

## Blueprint 2000 CAC Meeting Minutes

Thursday, April 15, 2004

Blueprint 2000 Office – Koger Center  
1311 Executive Center Drive – Suite 109  
4:30 pm

Chairperson Bill Smith called the meeting to order at 4:30 pm.

### Committee Members present:

Jerry Conger	Gregg Patterson	
Bob Henderson	Charles Pattison	
Terence Hinson	Mike Sheridan	
Kevin McGorty	William (Bill) Smith	
Casie Moran	Jess Van Dyke	

### Guests/Presenters/Staff:

Angela Baratta	Phil Maher
Dave Bright	Jerry Oshesky
Jim Davis	Tom O'Steen
Paco de la Fuente	Daniel Parker
Craig Diamond	Bonnie Pfuntner
Jack Diestelhorst	Debra Schiro
Paul Flavien	Ray Youmans
Shelonda Gay	
Bridget Kellogg	
Paul Lannom	

### Agenda Modifications

Mr. Smith noted that there were two items that were going to be taken out of order due to schedule conflict for the presenters. Dave Bright went over the agenda modifications in the revised agenda. Agenda Item 2.1 was added regarding Blueprint Leveraging Activities. Agenda Item 1 was revised to include a clarification of the \$2M acquisition cost to include "settlement cost, contingencies, and an amount to acquire a less than fee title of a portion of the property southwest of the pond". A map was also provided which showed the properties of the several sites referred to in the Item. For Agenda Item 7, a revised version of the Multi-Modal Design Guidelines, which incorporated the Working Group's final recommendations was provided to the CAC members. Mr. Smith stated Item 6 would be taken first, and then Item 2 would be next.

#### Consent Items

#### **Item #3: Approval of February 5, 2004 Citizen's Advisory Committee Minutes**

Chairman Bill Smith asked if there any corrections or additions to the February 5 minutes. Bob Henderson moved that they be approved and Kevin McGorty seconded the motion. There was no discussion and they passed unanimously.

#### Presentations/Discussion/Action

#### **Item #6: Headwaters of the St. Marks River: Recommendations of the Sensitive Lands Working Group (BP2K Map 7)**

Dave Bright provided background on the item, the Sensitive Lands Working Group participation, and the funding Agreement with the Water Management District. He discussed the process used by the committee and reviewed the table which showed the property evaluation criteria and rankings. The key determining land features were those with active Karst features and mature cypress on site. Craig Diamond then gave a brief review of the process. He stated that considerable lands were worthy of acquisition but the list needed to be narrowed down. The SLWG had met 5 times since the fall of 2003 to work on selecting properties. Mr. Diamond explained the table that was included in the item and he also discussed the features that were considered in the assessment, rankings, and the weighting of criteria used to award points to parcels, throughout the area of Map 7. Questions were asked about potential willing sellers and a definition of "sensitive lands". Dave Bright spoke briefly on the agreement with the NFWMD and Jim Davis explained further about the funding available for land acquisition and the pursuit of viable partnerships. The possible submittal of FCT grant applications was discussed. Chairman Smith asked for an explanation from Kevin McGorty as to the advantage, disadvantage, or preference for an easement versus a fee-simple acquisition. Mr. McGorty briefly discussed the differences, mentioning the fact that Tall Timbers, the non-profit agency he represented, held 60,000 acres in conservation easements.

The recommendation to the CAC (Option 1) was to accept the recommendation of the Sensitive Lands Working Group as related to prioritization of parcels recommended for acquisition of conservation easements and submit the list to the Water Management District for action. The recommendation was also to authorize Blueprint staff to work with Planning Department staff in preparing and submitting an FCT grant application for the Blueprint Major Sinks properties. Mike Sheridan moved Option 1, it was seconded by Jess Van Dyke, and it passed unanimously.

#### Informational Items

#### **Item #2: Right of Way (ROW) Acquisition**

This item was presented by Jim Davis and Debra Schiro to inform the CAC of the increased right of way costs confronting condemning authorities throughout the state, and within Leon County. Mr. Davis stated that FDOT had informed Blueprint 2000 that the price of right-of-way for Capital Circle Northwest (CCNW) had increased above the estimated \$24.5M to at least \$31M and before acquisition was complete it would probably be in the \$40M range. Mr. Davis said that from a personal frame of reference in buying land or a home in someone's own experience, was nothing like the process for the acquisition of road ROW. Ms. Schiro, the City's acquisition attorney explained how the ROW process worked in the state of Florida and she mentioned various laws that pertained to the process. There was a slide show presentation. She discussed some of the factors that contributed to the increased cost in ROW acquisition. She mentioned that Florida was a property rights state, whereby a property owner's rights were strongly protected, and the property owner was on equal legal footing with the government. That meant that the government funded the defense of the taking for the property owner, within reason, and those costs were entitled. She mentioned that another reason that ROW costs were going up was because of the increased value of real estate especially in commercialized areas, where the majority of the Blueprint projects would be located.

Ms. Schiro mentioned that there were two different methods used to acquire property. The first one would involve negotiation with a willing seller and the second was condemnation. The Intergovernmental Agency would have the power to condemn the required property. There were processes that would have to be implemented and followed, but when in court, if the takings were contested, Blueprint would have to demonstrate public purpose and necessity on a parcel-by-parcel basis. Ms. Schiro stated that property owners were entitled to the land value and severance damages. She discussed about how price was calculated for attorney fees and she discussed payments for expert witnesses such as appraisers, engineers, accountants, and land planners. She discussed relocation and ways that acquiring right of way could be reduced such as incentive offers. Pre-suit negotiations would be a second alternative in reducing cost. That would involve, before preparation of the package for ROW condemnation, mediation with the ROW people, Ray Youmans for Blueprint, and the process could be mediated and a fair settlement reached.

Another way to reduce costs Ms. Schiro discussed was land banking, purchasing property from willing sellers in advance of need. She stated that the land banking process was currently being studied by CUTR for Blueprint and that they were doing research on other successful land bank programs around the country. Ms. Schiro stated the importance of making the first offer the best offer in the hopes of avoiding attorney fees, which were part of the difference between the first offer and the settlement amount. She stated that expert right of way staff were very important. Further discussion followed concerning the best appraisal amount versus the property owner's appraisals. There was also discussion about the added value of the property with improvements to the road, and who that was used in the calculations. Discussion included buying more than just the ROW needed for the project and Blueprint's ability to resell. The issue of whether an easement could be placed on land before it was resold in order to have it meet any Blueprint objectives was discussed. Ms. Schiro clarified that you could only buy as much

ROW as needed in condemnation, but in a settlement, frequently the remainder was purchased as well. The question was asked if property owners could be involved early in the process as to who appraises their property so that they were more trusting in the numbers given. Ms. Schiro agreed that was important. Mr. Davis said that key points to remember were that there was no incentive to the property owner to settle and not involve a lawyer as the condemning authority paid all the costs. In addition, ROW acquisition was an art not a science.

**Item #1: Capital Circle Northwest Regional Stormwater Facility Tri-Party Agreement between Blueprint 2000, Leon County, and the Department of Transportation (BP2K Map 2A)**

Dave Bright referred members to the revised item included in the agenda modification including the parcel map. This is the Capital Circle Northwest widening project from I-10 to south of US 90, and as initially proposed by FDOT, they were going to construct three stormwater retention ponds; Mr. Bright pointed out the locations on the map. Mr. Bright discussed the current plan for stormwater retention ponds, including one large pond south of Tennessee Street. He stated how this complied with the holistic approach, whereby several features are tied together, stormwater management and park amenities. The Item before the Committee was a tri-party agreement among Blueprint, FDOT, and Leon County. Blueprint would fund the property acquisition and pay for the pond construction, FDOT would build the pond, and Leon County would own and maintain the pond upon completion of construction.

Phil Maher then mentioned that Pond 1 was not included in FDOT's original cost estimate and there was no current budget for that item. The agenda item asked for a budget of \$2M, which included settlement costs, contingencies, and dollars to acquire a less than fee title on some greenway/floodplain property to the southwest under similar ownership. A pond proposed for the southeast corner of Tennessee Street and CCNW would not be needed with this new pond. That previous pond was to be located on a vacant piece of property that the owner of a car dealership was using to park cars on, and with business damages being factored in, the price would be higher than originally expected. Also included in the recommendation was the authority for the Intergovernmental Management Committee to amend the budget once FDOT put in writing the new estimate, otherwise acquisition deadlines would be difficult to be met. Further discussion over pond sites followed. Mr. Bright also informed the CAC how the proposed pond would be different than the typical FDOT pond. It would be designed like a Lake Ella without chain link fences and how the design would incorporate trails and a more natural environment. In addition, the maintenance of the site was discussed as well as bicycle and pedestrian access.

The Recommended Action was to approve Option 1, which was to approve the Tri-party Agreement among Blueprint 2000, Leon County, and the Florida Department of Transportation. Appropriate \$2,000,000 (inclusive of settlement cost, contingencies, and an amount to acquire a less than fee title of a portion of the property southwest of the pond) to fund the initial deposit and authorize the Intergovernmental Management

Committee to amend the appropriation for any subsequent funding that may be required.

Mr. Hinson moved Option 1 to accept the recommendation and Jerry Conger seconded the motion. The motion passed unanimously. Discussion continued and it was decided that when the pond was under construction, the Chairman of the CAC would write a letter to the County expressing the CAC's desire that the pond be properly maintained. Gregg Patterson noted that the design should consider the fact that it may be maintained infrequently.

### **Item #2.1: Leveraging Activities**

Mr. Maher stated that most leveraging funds were available for projects that were construction ready. The Federal Transportation Bill passed by House currently includes \$22 million for Capital Circle Northwest. This was largely due to a coordinated effort by Blueprint 2000, the City, and County working with our legislative delegation. It was noted that this appropriation was not yet in the Senate bill, and Mr. Maher stated that they needed to let Senators Graham and Nelson know how important it was to include it in the Senate version.

The Tallahassee Leon County Planning Department was planning to submit an application for a FCT Grant, for the Timberlane Ravines Phase II properties through the City. There was also the possibility of applying through the County for various properties with known Karst features identified during the Sensitive Lands Working Group's review of properties in the headwaters of the St. Marks River. Even if Blueprint could not submit the applications, they were still gathering the information and contacting willing sellers. Blueprint met with the Bureau of Watershed Management with the Department of Environmental Regulation to go over proposed stormwater retrofit projects. They indicated that once the projects were construction, ready they had a very good chance of getting funding. They had mentioned that the money awarded was around \$800,000.

Mr. Maher also discussed his and Mr. Davis' meeting with the assistant secretary from FDOT where they discussed various legislation that had been proposed by the Department, one of which was a Regional Transportation Incentive Program. This would be a match program requiring a 25% local match. Our region will be comprised of Leon, Gadsden, Jefferson, and Wakulla counties. With Blueprint's ability to match funds, they would be in a very competitive situation.

Mr. Davis discussed how leveraging should be a cooperative operation with the support of the city and county. There was a recommendation that the leveraging information item be added to every CAC agenda so that the CAC was informed on what was coming up, what the time line was, and a documentation of successes.

There was mention of the County acquiring an on-line grant service that they wanted Blueprint to participate in and the total cost was \$6,000. Blueprint's portion would be around \$600.

No action was required on this item.

#### Presentations/Discussion/Action

##### **Item #4: CAC Performance Report Recommendations**

This item involved discussion of the Blueprint 2000 Performance Audit recommendations and the draft CAC letter to the IA regarding the CAC's implementation recommendations. Discussion of Item #4 involved issues in Item #5.

##### **Item #5: CAC Membership: Addition of FAMU, FSU, TCC, and School Board Representatives**

This item addressed adding members to the Blueprint Citizens Advisory Committee, specifically adding representation from the educational community (FAMU, FSU, TCC, and the Leon County School Board). The recommended action was Option 1, which was to add one member to the CAC from the educational community. The position would rotate among the entities possibly changing representatives every three years. Mike Sheridan said that he was opposed to expanding the membership of the CAC, and believed there was currently a good working group that was representative of the community. Kevin McGorty asked if this item is due to the audit recommendation or had the educational community been lobbying to get membership? Chairmen Smith said that there had been no lobbying. Mr. Conger mentioned that he was not opposed to the expansion but he expressed concerns on how the diverging opinions of the institutions would be dealt with if there was only one voting member.

Ms. Moran said that as the only female on the committee, she thought that the position should diversify the board since she was in the minority as the youngest and the only female. Bob Henderson commented that the education communities are concerned with education and in his experience, when the school board was invited to the MPO meetings, they came a few times and then stopped. He also made the comment that as the CAC expanded the issue of having a quorum became more complicated. With a small group there was more of a feeling of obligation to show up to meetings, but with a larger group there was a feeling that enough people would be there.

Terrence Hinson reemphasized that the educational community was an important part of the community that should be represented. Michael Sheridan said that on further thought he would support expanding the CAC and Gregg Patterson also gave support to having 1 person from the educational community join the CAC. Ms. Moran asked that it be added to the recommendation that the position be pursued to diversify the board. Mr. Smith said that he agreed that they should suggest that addition, but not require it.

There was a consensus by the CAC that the recommendation was for 1 additional person from the educational community and that consideration be given to diversifying the CAC when the appointment was made and it should be someone from the planning level.

The CAC concurred in the other Performance Audit recommendations as stated in the draft letter from the CAC to the IA.

**Item #7: Multi Modal Design Guidelines**

This item addressed the approval of Multi-modal (Aesthetic) Design Guidelines to be utilized for the design of Capital Circle Southeast (CCSE) from Connie Drive to Tram Road, and other sections of Capital Circle. Mr. Davis stated that the consultant selection process for the CCSE design-build had started and the RFQ's had gone out. Up to three firms would be short-listed and requested to provide proposals. These firms would be given a copy of the Design Guidelines for use in preparing their Proposals. Blueprint wanted to set guidelines but not stifle the engineering teams' initiative. Moore Bass Consulting and Tom O'Steen, a member of the EECC, took the lead and they came up with multi-modal guideline tenets; things like meandering sidewalks, use of stock materials, etc. An important concept that was considered was maintenance and an attempt was made to keep the level of maintenance low. Pedestrian refuges, native vegetation, and natural settings were considered. The idea was that it should look like the Blair Stone Road design was always in mind, but requiring less maintenance. The roadway would have hammocks or pockets of intense vegetation and areas that were more open so that the maintenance would be more cost feasible.

Tom O'Steen further discussed the multi-modal guidelines. The advisory group met twice to develop the guidelines and the group consisted of three members from the CAC, plus other City, County, and FDOT staff responsible for design, utilities, maintenance, etc. The document presented would be used as the guideline for all Blueprint roadway corridors, though there would be elements that were not in the original document that would need to be added for other sections of the Capital Circle, such as guidelines on bridge abutments. There were recommendations made on the median width, the travel lanes, or the bike lanes, as shown in the typical cross-section. For the outer edges of the roadway it was recommended that there should be a six-foot sidewalk and an eight to ten foot bike/pedestrian trail along the corridor. The six-foot sidewalk aligning itself parallel to the curb and the eight to ten foot trail would be more meandering and recreational. Mr. O'Steen discussed maintenance of the vegetation and the proposed materials to be used for signal masts, street lighting poles, and guardrails, etc.

Ms. Moran asked about the width of the verge (grass strip between the curb and the sidewalk) and FDOT's history of putting signs which intrude onto the pedestrian sidewalks. She also inquired about where bus stops would be and could shade canopies be placed near those areas. Mr. Davis said there would be no bus stops on Capital Circle proper, but that they would be on the cross streets, which was Taltran's preference. Mr. Conger wanted to know what kind of shelters or benches would be provided to walkers. Mr. Davis stated that a large part of those details would be left up to the designers. Michael Sheridan made the comment that the Agenda Item and the Report title said it was for Capital Circle SE, but it should say it was the guideline for "all" Blueprint projects. There was additional discussion about the usefulness of the proposed pathways

and how future projects and development would affect the vegetation design. The colors of the guardrails, light poles, and cross walks were discussed as well.

Michael Sheridan made a recommendation to move Option 1, which was to approve the Multi-Modal Design Guidelines and the typical section as depicted on Attachment 1 to the Item. The motion was seconded by Kevin McGorty, and passed unanimously.

**Item #8: City and County Water Quality Program Appropriation Amendment**

Mr. Maher stated that the current budget had \$2 million appropriated for City and County Water Quality projects. The item asked for an amendment to the budget of approximately \$4.1M in order to accommodate Leon County's request for \$4.7 Million and the City's request for \$ 1.3 Million. The Item also requested approval of a methodology for the yearly allocation of the water quality funds and a decision on how interest would be charged for funds requested early. It had previously been voted that water quality projects would absorb the interest and consultant's cost but it did not say how the revenue would be allocated. Blueprint provided three options.

Option 1 would:

Allocate the Water Quality funds based on the percentage of the Water Quality funds to the total estimated or projected sales tax revenues. The amount would be adjusted each year for changes in the sales tax projections. The funds would be transferred to the City and County on a monthly basis not to exceed \$25 million including consultant and interest costs. Interest would be charged on funds that were requested early and that would be in keeping with the June 2000 policy that was adopted by the IA. The interest rate to be applied would be determined and recommended by the Finance Committee and approved by the Intergovernmental Management Committee. It also recommended approval of an amendment of \$4,123,134 to the current appropriation of \$2 million for scheduled City and County water quality projects.

Option 2 would:

Allocate the yearly Water Quality funds based on one fifteenth of the total \$25 million allocation. The City and the County would each receive \$1,666,667 a year. The funds would be transferred to the City and County on a monthly basis not to exceed \$25 million including consultant and interest cost. Interest would be charged on funds that were requested early. The interest rate to be applied would be determined and recommended by the Finance Committee and approved by the Intergovernmental Management Committee. It also recommended approval of an amendment of \$4,123,134 to the current appropriation of \$2 million for City and County water quality projects.

Option 3 would request board guidance, since there were questions by some whether interest should be charged at all on the water quality projects.

Staff recommendation was for Option 1.

Gregg Patterson asked if there was any way to encourage a comprehensive water quality plan from the City and County. Mr. Davis stated that Mr. Patterson's point was well taken but he asked that they not include that in the recommendation. This was a contentious subject between the City and the County, including issues related to who would get what money and when. Mr. Davis said that he felt that Option 1 was the most fair and equitable decision. Mr. Van Dyke said that he supported Option 1 but he felt that they should all lobby for a consolidated management program in the area.

Mr. Van Dyke moved Option 1 and Terence Hinson seconded the motion. The motion passed unanimously.

#### **V. Citizens to be Heard**

There were none.

#### **VI. Items From Members of the Committee**

Mr. Bright discussed that at the last meeting in February, the Capital Cascade Trail Public Meeting was held on the same day as the CAC meeting as they felt that it would be convenient for members to go over to the other meeting once their CAC meeting was finished, but the CAC meeting lasted longer than expected. On June 3, another Capital Cascade workshop was scheduled the same day as the CAC meeting. He asked if they would want to hold their CAC meeting earlier on June 3 or on a different day. Also it came up that the meeting of the CAC could be held in the Burns building where the Capital Cascade workshop would be held. Member schedules were discussed as related to a planned trip to Madison, Wisconsin. It was then decided that the June CAC meeting would be moved to June 1<sup>st</sup> at 4:30.

#### **VII. Adjournment**

There being no further business the meeting was adjourned.