistent with the conduct of governmental business.

All offices of the City which maintain such public records shall be open during regular business hours on weekdays for that purpose. Upon request, copies of public documents shall be provided at minimal charge to cover the cost of reproduction. Citizens may also request electronic files instead of hard copies of documents.
IV. APPOINTMENTS BY THE MAYOR AND CITY COMMISSION

A. Advisory Boards and Committees

Citizen participation in the daily program and policy development of the City of Tallahassee is recognized as an important element in providing quality public services to the Tallahassee community. Citizen participation is encouraged through City Commission appointments of citizens to various advisory boards and committees. Many of these boards have been in existence for many years. Each member appointed serves without compensation during their term of office. The City Commission also has the authority to create additional boards, as it deems appropriate.

The Treasurer-Clerk’s Office is responsible for advertising all vacancies on the various committees. All applications received from interested citizens are provided to the City Commission for their review and consideration in filling vacant positions. Unless otherwise restricted, all citizens appointed by the City Commission to committees must be City residents, City property owners, or City utility customers who do not have direct financial interest in the committee to which they are to be appointed. When necessary, at least one member of the committee will also be a professional in the area of the committee's scope.

Note: For a list of all Advisory Boards and Committees see Appendix B

V. ORDINANCES AND RESOLUTIONS

The City Commission can adopt ordinances and resolutions for discharging the duties and powers of the municipality; for improving the safety, health, prosperity, morals, order, comfort and convenience of the inhabitants and for enforcing obedience to the ordinances.
On October 27, 2010, at a regular City Commission meeting, the Commission received the report from the 2009 Charter Review Committee (CRC), including recommendations on actions for consideration. The CRC recommended two charter amendments: The first related to establishing duties of the Mayor to include initiating and carrying out intergovernmental duties and diplomatic events, and playing a primary role in directing and coordinating the city's economic development strategy (see details in the attached agenda item). The second recommendation was for the City Commission to appoint a Charter Review Committee to convene in January 2013. At the meeting, the City Commission voted 5-0 to approve the charter recommendation to hold a referendum on amending the duties of the Mayor. Discussion took place over the concern about holding a special election for one charter amendment due to the costs. Non-Charter amendments were to be further discussed at a later date.
CITY OF TALLAHASSEE

CITY COMMISSION AGENDA ITEM

ACTION REQUESTED ON: October 27, 2010
SUBJECT/TITLE: 2009 Charter Review Committee (CRC) Final Report
TARGET ISSUE: N/A

STATEMENT OF ISSUE
On January 13, 2010, the City Commission reviewed and discussed the 2009 Charter Review Committee Report and scheduled a public hearing on February 24, 2010. On February 24, 2010, the City Commission conducted the public hearing but delayed taking action on the Charter Review Committee’s recommendations until the Leon County Board of County Commissioners completed and finalized the county charter review. The Leon County Board of County Commissioners took final action on the County Charter review process at its August 17, 2010 meeting.

The purpose of this agenda item is to take action on the recommendations contained in the 2009 Charter Review Committee Final Report.

RECOMMENDED ACTION

Review the 2009 Charter Review Committee Final Report and take action on the recommendations.

FISCAL IMPACT

None

Gary Herndon
City Treasurer-Clerk

James R. English
City Attorney

For information, please contact: Gary Herndon, Ext. 8130 or Jim English, Ext. 8554.
ITEM TITLE: 2009 Charter Review Committee (CRC) Final Report

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES
The 2009 Charter Review Committee (CRC) presented its report and recommendations at the April 22, 2009 City Commission meeting. This report contained two (2) recommendations that would require Charter amendments and also included seven (7) recommendations that could be implemented without a Charter change.

The City Commission discussed the proposed changes at the January 13, 2010 City Commission meeting and scheduled a public hearing on February 24, 2010. The City conducted the public hearing, but the City Commission indicated a desire to delay taking action on the CRC report until the county charter review process was complete and finalized.

The Leon County Board of County Commissioners took final action on the county charter review process at its August 17, 2010 meeting and voted to adopt six of the seven proposed amendments recommended by the county review committee. The six adopted recommendations that will appear on the Nov 2, 2010 general election ballot for voter approval are:

- Reduce the number of petition signatures needed for ordinance or Charter amendments from at least 10% of each district and 10% of the countywide electors to not less than 5% of each district and 7% of the countywide electors; Prohibit certain subjects from petition-lead amendment.
- Reduce the maximum campaign contribution that candidates for any county office may accept from $500 to $250, including contributions from political committees.
- Amend the County charter to provide that county ordinance shall establish minimum countywide environmental regulations, but allow municipalities to adopt more stringent levels of protection.
- Alter the management structure of the Tourist Development Council (TDC), making the staff of the council report to the County Administrator.
- Alter the manner in which the County Administrator may be appointed or removed by the Board, replacing a simply majority vote with a requirement for a majority plus 1 vote of the entire membership of the Board for appointment or removal; require a vote for removal to occur at the next regular Board meeting after any Board meeting where a motion expressing the intent of the Board to remove the County Administrator is passed by a simple majority of those members of the Board who are present and voting.
- Establish a Non-Interference policy that expressly prohibits commissioners from interfering with the performance of the duties of any employee of the county government who is, directly or indirectly, under the supervision of the County Administrator or County Attorney.
The seventh recommendation, which was not approved on a vote of 2-5, would have altered the County’s charter review process in the following ways:

- Convene the County Charter Review Committee 15 months prior to the general election, 3 months earlier than current provisions require.
- Require the County Commission to consider a wide variety of factors such as different viewpoints, age, gender, life experiences, professions & employment, and race & ethnic backgrounds when appointing citizens to the County Charter Review Committee.
- Require recommendations that gain 3/5 approval of the County Charter Review Committee to be presented to the County Commission for consideration.
- Require recommendations that gain 4/5 approval of the County Charter Review Committee to be placed directly on the ballot at the next general election.

None of the approved County items have direct effect on the City Charter Review Committee report.

The City of Tallahassee 2009 Charter Review Committee Report recommended the following:

Items with no recommended changes:

a) **Method of Electing City Commissioners**: The Committee considered suggestions that Commissioners should be elected by single member districts, as opposed to being elected at-large. The Committee believes the citizens have been well served by the current system and recommended no change.

b) **City Commission Responsibility for Management of Employees**: The Committee heard suggestions from some Commissioners regarding having direct authority over City Executive Management employees. The Committee believes that the City has been well served by the current system and recommended no change.

**Recommended Charter amendments:**

1. **Duties of the Mayor – Form of Government**: The Committee recommended that the City Commission pursue amendments to the City Charter to formally establish the duties of the Mayor for the following functions:

   - Initiate and carry out intergovernmental duties including working with the federal and state officials on projects of joint interest; actively participate in national and state associations of mayors and city officials, and representing the city on national and state programs and boards.

   - Carry out activities regarding diplomatic events and programs that involve the city including welcoming officials and issuing appropriate proclamations or statements.
• Play a primary role in directing and coordinating the city’s economic development strategy. Included with this duty are responsibilities for assisting Commission defined targeted industries; establishing schedules for the fast tracking of the approval process of identified economic development opportunities to ensure approval is granted within 120 days of identification; recommend annually to the Commission an appropriation for an economic development account to be used for business incentives and, with Commission approval, be authorized to expend those funds; and periodically, but not less than annually, prepare and submit a comprehensive development policy for Commission approval.

2. **Future Charter Review**: The Committee expressed the importance of regular review of the City Charter and recommended that the City Commission appoint a Charter Review Committee to convene in January 2013, for a period of 90 days.

**Non-Charter recommendations:**

3. **Aviation Authority**: Pursue the establishment of an airport authority and transfer operations of the Tallahassee Regional Airport to such authority.

4. **Regional Transportation**: Commit to increase support for the Capital Regional Transportation Planning Agency (CRTPA).

5. **Electric Utility**: Pursue joint ventures, sale of generating assets, or other alliances with existing electric providers with the objective being to achieve an electric utility rate equal to or less than the state average.

6. **Functional Consolidation**: Establish a formal schedule to consolidate City and County Growth Management and thoroughly examine and aggressively pursue the consolidation of the existing city and county parks and recreation, animal control and stormwater functions.

7. **Reduction in Differences in City and County Ordinances/Regulations**: Establish a formal mechanism, as changes are made to regulatory ordinances, to reduce differences as much as possible and include an “intergovernmental impact statement” on the ordinance agenda item indicating distinctions and differences from the other local government’s ordinance on the same subject.

8. **Growth Management**: Expediously undertake a through review of the City’s ordinances, regulations, and processes and make the changes necessary to provide a growth management system which provides for the efficient and expeditious permitting of new development while protecting our natural environment.

9. **Law Enforcement**: Closely examine and pursue the benefits of the consolidation of local government law enforcement services and functions.
CHARITABLE CONTRIBUTIONS
N/A

RECOMMENDED ACTION

Option 1: Take action on the recommendations of the Charter Review Committee

Option 2: Provide further guidance

ATTACHMENTS/REFERENCES
Attachment 1: City of Tallahassee Charter Review Committee (CRC) Report and Recommendations
Attachment 2: Minutes of the 3/2/09, 4/6/09, and 4/13/09 CRC Meetings
Attachment 3: Excerpt of City Commission discussions of 4/22/09, 6/24/09, 1/13/10 & 2/24/10
Attachment 4: List of Speakers before the 2009 CRC
CITY OF TALLAHASSEE CHARTER REVIEW COMMITTEE
REPORT AND RECOMMENDATIONS
APRIL 13, 2009

The 1996 change to the Tallahassee City Charter, which established the Leadership Mayor, mandated that the City Commission appoint a Charter Review Committee to examine the role and powers of the Mayor and City Commissioners and to make recommendations for any amendments to the City Charter the committee deems appropriate and necessary. The City’s first Charter Review Committee was appointed in 2003 and presented a series of recommendations to the Commission. One of these recommendations adopted by the City Commission in 2004 was the requirement to appoint a second charter review committee in January 2009 to perform the same level of review.

In January 2009, the following citizens were appointed by members of the City Commission to constitute the second Charter Review Committee:

- Samuel M. "Buddy" Streit, Chair
- Sheila Costigan
- William D. "Bill" Law
- Nancy Linnan
- David Reid
- Alphonso B. Whitaker, Vice-Chair
- J. Everitt Drew
- Henry Lewis
- Sean A. Pittman
- Carol S. Weisert

Section 2-251 and 2-252 of the City Charter required the Charter Review Committee (CRC) to complete its review process within 60 days of appointment and submit a written report to the City Commission. After conducting four (4) meetings, the CRC requested that a 30 day extension be granted. Subsequent to the Commission direction to present the report no later than the April 22, 2009 City Commission meeting, the CRC conducted nine (9) meetings to fulfill its charge, including one public hearing.

During the Committee’s deliberations, presentations were made by the following persons:

- Mayor John Marks
- City Commissioner Debbie Lightsey
- City Commissioner Allan Katz
- City Commissioner Mark Mustian
- City Commissioner Andrew Gillum
- Former City Commissioner Jack McLean
- Former City Commissioner Steve Meisburg
- City Manager Anita Favors Thompson
- 2008 CRC Vice-Chair and County Commission Chair Bryan Desloe
- Lynn Tipton, Florida League of Cities
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Dr. Bob Lee, Florida State University
William Roberts, Esquire, Nabors, Giblin and Nickerson, P.A.
Glenda Thornton, Chair, Tallahassee Area Chamber of Commerce
Sue Dick, President, Tallahassee Area Chamber of Commerce/Economic Development Commission Director
Todd Sperry, Chair of Growth Management Committee, Tallahassee Area Chamber of Commerce
Windell Paige, President, Capital City Chamber of Commerce
Peggy Lannutti, League of Women Voters
Barbara Sterling, League of Women Voters
Leon County Sheriff Larry Campbell.

Additionally, the following persons appeared before the CRC at its public hearing:

Brian Armstrong  Darwin Gamble
Steve Stewart    Pace Allen
John Proctor    Troy Brimmer
Mike Phinazee   Charles J. Scriven
George Mortimer Steve Slade

Each person discussed personal observations, perceptions and suggestions pertaining to the current role and powers of the Mayor and Commission as well as the relationship to the duties and responsibilities of the City Manager. Recommendations for changes beyond those relating to the role and function of the Mayor and Commission were also discussed and formalized:

CHARTER RECOMMENDATIONS

Duties of the Mayor – Form of Government

The change in the City Charter in 1996 to provide for a directly elected Mayor (Leadership Mayor) was an excellent decision by the City Commission and the electors of the City. The change obviously allowed for continuity in elected leadership and better recognition of the City in its relationship to other local, state, and federal governments. The Charter change provided for flexibility in the assignment of additional duties and responsibilities for the
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Mayor and that flexibility has been used effectively. The Charter Review Committee heard suggestions that the duties of the Leadership Mayor be expanded to reflect the experiences of the mayor and the commission since 1997. Based on these experiences and our own examination of the important role of mayors in city governance, we recommend that the duties of Tallahassee's leadership mayor include:

1) Initiating and carrying out intergovernmental duties including working with federal and state officials on projects of joint interest; actively participating in national and state associations of mayors and city officials, and representing the city on national and state programs and boards. The Mayor shall be responsible for developing and implementing necessary activities to strengthen and support the relationship of the City with the State of Florida and with federal programs as necessary.

2) Carrying out activities regarding diplomatic events and programs that involve the city including welcoming officials and issuing appropriate proclamations or statements. Beyond the ceremonial responsibilities, the Mayor shall be responsible for developing and leading activities to enhance the role of Tallahassee in expanding diplomatic or business presence within the Capital City of the State of Florida; and

3) Playing the primary role in directing and coordinating the city's economic development strategy. The Mayor shall be directly responsible for assistance to Commission defined targeted industries, including existing local businesses meeting targeted industries criteria. Upon identification of such economic development opportunities, the Mayor shall establish, with the assistance of each involved City department, a specific schedule for the fast tracking of development approval to ensure that full approval for the development is granted within 120 days of identification of the project. The Mayor will be responsible for monitoring the progress of the development approval of these projects and shall report the same to the City Commission not less than monthly. The Mayor shall be responsible for recommending annually to the City Commission an appropriation for an economic development account to be used for business incentives and upon approval by the City Commission, shall be authorized to expend those funds. The Mayor shall regularly report to the Commission on the expenditures of those funds within 30 days of expenditure. The Mayor shall prepare periodically, but not less than annually, and submit to the
Commission for approval a comprehensive development policy which shall consider the City's physical, economic and social aspects and state the goals and objectives of Tallahassee and its citizens and the necessary recommendations, policies, plans, programs, and priorities for attaining them.

The Committee recommends that the City Commission pursue amendments to the City Charter to formally establish the responsibility of the Mayor for these functions.

Method of Electing City Commissioners

The Charter Review Committee heard suggestions that the current method of election of City Commissioners, i.e. with all Commissioners running at large, be changed to provide that Commissioners would be required to reside in and be elected by the citizens in single member districts. The Committee believes the citizens of Tallahassee have been well served by the current system. No change is recommended.

City Commission Responsibility for Managing Employees

The Charter Review Committee heard concerns from some City Commissioners that these Commissioners believed that they could have a greater impact in providing leadership in the government if they had direct authority over City Executive Management employees. Currently, the City Charter provides that the City Commission has direct authority over the City Manager, City Attorney, Treasurer-Clerk, and Auditor (the appointed officials) and further provides the Commission is prohibited from interfering with the hiring, firing, and other management of City employees below the level of the appointed officials. The Committee believes that the City has been well served by the separation of policy leadership and management functions and recommends no Charter change with regard to management of personnel.

Future Charter Review

The Charter Review Committee considers it very important that the City Charter be reviewed regularly, and recommends to the City Commission
that a Charter Review Committee be appointed to convene in January 2013 for a period of 90 days.

NON-CHARTER RECOMMENDATIONS

Aviation Authority

The Charter Review Committee received suggestions that the City and the Region may well be better served if the operation of the Tallahassee Regional Airport was transferred to an aviation authority or an aviation/transportation authority. The Committee requested specific information on airport operations in Florida and specifically airport authorities. The Committee heard a presentation by Mr. Bill Roberts, Special Counsel for the Florida Airport Council. The Committee believes that the City and the Region would be better served by transferring the operation of the Tallahassee Regional Airport to an airport authority which could provide greater focus and concentration by the authority board on airport activities, be more aggressive in pursuing airport related economic development opportunities, and more effectively deal with airport competition. The Committee recommends the City Commission pursue the establishment of an airport authority and transfer operations of the Tallahassee Regional Airport to such authority.

Regional Transportation

The Charter Review Committee heard from elected officials regarding the importance of dealing with transportation issues on a regional basis. The Committee recommends that the City Commission commit to increase support for the Capital Regional Transportation Planning Agency (CRTPA).

Electric Utility

The Charter Review Committee heard concerns and is familiar with issues regarding the City's electric rates and the lack of fuel diversity within the City generating assets. The Committee recommends that the City pursue joint ventures, sale of generating assets or other alliances with existing electric providers with the objective being to achieve an electric utility rate equal to or less than the state average.
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Functional Consolidation

The Charter Review Committee believes that it is essential that the City and County unify, where appropriate, the growth management ordinances, regulations, and policies and consolidate the growth management departments. The Committee recommends that the City establish a formal schedule to consolidate City and County Growth Management. The schedule should provide for: (1) 90 days for staff to present to the city and County Commissions a report detailing the differences between the respective growth management ordinances, regulations, and policies (2) 180 days for City and County Commissions to make uniform or justify any differences in the ordinances, regulations, and policies, (3) one year, but not later than October 1, 2010, consolidate the City and County Growth Management departments and functions. The intent of this is that the City and County would still maintain separate ordinances, regulations and policies but would attempt to make them identical if practical, and would seek to combine the staff serving each similar to the Tallahassee/Leon County Planning Department model.

The Committee similarly believes that the City and County should thoroughly examine and aggressively pursue the consolidation of the existing city and county parks and recreation, animal control, and stormwater functions.

Reduction in Differences in City and County Ordinances/Regulation

The Charter Review Committee heard testimony to the effect that City and County regulatory ordinances may be very different with regard to certain subject matters. While the Committee recognizes that there may be some justifiable differences in regulatory ordinances dealing with the unincorporated area of the County as opposed to the area within the City limits, the Committee believes the public would be best served by making the regulatory ordinances as similar as possible. It is recommended that the City and County establish a formal mechanism as changes are made to regulatory ordinances to reduce differences as much as possible. This mechanism should include an “intergovernmental impact statement” on the ordinance
agenda item indicating distinctions and differences from the other local government's ordinance on the same subject.

Growth Management

The Charter Review Committee heard from public officials and organizational representatives with regard to the City's current Growth Management program and its impact upon economic development. It is essential that the City has an efficient and effective regulatory program and process to permit critically needed economic development consistent with the community's well established values. The current system including its ordinances, regulations, and processes is not working effectively and has acted as a significant deterrent to economic development and the important objective of diversification of the local economy. The Committee recommends that the City Commission expeditiously undertake a thorough review of the City's ordinances, regulations, and processes and make the changes necessary to provide a growth management system which provides for the efficient and expeditious permitting of new development while protecting our natural environment.

Law Enforcement

The Charter Review Committee heard from public officials, law enforcement professionals, and members of the public with regard to local government law enforcement and potential consolidation of law enforcement functions. The provision of law enforcement services is one of the most basic and essential governmental services and it is also one which requires a significant portion of government financial resources. The Committee believes that it is essential that the City and County closely examine and pursue the benefits of the consolidation of local government law enforcement services and functions.

On behalf of the 2009 CRC, thanks for allowing each of us to serve on this committee.

Respectfully submitted,

Samuel M. "Buddy" Streit, Chair
MINUTES
City of Tallahassee Charter Review Committee
March 2, 2009

The City of Tallahassee Charter Review Committee (CRC) met on March 2, 2009, in the Commission Chambers in City Hall with Committee members Samuel (Buddy) Streit (Chair), Alphonso Whitaker (Vice Chair), Carol Weissert, Sheila Costigan, David Reid, Bill Law, Sean Pittman, Everitt Drew and Dr. Henry Lewis present. Committee member Nancy Linnan was absent. Joining the Committee from the Greater Tallahassee Chamber of Commerce were Ms. Sue Dick, Mr. Todd Sperry and Ms. Glenda Thornton; Capital City Chamber Commerce President Windell Paige; and from the Local League of Women Voters, Ms. Margaret Lannutti and Ms. Barbara Sterling. Also present were City Manager Anita Favors Thompson, City Treasurer-Clerk Gary Herndon, City Attorney Jim English, Records Administrator Paula Cook, Recording Secretary Eloise Gramling, Administrative Aide Nickcole Caldwell, and Student Intern John O'Keefe.

Chairman Streit called the meeting to order at 12:07 p.m.

Ms. Costigan moved to approve the minutes of the February 23, 2009 CRC meeting and upon second by Dr. Lewis, the vote was as follows:

AYE: Committee Members Streit, Whitaker, Weissert, Costigan, Reid, Drew, Law, Lewis and Pittman

NAY: None

ABSENT: Committee Member Linnan

Chairman Streit reported that the City Commission had approved an extension of time for the Charter Review Committee to provide a report of its findings, extending the date to the end of April.

Brief discussion focused on scheduling a public forum to allow input from the citizens and the Committee consensus was to conduct the public forum before working on a preliminary report. The Committee concurred with scheduling the public forum for March 16, 2009.

Chairman Streit asked that the Committee members give some thought to whether to continue with weekly meetings or move to bi-weekly meetings, to be decided at the end of the meeting. He also requested that they give some consideration to a process in which one Committee member would take the lead on each of the issues and submit information to the Committee along with an opinion on where the Committee should be going on the issue.

Mr. Pittman suggested that consideration might also be given to whether the majority of the members could agree on any issues that could be removed from further consideration as part of the Committee recommendation. Brief discussion ensued relative to the need for some Committee discussion of the issues.

Dr. Law ascertained that City Commissioners Gillum and Katz had been invited to attend a Committee meeting to provide their input, and the Committee concurred in
requesting that Ms. Cook inquire as to the Commissioners' interest in attending the next Committee or submitting written comments to the Committee.

Chairman Streit introduced and welcomed representatives of the Greater Tallahassee Chamber of Commerce including Ms. Glenda Thornton, Chairman; Ms. Sue Dick, President; and Mr. Todd Sperry, Chairman of the Growth Management Committee.

Ms. Dick advised that the Chamber's Growth Management Committee and Governmental Affairs Committee had been asked to consider the City's Charter and report back to the Chamber by the end of March, but the Chamber would not have a presentation or proposal until hearing from those committees. After brief discussion, Ms. Dick agreed that the Chamber would submit its written comments to the Committee by the March 16, 2009 public forum.

Reverend Whitaker expressed interest in the Chamber's position on consolidation. Ms. Thornton stated that because the Chamber was a membership-based organization, issues had to be presented to the membership in order to represent the Chamber fully. She advised that she personally supported consolidation, especially in areas of functional consolidation between the City and the County, and in view of the current economic climate.

Discussion continued and Dr. Lewis pointed out that based on the charge to the Committee, the Committee was not compelled to recommend changes if the City was working well.

Mr. Pittman asked that the Chamber include in its membership poll whether they believe that the City and County were working well, and that the Chamber provide information in regard to their belief that any unsuccessful economic development project proposals could have succeeded if the government was different. Reverend Whitaker expressed particular interest in the Chamber's comments on the consolidation of areas of growth management, animal services, and parks and recreation.

Chairman Streit introduced and welcomed Capital City Chamber of Commerce President Windell Paige. Mr. Paige requested that the Capital City Chamber also be allowed to bring back a report as their board was still in the process of gathering information and opinions from board members relating to the City Charter review process. He discussed his personal opinion that the current Commission/Manager form of government appeared to be serving the City well in terms of economic growth and the development of minority businesses and entrepreneurs.

Responding to an inquiry by Reverend Whitaker relative to giving the leadership mayor a stronger role with limited veto powers in areas such as economic development, regional issues and budget items, Mr. Paige discussed his personal support of the idea of the leadership mayor having a stronger role and having limited veto powers.

Chairman Streit introduced and welcomed Ms. Margaret (Peggy) Lannutti and Ms. Barbara Sterling, representing the Local League of Women Voters.

Ms. Sterling discussed her observation of the City Commission since Mayor Maddox took office and the evolution of the Mayor position through actions of the past and present Mayors. She stated that the League had not been involved with the City
Charter since the League had spearheaded Supervisor of Election Ion Sancho’s efforts to move the City elections from February to the regular election cycle, but she noted that at the last City Commission meeting, Commissioner Lightsey had observed that there was no public outcry to change the Charter and it seemed to be working well. Ms. Sterling also noted that Commissioner Lightsey had cast the one vote against extending the CRC’s time to complete its Charter review because she didn’t feel that there was anything to change, and she expressed agreement with Commissioner Lightsey’s opinion in that regard.

Ms. Sterling discussed the League’s heavy involvement in prior consolidation ventures, noting that consolidation had been brought up five separate times and there had been three separate votes on whether or not there should be consolidation, with the vote in the 1970’s being the closest and the votes growing further apart with each election. She discussed the League’s support of a consolidated government, but opined that because it was unlikely to be passed, functional consolidation might be the best way to proceed, especially in areas such as stormwater, and parks and recreation.

Dr. Weissert briefly discussed County Commissioner Bryan Desloge’s suggestion regarding a process that could assist with functional consolidation by requiring a government impact statement with any policy change.

Chairman Streit questioned how the Committee might suggest that the City government consider bringing the two governments together to work together, and Ms. Sterling stated that she was unaware of how that could be done in the Charter. She pointed out it had taken two years to work out bringing forward a recommendation on merging the functions of the two governmental stormwater departments.

Dr. Weissert questioned the League’s position on the role of the Mayor; whether other duties and responsibilities should be added to the role of the Leadership Mayor such as intergovernmental relations and diplomacy, which were not currently written in the Charter. Ms. Sterling advised that the League had no position on the role of the Leadership Mayor. She opined that if the recommendation came from the City Manager, there was probably good reason.

Mr. Reid recalled that the City Manager had indicated that the City Commission had requested that the Mayor take a leadership role in intergovernmental relations and diplomacy; and that would not require a Charter change;

Responding to an inquiry from Reverend Whitaker as to whether she would consider a change in the current form of government based on the customer service survey results showing 80% rated good or excellent, Ms. Sterling opined that the League would recommend no change and was pleased with the City’s current leadership.

Chairman Streit advised that Ms. Cook had e-mailed some links regarding the consolidation of some other local governments and related information, and he encouraged the Committee members to check out that information, in particular the information on DeMoines.

At this point, the Committee members discussed their individual concerns and views on the issues that had been brought up.
Mr. Drew endorsed the current Commission/Manager form of government as one that had worked well for Tallahassee. He endorsed the move to a Leadership Mayor, and functional consolidation by department between the two governments but no massive consolidation of the two governments, and he cited two areas of potential change that he believed might be an improvement — having different City Commissioners come from districts while being voted on by the entire community; and, secondly, the establishment of an airport authority.

Dr. Law discussed his concerns with how to address Tallahassee being the only place in Florida to have above-average educational attainment and below-average wages; Tallahassee having the highest utility rates in Florida, and the lack of transparency in collecting those funds and using it for other things; and the way major projects were handled. He expressed concern with how to make a decision without a "war of attrition" on items and how to make a decision based on strong leadership.

With regard to an airport authority, Dr. Law pointed out an airport was a major resource to change the economic profile of a community and he was not aware of any independent, non-project based development that would allow Tallahassee to be competitive for new projects. He described some recent new project proposals as not having the benefit of the community's will and he acknowledged the City's commitment to several major initiatives with which he had been associated.

Ms. Costigan stated her agreement with Dr. Law's concerns about the bigger picture and expressed her full support for functional consolidation. She expressed support for having City Commissioners elected from districts and voted on at-large, and stated that she was unsure about going to a strong Mayor while she did agree with the need for someone to be a stimulus for focus and to be a visionary in leading this community. Ms. Costigan suggested that having one person be the spokesperson for the community would alienate many people, and she expressed concern that the media coverage was inadequate for this heavy discussion and the idea of polling people who were uninformed on what was taking place.

Ms. Costigan also expressed concern about the budgets when comparing the City Manager's and the Mayor's budgets. She pointed out the person in charge of the majority of funds, management and people had fewer assistance and FTE's than the Mayor, and all of the Commissioners had aides with their own offices during a time when people were consolidating, and she suggested that this might be an issue for a potential CRC recommendation.

Additionally, Ms. Costigan endorsed the two prior speakers' regarding the need for an airport authority, and observed that the Capital Area Transportation Authority was making good progress.

Dr. Lewis commended the change to a leadership Mayor and suggested that as the City moved into the future, there would be incremental increases in the role of the Mayor. He clarified, however, that he did not believe the time was appropriate for Tallahassee to have a strong Mayor in this community.

Dr. Lewis expressed concern about the economic development of the community and the City's inability to attract big businesses to Tallahassee. He also expressed his concerns about the economic viability of the City and barriers to improving the
community's economic well being, citing the potential of losing companies due to the high cost of utilities, the cost variances for air fares.

Mr. Reid endorsed the current form of government with a Leadership Mayor, and discussed his objection to the creation of an airport authority, pointing out that it would create another bureaucracy for further negotiation. He stated that he would like to know more about district representation as that might be something that the City should consider, and he stated that he was unsure if the City should be looking at an authority for the utilities while he agreed with the need to take a hard look at utilities and the generation of power, noting that the utilities' operational costs were competitive with other utilities.

Reverend Whitaker indicated his agreement with Mr. Reid that the City should keep the current Commission/Manager form of government, and he endorsed the functional consolidation of the growth management department, animal services, and parks and recreation. He expressed concern that having an airport authority would generate additional problems.

Dr. Weissert stated her opposition to going to a strong Mayor form of government, but endorsed adding more description of the leadership Mayor to the Charter.

Mr. Pittman observed that some of the issues mentioned had no linkage to the Charter and they might benefit from workshops to determine how to help the City. He stated that he would like to see leaders show their strong positions on issues and he liked the idea of a mayor having strong views on an issue and having the power to veto, but he also liked the idea of a commission having the authority to override that veto. Mr. Pittman stated that he was unsure that he could support a mayor being able to hire and fire, and he opined that consolidation would need to have some form of leadership. He stated that he did not know enough about authorities to say whether one would solve the City's problems, and he suggested that all of these issues would benefit from some workshopping.

Mr. Paige interjected his recollection of the Broward County Charter Review Committee assigning issues to members of Leadership Broward participants to bring back a report to that committee, and he suggested such a process as leveraging the best use of time.

Brief discussion focused on some of the issues that were brought up being appropriate for a concerned citizens committee to pursue.

Ms. Costigan suggested that it might be appropriate to suggest that this Charter review process be modified from a five-year window to something like a one-year window.

Chairman Streit requested that the members provide their views on how to frame the issues for review by the citizens prior to the public hearing on March 16th.

Ms. Sterling interjected that a number of years ago the League had formed a position of strongly opposing districting, as it had been shown at the County level to result in a parochial response to issues. She recalled that they had been set up originally
by court order to achieve minority representation, a situation that this community had passed, and the League would like to see the County disregard its district representation in favor of at-large representation.

Dr. Law expressed concern about not having a chance to hear from Commissioner Katz and Commissioner Gillum, and stated his desire to extend another invitation to them to attend the Committee’s March 9th meeting to offer their input and/or recommendations.

The Committee concurred to meet at 12 noon on March 9th, as scheduled, allowing an opportunity to hear from Commissioner Katz and Commissioner Gillum. Chairman Streit noted that the Commissioners also had the option of attending the March 16th public hearing or providing written comments to the Committee.

The Committee concurred to schedule the general public hearing on March 16th for 5:30 p.m. in the City Commission Chambers.

Chairman Streit asked each of the Committee members to forward to Ms. Cook in the next couple of weeks their comments on issues for a specific recommendation. He stated that it would be helpful to receive Mr. Drew’s written comments on an airport authority, Dr. Law’s written comments on the strong mayor/decisive economic development issue, any member’s comments on functional consolidation and if that should be encouraged, and Ms. Costigan’s thoughts on district representation. Chairman Streit clarified that the members were not limited to these issues.

City Attorney English expressed concern with the process outlined by the Chairman, and advised that he would review this approach under the Sunshine Law for formulating a position outside of the meeting room and e-mail the members in this regard.

Dr. Weissert inquired as to the status of the Committee’s request to have the CRC meetings televised, and City Manager Thompson advised that staff was looking into the matter.

Mr. Pittman stated that he would like to hear from the directors in any of the areas considered for the creation of an authority.

There being no further business, the meeting was adjourned at 1:43 p.m.

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Samuel Streit, Chair

Gary Herndon
City Treasurer-Clerk

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MINUTES
City of Tallahassee Charter Review Committee
April 6, 2009

The City of Tallahassee Charter Review Committee (CRC) met on April 6, 2009, in the Commission Chambers in City Hall with Committee members Samuel (Buddy Streit (Chair), Alphonso Whitaker (Vice Chair), Carol Weisert, Nancy Linnan, David Reid, Bill Law, Everitt Drew, Sheila Costigan and Henry Lewis (participating by telephone) present. Committee member Sean Pittman was absent. Also present were City Treasurer-Clerk Gary Herndon, City Attorney Jim English, Records Administrator Paula Cook, Recording Secretary Eloise Gramling, Administrative Aide Nickcole Caldwell, and Student Intern John O'Keefe.

Chairman Streit called the meeting to order at 12:04 p.m. and advised that Dr. Lewis was attending the Annual National Pharmacist Association Meeting in San Antonio and was joining the meeting by telephone. Chairman Streit congratulated Dr. Lewis on his Hugo H. Schaffer award in recognition of NPA members for “Outstanding Voluntary Contributions to Society” in the pharmacy profession.

Approval of Minutes

Chairman Streit called for a motion to approve the minutes from the March 16, 2009 CRC Public Hearing with a noted correction to reflect the correct spelling of Everitt Drew’s name.

Reverend Whitaker moved to approve the minutes of the March 16, 2009 Public Hearing as corrected and upon second by Ms. Costigan, the vote was as follows:

AYE: Committee Members Streit, Whitaker, Weisert, Costigan, Reid, Linnan, Drew, Law and Lewis (voting telephonically)

NAY: None

ABSENT: Committee Member Pittman

Duties of the Mayor – Form of Government

Chairman Streit thanked Ms. Cook and City Attorney English for good staff support and for keeping the Committee focused and on track, and for their drafting work.

Chairman Streit recalled that when he went before the Commission to request additional time to complete the Charter Review process, one of the Commissioners had commented that the CRC’s work was a “routine checkup”, a statement that he did not agree with. He opined that each Committee member took the task of reviewing the charter very seriously and he urged the Committee members to do the best they could, noting that the Committee had discussed significant issues that affect the City, received many presentations, heard from all of the City Commissioners and some former City Commissioners, the Chairman of the Board of Leon County Commissioners, and a number of experts and members of the public.

Noting that the CRC was charged by the Commission to make its recommendations to the Commission by April 22, 2009, Chairman Streit suggested
taking one issue at a time to discuss, beginning with the strong mayor form of government and stated that each member would have an opportunity to voice his/her comments and recommendations.

Mr. Reid clarified with Chairman Streit that procedurally the Committee would discuss one issue at a time and then vote on the issues.

Ms. Linnan discussed her view relating to the charter, indicating that she had the impression that most of the members and many of the people who had spoken to the Committee had the belief that “if it is not broken, don’t fix it.” She stated that from her experience working all over the State and from seeing the County and the City struggle, the City of Tallahassee was not set up to meet its goal if the goal was to diversify the economy, and she opined that there were some things that could be done that would help. Ms. Linnan stated her perspective that the cities of Gainesville and Clearwater were a much more nimble in terms of accountability and the speed in which they could make decisions, and she suggested that the City of Tallahassee needed to speed up, because “the real world is not waiting”. She stated that other local governments such as Gainesville and Sarasota were not lessening standards, but were expediting processes and looking at things very carefully to help diversify the economy.

Chairman Streit thanked City Attorney English for his assistance in drafting some decision points and potential options to assist the Committee. He stated that discussion would begin with the structure of City government and the Office of the Mayor and whether or not the Committee should recommend a structure where the Mayor would be an elected executive officer.

Ms. Linnan expressed the opinion that eventually the City would have to go to a strong mayor form of government but currently the City was not ready for it. She opined that the leadership Mayor could do more and suggested that the Committee move forward with a recommendation on some of the issues that had been discussed such as economic development and diplomacy. Ms. Linnan advised that there were some cities in Florida that empowered their mayor to spend up to $250,000 to $500,000 for projects to achieve economic diversification. She stated that the funds were set aside in the budget and the mayor reported back to the commission on what was done, and if the funds were spent, the commission had the authority to “reload” the funds.

Reverend Whitaker inquired about the timeframe in which Ms. Linnan felt the City would be ready for a strong mayor form of government, and he pointed out that the Committee would have a chance to address that issue if it recommended meeting again in four years. Ms. Linnan expressed the opinion that the City would not need a strong mayor within the next four years, nor did she believe that the culture of the community was prepared for a strong mayor or that the community was prepared in the current economy. She suggested that a strong mayor form of government would need to be considered with growth in a longer timeframe.

Chairman Streit clarified with Ms. Linnan that she supported giving the Mayor the authority and some funds to work on economic projects unilaterally during the next four years.
Ms. Costigan ascertained from Ms. Linnan her belief that with the current status of the economy, the community was not prepared for a change to a strong mayor form of government.

Ms. Costigan stated her support for a strong mayor and her belief that the community was poised for a change, not because something is broken, but because the City needs to move forward.

Mr. Reid stated that he did not support moving forward with a strong mayor and he did not believe it would be prudent to turn over the administration to an elected official. He expressed the opinion that the City Manager/Commission form of government had served the City well and if the City was moving towards a strong mayor form of government, there should be more discussion about the formation of the legislative group as, in his opinion, a strong mayor with four commissioners would not work well, especially if there was any kind of veto provision. Mr. Reid stated his support for Option B, to define specific duties for the Mayor in a Charter amendment.

Dr. Law expressed respect for Ms. Linnan’s opinions and for the work done by Mayor John Marks in economic development, noting his desire to build on Mayor Marks’ record of commitment. He stated that he had received information from Jacksonville, St. Petersburg, and Orlando, however, and was very concerned that the growth and development in other cities to the east and to the west appeared to be much better financed, more aggressive and more enthusiastic. Dr. Law opined that this City needed more accountability for the timetables in accomplishing projects and he asked Ms. Linnan if there was a need legislatively for more accountability. He also asked if she could write something to accomplish the end that the Committee would agree on in terms of duties that could be identified.

Ms. Linnan pointed out that if the leadership mayor was allocated some funds, it would be up to the mayor to determine how to spend it and report back to the commission on what was done with the funds. She suggested putting the mayor over the economic development area of the City, giving the mayor his/her own special area and working out the timeline and being responsible for it.

Dr. Weisert suggested that some of the language in Option A could be strengthened with reference to economic development and in terms of the funds that Ms. Linnan had spoken about. She expressed concern that general language to oversee economic development would do nothing.

Ms. Linnan stated that if the mayor was given responsibility for certain things, with one of them being timelines, the mayor would have the discretion to determine what economic development constituted for the City. She agreed that the existing language in Option A did not provide enough emphasis on economic development.

Ms. Costigan expressed concern that Ms. Linnan’s option demanded some stronger language.

Chairman Streit observed that the Committee members appeared to have an issue with separating their respect for the current mayor, city manager, and city staff from the issues. He expressed the opinion that the City needed to make a change and
that a recommendation needed to be made to the Commission that was not a matter of personality or a lack of appreciation for the individuals who have been serving the City.

Chairman Streit opined that in order to compete economically, the City must be more nimble and a change needed to be made. He stated that he would support recommending that the City should have a strong mayor form of government and continue with the four commissioners plus a mayor/commissioner, that the Commission should have some responsibility for confirming at a certain level of City government individuals who are appointed by the executive mayor, and there should be some ability on the mayor's part to veto. Chairman Streit stated that if the Committee did not make this recommendation now, it could be five years before any committee was given the responsibility to review the Charter and potentially make that type of recommendation.

Ms. Linnan inquired about the mayor having the ability to vote, and Chairman Streit stated that the mayor would be the fifth vote, as there would be some legislative authority in addition to the primary executive role. He opined that the City needed a politically accountable, strong executive mayor to help compete in the immediate future.

Mr. Drew advised that consistent with his past position, he did not believe that a strong mayor was right for this community. He stated that with regard to economic development and real estate development in the community, a system had been created that did not work but he did not believe moving to a strong mayor form of government would change that. He agreed with Dr. Law that he was speaking generically and not about the individuals. He opined that the only party that would benefit from the strong mayor form of government was the mayor, although a strong mayor might be appropriate for a consolidated government or a larger city. Mr. Drew stated that he did not feel that the Charter should be modified to give economic development power to the leadership mayor as a charter issue, while the Committee could recommend that the mayor be assigned more duties. He pointed out three people on the Commission could already empower the leadership mayor with other duties such as economic development responsibility, and he opined that a strong mayor would not resolve the City's issues, but rather, they could be resolved through citizen involvement and making sure that the five Commissioners represent the real interests of the community.

Dr. Lewis discussed his support for moving to a strong mayor form of government, noting that the City of Tallahassee had been in a comfort zone due to being a company town of state government. He stated that the ability for Tallahassee to grow would be dependent on the structure that was put in place, as opposed to any individual, and the City could not depend on just one sector of the community if Tallahassee was to grow. Dr. Lewis opined that the economic development of this community should be addressed across the community with both the County Commission and the economic enterprise within the community to include the Chamber of Commerce and others.

Reverend Whitaker stated that he was not for a strong mayor form of government at this time and stated that he had heard no outcry for a change in government. He noted that in the last citizens survey, 80% of the citizens polled had rated the City's customer services as good or excellent and the City appeared to be doing a good job. Reverend Whitaker expressed concern with the amount of money Ms. Linnan had mentioned earlier. He also reiterated that he was not for strong mayor at this time, but acknowledged that the City might need that down the road.

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Dr. Weisert stated that she had not come in with a major view on the strong mayor form of government nor had she had much experience in economic development, and she had observed that the Committee had basically talked about the strong mayor role as it related to economic development. She pointed out there were a lot of other things associated with a strong mayor that had not been discussed, and she stated that the reason the City had gone to the manager/commission form of government was to get politics out of areas where it did not belong. Dr. Weisert stated that she was more concerned with the problem of economic development and more interested in trying to strengthen the current mayor system.

Mr. Drew pointed out no one would come to the City of Tallahassee because it had a strong mayor, but they would come to Tallahassee because there was a better economic development plan in place. He opined that the Committee was trying to solve the problem by choosing the wrong answer, and stated that he did not believe that assigning a politician the power of hiring and firing staff and running the community was a better program than could be provided by five elected officials choosing the person to manage the community.

Dr. Law expressed the opinion that a strong mayor could assist with obtaining and moving forward economic projects, could bring political capital to the community and bring the community along with a better vision. He also opined that a strong mayor would have a residual affect on the County government, and he suggested that a small group outline the roles of a strong mayor before taking a vote. Chairman Striet agreed and expressed his intent to ask that Dr. Law and Ms. Linnan prepare such an outline.

Dr. Law put his suggestion in the form of a motion, noting that he preferred not to spend the time on an outline if there were not enough votes.

Reverend Whitaker expressed the opinion that the Committee had received enough information and stated that he was ready for a vote on either pursuing a strong mayor form of government or maintaining the current form of government.

Chairman Striet indicated that he could accept Ms. Linnan's opening as a motion, which was to not as a committee at this time endorse a strong mayor restructuring of City government. Ms. Linnan advised that she would draft some actual language on added responsibilities for the leadership mayor if the motion passed.

After brief discussion, Ms. Linnan offered a motion to approve Option B, to pursue amendments to the City Charter to formally establish the responsibility of the Mayor in the area of regional cooperation efforts, economic development, intergovernmental relations and diplomatic relations, and with more language on the additional duties/priorities to be added at the next Committee meeting. Mr. Drew seconded the motion and the vote was as follows:

AYE: Committee Members Whitaker, Linnan, Drew, Reid and Weisert
NAY: Committee Members Striet, Law, Costigan and Lewis (voting telephonically)
ABSENT: Committee Member Pittman
Chairman Drew asked that other Committee members provide their input on this issue to Ms. Cook prior to the next meeting.

Mr. Drew opined that it was important to show the vote on all of these issues to fully reflect the votes on the final recommendations.

**Aviation Authority**

Mr. Drew offered a motion to approve Option B, pursue the establishment of an airport authority and transfer operations of the Tallahassee Regional Airport to such authority. Dr. Law seconded the motion.

Dr. Weissert opined that this would establish a new entity that must be involved in economic development.

Ms. Linnan opined that the economic development efforts were not taking full advantage of the Airport, and she questioned if this would involve more cost to the budget and if a different entity would need to operate the Airport.

Mr. Drew discussed his position that the Airport was the place to move forward because it was customer based and would be better served by an authority. He noted that it might bring the City and others into a collaborative effort, but would not put the City at risk.

Mr. Reid opined that the consolidation of City and County governments would help economic development much more than having a strong mayor. He stated that the revenues would not change at the Airport and noted that everything spent to bring down rates at the Airport had been from General Government. Mr. Reid opined that this would add another layer of bureaucracy and would not serve the community well, and stated his preference for keeping the Airport under the control of the City.

Ms. Costigan expressed support for an authority to provide full-time oversight and focus, and a regional sense of participation.

Dr. Law opined that an authority would allowed an opportunity to bring private investment into the dialogue, to include focus on non-passenger issues, and would add additional energies to make the Airport competitive.

Chairman Streit requested an opinion from the City Attorney on how this might be pursued. Attorney English stated that there were a couple of ways to create an airport authority, but most of them were through a special act of the Legislature, which was the preferred method. He also stated that there were some that were created by city charter, although they were limited, and he opined that the Special Legislative Delegation might have some ideas on this as well. Brief discussion ensued and Chairman Streit noted that Ms. Cook had distributed some information on authorities such as the appointments, budget, contracts, personnel practices, and taxes.

The vote on the motion was as follows:

**AYE:** Committee Members Streit, Drew, Law, Costigan and Linnan
NAY: Committee Members Whitaker, Weissett, Reid and Lewis (voting telephonically)

ABSENT: Committee Member Pittman

Regional Transportation Authority

Reverend Whitaker offered a motion to approve Option A, pursue the development of mechanisms to better coordinate transportation planning and operations with other local governments in the region. Mr. Drew seconded the motion.

Ms. Costigan stated that there was already a commission/agent in place on which she had served for two years, entitled the Capital Regional Transportation Planning Agency (CRTPA). She stated that she did not feel that another authority was needed.

Discussion continued and City Attorney English stated that the CRTPA was a planning agency and not an operational agency. He offered to draft some language that would show the Committee’s support for the current CRTPA, and Reverend Whitaker withdrew his motion.

Utility Authority

Mr. Drew offered a motion on an additional option, Option C, to pursue joint-ventures, sale or operating agreements with other existing utility companies that would provide market pricing for electricity in line with statewide averages.

Mr. Reid seconded the motion.

Brief discussion continued and Chairman Streit clarified that the motion for Option C would include Option A, which was to recommend no change in the structure of the electric utility. The vote was as follows:

The vote on the motion was as follows:

AYE: Committee Members Streit, Whitaker, Drew, Reid, Weissett, Law, Costigan, Linnan and Lewis (voting telephonically)

NAY: None

ABSENT: Committee Member Pittman

Method of Electing City Commissioners

Chairman Streit stated that there had been some public testimony on the issue of district elections versus at-large elections.

Reverend Whitaker moved to approve Option A, to recommend no change in the current method of electing City Commissioners (all Commissioners running at large).

Mr. Reid seconded the motion.
Mr. Drew stated his support for Option C, which would change the current electoral system to establish four single-member districts with the requirement that a City Commissioner reside in the district, and that the two candidates receiving the most votes in the district primary election are placed on the at-large general election ballot to be voted on by all City electors.

Ms. Costigan stated her opposition to Option A.

Mr. Drew stated that more personality could be encouraged at the City Commission level, and perhaps better representation, by allowing districts to be the first cut for elections. He stated that he would support the Mayor at-large and the individual from districts provided the entire City could vote on the last two. He stated that he would modify Option C to show that if there were only two candidates, there would be no primary.

Ms. Linnan stated her support for Option A. She stated that she had worked with all three options throughout the state and found that when people were required to reside in a particular area, even if they were elected at-large, they basically became the district commissioner and that person was treated as the district commissioner, so that the ability to look at the commission as a whole was lost.

The vote on the motion was as follows:

AYE: Committee Members Streit, Whitaker, Reid, Weissert, Law, Linnan and Lewis (voting telephonically)
NAY: Committee Members Costigan and Drew
ABSENT: Committee Member Pittman

City Commission Responsibility for Managing Employees

Chairman Streit stated that for a long time the City Charter had provided that no Commissioner should have involvement in the hiring and firing, commenting, and disciplining of city employees. Brief discussion continued relative to the current practice of the City Manager to discuss new appointments individually with Commissioners, and the Commissioners’ ability to discuss concerns with the City Manager.

Dr. Lewis offered a motion to approve Option A, to recommend no change to the City Charter with regard to the management of personnel. Reverend Whitaker seconded the motion and the vote was as follows:

AYE: Committee Members Whitaker, Drew, Reid, Weissert, Law, Costigan, Linnan and Lewis (voting telephonically)
NAY: Committee Member Streit
ABSENT: Committee Member Pittman

Functional City-County Consolidation

Reverend Whitaker offered a motion to approve Option A, to continue to focus on the functional consolidation of activities, including but not limited to (1) growth management, (2) animal control, (3) parks and recreation, and (4) stormwater. Dr. Law seconded the motion.

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Discussion ensued relative to focusing first on growth management, and Ms. Linnan recommended starting with the easier activities.

Reverend Whitaker offered to amend his motion to approve Option B, to establish a formal mechanism to functionally consolidate city-county (1) growth management, (2) animal control, (3) parks and recreation, and (4) stormwater. Dr. Law seconded the amendment.

After brief discussion, the motion on the floor was tabled for action at the next Committee meeting with additional changes.

The Committee concurred in directing City Attorney English and Ms. Linnan to bring back language that would require staff to provide information on the differences between City’s and County’s respective growth management ordinances, regulations and policies, and within a designated timeframe make them uniform or justify any differences, then move to consolidate City and County Growth Management departments and functions.

Chairman Streit reminded the Committee that its report was due on April 22, 2009, and he encouraged full attendance at the next meeting on Monday, April 13, 2009.

There being no further business, the meeting was adjourned at 1:52 p.m.

Samuel Streit, Char.

Gary Herndon
City Treasurer-Clerk
MINUTES.
City of Tallahassee Charter Review Committee
April 13, 2009

The City of Tallahassee Charter Review Committee (CRC) met on April 13, 2009, in the Commission Chambers in City Hall with Committee members Samuel (Buddy Streit (Chair), Alphonso Whitaker (Vice Chair), Carol Weisert, Nancy Linnan, David Reid, Bill Law, Everett Drew, Sheila Costigan and Henry Lewis present. Also present were City Treasurer-Clerk Gary Herron, City Attorney Jim English, Records Administrator Paula Cook, Recording Secretary Eloise Gramling, Administrative Aide Nickole Caldwell, and Student Intern John O'Keefe.

Chairman Streit called the meeting to order at 12:03 p.m. and advised that Committee member Sean Pittman would be joining the meeting by telephone, as he had been held up in the Atlanta Airport.

Approval of Minutes

Chairman Streit requested direction from Ms. Cook regarding approval of the minutes.

Ms. Cook recommended that the Committee authorize the Chairman to approve the minutes upon completion of some grammatical corrections, noting that she had received no feedback to indicate the need for any corrections on substantive issues or the votes.

Reverend Whitaker moved to authorize Chairman Streit to approve the minutes of the April 8, 2009, Charter Review Committee meeting with grammatical corrections. Ms. Linnan seconded the motion and the vote was as follows:

AYE: Committee Members Streit, Whitaker, Linnan, Weisert, Costigan, Reid, Drew, Law and Lewis

NAY: None

ABSENT: Committee Member Pittman

Duties of the Mayor – Form of Government

Chairman Streit recapped the position taken by the Committee to not recommend a change to a strong mayor form of government, but to recommend strengthening the leadership Mayor's duties and responsibilities in specific areas. He noted that the Committee had not taken a vote on whether to recommend the creation of an economic development fund and he read the following portion of the language that had been proposed by Ms. Linnan:

"Upon identification of such economic development opportunity, the Mayor shall establish, with the assistance of each involved City department, a specific schedule for the fast tracking of development approval to ensure that full approval for the development is granted within 120 days of identification of the project. The Mayor will be responsible for monitoring the progress of the development approval of these projects and shall report the same to the City
Commission not less than monthly. The Mayor shall be responsible for expenditures from an economic development account which shall be funded in an amount not less than $500,000 annually and may expend those funds to promote defined economic development opportunities, reporting the expenditures of those funds to the City Commission within 30 days of expenditure.”

Ms. Linnan explained that at the request of the Committee at the last meeting, she had worked with City Attorney English to begin writing some of the concepts, including a) the issue of making the Mayor the focal point for targeted industries and responsible for establishing timelines, b) a suggestion that the Mayor would need some funds to provide for economic development incentives to help businesses locate to Tallahassee, and c) a suggestion that the Mayor and the Commission would need to be responsible for the confirmation of staff appointments that deal with various aspects of economic development. She stated her understanding that the City Commission had recently authorized the City Manager to spend $500,000 in a case of emergency.

Ms. Costigan inquired as to how much was currently budgeted for economic development incentives and projects. Assistant City Manager Jay Townsend responded, from the audience, that there was no current budget or line item to provide for economic development incentives and that any expenditures required Commission approval.

Reverend Whitaker commented that he had received information that the City Manager had been authorized to spend $250,000 and that amount had been increased to $500,000 with the Federal Stimulus Package. Assistant City Manager Townsend clarified that those funds were intended for general purchases for projects without any capital project appropriation. City Attorney English advised that this referred to a single expenditure limit, not an annual limit.

Reverend Whitaker expressed concern with authorizing the Mayor to spend $500,000 annually, reporting to the City Commission after the fact and with no guidelines on what the funds could be spent on or any language requiring vetting the expenditures through the City Manager, Economic Development Director or the City budget staff. Reverend Whitaker suggested that the funds be limited to $250,000 annually and that guidelines be established to describe the appropriate use of the funds, noting that travel for the Mayor and his staff would not be an appropriate use. He also suggested that any expenditure for more than $50,000 should require a sign off from two people — the Mayor and either the City Manager or the Economic Development Director — to allow quick expenditures without City Commission approval, but with some structure to the process so as to ensure that two individuals had vetted the project.

Chairman Streit seconded Ms. Linnan’s proposed language as a motion, and clarified that there were three parts to the proposal.

Mr. Drew discussed his strong disagreement with most of section 3) based on his opinion that the Committee should not support allowing a system to continue to reward businesses coming from outside of Tallahassee to have a better permitting process than the community’s existing businesses, as that would appear to indicate that the Committee believed outside economic development to be more important than inside economic development. He stated that he would rather focus on the fact that the City
has a broken permitting and economic development process, and he would not support giving time aid or financial aid to bring new businesses to the City.

Ms. Linnan stated her agreement with Mr. Drew's position, indicating that was the reason she had included the statement about "assistance to targeted industries including existing local businesses meeting targeted industries criteria." She opined that most of the community's economic development should be comprised of growing small businesses.

Mr. Drew questioned the kind of businesses that would be targeted and Ms. Linnan stated her preference for leaving that to the Commission.

Mr. Drew stated his belief that a target industry should be anyone who wanted to build a business and every business should stand on its own merit. He expressed concern that classifying businesses could be very dangerous because, instead of fixing the problem, the City could begin moving towards deciding whether one company was better than another company.

Mr. Drew stated his disagreement with the proposal to authorize an economic development incentives fund of $500,000 for the Mayor's use, as he did not view that as a Charter level issue. He opined that the City Commission should determine the dollar amount in the budget for economic development.

Ms. Costigan indicated her concurrence with Mr. Drew; noting that the Committee had voted against a strong mayor and if the City Commission had wanted to give the Mayor that kind of power, it would have already empowered the leadership Mayor to have such power. She cautioned against making unrealistic recommendations.

Noting that the Committee had voted 8-1 to not interfere, have confirmations, or perform evaluations for employees below the level of the four appointed officials, Mr. Reid stated that he did not view this motion as being consistent with that earlier vote. Brief discussion continued.

Dr. Law read section 2) of the proposal, which related to recommending duties of the leadership Mayor, as follows:

"Carrying out activities regarding diplomatic events and programs that involve the City including welcoming officials and issuing appropriate proclamations or statements."

Dr. Law observed that although this section identified ceremonial roles and Tallahassee was the fourth largest city in the State, there was virtually no foreign presence to do business with. He proposed going beyond ceremonial responsibilities and strengthening section 2) by adding the following language:

"The Mayor shall be responsible for developing and leading activities to enhance the role of Tallahassee in expanding a diplomatic or business presence within the Capital City of the State of Florida."

The Committee indicated support for section 2) with the additional language.
Focusing on section 1) of Ms. Linnan’s proposed language, Dr. Law expressed the opinion that Mayor Marks had done a very good job of engaging the State of Florida, and he expressed the view that the City was at the high water mark of recent years in that relationship. He proposed the following additional language to strengthen section 1):

“Developing and implementing necessary activities to strengthen and support the relationships of the City with the State of Florida and with federal programs as necessary.”

The Committee indicated support for Dr. Law’s proposed additional language to section 1).

Chairman Streit discussed his strong support for Ms. Linnan’s proposed language for section 3), noting that the language would not compromise or conflict with the Committee’s vote of 5-4 against a strong mayor. He stated that the concept of targeted industries was well accepted and advised that Workforce Florida had developed a statewide and regional list of industries that were targeted for growth and economic development, which did not exclude current businesses in the community.

With reference to the economic development incentives fund; Chairman Streit stated that while he was unsure about the amount of the fund, he did not believe the amount was the issue but rather, the issue was whether the Committee should confer upon the leadership Mayor such discretionary funds. He expressed the opinion that this incentives fund would allow the leadership Mayor to be “more nimble, more effective and more creative.” Chairman Streit further opined that section 3), in its entirety, was a good way to place emphasis on greater creativity by the Mayor and the Mayor’s role in terms of economic development. Brief discussion continued in this regard.

At this point, Mr. Pittman joined the meeting by telephone at 12:29 p.m.

Chairman Streit accepted as a motion Dr. Law’s proposed additional language strengthening sections 1) and 2), upon second by Reverend Whitaker, the vote was unanimous in favor thereof (with Mr. Pittman voting telephonically.)

Dr. Law offered the following language to include in section 3):

“The Mayor shall be responsible for recommending to the Commission an economic development account which shall be funded annually and the mayor is responsible for the expenditure of the funds to promote economic development activities.”

Mr. Drew requested separate discussion and votes on three issues in section 3, including the money section, the 120-day section, and the confirmation issue. He stated his preference for removing the 120-day language based on his belief that it was not the right answer.

Chairman Streit accepted as a motion Mr. Drew’s statement to remove the 120-day language from section 3), which would remove the following sentences:

“Upon identification of such economic development opportunities, the Mayor shall establish, with the assistance of each involved City
department, a specific schedule for the fast tracking of development approval to ensure that full approval for the development is granted within 120 days of identification of the project. The Mayor will be responsible for monitoring the progress of the development approval of these projects and shall report the same to the City Commission not less than monthly."

Reverend Whitaker seconded the motion.

Mr. Pittman opined that the language would at least put something in place that would drive the issue while 120 days might not be the best number to use.

The motion failed.

Ms. Weissett questioned if any language was needed on how the targeted industry criteria would be developed. Dr. Law stated that the State of Florida had its own targeted industries and the Economic Development Council (EDC) in Tallahassee operated with a local subset of those target industries. City Attorney English advised that developing the criteria took some time and suggested leaving that issue to the City Commission to determine, with advice from the EDC. Dr. Lewis suggested adding “Commission-determined targeted industries” and Ms. Linnan indicated acceptance of that language.

Mr. Drew stated that he had no modification to the language regarding the incentives fund.

With regard to the confirmation issue, Mr. Drew opined that the Committee should move forward with the language voted on the previous week and he objected to choosing three agency heads to approve economic development projects for this community. Brief discussion continued in this regard.

Mr. Reid stated that one way for the Committee to create more responsibility for the Mayor to move economic development forward would be for the City Commission to charge the Mayor with the responsibility of presenting an annual plan for economic development for City Commission action in the budget process, which would include any needed resources, whether funds or people, to accomplish the economic development plan. He stated that if the Mayor believed there was a need for additional staff, then he should present that to the City Commission as part of his economic development plan.

City Attorney English recommended that Mr. Reid’s suggestion be accepted as a substitute motion in lieu of section 3) as written and Reverend Whitaker seconded the substitute motion by Mr. Reid.

Dr. Lewis ascertained that the EDC presented an annual report or a strategic plan to the City Commission.

Ms. Linnan stated that she had received information from Mr. Pittman relative to duties of mayors in various cities, and she had noted that the city of Atlanta, Georgia prepared the duties of its mayor periodically, but not less than annually. She stated that the duties were submitted to the council for approval as a comprehensive development...
policy, which would consider the city's physical economic and social aspects, and would state the goals and objectives of Atlanta, its citizens, and any necessary recommendations, policies, plans, programs, and the priority of attaining them.

The vote on the substitute motion offered by Mr. Reid failed.

Mr. Drew offered a motion to delete the last sentence from section 3, which states that:

"The Mayor and City Commission shall be responsible for the confirmation of appointments to the positions of Assistant City Manager for Transportation and Development Services, and Directors of Growth Management and Economic Development and shall annually perform performance evaluations of those employees."

Mr. Reid seconded the motion and the motion passed.

Ms. Costigan indicated that she would like to make a motion to add the additional language that Ms. Linnan had previously read as received from Mr. Pittman in regards to the duties of the mayor of the city of Atlanta, the new section 3.c, noting that it provided a solid statement that gives great direction. She moved to approve the following language:

"Prepare periodically but not less than annually and submit to the council for approval, a comprehensive development policy which shall consider the city's physical, economic, and social aspects and state the goals and objectives of Tallahassee and its citizens and the necessary recommendations, policies, plans, programs, and priorities for attaining them."

Dr. Weissert seconded the motion and the motion passed.

Dr. Law moved to approve the Duties of the Mayor – Form of Government as modified by the Committee and upon second by Dr. Lewis, the motion passed.

The Committee concurred in authorizing City Attorney English to appropriately refine the language of this section before distributing the final Charter Recommendations to the Committee review.

**Regional Transportation**

Chairman Streit recapped the prior discussion on regional transportation and questioned the desire of the Committee in this regard.

City Attorney English stated that the Committee had previously recognized that there was an existing Capital Regional Transportation Planning Agency (CRTPA) that was doing a good job and was recently expanded.
Reverend Whitaker moved to recommend that the City Commission commit to increase its support for the CRTPA and upon second by Dr. Law, the vote was unanimous in favor thereof.

**Government Impact Statement & Consolidation**

Chairman Streit recapped the Committee's prior direction to Ms. Linnan and City Attorney English to prepare language that would require staff to present a report to the City and County Commissions on the differences between the respective growth management ordinances, regulations and policies, within 90 days; to make uniform or justify any differences in the ordinances, regulations and policies, to reconcile the differences within 180 days, then within one year (but not later than October 1, 2010), consolidate the City and County Growth Management departments and functions.

Ms. Linnan discussed the language that had been drafted, which led with growth management because of the relationship with economic development, and she recommended that language be added to include parks and recreation, animal services, and stormwater areas following a similar process of identifying the differences and determining if they could be reconciled within a reasonable timeframe, while recognizing that the factors would be different.

Reverend Whitaker questioned the title of the topic and expressed concern with the length of time remaining to address all of the remaining issues.

Chairman Streit noted that prior Committee discussion had led to adding these miscellaneous recommendations outside of the mandated purview of the Committee. He stated his support for including these other areas in a logical sequence of review.

Dr. Lewis offered a motion to entitle this category of the report “Functional Consolidation” and add a statement without timeframes to include the areas of parks and recreation, stormwater, and animal control.

Chairman Streit seconded the motion.

Mr. Pittman expressed the desire to add a strong statement on this Committee’s position for consolidation, either now or in the future.

The Committee clarified that the motion would remove Governmental Impact Statement from the title to be addressed separately.

Reverend Whitaker asked that the motion be amended to remove stormwater. He explained that he had received additional information that led him to believe that it would not be advantageous to the City to include stormwater at this time. After brief discussion, the vote on the amendment to remove stormwater from the motion failed.

Mr. Drew clarified with Ms. Linnan that the recommended language envisioned a single joint agency, similar to the Planning Department, with separate City and County ordinances governing. The Committee concurred to add a statement to that effect.
Dr. Lewis amended his motion on the floor to add to the second sentence, "using the Planning Department model." On second by Mr. Drew, the vote was unanimous in favor thereof.

**Law Enforcement**

Mr. Drew discussed his position that law enforcement was clearly important and there was no reason not to use a consolidated model for the law enforcement agencies. He offered a motion to functionally consolidate all services of the Sheriff's Office and the Tallahassee Police Department by using the same model. Mr. Reid seconded the motion.

Dr. Law opined that based on this Committee's work, another charter review committee in five years would have a blueprint of how to consolidate services, leaving this most difficult area of law enforcement for the end, as there were Constitutional issues regarding the role of the Sheriff and union issues that were not endemic to the other areas. He stated that for those reasons he would vote against the motion and he recommended pulling it off the table so that it would not detract from the functional consolidation of the other areas.

Mr. Drew called for a vote on the motion, indicating that he might subsequently have a motion on a Committee statement.

The motion, to recommend functional consolidation of law enforcement using the same methodology, failed.

Mr. Drew moved to use some of Dr. Law's language for a statement to be added to the report to the effect that the Committee believes that functional consolidation of law enforcement would be positive for the community and needs to be considered. Ms. Costigan seconded the motion and the vote was unanimous in favor thereof.

Brief discussion ensued on drafting the statement to be part of the draft final report, including no timeframe, i.e., that the Committee views law enforcement as critical to the community and that the functional consolidation of law enforcement should be pursued using a model similar to the Planning Department model.

**Productivity Awards Program**

Chairman Streit questioned if there was any interest in addressing correspondence received from Florida TaxWatch regarding a productivity awards program. Brief discussion ensued regarding the City's prior awards program, which had been discontinued due to difficulty in raising contributions for the program, and the Committee expressed no desire to pursue the matter.

**Statement on Growth Management**

Mr. Drew suggested that there was a need for a strong statement regarding the current growth management rules and regulations not working as it should to serve the public, and he suggested that a statement be added to the report that it was critical that some action be pursued to improve the system. He moved to include a statement to
the report to the effect that the current growth management rules and regulations were dysfunctional to the point that economic development was being hurt, and, although no one on the Committee would want to reduce the concern for the environment, the growth management system was restricting natural growth occurring in the community; therefore, a strong look at restructuring the entire growth management rules and regulations, and therefore enforcement, needs to occur.

Discussion continued and Mr. Drew opined that some of the difficulty was due to excessive specificity in the Comprehensive Plan. He stated that there was no flexibility to meet the staff’s needs to “get things done”, there was no goal process, the paperwork required was untenable, and he opined that economic development in this community could not move forward as long as this continued.

Chairman Streit seconded the motion.

Ms. Costigan stated her agreement.

Mr. Reid stated his understanding that the recommendation on functional consolidation was to move growth management forward to improve economic development.

Mr. Drew pointed out the functional consolidation focused on the staffing of the rules while he was referring to the rules.

City Attorney English clarified that the mechanism was to conduct a review of the rules, comparing the City and County ordinances to make them as similar as possible and then physically merge the departments.

Chairman Streit questioned if Mr. Drew was recommending an additional step in reconciling the differences to ensure that what resulted was the most cost effective approach to growth management.

Mr. Drew opined that this was a separate issue from consolidation, which was more department management, while this related to the Comprehensive Plan, ordinances, and processes that need revision. He stated that this ought not to be neglected in favor of merging the departments, and he clarified that his motion was to create a separate statement in the Report, separate from Functional Consolidation.

Dr. Weisbert requested further clarification of the statement.

Mr. Drew clarified that the growth management rules and regulations made it extremely difficult for people to permit activities in this community for everything from a house to a church to a school to a shopping center, and until that process was modified, there would continue to be an economic development deficit in this community. He stated that by design, economic development in this community could not get any better until the process for attaining growth was fundamentally changed.

Chairman Streit opined that this significant statement needed to be developed and reviewed by the Committee. He expressed concern with how to accomplish this in view of having the final report drafted, distributed and approved in the next week.
Dr. Lewis questioned the potential of including Mr. Drew's proposed statement in the Committee's report recommendation on Functional Consolidation.

Mr. Drew discussed his concern that in the process of pulling processes together, "bad" processes would be pulled together and continued.

Dr. Law suggested that the vote would be to authorize the development of a supplemental statement regarding the matter, and that it would be included with the final report if a majority of signatures could be garnered on that supplemental statement.

Mr. Drew indicated that would be acceptable to him if it was done in the same way other statements not yet finalized were accomplished.

City Attorney English opined that would be acceptable, but he recommended that staff be authorized to draft the statement in the same manner staff was authorized to draft the law enforcement statement based on the Committee discussion, circulate the draft statement for each Committee Member to send comments back to Ms. Cook indicating whether or not it was accepted. Brief discussion continued relative the process for reviewing the draft statements and, by consensus, the Committee endorsed the process as recommended by City Attorney English.

Next Charter Review

Chairman Streit questioned the will of the Committee on making a recommendation to consider some other entity or review process of longer term to take up issues like law enforcement and consolidation.

Mr. Reid ascertained from City Attorney English that there was nothing in the City Charter that creates another review committee. He stated that this Committee had been recommended by the prior charter review committee.

Reverend Whitaker moved to recommend that a charter review committee meet again in four years. Mr. Drew seconded the motion and the vote was unanimous in favor thereof.

The Committee concurred to include a timeframe of 90 days as part of the recommendation.

Review of Ordinances for Similarity to County Ordinances

Dr. Lewis moved to recommend a process whereby new ordinances proposed for adoption would be examined to make them more similar to County ordinances. Ms. Costigan seconded the motion.

Mr. Drew ascertained from City Attorney English that this would not prevent the City from making rules with which the County disagrees. City Attorney English explained that there could be some justifiable differences.

The vote on the motion was unanimous in favor thereof.
ADJOURNMENT

Mr. Drew thanked Chairman Streit for doing a great job and the Committee concurred in expressing appreciation for Chairman Streit's efforts.

Chairman Streit urged all of the Committee Members to appear with him to present the Committee's Report on April 22, 2009.

The Committee thanked Ms. Cook, City Attorney English and all of the staff for their assistance.

There being no further business, the meeting was adjourned at 1:29 p.m.

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Samuel Streit, Chair

Gary Hemdon
City Treasurer-Clerk
ACCEPTANCE OF 2009 CHARTER REVIEW COMMITTEE FINAL REPORT

Item 5, introduced by City Attorney English, was the presentation of the Final Report of the 2009 Charter Review Committee (CRC), which had been established by the Commission on January 14, 2009, to review the role, duties and functions of the Mayor and City Commissioners, as well as make recommendations to the Commission for amendments to the City Charter deemed appropriate and necessary by the Committee.

Mr. Buddy Streit, Chairman of the CRC, thanked the staff for facilitating their meetings, and he recognized and introduced the volunteer members of the Committee, in addition to himself, as follows:

Rev. Al Whitaker, Vice-Chair
Ms. Sheila Costigan
Mr. Everitt Drew
Dr. Bill Law
Dr. Henry Lewis
Ms. Nancy Linnan
Mr. Sean Pittman
Mr. David Reid
Dr. Carol Weisert

Chairman Streit presented highlights of the CRC's Final Report (distributed with the agenda materials and placed on file in the Office of the City Treasurer-Clerk) and emphasized that nothing discussed or recommended by the Committee should be interpreted as a criticism of the current Commission, Mayor or Leadership. Noting that this report was intended to strengthen the City government, he summarized the Committee's recommendations as follows:

Charter Recommendations

Relative to the duties of the Mayor – form of government, the Committee recommends:

1) that the duties of Tallahassee's leadership mayor include the Mayor being responsible for developing and implementing necessary activities to strengthen and support the relationship of the City with the State of Florida and with federal programs as necessary;

2) that beyond the ceremonial responsibilities, the Mayor shall be responsible for developing and leading activities to enhance the role of Tallahassee in expanding diplomatic or business presence within the Capital City of the State of Florida; and

3) that in playing the primary role in directing and coordinating the City's economic development strategy, the Mayor shall be directly responsible for assistance to Commission-defined targeted industries, including existing local businesses meeting targeted industries criteria.

Upon identification of such economic development opportunities, the Mayor shall establish, with the assistance of each involved City department, a specific schedule for the fast tracking of development approval to ensure that full approval for the development is granted within 120 days of identification of the project. The Mayor will be responsible for monitoring the progress of the development approval of these projects and shall report the same to the City Commission not less than monthly. The Mayor shall be responsible for
recommending annually to the City Commission an appropriation for an economic development account to be used for business incentives and upon approval by the City Commission, shall be authorized to expend those funds. The Mayor shall regularly report to the Commission on the expenditures of those funds within 30 days of expenditure. The Mayor shall prepare periodically, but not less than annually, and submit to the Commission for approval a comprehensive development policy which shall consider the City's physical, economic and social aspects and state the goals and objectives of Tallahassee and its citizens and the necessary recommendations, policies, plans, programs, and priorities for attaining them.

The Committee recommends that the City Commission pursue amendments to the City Charter to formally establish the responsibility of the Mayor for these functions.

Regarding the method of electing City Commissioners, the Committee recommended no change.

Regarding City Commission responsibility for managing employees, the Committee recommends that there be no Charter change with regard to the management of personnel of the City.

In terms of future Charter review, the Committee considers it very important that the City Charter be reviewed regularly, and recommends to the City Commission that a Charter Review Committee be appointed to convene in four years, January 2013, for a period of 90 days.

**Non-Charter Recommendations**

Regarding an Aviation Authority, the Committee recommends the City Commission pursue the establishment of an airport authority and transfer operations of the Tallahassee Regional Airport to such authority; the Committee believes this will provide greater focus and concentration by the authority based on airport activities; be more aggressive in pursuing airport related economic development opportunities, and more effectively deal with airport competition.

Regarding regional transportation, the Committee recommends that the City Commission commit to increase support for the Capital Regional Transportation Planning Agency (CRTPA).

Regarding the Electric Utility, recommends that the City pursue joint ventures, sale of generating assets, or other alliances with existing electric providers with the objective being to achieve an electric utility rate equal to or less than the state average.

Regarding functional consolidation, the Committee recommends that the City establish a formal schedule to consolidate City and County growth management. The schedule should provide for (1) 90 days for staff to present to the City and County Commissions a report detailing the differences between the respective growth management ordinances, regulations, and policies; (2) 180 days for City and County Commissions to make uniform or justify any differences in the ordinances, regulations, and policies; and (3) one year, but not later than October 1, 2010, to consolidate the City and County Growth Management Departments and functions. The intent of this is that the City and County would still maintain separate ordinances, regulations and policies but would attempt to make them identical if practical, and would seek to combine the staff serving each similar to the Tallahassee/Leon County Planning Department model.

Beyond that, the Committee believes that the City and County should thoroughly examine and aggressively pursue the consolidation of the existing City and County parks and recreation, animal control, and stormwater functions.

With regard to the reduction in differences in City and County ordinances/regulations, the Committee recommends that the City and County establish a formal mechanism for changes made to regulatory ordinances to reduce differences as much as possible, which would be called the "Intergovernmental Impact statement" on the ordinance agenda item and would indicate distinctions and differences from the other local government's ordinance on the same subject.

Regarding Growth Management, the Committee believes that the current system, including its ordinances, regulations and processes, is not working effectively and has
acted as a significant deterrent to economic development and the important objective of diversification of the local economy. The Committee recommends that the City Commission expeditiously undertake a thorough review of the City's ordinances, regulations and processes, and make the changes necessary to provide a growth management system that provides for the efficient and expeditious permitting of new development while protecting our natural environment.

Regarding law enforcement, the Committee believes that it is essential that the City and County closely examine and pursue the benefits of the consolidation of local government law enforcement services and functions.

Chairman Streit thanked Record Management Director Paula Cook and City Attorney Jim English, and City staff for their help in pulling the Committee's report together.

Commissioner Katz expressed the opinion that the Commission ought to pursue with some vigor a number of the recommendations, and stated his preference for strengthening the role of the elected Mayor. He encouraged setting a couple of public hearings and taking the time to evaluate these recommendations.

The Commission thanked the CRC members for undertaking this task and complimented them on their thought-provoking body of recommendations.

Additionally, Mayor Marks presented a token of appreciation to each Committee member.

Commissioner Katz moved to accept the CRC's Final Report and upon second by Commissioner Gillum, the vote was unanimous in favor thereof.

Commissioner Mustian clarified with City Attorney English that the only Charter change would relate to the duties of the Mayor and that could be placed on the 2010 General Election Ballot. City Attorney English stated that a special City election would cost from $350,000 to $400,000. He advised that in general aviation authorities were accomplished by a special legislative act.

After brief discussion, the Commission consensus was to direct the staff to schedule a Commission discussion of the CRC's recommendations in late May, followed by a subsequent public hearing, and another Commission discussion at a subsequent public meeting without additional public input – with all of the Commissioners' calendars to be consulted in this regard.

6/24/09

PUBLIC HEARING ON CITY CHARTER AMENDMENT ON FILLING VACANCY ON THE CITY COMMISSION

ORDINANCE NO. 09-O-30

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING SECTION 14 (VACANCIES) OF THE CITY CHARTER, DELETING THE REQUIREMENT OF A SPECIAL ELECTION TO FILL A VACANCY IN THE OFFICE OF COMMISSION OR MAYOR, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
Item 13, presented by City Attorney English, was a public hearing on Ordinance No. 09-O-30, introduced on June 10, 2009, amending Section 14 of the City Charter to eliminate the special election requirement in the event that a regular municipal election is not scheduled to be held in the November following the filling of a City Commissioner or Mayor vacancy, thereby avoiding the potential of incurring added election costs of approximately $342,000 for a standalone election. The staff's recommendation was to conduct the public hearing and adopt Ordinance No. 09-O-30 as presented (Option 1 recommended by the City Treasurer-Clerk).

City Treasurer-Clerk Hemdon clarified that there would be no change in procedure for filling a vacant position on the City Commission. He stated that the only change would be for the appointee to serve until the next election.

Mayor Marks inquired if anyone desired to address the Commission relative to this item.

Mr. Evan Power, 2740 West Tharpe Street #307, appeared before the Commission and expressed his opposition to the adoption of this ordinance, citing the fundamental right of citizens to vote. He pointed out this ordinance could allow an appointed City Commissioner to serve as much as three years before an election was held, at approximately 24 meetings a year, and he suggested that the money saved was not substantial enough to deny the citizens an opportunity to vote on their Commission representative.

Mr. Bill Helmich, 303 Johns Drive, appeared before the Commission and discussed his opposition to this ordinance. He opined that cost was an unacceptable excuse, noting that people in other parts of the world were dying over having an election, and he objected to the potential for a "friend appointment" to the City Commission.

Mr. Bob Fulford, 231 Westridge, appeared before the Commission and stated his objection to the adoption of this ordinance, noting that he was concerned any time there were electorate questions. He opined that money should have nothing to do with scheduling an election, as an appointed City Commissioner would potentially result in a two-year incumbency, and he urged postponement of any action pending more public education on the issue.

Commissioner Gillum stated that he had no objection to postponing action on this ordinance until after the summer break, as he realized that appointments continued to be an important part of the government. He also expressed the opinion that it was important to realize that the City Commission was comprised of a group of individuals who were separately elected by the community at large, representing no districts, each accountable individually to the voters, and additionally, it made sense to consider the financial implications of holding a special election.

Commissioner Lightsey expressed agreement with slowing down this second part to filling a vacancy on the City Commission, and stated that she had a problem with the incumbency issue. Noting that she had voted against the change from an off-cycle spring election change to the fall regular elections cycle because that change had created a tremendous advantage for the incumbents, she opined that in the long run the City Commission would regret that decision and the unintended consequence of that decision, and she strongly recommended that the person filling such vacancy make a
commitment to not run in the next election cycle, as had been done by other governments, so that there would be no advantage for the incumbent.

Commissioner Mustian suggested that this issue be added to the City Charter review issues scheduled for consideration by the Commission after the summer break. He stated his support for the proposal, as he did not favor special elections and he liked the change to the fall election cycle, and he did not share the concern regarding an incumbency advantage, but stated his desire to consider Commissioner Lightsey's suggestion.

Mayor Marks opined that not allowing a "caretaker for a year" to run for election might eliminate a good leader, but stated his willingness to delay this decision.

City Attorney English recommended August 26, 2009 as the meeting date for continuing this public hearing on Ordinance No. 09-O-30 and the Commission concurred in this regard.
SPECIAL COMMISSION MEETING SUMMARY

January 13, 2010

The City Commission met in a Special Commission Charter Review meeting in the Commission Chamber, in City Hall on January 13, 2010, with Commissioners Marks, Mustian, Lightsey, Ziffer and Gillum present. Also present were City Manager Favors Thompson, City Attorney English, and City Treasurer-Clerk Herndon.

Mayor Marks called the meeting to order at 2:36 p.m.

INTRODUCTION OF CHARTER REVIEW COMMITTEE (CRC) MEMBERS IN ATTENDANCE

Item 1 was the recognition of the following members of the Charter Review Committee who were in attendance:

Mr. Samuel M. “Buddy” Streit, Chair
Ms. Sheila Costigan
Mr. David Reid

REVIEW OF CHARTER REVIEW COMMITTEE (CRC) REPORT AND RECOMMENDATIONS

Item 2 was a review of the CRC report and recommendations.

City Treasurer-Clerk Herndon provided a review of the findings and recommendations of the CRC. Treasurer Clerk Herndon stated that the City Charter required the City Commission to convene a Charter Review Committee in 2009. He stated that the purpose of the review was to make recommended amendments to the City Charter, or other amendments that they thought were appropriate. Treasurer-Clerk Herndon stated that the committee had met and have completed their responsibilities and have issued a report. He stated that the Commission would need to schedule a public hearing to get public input on the recommendations. Treasurer-Clerk Herndon stated that the purpose of this meeting was to review the recommendations.

Mayor Marks noted that this was not the public hearing. He stated that the public hearing would be scheduled for a later date.

City Treasurer-Clerk Herndon provided a summary of the Charter Review Committee’s recommendations.

DUTIES OF THE MAYOR

Treasurer-Clerk Herndon stated that the Committee recommended that the City Commission pursue amendments to the City Charter to formally establish the responsibility of the Mayor.

Mayor Marks reviewed the following recommended functions:
- Initiate and carry out intergovernmental duties including working with the federal and state officials on projects of joint interest; actively participate in national and state associations of mayors and city officials, and representing the city on national and state programs and boards.

- Carry out activities regarding diplomatic events and programs that involve the city including welcoming officials and issuing appropriate proclamations or statements.

- Play a primary role in directing and coordinating the city's economic development strategy.

Commissioner Lightsey stated that she would be in support of the recommendations as presented.

Commissioner Gillum stated that he recognized that the recommendation for a strong Mayor did not survive the vote. Commissioner Gillum stated that he’s in favor of the Mayor having a budget or a line item where he/she could use as an incentive to attract new business. He also stated that he would be in favor of, at the appropriate time, discussing strengthening the hand of the Mayor beyond economic development.

Commissioner Mustian stated that he would be in support of the recommendations as presented. He also commented on the Economic Development account used for business incentives. He stated that was something that he has wanted to do for sometime.

Commissioner Ziffer stated that he supports an economic development account to be used for business incentives for the Mayor.

Commissioner Lightsey opined that there needed to be some further discussion on the economic development account used for business incentives by the Mayor.

Mayor Marks suggested that the issue be referred to the Target Issue Committee for further discussion.

**METHOD OF ELECTING CITY COMMISSIONERS**

City Treasurer-Clerk Herndon stated that the Committee believes that the citizens have been well served by the current system and therefore did not recommend any changes.

**CITY COMMISSION RESPONSIBILITY FOR MANAGING EMPLOYEES**

City Treasurer-Clerk Herndon stated that the Committee believes that the City has been well served by the separation of policy leadership and management functions and recommends no Charter change with regard to management of personnel.

**FUTURE CHARTER REVIEW**
City Treasurer-Clerk Herndon stated that the Charter Review Committee recommended that the City Commission appoint a Charter Review Committee to convene in January 2013 for a period of 90 days.

Commissioner Mustian stated that he did not feel the need to review the charter every four years and suggested that it’s done every eight years.

Commissioner Lightsey stated that she did not feel that it was necessary to review the charter every four years unless there was an issue that came up that needed to be addressed via the City Charter.

Commissioner Gillum stated that for the sake of some of the recommendations that are in the report, he would suggest that the Charter Review Committee convene in January 2013 as recommended.

Commissioner Ziffer stated that he liked the idea of the Charter Review Committee meeting every four years. He stated that it provides greater opportunities for the citizens to make recommendations as to how they think their government should be operated.

Mayor Marks indicated that he would be in favor of accepting the Charter Review Committee’s recommendation to convene in January 2013.

NON-CHARTER RECOMMENDATIONS

Treasurer-Clerk Herndon provided a summary of the non-charter recommendations by the Committee.

AVIATION AUTHORITY

Treasurer-Clerk Herndon stated that the Committee suggested that the City and the Region would well be better served if the operation of the Tallahassee Regional Airport were transferred to an aviation authority or an aviation/transportation authority. He stated that the Committee recommended that the City Commission pursue the establishment of an airport authority and transfer operations of Tallahassee Regional Airport to such authority.

Commissioner Mustian inquired about the process for making recommended changes to the City Charter. City Attorney English stated that changes to the charter relating to the duties of the Mayor would require a referendum.

Mayor Marks stated that he did not see the necessity for an Aviation Authority at this time.

Commissioner Ziffer commented about property owned by the City and its future use.

Commissioner Gillum stated that he would be interested in knowing what it means to have an aviation authority and indicated that he was not prepared to close the door on the possibilities that might exist.
Commissioner Lightsy stated that she did not see a need for an aviation authority. She also stated that she was concerned with giving unelected board members huge financial assets to manage and also expressed concern with accountability. Commissioner Lightsy stated that she was satisfied with the current structure.

Commissioner Mustian stated that he was a proponent of having an aviation authority. He stated that in terms of expanding this would be the logical place to do it and would like to discuss it further.

Commissioner Gillum inquired about the process for addressing non-charter recommendations that the Commission was interested in following up on. Mayor Marks stated that the Target Issue Economic Development Committee should address the non-charter issues.

**REGIONAL TRANSPORTATION**

City Treasurer-Clerk Herndon stated that the Committee recommended that the City Commission commit to increase support for the Capital Regional Transportation Planning Agency (CRTPA).

Commissioner Mustian stated that he would like to continue to participate and support the CRTPA, however he was not prepared to provide them with funding.

Mayor Marks stated that he took the recommendation as providing resources.

Commission Gillum stated that at some point the power and the money coming into the CRTPA would need to be increased.

Commissioner Lightsy stated that she hoped that the City would reach some form of structure and funding arrangement for a regional transit authority that would deal with commuter buses, or other kinds of mass transit. She also stated that she was not willing to make a commitment unless the funding partners were willing to commit to funding.

City Attorney English clarified the discussion the committee had as it related to regional transportation. He stated that the Committee saw a need for an increased recognition of the importance of regional transportation planning and an increase commitment to regional transportation planning, not necessarily financial.

**ELECTRIC UTILITY**

City Treasurer-Clerk Herndon stated that the Committee recommended that the City pursue joint ventures, sale of generating assets or other alliances with existing electric providers with the objective being to achieve an electric utility rate equal to or less than the state average.

Commissioner Mustian stated that he would be supportive in looking into this recommendation.
Mayor Marks stated that he would be supportive in looking into the recommendation as well, however, he was not sure that the recommendations that were outlined in the report would be the right approach. He also stated that the City has a well run electric utility service, and that the high utility rates are because of the fuel mix.

Commissioner Gillum stated that staff has already begun looking into new alternatives.

Commissioner Lightsey stated that so much is happening on the energy front right now that discussing any changes would be ill-advised, and rates could change at any time.

**FUNCTIONAL CONSOLIDATION**

City Treasurer-Clerk Herndon stated that the Committee recommended that the City establish a formal schedule to consolidate City and County Growth Management. He also stated that the Committee similarly believes that the City and County should thoroughly examine and aggressively pursue the consolidation of the existing city and county parks and recreation, animal control, and stormwater functions.

Commissioner Lightsey stated that she had been appointed as the liaison with the County Commission and stated that she had been authorized to talk about consolidating building inspection. She stated that the consensus of the group was that there was no benefit to consolidating building inspection. She also stated that the issue of the consolidation of growth management was discussed and that it was decided to have individuals from the development community provide some input on the benefits of consolidation. Commissioner Lightsey stated that a meeting had been scheduled for February 1, 2010 to discuss the benefits of consolidating Growth Management.

Commissioner Gillum inquired if any affirmative steps had been taken in regards to parks and recreation. City Manager Thompson stated that prior to the charter review recommendations, the County had appointed Commissioner Dailey to look at some issues. She stated that City staff had looked into the issues surrounding parks and recreation and animal control which had come to a stand still during the process of the charter review, but the discussions can be revived.

Commissioner Gillum stated the he was in general agreement with the recommendations and stated that the City Commission would like to see consolidated programs where possible. A brief discussion continued in this regard.

**REDUCTION IN DIFFERENCES IN CITY AND COUNTY ORDINANCES/REGULATION**

City Treasurer-Clerk Herndon stated that the Committee recommended that the City and County establish a formal mechanism, as changes are made to regulatory ordinances to reduce differences as much as possible. He stated that this mechanism should include an "intergovernmental impact statement" on the ordinance agenda item indicating distinctions and differences from the other local government's ordinance on the same subject.

**GROWTH MANAGEMENT**

MINUTES – JANUARY 13, 2020 - PAGE 5 of 6
City Treasurer-Clerk Herndon stated that the Committee recommended that the City Commission expeditiously undertake a thorough review of the City’s ordinances, regulations, and processes and make the changes necessary to provide a growth management system which provides for the efficient and expeditious permitting of new development while protecting our natural environment.

**LAW ENFORCEMENT**

City Treasurer-Clerk Herndon stated that the Committee believes that it is essential that the City and County closely examine and pursue the benefits of the consolidation of local government law enforcement services and functions.

Commissioner Gillum stated that the joint dispatch facility, once it is complete, should help aid the way for law enforcement to work more efficiently and more collaboratively.

Commissioner Lightsey commented that no other city in the state of Florida has a county sheriff department that patrols inside of the city limits except the City of Tallahassee. She stated that duplication and cost savings could be made with the resolution of this one issue.

**SCHEDULING OF PUBLIC HEARING**

It was with consensus that the public hearing be scheduled for February 24, 2010.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 3:41 p.m.
February 24, 2010

2009 CHARTER REVIEW COMMITTEE (CRC) FINAL REPORT

Item 17 was the required public hearing on the CRC’s final report dated April 13, 2009. (Recommended by the Treasurer-Clerk’s Office)

Deputy Treasurer-Clerk Cooke stated that the CRC presented its report and recommendations at the April 22, 2009, City Commission meeting. He stated that the report contained two (2) recommendations that would require Charter amendments and also included seven (7) recommendations that could be implemented without a Charter change. Deputy Treasurer-Clerk Cooke stated that on January 13, 2010, the City Commission reviewed and discussed the CRC recommendations and established February 24, 2020 as the date for the public hearing. Staff’s recommendation was to conduct the required public hearing on the CRC’s report dated April 13, 2009, but take no action until the County Charter review process was complete and finalized.

Mayor Marks inquired if anyone desired to address the Commission relative to this item and the following persons appeared:

Mr. Curtis Baynes, 1323 E. Tennessee Street, appeared before the Commission to express opposition to the recommended changes to the duties of the Mayor, also expressed opposition of strengthening the powers of the Mayor, and opposed to allowing the Mayor to dispense funds in regard to economic development. Mr. Baynes expressed concern relating to consolidation, advised that the Commission use caution when thinking about consolidation.

Mr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission to express opposition to the recommended changes to the duties of the Mayor. Mr. Jackson expressed concern with the Mayor’s salary, benefit package, and entertainment expenses, and stated that he felt that the Mayor did not qualify for the election properly. Mr. Jackson requested that deferred compensation funds be returned to the City.

Mayor Marks expressed his frustrations with comments made by Mr. Jackson. He indicated that he felt that Mr. Jackson crossed the line by distorting the truth and that Mr. Jackson’s statements were misleading. Mayor Marks indicated that he qualified for the election properly and that complaints previously filed by Mr. Jackson were found to be completely devoid.

Mr. Dennis Barton, 924 Hillcrest Court, appeared before the Commission to express concern with economic development. He stated that the City needs to speed up the permitting process, reduce permitting fees, taxes, and utility rates, also expressed opposition with the charter recommendation that would allow the Mayor to have an economic development account to be used for business incentives.
Mr. Clyde Diao, 1307 Walden Road, representing the Tallahassee Airport Advisory Committee, appeared before the Commission to express concern with the charter recommendation regarding the Aviation Authority.

Ms. Catherine Baer, 1421 Woodgate Way, appeared before the Commission to express opposition to the charter review recommendation that would allow the Mayor to have an economic development account to be used for business incentives.

Mr. Michael Rosenthal, 4045 Kilmartin Drive, appeared before the Commission to express opposition to the charter review recommendation that would allow the Mayor to have an economic development account to be used for business incentives.

Lisa Williams, 2822 Par Lane, appeared before the Commission to express opposition to the charter review recommendation that would allow the Mayor to have an economic development account to be used for business incentives.

Deputy Treasurer-Clerk indicated that no action was required until the County Charter review process was complete and finalized.

Mayor Marks commented on the Charter Review Committee’s recommendations in regards to the duties of the Mayor and indicated that he had nothing to do with the concept and also stated the he intends to stay out of the discussions and would allow fellow commissioners to discuss and make the decision on this issue.

Commissioner Lightsy stated that she had been monitoring the County’s Charter review and that she had watched some of the staff’s presentations and that she was amazed at some of the things that were put on the record as if they were statements of history and fact on various issues. She indicated that she had spoken with the City Manager to do a white paper to discuss some of the issues and allow the information to be dispensed to the community to set the record straight on some of the issues.
Charter Review presentations were made by the following persons:

Mayor John Marks
City Commissioner Debbie Lightsey
City Commissioner Allan Katz
City Commissioner Mark Mustian
City Commissioner Andrew Gillum
Former City Commissioner Jack McLean
Former City Commissioner Steve Meisburg
City Manager Anita Favors Thompson
2003 CRC Vice-Chair and County Commission Chair Bryan Desloge
Lynn Tipton, Florida League of Cities
Dr. Bob Lee, Florida State University
William Roberts, Esquire, Nabors, Giblin and Nickerson, P.A.
Glenda Thornton, Chair, Tallahassee Area Chamber of Commerce
Sue Dick, President, Tallahassee Area Chamber of Commerce/Economic Development Commission Director
Todd Sperry, Chair of Growth Management Committee, Tallahassee Area Chamber of Commerce
Windell Paige, President, Capital City Chamber of Commerce
Peggy Lannutti, League of Women Voters
Barbara Sterling, League of Women Voters
Leon County Sheriff Larry Campbell
CITY OF TALLAHASSEE

MINI-RETREAT AGENDA ITEM

<table>
<thead>
<tr>
<th>ACTION REQUESTED ON:</th>
<th>November 30, 2011</th>
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<tr>
<td>SUBJECT/TITLE:</td>
<td>Request to Waive All StarMetro Bus Fares on Saturday, December 10, 2011</td>
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<tr>
<td>TARGET ISSUE:</td>
<td>Economic Development</td>
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STATEMENT OF ISSUE

In recognition of the holiday shopping season and the important economic benefit this annual occurrence has on Tallahassee’s economy, the Office of the Mayor and StarMetro request that all StarMetro bus fares be waived on Saturday, December 10, 2011. As this date coincides with the next Local Business Saturday, the free service will be promoted as an opportunity for citizens to access a wide variety of local businesses to meet their holiday shopping needs.

By approving this action, the City of Tallahassee will encourage new ridership for StarMetro, reduce the financial burden on new and existing riders, and promote economic development by improving access to local businesses and educating citizens on the importance of shopping local.

RECOMMENDED ACTION

Approve fare waiver for all citizens riding StarMetro buses on Saturday, December 10, 2011.

ALTERNATE ACTION

Do not approve fare waiver.

FISCAL IMPACT

Approximately $1,500 in lost revenue for StarMetro. However, there is also the potential for increased economic activity within the city, as well as an opportunity for StarMetro to further enhance customer service and satisfaction.

Rick Minor, Chief of Staff
Office of the Mayor

Johh R. Marks III
Mayor

For information, please contact: Rick Minor, 891-8002
SUMMARY OF COMMISSION MEETING

December 07, 2011

The City Commission met in regular session at 4:05 p.m. in the City Hall Commission Chambers. Commissioners Marks, Gillum, Mustian, Miller, and Ziffer, were present. The following action was taken:

AGENDA MODIFICATIONS

Added to the Agenda:
Target Issue Update – Financial Viability of the Government

Pulled from Consent:
Item 3 – Off-site directional sign to the TMH Emergency Room / Metropolitan Boulevard
Item 5 – Southwood Unit 36 subdivision plat

PRESENTATIONS

Item 1 - Presentation and introduction of Mr. Chuck Cliburn, of ACS, regarding the expansion of the facility located at the Summit East development. (Brought forward by Mr. Kim Williams, Economic Development Council)

Mr. Kim Williams, Economic Development Council, introduced senior staff from ACS State & Local Solutions, Inc.

Mr. Chuck Cliburn, Senior Vice President, and Mr. Mark Shannon, Vice President for Transportation, of ACS State & Local Solutions, Inc. appeared before the Commission to provide a brief presentation on ACS’ plans for expanding their current facility located in the Summit East development, near the I-10 interchange on Mahan Drive.

Item 2 - Presentation of the Choose Tallahassee Initiative. (Brought forward by Mr. Ron Sachs, Ron Sachs Communications)

Mr. Ron Sachs, Ron Sachs Communications, and Mr. Dave Bruns, AARP, appeared before the Commission to promote the Choose Tallahassee initiative. The initiative, targeted to the aging baby boomer population, aims to promote Tallahassee as a desirable, livable retirement location.

Mr. Sachs noted that Choose Tallahassee would conduct a promotional give-away event in 2012 that will award a year of retirement to a single winner. The prize will include a home, tickets to local events, etc. Mr. Sachs offered thanks to Mr. Patrick Dorsey and Mr. Bob Gabordi, both of the Tallahassee Democrat, who will provide the website for the upcoming Choose Tallahassee campaign.

CONSENT

Item 4 and Items 6 – 7 – Voted 5-0 to approve staff’s recommendations presented on Consent Agenda Item 4 and Items 6 through 7 taking the following action:
Item 4 – Approved the Agreement with Florida State University (FSU), establishing guidelines for the identification and investigation of illicit discharges and control of pollutants in each respective Municipal Separate Storm Sewer System (MS4). *(Recommended by the City Attorney)*

Pursuant to the Clean Water Act National Pollutant Discharge Elimination System (NPDES) regulations, an agreement is needed to establish responsibilities for control of discharges between FSU and the City, by setting out guidelines, which the City and FSU will follow in the identification, investigation and control of illicit discharges through the interconnected City/FSU stormwater systems.

**RESOLUTION 11-R-33**

A RESOLUTION ACCEPTING AND PROVIDING FOR THE FILING AND EXECUTION OF A COMMISSION FOR THE TRANSPORTATION DISADVANTAGED SHIRLEY CONROY RURAL AREA CAPITAL EQUIPMENT SUPPORT GRANT APLICATION AND AGREEMENT

Item 6 – Authorized staff to apply for the FY 2011/2012 Florida Commission for the Transportation Disadvantaged Shirley Conroy Rural Area Capital Equipment Support Grant. Upon award, approve execution of the authorizing Resolution and all related documents to administer said grant and expend funds to purchase one para-transit van and related equipment. *(Recommended by StarMetro)*

There is no fiscal impact to the StarMetro Operating Budget. A ten percent funding match for the purchase of this vehicle will be used from the Community Transportation Coordinator (CTC) revenues. The CTC services are completely funded through grant proceeds and voluntary contributions. No City funds are required. The Commission for the Transportation Disadvantaged Shirley Conroy Rural Area Capital Equipment Support Grant will provide $79,568 in funding, to be matched with $8,841, for a total project amount of $88,409.

**RESOLUTION 11-R-33**

A RESOLUTION ACCEPTING AND PROVIDING FOR THE EXECUTION OF A STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, JOINT PARTICIPATION AGREEMENT

Item 7 – Authorized StarMetro to submit the Florida Department of Transportation (FDOT) Service Development Grant application for state capital assistance in an amount up to $108,601 and approved execution of the authorizing Resolution and all related documents to administer said grant. *(Recommended by StarMetro)*

The grant will provide up to $108,601 in state funding, to be matched with $108,601 from the Federal Transit Administration Veterans Transportation and Community Living Initiative Grant. The grant will provide for facility and technology upgrades to StarMetro’s call center. No City funds are required.
ITEMS PULLED FROM CONSENT

**Item 3** – (pulled at the request of Commissioner Miller) Voted 5-0 to declare that an off-site directional sign to the TMH Emergency Room in the Metropolitan Office Park is a sign that is needed for public purposes, and to approve TMH’s request to place the sign in the Metropolitan Boulevard right-of-way. *(Recommended by the City Attorney)*

Commissioner Miller pulled the item to briefly bring attention to the fact that a new medical emergency facility would be available for residents. The facility will be located on Thomasville Road, south of the I-10 interchange.

**Item 5** – (pulled at the request of Commissioner Ziffer) Request for approval of the Southwood Unit 36 subdivision plat. **By consensus of the Commission, the item was deferred.** *(Recommended by Public Works)*

The subdivision lies within the city limits and is bound on the north, south, and east by unplatted land and on the west by Capital Circle Southeast. The area contains 19.97 acres as one (1) lot.

After discussion, the Commission deferred taking action on this request until such time the City Attorney has obtained a signed agreement from St. Joe guaranteeing the completion of an agreed-upon temporary roadway from Orange Avenue to Southwood Plantation Road; said contractual agreement to specify a date of completion for the roadway and be accompanied by a corresponding bond.

Mr. Abraham A. Prado, representing The St. Joe Company, 3251 Hemingway Boulevard, appeared before the Commission as a proponent of the item. Mr. Prado drew attention to the fact that approval of said plat is unrelated to the construction of the internal roadways; not approving the plat will adversely affect the timeline for construction of the apartment complex.

**POLICY FORMATION & DIRECTION**

**Item 8** – Voted 5-0 to authorize the City Manager to negotiate and execute a contract with Ferguson Waterworks for Vendor Managed Inventory (VMI) services. *(RFP No. 0107-11-JAG-RC) (Option 1 as recommended by Underground Utilities)*

Under this agreement, the Vendor agrees to purchase, guarantee in stock, and make available Water and Wastewater materials, such as pipes, valves, fittings, etc., at prices guaranteed for 12-months, eliminating the need to stock these items in the City’s Utility Supply Center. The City purchases approximately $1 - $2 million of these types of parts annually. The agreement is anticipated to generate a 10% - 15% savings; or a $220,000 savings up to $540,000 per year, depending on volume of parts needed.

**Item 11 (taken out of order)** - Update on Utility Customer Outreach Initiatives. *(Brought forward by Utility Business & Customer Service)*

At the request of City Manager Thompson, the presentation of Item 11 was conducted prior to Item 9, which is a related issue.

Mr. Reese Goad, Director, Utility Business & Customer Service, conducted a presentation informing the Commission of the many programs and tools available to City utility customers. Mr. Goad highlighted the Neighborhood REACH program and stated that over 2,700 homes
have received weatherization assistance, generating $460,000 in local economic impact. Mr. Goad noted that a recent survey indicated that 90% of City utility customers surveyed were satisfied, rating City services as Good or Excellent.

Mayor Marks briefly commented on the City’s smart grid technology and the flexible Nights and Weekends rate plan.

Commissioner Mustian suggested that review of the City’s Energy programs be discussed at the upcoming quarterly Target Issue workshop. Commissioner Mustian suggested the Commission receive an update on Smart Meters, Demand Management vs. expectations, and the upcoming utility rate study. Commissioner Mustian suggested these items merit a several-hour discussion in the near future; Commissioner Miller agreed. Commissioner Ziffer suggested that the Commission also discuss the energy goals for the next five or ten years.

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

**Item 9** – Voted 5-0 to authorize staff to modify the City’s utility account deposit policies as follows *(Option 1 as recommended by Utility Business & Customer Service)*:

- Authorized staff to issue refunds to institute a one-time 50% refund of cash deposits to those commercial accounts that have been in existence for a least three years, have not incurred more than one disconnect order in the past two years, and have at least a $500 deposit.
- Provide for the automatic refunding of commercial cash deposits greater than one month's average bill after three years of good payment history has been established, and notify customers with non-cash deposit of their option to reduce the amount of the non-cash deposits to one month's average bill.
- Change the period to establish a good payment record for the purpose of refunding residential deposits from two years to three years consistent with the change for commercial deposits.
- Include the option to bill for the initial commercial deposit over six months.

Mr. Reese Goad, Director, Utility Business & Customer Service, noted that this would provide a 1-time refund totaling $5.6 million for the estimated 3,600 eligible commercial customers. Mr. Goad noted that a similar refund has been available to residential customers for many years. The refunds will be issued over a six week period.

The Utility Advisory Committee reviewed the item and generally endorsed the concept. However, the Committee suggested a 3-month time period for payment of the initial customer deposit. The Chamber of Commerce also endorsed the concept; Commissioner Gillum provided a presentation to the Chamber.

Commissioner Miller inquired if this policy will affect utility rates. Mr. Goad clarified that utility rates take into account bad debt and, yes, the refunds indirectly affect rates. Commissioner Miller noted that, unlike the $8.5 million transfer to the Electric Reserve Fund, this money will go directly to local businesses and back into the economy.
Item 10 – Voted 5-0 to adopt a change to the Regular Commission Meeting protocol by creating a 30-minute "Citizen Input on Agenda Items" public comment period near the beginning of each meeting, to allow citizens to speak on agenda items prior to the City Commission voting on the items. Implement the new procedure starting December 14, 2011, allowing citizens to speak for up to three minutes each, with certain limitations; Policy to be reviewed by the Commission in six months. **(Recommended by the City Manager and Interim Treasurer-Clerk)**

The Commission indicated that it would attempt to balance the 30-minute comment period and allow equal speaking time to those with opposing viewpoints, to the extent practical.

**TARGET ISSUE UPDATES**

**Long Range Planning** (Commissioner Mustian)
- Parcels on 9th Avenue / Thomasville Road – request for Comprehensive Plan amendment & Previously Established Land Use Conformity (PELUC) certificate. Applied for waiver of fees for PELUC certificate, but not for Comprehensive Plan amendment.

**Economic Development** (Mayor Marks)
- Sister City Proposal – 2014 International Conference
- Groundbreaking for the College Town development on Gaines Street

**Environmental & Energy Resources** (Commissioner Miller)
- Update on Advanced Wastewater Treatment (AWT) plant
  - AWT facility has met all regulatory requirements.
- Demand Side Management (DSM) Plan
- Tallahassee Sustainability Action Agenda
  - Public comment period has ended.
- Minimum Countywide Environmental Standards
  - April 1 deadline; progress is being made

**Financial Viability** (Commissioner Gillum)
- Refunding of Utility Account Deposits
- Considering advancing the projected Natural Gas (NG) April 2012 rate reduction
- Opportunities to encourage Healthy City Workforce
  - Reducing medical claims, healthcare costs
UNAGENDAED BUSINESS/SPEAKERS

1) Mr. Dominick Ar'Dis, a representative of the Florida State University (FSU) Student Government Association (SGA), Speaker of the Congress of Graduate Students, appeared before the Commission to extend appreciation for the Commission's attendance of a recent FSU roundtable discussion of the Moving Tallahassee: Cars Optional pilot project. Mr. Ar'Dis presented a Resolution from the FSU SGA to the City Commission.

2) Mr. Curtis Baynes, 1323 East Tennessee Street, appeared before the Commission as a proponent of Agenda Item Nos. 9 & 10; Utility Account Deposit Refunds and Citizen Input on Agenda Items. Mr. Baynes advocated for a policy permitting citizens to speak on each item on the agenda, if a citizen desired to do so. Mr. Baynes noted that approval of Item No. 10 was a good first step; perhaps the Commission would allow comments on each item at some point in the future.

3) Dr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission and stated he has spent the past year collecting documents from the City, contractors, and concerned parties regarding the Mayor’s actions; said documents were given to the Ethics Commission and the FBI. Mr. Jackson presented a chart which purports to show the alleged ways the Mayor has used his office for personal gain. Mr. Jackson indicated he would provide the City with a stringent Code of Ethics policy; to be delivered after the holidays. Mr. Jackson completed his statements by wishing the Commission a Merry Christmas and Happy Holidays.

4) Mr. Delaitre Hollinger, 442 West Georgia Street, curator of the Taylor House Museum, appeared before the Commission to request that the City pass a Resolution of support of the museum’s request to rename the bridge on Apalachee Parkway (over Franklin Boulevard) in honor of two local persons. The Request would be forwarded to the Legislature and the Florida Department of Transportation. There are two bridge spans at that location, one for northbound and one for southbound traffic; the request is to name each span separately.

The Commission deferred taking action on the request and, given the bridge’s proximity to Smokey Hollow historic neighborhood, the Commission concurred that it should consult the Riley House Museum. City Attorney English suggested that this issue be handled at the January 12, 2012 Regular Commission Meeting; after vetting the request.

The following persons filed a speaker request, but were not present when called:

1) Ms. Allie Merzer Fleming, 1387 East LaFayette Street, representing Good Friends Fitness, Inc., a proponent of Agenda Item No. 9; Utility Account Deposit Refunds.

2) Mr. John Ray, 3639 Mossy Creek Lane, an opponent of Agenda Item No. 5; approval of Southwood Unit 36 subdivision plat.
SHARING OF IDEAS

Mayor Marks commented on the 2011 Winter Festival, which marked the 25th Anniversary of the event. Mayor Marks stated that an estimated 250,000 people attended, including 7,000 runners and walkers who participated in the Jingle Bell Run. A round of applause was given to members of the Parks & Recreation Department for their efforts in planning and executing the event.

City Manager Thompson formally recognized former Mayor-Commissioner Steve Meisburg, who is credited as being the first organizer of the festival.

The Commission reminded the public of the upcoming Free Ride Saturday promotion, to occur on Saturday, December 10th. On this day, citizens may ride the StarMetro transit system for free, in support of the Local Business Saturday initiative. The goal of the fare waiver is to assist citizens in commuting to their holiday shopping destinations, and to encourage greater ridership of the transit system. Mayor Marks announced that on Thursday, December 8th, he would be at the C.K. Steele plaza, at 12:30 p.m., to pass out fliers promoting the event.

Commissioner Miller briefly commented on the many local charity and fundraising events, such as the Tallahassee Museum’s Market Days event at the Leon County Fairgrounds and the Junior League of Tallahassee’s Jingle Jubilee event at the Tallahassee-Leon County Civic Center. Commissioner Miller noted that these events make Tallahassee an amazing community; the events represent Tallahasseans taking care of fellow citizens in need.

There being no further business to discuss, the meeting adjourned at 6:30 p.m.
SUMMARY OF COMMISSION MEETING

December 14, 2011

The City Commission met in regular session at 4:02 p.m. in the City Hall Commission Chambers. Commissioners Marks, Gillum, Mustian, Miller, and Ziffer, were present. The following action was taken:

AGENDA MODIFICATIONS

Added to the Agenda:
Item 11.1 - Discussion of Southwood Development of Regional Impact (DRI) Temporary Road (Orange Avenue) Memorandum of Agreement

Item 11.2 – Approval of Subdivision Plat, Southwood Unit 36

CITIZEN INPUT ON AGENDA ITEMS

Interim Treasurer-Clerk Cooke briefly reviewed the procedures for the new 30-minute Citizen Input section of the agenda. Mayor Marks clarified that speakers’ comments must relate to specific items on the published agenda. Commissioner Mustian requested the Treasurer-Clerk, at each meeting, state how many speakers have signed up, enabling the Commission to gauge if the speakers present could be heard in 30 minutes. Commissioner Miller suggested that when speakers come forward to speak, they state the agenda item(s) they are addressing.

The following persons appeared before the Commission, relative to items on the published agenda:

1. Dr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission relative to Item No. 9, City Commission Policy 103. Dr. Jackson presented a handout to the Commission. Dr. Jackson commented on a former Mayor of Detroit, Michigan who was convicted of criminal charges related to his public service. Dr. Jackson indicated the citizens of Detroit paid in excess of $8 million in legal fees defending their mayor. Dr. Jackson opined that the new policy should address criminal and civil violations, in addition to ethics violations. Dr. Jackson expressed opposition to the policy language authorizing the City Attorney to determine which expenses to reimburse; said the process would not be transparent. In addition, Dr. Jackson opined the City Charter did not authorize the City Attorney to make such determinations; passing a policy granting such authority would amount to amending the Charter by policy. Dr. Jackson further suggested that the City Attorney had a conflict of interest due to the fact he is appointed by the Commission, therefore the City Attorney should not be the one to decide if reimbursements would be issued; the Commission should make such determinations. Dr. Jackson suggested the City refer to Leon County’s policy.

2. Ms. Carolyn Bibler, 3673 Mossy Creek Lane, Southwood subdivision, relative to Item Nos. 11.1 and 11.2. Ms. Bibler presented a handout to the Commission that depicted the internal roadways of the neighborhood. Ms. Bibler expressed frustration with the incomplete roadways within the interior of the Southwood subdivision, including
roadways classified as “major collector roads.” Lack of such "major collector roads" encourages cut-through vehicular traffic on the smaller neighborhood roads and, therefore, is creating a safety concern for parents with small children.

3. Mr. Curtis Baynes, 1323 East Tennessee Street, relative to Item No. 9, City Commission Policy 103. Mr. Baynes noted that he transmitted suggested changes to the policy to the Commission earlier in the week. Mr. Baynes opined that great transparency would be achieved by implementing some of his recommended changes, as stated in his transmittal. Mr. Baynes suggested defining terms such as “successfully defended” and “prevail”, noting there have been previous disagreements over the meaning of these terms. Mr. Baynes indicated he would like the City Attorney removed from the decision-making process regarding the granting of reimbursements. Mr. Baynes suggested that the City Commission should decide if a covered employee should receive reimbursement; the City Attorney should serve in an intake-only capacity by receiving and gathering the paperwork. Mr. Baynes also recommended that the policy institute a higher standard whereby employees are eligible to seek reimbursement; the word “appears” should be amended. Mr. Baynes also requested that a maximum hourly rate be specified in the policy, limiting the amount that could be paid to defense counsel hired by the City. Mr. Baynes suggested a maximum rate of $175/hr. Lastly, Mr. Baynes requested that the verbiage stating the City Attorney “shall amend” the policy be stricken, suggesting that the City Commission should be responsible for approving updates to this policy.

4. Mr. John Ray, 3639 Mossy Creek Lane, Southwood subdivision, relative to Item Nos. 11.1 and 11.2. Mr. Ray advised the Commission he was a member of the Southwood Home Owners Association (HOA) and a member of the Concerned Citizens of Southwood committee. Mr. Ray indicated that due to the lack of roadways, Mossy Creek Lane has a traffic volume of approximately 800 cars per day. Mr. Ray also indicated that the Tallahassee Police Department conducted a speed analysis of his street and the average speed was 40 mph; Mossy Creek is a 25 mph roadway. Mr. Ray indicated the 85th percentile of the study was 50mph. According to these results, and TPD's very liberal 15mph-over-the-limit leeway, one in five cars would still receive a speeding citation. Mr. Ray requested that St. Joe Company expeditiously complete the construction of the temporary road between Orange Avenue and Southwood Plantation Road, a quarter-mile stretch of roadway that is vital to moving traffic east to west without going through the small, interior residential roads. Mr. Ray indicated residents of the Southwood neighborhood are unhappy with waiting on NOPC 7 approval, which is expected in January, 2012 and that the proposed agreement grants another 14 months after the NOPC approval to construct a quarter-mile stretch of roadway. Mr. Ray implored the parties involved to get the temporary road completed and that the construction must occur faster. Mr. Ray expressed frustration and indicated his belief that St. Joe is stalling the process.

5. Mr. Kevin Koelemij, 2225 Amelia Circle, relative to Item No. 9. Mr. Koelemij opined that the Commission could dispense with ‘civility training’ by sticking to the ‘golden rule’. Mr.
Koelemij indicated that he isn’t concerned with the civility of Commissioners, he only cares that business gets done. But, he did acknowledge that it would be best if the Commission was collegial body; although it is not necessary. Mr. Koelemij reminisced about conflicts between former Commissioners Betty Harley and Dot Inman during the early and mid-1980s. Mr. Koelemij characterized the proposed policy 103 was precipitous and should be delayed to provide more time for the policy to be examined. Furthermore, Mr. Koelemij expressed the opinion that the Commissioners should not be the persons to write such a policy; a citizen’s task force should be created to study the problem and then propose solutions. Mr. Koelemij disagreed with statements that the City already has a policy; Mr. Koelemij declared that the City does not. City Commissioners should be in fear of legal costs – deserve to have reimbursement. Mr. Koelemij stated that Commissioners executing their duties according to the Oath of Office should not have any fears of being subjected to exorbitant legal costs. Mr. Koelemij opined that the community has always ‘done right’ in the past by paying the legal fees of official who deserve reimbursement. Mr. Koelemij restated his previous opinion that the adoption of a formal policy could be delayed a few more months. Mr. Koelemij recommended that Mr. Dominic M. Calabro, of Florida Taxwatch, could be appointed to assemble a committee of well-known and trustworthy members of the business, financial, and legal professions to study this issue, examine other government’s policies, and then return with very concrete suggestions and proposals. Mr. Koelemij stated that to turn over this kind of unilateral authority to the City Attorney was ‘unthinkable.’

The Citizen Input on Agenda Items portion of the agenda was completed at 4:26 p.m.

CONSENT

Item 2 – 5 – Voted 5-0 to approve staff’s recommendations presented on Consent Agenda Item Items 2 through 5 taking the following action:

Item 2 – Ratified the City Manager’s re-appointment of Mr. Joel "Jody" Dodson and ratified the appointment of Mr. Kevin Sossong as Code Magistrates; terms to expire December 2014. (Recommended by Economic & Community Development)

Chapter 2, Section 2-177(b), of the City of Tallahassee Code of Ordinances relating to code enforcement, provides that the City Manager shall appoint the code magistrates subject to ratification by the City Commission.

Mr. Joel Dodson was appointed to a term as a magistrate in November 2005, and re-appointed in June 2008. Mr. Dodson's term expired June 2011, and he has expressed interest in continuing to serve the City as a Code Magistrate and would like to be re-appointed for another full-term.

**Item 3** – Approved the purchase of four hybrid bucket trucks according to COT Contracts Nos. 2525 and 1555, for a total of $739,931.84 *(Recommended by Electric and Fleet Management)*

The price of $70,827.96 for the cab and chassis of each vehicle is in accordance with pricing, terms and conditions of COT Contract No. 2525 with Ward International Trucks of Florida, LLC. The price of $114,155 for the body of each vehicle is in accordance with pricing, terms and conditions of COT Contract No. 1555 with Terex Utilities, Inc. The total unit cost for each vehicle is $184,982.96. The total cost for all four vehicles is $739,931.84.

**Item 4** – Approved a $650,000 mid-year appropriation for Franklin Boulevard Sewer Main Replacement; to be funded from COT Project No. 12086-Sewer Line Relocation/Adjustments for Roadways. *(Recommended by Underground Utilities)*

This item approves an appropriation for the replacement of an aging 18-inch gravity sewer main along Franklin Boulevard; replacement to occur concurrently with the Franklin Boulevard flood relief and roadway improvement project.

Project No. 0900483-Capital Circle NE Force Main Rehabilitation was created to replace the force main that was damaged by Tropical Storm Fay. This project has been completed and has an excess unencumbered balance of $2,611,779.54. $650,000 will be transferred to Project No. 12086-Sewer Line Relocation/Adjustments for Roadways. The remaining balance of Project No. 12086 will fund other upcoming City, Leon County, FDOT and Blueprint2000 sewer relocation projects anticipated for FY2012.

**Item 5** – Approved two contracts with Computer Sciences Corporation (CSC), of Falls Church, VA, for licensing and web-hosting of the RiskMaster Global software. *(Recommended by the Treasurer-Clerk)*

The current contract for licenses and support for RiskMaster Global is set to expire March 31, 2012. CSC also provides web-based hosting services under a separate contract which is set to expire December 31, 2011.

The new web-hosting contract is for $223,992 for a term of 51 months, an annual cost of $52,704 per year. This represents a discount of $22,617 compared to single-year renewals over this term.

The new support contract is for $148,125 for a term of 48 months, an annual cost of $37,031 per year. This represents a discount of $5,145 compared to single-year renewals over this term by limiting increases to 3% annually.
Item 6 - Introduced Ordinance No. 11-O-14, and set the first and only public hearing for Wednesday, January 25, 2011. (Recommended by the City Attorney)

City Attorney English read the title of the ordinance into the record.

The ordinance proposes several significant revisions to the City's Sign Code, including standards for electronic reader boards; advertising on bus shelters; prohibition of billboards on Gateways and other scenic roadways; and other revisions related to billboard spacing and location criteria; review of signs on historic properties by the Architectural Review Board; signage allowances on Kleman Plaza and on landlocked parcels; new signs downtown called City information panels; and clarifications to other Sign Code provisions.

If the ordinance is approved, StarMetro hopes to contract with selected vendors for up to 30 bus shelters in the City – at no cost to the City. The City anticipates approximately $500,000 in savings on the acquisition of 30 bus shelters and associated maintenance costs.

The roads designated as Gateways or Scenic are:

Gateways:
(1) South Monroe Street from Orange Avenue to Apalachee Parkway;
(2) South Adams Street from Orange Avenue to Madison Street;
(3) Apalachee Parkway from Magnolia Drive to Monroe Street;
(4) Tennessee St./Mahan Drive from Meridian Street to Capital Circle;
(5) Thomasville Road from North Monroe Street to Metropolitan Boulevard;
(6) Miccosukee Road from Capital Circle to Meridian Street.

Other scenic roads:
(1) Blair Stone Road;
(2) Gaines Street;
(3) Welaunee Boulevard within the City; and
(4) FAMU Way and FAMU Way Extension.
**Commissioner Ziffer disclosed** that his business holds contracts with several outdoor advertising companies that would be affected by the ordinance, and he requested guidance from the City Attorney. City Attorney English acknowledged Commissioner Ziffer’s public disclosure of said conflict and advised Commissioner Ziffer to abstain from the vote to adopt the ordinance and file the appropriate abstention form with the Treasurer-Clerk.

By consensus, the Commission introduced Ordinance No. 11-O-14 and set the public hearing date as stated herein.

**POLICY FORMATION & DIRECTION**

**Item 7** was a status report for Nova2010 sidewalk construction *(Brought forward by Public Works)*

Commissioner Mustian departed the Chambers at 4:30 p.m. and returned at 4:32 p.m.

Mr. Gabe Menendez, Director, Public Works, provided an update on the various sidewalk construction projects that were undertaken in support of the Nova2010 transit route restructuring, as well as meeting the City Commission’s goal of improving connectivity throughout the community. Mr. Menendez conducted a PowerPoint presentation that showed before and after photographs of several of the projects that are underway, have been completed, and scheduled to begin in the future.

Since November, 2010, the Public Works Department has completed 5.7 miles of sidewalks throughout the City. Highlights of completed locations include sidewalks along Alabama Street, Commonwealth Boulevard, Jackson Bluff Road, Galimore Drive, Palmer Avenue, Paul Russell Road, N. Ridge Road, and S. Gadsden Street, to name a few. This construction activity for completed segments represents a $3.5M investment with another $1.9M currently being constructed. The staff anticipates that the remaining segments that are currently under design will begin construction in 2012; once complete, over 13 miles of new sidewalks totaling $14.4M will exist. Staff anticipates additional sidewalks being identified for construction if there is a fund balance upon completion of all approved segments.

Commissioner Miller calculated that the costs of construction equated to nearly $800,000 per mile and she indicated this figure seemed high for a sidewalk; Commissioners Marks and Mustian concurred. Commissioner Mustian opined that sidewalks were not needed on both sides of a street and he suggested scaling back plans for constructing dual sidewalks on roadways which are not classified as major roadways.

Commissioner Gillum inquired about a list of covered transit shelters and the concrete foundation pads underneath said shelters. Commissioner Gillum opined that many locations within the community needed these concrete pads and suggested that as many as possible should be installed prior to summer, due to the many complaints that have been received relative to the lack of shelter at transit stops.

Mr. Brian Waterman, StarMetro, responded that there are two projects underway. The first was taking advantage of Nova2010 sidewalk work and shelter foundations were being poured in conjunction with the installation of new, or repair of existing sidewalks. The second project involved determining where additional covered shelters should be installed; staff has not begun this second phase. Mr. Waterman indicated that a study for the Phase 2 work would be
complete within a month and a plan would be presented to the Commission as part of the next staff update.

Commissioner Ziffer suggested installing the concrete foundation pads only and to not construct sidewalks on both sides of a minor street; riders could cross the street in order to get to the transit shelters. Mr. Menendez indicated that staff will complete an evaluation and present the findings to the City Commission in January, 2012. Mr. Menendez clarified that staff’s rationale for safety reasons is to minimize riders having to cross the road in order to board a bus.

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

**Item 8** – Voted 5-0 to approve the allocation of up to $1.2 million of Tourist Development Tax funds set aside for a Performing Arts Center(s) for various improvements, as described in this agenda item, to the planned Meridian Marker Amphitheatre at Capital Cascades Park and allow for ticketed events in Capital Cascades Park. Authorize the City Manager to execute an amendment to the Interlocal Agreement, if needed, to implement the recommended action *(Option 1 as recommended by Economic & Community Development)*

<table>
<thead>
<tr>
<th>Type of Improvement</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Amphitheater Roof</td>
<td>$620,700</td>
</tr>
<tr>
<td>Temporary Fencing</td>
<td>$18,750</td>
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<tr>
<td>Color Kinetic Kit for Canopy</td>
<td>$20,000</td>
</tr>
<tr>
<td>Permanent Sound System</td>
<td>$20,000</td>
</tr>
<tr>
<td>Audience Lighting</td>
<td>$25,000</td>
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<tr>
<td>Additional Restrooms</td>
<td>TBD*</td>
</tr>
<tr>
<td>Seating Near Stage**</td>
<td>TBD*</td>
</tr>
<tr>
<td><strong>Tentative Total</strong></td>
<td><strong>$704,450</strong></td>
</tr>
</tbody>
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*Estimates will be completed by the end of November 2011.

**Seating was recommended by the TDC as long as the total expenditure of tourist development tax funds does not exceed $1 million.

Commissioner Ziffer indicated that some comments have been received relative to additional improvements that may be required at the amphitheater in order to accommodate larger events; additional structural support may be required in the design of the facility which may nominally increase construction costs.

Miller confirmed that the City Commission is supporting ticketed events at the park, but was not supporting co-management of the facility with Leon County. After clarification from Mr. Michael Parker, the Commission concurred.

**Item 9** was a discussion on Proposed City Commission Policy 103 – Reimbursement and Recovery of Attorney’s Fees and Costs in Ethics Complaint Cases. By consensus, the item was deferred to January 11, 2012. *(CP103) (Brought forward by the City Attorney)*

During the City Commission retreat held on November 30, 2011, the Commission expressed a desire to adopt a formal policy to codify and expressly state the City’s practice and procedures regarding the reimbursement and recovery of attorney’s fees and costs involved in the handling
of Ethics Commission complaints. This item formally adopts a City Commission Policy dealing with these issues.

1. Applies to all employees
2. Policy only deals with Ethics cases, not civil or criminal cases
3. Over last 10 years, on average, less than $3,000 per year.
   a. Only 2 complainants
4. Reimbursement language dealing with dismissed complaints originates from Florida Statutes.

City Attorney English presented the item and briefly discussed the history of this issue and indicated the proposed policy codifies existing practice. City Attorney English indicated that fees for an employee’s defense, up to a finding of probable cause by the Ethics Commission, would be reimbursed. If the case progresses further, and the accused party prevails, then reasonable reimbursement can be remitted.

After discussion, the following changes were recommended:

- The “without a finding of criminal guilt” clause should be stricken from the policy.
- Language addressing criminal charges should be added
- City Commission action is required to authorize reimbursement over a certain dollar amount, to be determined
- The policy should be amended by action of the City Commission

Commissioner Miller reminded the public that there was no precedent necessitating the policy; no elected official of the City of Tallahassee has ever been found in violation of Ethics laws. Commissioner Miller expressed concern that frivolous complaints and fear of large legal bills have the effect of discouraging citizens from seeking public office.

Commissioner Mustian expressed opposition to establishing a defense counsel’s maximum reimbursable rate of compensation.

Commissioner Gillum concurred with Commissioner Miller; frivolous ethics complaints create unnecessary barriers and discourage candidates from running for office; some citizens take advantage of the system by filing frivolous complaints.

Ziffer requested an explanation of section 103.08 of the policy; City Attorney English stated that his office has never had to appropriate funds in the past. Commissioner Ziffer noted that complaints which are ultimately dismissed result in the taxpayers paying for a meritless complaints. Commissioner Gillum agreed; taxpayers pick up the tab for personal grudges and personal politics.

Commissioner Mustian opined that fees should be reimbursed up to the point that the Ethics Commission rules on the existence or lack of probable cause; probable cause is similar to a Grand Jury indictment. However, if the Ethics Commission decides not to prosecute the case further, why should a Commissioner bear the cost?

Item 10 was a status report on implementation of Minimum County-Wide Environmental Standards. (Brought forward by Growth Management)
Ms. Karen Jumonville, Director, Growth Management, discussed the progress made in adopting countywide standards. A draft of the ordinance is expected from Leon County in January, 2012. Said ordinance would then be reviewed by the Planning Commission, and would then be presented to the City Commission, via the E&E target issue committee.

On November 2, 2010, Leon County voters approved an amendment to the Leon County Charter, effective April 1, 2011, that requires the County to establish minimum environmental standards, procedures, requirements, and regulations for the protection of the environment. The amendment stipulates that the standards shall include, but not be limited to, tree protection, landscaping, aquifer protection, stormwater, and protection of conservation and preservation features, and such other environmental standards as the Board of County Commissioners determines to be necessary for the protection of the public health, safety, and welfare of the citizens throughout Leon County.

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

Mayor Marks departed the Chambers at 5:15 p.m. and returned at 5:16 p.m.

Item 11 – Voted 5-0 to accept the closeout report as presented and authorize all year-end adjustments as detailed in the report and approve supplemental appropriation of $303,757 of Fire Services Fund revenues to amend COT Project No. 11007. Approve the designation of $792,385 from the FY12 year-end Deficiencies Fund transfer to be utilized to address the projected FY13 General Fund Deficit. (Options 1 & 2 as recommended by Management & Administration)

City Manager Thompson noted that all funds, except the Cemetery and Electric funds, finished in surplus positions. However, deficits are forecasted in future years.

Mr. Raoul Lavin, Director, Management & Administration, conducted a brief presentation on the close out of the FY11 budget.

- $1.3 million surplus in the General Fund.
- Gas, Water, Sewer, and Solid Waste funds ended with a surplus.
- Hilaman Golf Course fund ended in a surplus position of $192,000
- Fire Services and Building Inspection funds ended with a surplus

Mr. Lavin indicated that staff anticipated a deficit in the Electric Fund and knew a transfer from the reserve fund would be required. However, the amount needed was less than initially anticipated.

Mr. Lavin indicated the Cemetery Fund would be reviewed in the upcoming year due to the fact that interest earnings were lower than expected and the existing City cemeteries have few unsold plots remaining, resulting in less revenue from plot sales. Considering the FY11 deficit of $300,000, the fund will be depleted sooner than expected.

$1.6 million will be transferred to the Deficiencies Fund, to restore the account balance. Mr. Lavin noted three years ago the account had a balance of $5 million, whereas by policy the balance should be $22 million. Currently, there is approximately $17 million in this fund; the fund has been replenished much faster than anticipated. This was accomplished, in part, by
departments cutting expenses, changing operations, delaying expenditures, and not filling vacant staff positions.

Mayor Marks thanked the Financial Viability of the Government Target Issue Committee and the staff for their efforts.

Commissioner Ziffer suggested, given the budget shortfalls expected in the next few years, the Commission should set aside time during the upcoming Commission Retreat to discuss budget priorities - to address these expected shortfalls. Commissioner Ziffer opined that the Commissioners should give more direction to staff where more or less funding is needed; Commissioner Mustian concurred. Commissioner Gillum suggested a discussion on pension reform should also occur at said Retreat.

Commissioner Miller opined that a commission workshop was needed to enable the Commission to discuss the budget in more detail and give direction early in the budget process. Such a discussion could occur at the traditional February Retreat along with discussion of broader goals or priorities. Commissioner Miller suggested that at least a 15 minute to hour discussion at the Retreat was warranted. Commissioner Miller expressed support for a City “Checkbook” website, similar to that found on the newly revised website published by Leon County.

**Item 11.1 (added to the agenda)** – Voted 5-0 to adopt the Southwood DRI Temporary Road (Orange Avenue) Memorandum of Agreement, as amended to remove the 45-day provision. *(Options 1 & 2 as recommended by Management & Administration)*

City Manager Thompson briefly described the issue and noted the item would address citizens’ concerns relative to the construction of the temporary roadway in an effort to mitigate the volume of cut-through vehicular traffic on the small residential streets of Southwood.

Ms. Karen Jumonville, Director, Growth Management, presented the item.

Under the executed agreement, The St. Joe Company commits to construct a temporary extension of Orange Avenue from its current terminus in the Southwood development to Southwood Plantation Road. The agreement is contingent upon approval of a Notice of Proposed Change (NOPC) that is scheduled for City Commission consideration on January 25, 2012 and stipulates that the temporary roadway will be permitted, designed, and completed no later than fourteen (14) months from the adoption of the NOPC.

Commissioner Gillum suggested that the requirement to begin the design of the roadway be eliminated, and St. Joe would be required to immediately begin the design and permitting processes upon approval of the NOPC. Mr. Gonzales, of St. Joe, indicated acceptance of this change.

Commissioner Miller inquired as to what a ‘temporary road’ meant – was this a lesser-quality road that would later require City expenditures for upgrade to City standards?

Mr. Jorge Gonzales, The St. Joe Company (St. Joe), appeared before the Commission to answer the Commission’s questions relative to the item. Mr. Gonzales clarified that the ‘temporary’ road would be maintained by St. Joe, not the City. Mr. Gonzales indicated St. Joe agrees to execute the agreement, as amended to require an immediate start to the design and permitting. Mr. Gonzales further indicated that St. Joe hopes to complete the project sooner
than the deadline. Mr. Gonzales indicated that 14 months was a reasonable amount of time to accomplish the road construction. Mr. Gonzales stressed that the upmost importance of today's meeting was approval of the plat for Unit 36 as a $14 million project was at risk.

Commissioner Ziffer pointed out that the construction of Franklin Boulevard is scheduled to be completed by June, 2012; St. Joe should be able to complete the temporary road quickly.

Commissioner Miller expressed dissatisfaction with St. Joe’s failure to construct the roadways. Commissioner Miller suggested that TPD be asked to address the speeding issue on Mossy Creek Lane that were brought forward by citizens earlier in today's meeting.

Mr. Gonzales responded and stated that these issues could be discussed in January as part of the NOPC public hearing.

**Item 11.2 (added to the agenda) – Voted 5-0 to approve the Southwood Unit 36 subdivision plat.**

The preliminary plat of Southwood Unit 36 was approved by the Development Review Committee on August 15, 2011. The subdivision, planned as Multi-Family Residential, is being developed by St. Joe, a Florida Corporation, owner fee simple, with Tom Spence as its Developer. The subdivision lies within the city limits and is bound on the north, south, and east by unplatted land, and on the west by Capital Circle Southeast. The area being platted contains 19.97 acres as one (1) lot.

Commissioner Ziffer departed the Chambers at 5:41 p.m.

**PRESENTATIONS**

**Item 1 (taken out of order) - Presentation of the Neighborhood Leadership Academy Graduates. (Brought forward by Parks, Recreation and Neighborhood Affairs)**

City Manager Thompson recognized the graduates of the Neighborhood Leadership Academy. The graduates were invited to attend the Commission dinner and certificates were distributed as said gathering.

The Commission recessed at 5:42 for the dinner break.

Mr. Dee Crumpler, Director, Parks, Recreation, & Neighborhood Affairs, introduced the graduates of the Neighborhood Leadership Academy.

The graduates were:

<table>
<thead>
<tr>
<th>NAME</th>
<th>Neighborhood/Organization</th>
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<tbody>
<tr>
<td>Jean Barnes</td>
<td>Griffin Heights N.A.</td>
</tr>
<tr>
<td>Laura Barrett</td>
<td>Benjamins’s Run HOA</td>
</tr>
<tr>
<td>Noreen Beattie</td>
<td>Woodgate Neighborhood Assoc.</td>
</tr>
<tr>
<td>Juanita Boothe-Thompson</td>
<td>Richland-Richview Neighborhood</td>
</tr>
<tr>
<td>Regina Brooks</td>
<td></td>
</tr>
<tr>
<td>Deanna Epley</td>
<td>Woodgate Neighborhood Assoc.</td>
</tr>
<tr>
<td>Josephine Gamboa-Montgomery</td>
<td>Griffin Heights N.A.</td>
</tr>
<tr>
<td>Soula Hatsiandrou-Scherr</td>
<td>Countryside of Tallahassee HOA</td>
</tr>
<tr>
<td>Johnny Herndon</td>
<td>FAMU Neighborhood Association</td>
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The Commission reconvened at 6:18 p.m. in the Commission Chambers with all Commissioners present.

PUBLIC HEARINGS

ORDINANCE NO. 11-Z-31

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA AMENDING THE BREVARD STREET URBAN PLANNED UNIT DEVELOPMENT ON THE OFFICIAL ZONING MAP OF THE CITY OF TALLAHASSEE ADOPTED AND ESTABLISHED BY THE CITY COMMISSION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Item 12 – Upon information from the City Attorney that the applicant for the rezoning had withdrawn the application, the City Commission voted 0-5 to adopt Ordinance No. 11-Z-31, thereby denying the requested amendment to the Brevard Street Urban Planned Unit Development (UPUD).

The ordinance failed adoption. The developer of the property informed the City that it would not move forward with the project at this time.

The applicants are Phoenix Property Company, Akram Morghem, Judy Eckstein, and Ravi Vemuri. The agent is Moore Bass Consulting, Inc.

There were no public speakers on this item.
Item 13 – Voted 5-0 to Adopt Ordinance No. 11-O-33, thereby amending the Tallahassee Land Development Code to amend the Open Space (OS) zoning district to allow commercial uses related to park services in regional parks, based upon the findings of fact and conclusions of law included herein, the Planning Commission, and evidence submitted at the Hearing hereon. (Option 1 as recommended by the Planning Department)

On September 21, 2011, the City Commission directed staff to pursue an amendment of the OS zoning district to allow restaurants and/or associated retail as principle allowable uses. This direction originated from discussions regarding the redevelopment of the City Electric Building located in Cascades Park. Currently, the OS zoning district does not allow restaurants or related retail as a principal, permitted use, but does allow it as an ancillary use. Ancillary uses are required to be no more than 33% of the floor area or cubic volume of the principal use or structure. There are parks that do not have existing structures to which a restaurant or related retail could be ancillary.

The following are the specific changes to the OS zoning district proposed in Ordinance 11-O-33:

1. **District Intent:** The district intent of the OS district is expanded to include specific commercial uses that are integral to the park’s design, and which enhance regional public parks containing active recreational facilities.
2. **Principal Uses:** The principal uses of the OS district are expanded to include restaurants without drive-thrus and park-related retail (only in regional public parks containing active recreational facilities).
3. **Development Standards:** Appropriate development standards are added for the specific commercial land uses. Specifically, those are designating minimum building setbacks and a maximum of 300 square feet of gross building floor area per acre and an individual building size not to exceed 7,000 square feet (See Attachment 1, page 3).

There were no public speakers on this item.

**ORDINANCE NO. 11-Z-34**

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA DESIGNATING AND INCLUDING ADDITIONAL TERRITORY AS AND IN OPEN SPACE ON THE OFFICIAL ZONING MAP OF THE CITY OF TALLAHASSEE ADOPTED AND ESTABLISHED BY THE CITY COMMISSION; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Item 14 –** Voted 5-0 adopt Ordinance No. 11-Z-34, thereby amending the Official Zoning Map changing the zoning classification from the Central Core (CC) zoning district to the Open Space (OS) zoning district, based upon the findings of fact and conclusions of law included herein, the Planning Commission, and any evidence submitted at the Hearing hereon. (PRZ110009) (Option 1 as recommended by the Planning Department)

The application requested an amendment to the Official Zoning Map to change the zoning classification from the Central Core (CC) zoning district to the Open Space (OS) zoning district. The subject properties are located in the downtown area and comprise Cascades Park (Park). The 30.45 acre properties are bound to the west by South Monroe Street, to the south by C.S.X. Railroad, to the west by South Meridian Street, to the north by East Pensacola Street and to the east by Suwannee Street.

![Cascades Park Rezoning Area Map](image-url)
There were no public speakers on this item.

ORDINANCE NO. 11-O-44

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING THE TALLAHASSEE LAND DEVELOPMENT CODE TO PROVIDE AUTHORITY FOR FEES AND AN APPLICATION REVIEW PROCESS FOR CHAPTER 163 DEVELOPMENT AGREEMENTS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

-- and --

RESOLUTION NO. 11-R-37

A RESOLUTION BY THE CITY OF TALLAHASSEE, FLORIDA, CITY COMMISSION, ESTABLISHING THE SCHEDULE OF PERMIT AND REVIEW FEES FOR SIGNS, BUILDINGS, LIFE SAFETY, ELECTRICAL, PLUMBING, MECHANICAL, ROOFING, MOBILE HOME INSTALLATION, GAS, RE-INSPECTION FEES, COMPETENCY EXAMINATION APPLICATION, ENVIRONMENTAL, LAND USE, CONCURRENCY, DEVELOPMENT AGREEMENTS PURSUANT TO CHAPTER 163, FLORIDA STATUTES, AND ABANDONMENTS, TO BE EFFECTIVE ON JANUARY 1, 2012

Item 15 – Voted 5-0 adopt Ordinance No. 11-O-44, Authorizing Fees and Review Procedures for Development Agreements; and then approve Resolution No. 11-R-37, Adding Fees to Schedule of Fees. (Option 1 as recommended by the City Attorney)

Under the ordinance, a review fee will be established in order to recoup the cost of staff time and publishing public notices required by Statute. This matter was reviewed by the Long Range Community Based Planning Target Issue Committee on October 18, 2011, which recommended taking the following fee proposal to the full City Commission. The proposed fee schedule is as follows:

- 0-20 acres: $400 (to offset cost of public notices)
- 21-50 acres: $750
- 51 acres or more: $750 and $10 per acre up to a cap of $10,000

There were no public speakers on this item. The new fees will be effective January 1, 2012.

UNAGENDAED BUSINESS/SPEAKERS

1) Dr. Erwin Jackson, 1341 Jackson Bluff Road, appeared before the Commission and thanked the Commission for deferring Item No. 9. Dr. Jackson resumed his criticism of proposed Policy 103. His complaints focused on an elected official who opts to resign from office, prior to the completion of an Ethics Commission investigation. Dr. Jackson requested section 103.09 be stricken from the policy; the Ethics Commission should decide ‘frivolous’, not the City Commission. Dr. Jackson stated, if the Ethics Commission decides the case is ‘frivolous’ and the case is dismissed, no fees should have occurred. Dr. Jackson also advocated for language prohibiting Commissioners from entering into the employ of entities which were awarded City contracts during their term in office. Dr. Jackson
continued his objection to section 103.09 of the policy, opining that it discourages the public from bringing forward ethics complaints.

2) Mr. Curtis Baynes, 1323 East Tennessee Street, appeared before the Commission to wish the Commission holiday best wishes. Mr. Baynes indicated that he looks forward to working with the City Commission and the recently-created BluePrint2000 sales tax committee in the New Year. Mr. Baynes indicated that his focus would be related to a sewer extension in the Munson slough and primary springs protection zone areas, and south to Capital Circle. Mr. Baynes expressed dissatisfaction that the City’s Utility Citizen Advisory Committee does not report directly to the City Commission. Mr. Baynes suggested that there were enough staff on the payroll to advise the City Manager; the Utility committee should report directly to the City Commission. Mr. Baynes completed his comments by thanking the City Commission and he wished the Commission well for the holidays.

SHARING OF IDEAS

Commissioner Miller noted that this marks the completion of her first year in office. Commissioner Miller indicated that she is honored to sit on the Commission with her fellow Commissioners. Commissioner Miller wished Happy Holidays to the Commission and to the citizens of Tallahassee, wishing them Safe and Good Times over the holidays.

Commissioner Ziffer reminded citizens of the Elf Night event at Dorothy Oven Park.

Mayor Marks noted that the next Regular Meeting of the Commission is scheduled for January 11, 2012.

Mayor Marks wished the community a Safe and Prosperous holiday season.

There being no further business to discuss, the meeting adjourned at 6:28 p.m.