

Blueprint 2000 CAC Meeting Minutes
 Thursday, July 7, 2005
 Blueprint 2000 Office – Koger Center
 1311 Executive Center Drive – Suite 109
 4:30 pm

Chairman Bill Smith called the meeting to order at 4:34 pm.

Committee Members present:

Mike Sheridan	Gregg Patterson
Bob Henderson	Dianna Norwood
Jess Van Dyke	Bill Smith
Terence Hinson	Jerry Conger
Kevin McGorty	

Guests/Presenters/Staff:

Jim Davis	Phil Maher
Dave Bright	Jerry Oshesky
Maribel Nicholson-Choice	Ray Youmans
Dan Rigo	Angela Richardson
Mark Llewellyn	Shelonda Gay
Theresa Heiker	Tammy Peters

I. AGENDA MODIFICATIONS

David Bright explained to the Committee that an additional handout was distributed for Item #4 (Capital Circle SW Corridor Study). The handout was correspondence from the Lake Bradford Homeowners Association, which requested the addition of alternative alignments 11 and 4C. The alignments were included on the map however the correspondence was inadvertently omitted from the agenda packet. Additionally, due to scheduling issues Item #9 (Harbinwood Estates Stormwater Enhancement Project) was discussed at the beginning of the agenda; Theresa Heiker distributed a handout regarding the presentation.

IV. PRESENTATIONS/DISCUSSION ITEMS

Item #9: Harbinwood Estates Stormwater Enhancement Project

Bill Smith requested Theresa Heiker, of Leon County Stormwater, to present the Harbinwood Estate project to the committee. Mr. Bright explained that the Blueprint Master Plan included \$25 million each for City and County stormwater enhancement or water quality projects. The Harbinwood Estates project would provide for water quality pond improvements.

Theresa Heiker stated the Harbinwood project was the first of it's kind to move through the Blueprint Water Quality project process. She further stated that Leon County Stormwater had

been working on the Harbinwood Estates project for eleven years and that there was a serious erosion problem in neighborhood. The only previous stormwater management improvement was to the channel when the subdivision was developed. It was deepened and small "lakes" were created approximately half the size of the lots. The homes used septic tank systems and there were significant problems.

Ms. Heiker stated that the project would improve the channel, where it was disturbed, and construct additional attenuation facilities, which would capture and contain the flow. She further stated that the retention was currently so limited that during virtually any rain event, substantial amounts of water flowed through the neighborhood yards. In fact the County had acquired, with federal funding, sixteen of the homes which repeatedly flooded. The project would allow the water to be retained in the channel and provide wetland vegetation for nutrient uptake. Additionally, the chain discharges directly to Porter and Lime sinks within Lake Jackson. The project would help protect them as well.

At Bill Smith's request Jim Davis explained the process for approval of water quality projects. Leon County was responsible for developing data for the project, and the County Commission agreed to forward it to Blueprint who, in turn, would send the data to an unbiased third party consultant. The consultant would evaluate the project based upon the criteria (included in the agenda item) which had previously been approved by the TCC, CAC, and IA. If the Consultant agreed that the project met the criteria as well as the philosophy and intent of Blueprint they would recommend its approval. That recommendation would then be presented to the City Manager and County Administrator, who have been delegated authority to approve such projects by the IA. Mr. Davis further stated that both the staff and the consultant (ERD) recommended that the project be approved.

Gregg Patterson asked the location of Harbinwood Estates. Ms. Heiker stated it was out North Monroe Street in the area of Longview and Faulk Drive. The County had an open and closed basin project in that area however, that this particular project was located at the bottom of the hill to capture the flow from the creek in Park Hill Subdivision. Mr. Patterson inquired about how many homes the County had purchased in that area. Ms. Heiker stated 16 had been purchased already but six more need to be purchased. All 22 homes were in the footprint of the facility or were not adequately protected by the construction of the facility. Mr. Smith asked Ms. Heiker to estimate how much money she felt the County would require for the project. She stated that the County was currently budgeting for \$3 million from Blueprint in addition to matches from other funding sources. Mike Sheridan asked which streets the houses were located on. Ms. Heiker stated they were on Harriett, Longview and Faulk Drives "at the low point;" the County would not be able to help the people that are at the end who could fish from their living rooms.

Mr. Smith reiterated that staff's recommendation was to approve the project as presented in option one of the agenda. Dave Bright agreed and stated that staff concurred with the consultant that the project did meet the eligibility criteria. Michael Sheridan moved to approve the project as stated in option one. Jess Van Dyke seconded the motion; it passed unanimously.

Mr. Smith thanked Ms. Heiker for her time. He also thanked Mr. Sheridan for facilitating the previous CAC meetings in his absence.

II. INFORMATIONAL ITEMS

Item #1: Leveraging Update

Phil Maher stated that the Legislature, at the end of session, passed Senate Bill 360 referred to as the Growth Management Initiative. It contained a transportation component that Blueprint staff was very excited about because it includes several leveraging opportunities. The Bill created the Transportation Regional Incentive Program (TRIP) to enhance regional roads. He further stated it was a 50% match with approximately \$21 million available for FDOT District 3 in fiscal year 2006; half of which would be released early in the fiscal year and half later in the fiscal year. Bt Blueprint stood the chance of receiving \$5 to \$7 million. Mr. Maher stated the TRIP funding truly followed the "dollars follow production" philosophy Blueprint had been preaching. If Blueprint could have a project awarded by the end of June 2006 there was a very good chance of receiving that money.

Additionally, stated Mr. Maher, under the bill, the Strategic Intermodal System (SIS) was appropriated \$175 million in non-recurring general revenue for state fiscal year 2005-2006. FDOT District 3 remained adamant that CCNW/SW was their highest SIS priority. They have discussed providing SIS funding of \$36 million for that segment. Mr. Maher further stated the \$41 to \$43 million was from state funding only and did not include the possible \$10 to \$12 million in federal funds. Jim Davis stated that Blueprint was actively chasing \$76 million.

Terence Hinson requested clarification of the District 3 area. Mr. Davis and Jerry Oshesky replied that it was the panhandle of Florida from Escambia County to Jefferson County. Mr. Maher stated that DOT divided the state into seven districts and that Tallahassee was in District 3, whose headquarters were in Chipley. Bob Henderson inquired if the \$22 million was a re-appropriation each year or was there a designated source for the funds. Mr. Maher stated the funds were from a reoccurring source, he was not sure what that was exactly, possibly DOC stamps. Mr. Oshesky stated the total fund was at \$1.5 billion for 2006 but only \$750 million each year thereafter for ten years.

Jim Davis stated there were some implications from a strategic perspective to "chase dollars" as well as some risks. He further stated that Capital Circle SE, Woodville to Tram Road was a perfect example for using TRIP funding. Mr. Davis also stated that Ed Prescott, Secretary for District 3, although he could not confirm, felt strongly that if a contract was awarded by June of 2006, then that road project would be a prime candidate for the funds. Furthermore there were only two entities in the Panhandle that were currently eligible for TRIP funds, Blueprint and the Highway 98 Corridor project because of some regional requirements.

Mr. Davis stated there were several risks associated with that strategy. Some of those risks would be settling the ROW issues with SouthWood as well as an exaction issue from the SouthWood DRI. SouthWood was the largest owner of ROW along the segment. Right of way issues of that magnitude would typically take approximately three years to accomplish however Blueprint only had six months. SouthWood may also have to pay approximately \$10 million to meet concurrency requirements. Mr. Davis further stated that Blueprint had a design firm on board who has committed to developing 60% plans by March 2006. He explained that with 60%

plans and multi-modal design guidelines completed, if the majority of ROW could be in hand and the DRI exaction determined, Blueprint could award a design-build contract...if all four components were in place. If even one fell out of place Blueprint would be "up a creek." Unfortunately, Blueprint did not control all of those pieces. However, it was an opportunity to pursue \$15 million and he felt it was worth the effort as well as the risks.

Additionally, with TRIP funding there was a 50% match requirement, however, match did not have to be in cash. Therefore Blueprint could leverage the ROW that SouthWood would give up as part of the DRI. The out-of-pocket expenses could be minimal. Mr. Davis further stated that, to a lesser degree on some criteria, the same thing would apply for the Capital Circle segment from Woodville to Crawfordville. Acknowledging he was skipping ahead in the agenda, Mr. Davis stated that staff was working on something similar with the "Flea Market Tract."

Bill Smith requested Mr. Davis verify the statement that SouthWood concurrency money was available to use as a match for TRIP money. Mr. Maher stated that under TRIP even private dollars could be used as a match. However, he continued, under the original DRI in 1998, SouthWood gave 150' of ROW from St Augustine Road to Woodville Highway. Technically, the ROW is still SouthWood property but contractually they are obligated to give it to FDOT or the City. Mr. Smith inquired if the value of that land could be counted in the match. Mr. Davis stated that it absolutely could and reiterated that it did not have to be a cash match. He further stated that the money Blueprint spends on design could be part of the match. Mr. Maher stated that staff had to be sure the match was enough for construction to build the road but that was about the only restraint Blueprint would have.

Mr. Davis stated that Blueprint had spoken to the Transportation Commission and others regarding the requirement to provide incentives for the communities that were spending their own money for transportation projects. The TRIP program was exactly what Blueprint had been lobbying for, for three years.

Terence Hinson asked what would happen if one of the four pieces Mr. Davis mentioned did not come to fruition. What costs would the citizens incur? Mr. Davis stated that if one of those pieces did not happen Blueprint had reduced their chances of receiving the funding in the first year's dollars, but would still be eligible for the following years. The issue, however, was that there were several MPOs in the panhandle, and more would become eligible in the future. Currently only two groups were qualified for the first year's funding. Mr. Davis further stated that from the perspective of costs they were comparable.

Bob Henderson asked, of the four pieces, which was the most problematic. Mr. Davis stated that without being flippant it would have to be the ones Blueprint did not control. Mr. Henderson rephrased his question to ask who the committee needed to push to complete the job and who might be reluctant to be pushed. Mr. Maher stated that SouthWood may not be able to continue into Phase II if CCSE was not at least under construction. Even though the City would have to negotiate with SouthWood regarding the exaction, SouthWood was in desperate need for the road improvements.

Mr. Davis stated that the problem with that particular project, or any other, was that Blueprint was operating at a pace unlike any the City or County was accustomed to. Therefore even if they

moved their DRI Development Order negotiations into high gear, Mr. Davis was not certain they would be able to match Blueprint's pace. From the standpoint of who needed to be pushed...it would be the City. He further stated that he had spoken to Michael Wright; he understood the time frame and was committed to it. Mr. Davis also stated that he had met with SouthWood earlier that day and they understood and were excited by the possibility of having a six-lane roadway in front of Phase II.

Mr. Davis stated that the concept was only birthed within the past few weeks following informal commitments from the District Secretary. He further stated that staff would present the item to the IA Board in September 2005 even though there were issues and permutations involved. From a strategic perspective, however, staff felt it was a risk worth taking.

Dianna Norwood requested clarification regarding the donation of ROW by SouthWood from St Augustine Road to Woodville Highway. She stated that she thought some of that land belonged to the national forest. Jerry Oshesky stated there was no forest service land in that section of the roadway. Mr. Davis stated there were 14 parcels of private ROW and one option Blueprint had was to award a design build contract but only allow the contractor to build in areas where ROW had been acquired. Bill Smith asked what percentage of the ROW frontage Southwood owned. Ray Youmans stated that it was approximately two-thirds and it was contiguous beginning south of Tram Road and continuing to approximately 200 feet from Woodville Highway.

Item #2: Capital Circle NW Update (I-10 to US 90, Blueprint Map 2A)

Bill Little stated that the CCNW project was designed and let by FDOT on June 22, 2005 and referred the committee to the bid tabulation graphic on the screen or in their agenda. Mr. Little explained that the information shown in the agenda packet was the amount the bid award was based upon, but the PowerPoint graphic was A+B bids (A equals the construction dollar amount, B equals the number of days multiplied by \$3,500/day, effectively a time-cost factor). Jerry Oshesky stated that the A bid was the actual dollar amount that would be paid to the contractor and B was simply a number, a time-cost factor, to determine the best-ranked firm. Mr. Little explained that A+B bids helped keep the contractor honest by forcing them to complete a realistic schedule and focus on the length of time the public would be impacted. Additionally, he stated the lowest A+B bidder (Peavy & Sons) had not included all of the necessary bond documents in the bid package therefore he had been disqualified. The official low bidder, according to FDOT, was M, Inc of Tallahassee. The difference in the apparently lowest bid and the official lowest bid was approximately \$1.3 million but that was insignificant given that Peavy & Sons knew they were not a responsive bidder. The next two bidders were within \$400,000 of each other.

Mr. Little stated that of the dollar amount of the \$25 million bid, approximately \$1.3 million in utility costs would be reimbursed by the City of Tallahassee directly to FDOT. The remainder, \$23.7 million was the amount Blueprint would pay to FDOT. That amount was above the budgeted amount in the Master Plan by approximately \$3 million. That difference was based on oil and asphalt prices. Phil Maher interjected that \$22.6 million of the project was funded by the SIB loan. Mr. Little continued by stating that there was also a contingency cost factored into the project. Mr. Little further stated that there was very favorable language regarding cost sharing, in the JPA with FDOT, regarding significant cost-over-runs. Additionally, stated Mr. Little, the contract contained incentive/disincentive clauses of \$3,500 per day, meaning, if the contractor

was 100 days late completing the project it would cost M, Inc \$350,000. If, however, M, Inc completed the project 100 days ahead of schedule they would earn an additional \$350,000. The incentive cost would be offset by reduced administrative costs as well as decreased public inconvenience and impact.

Michael Sheridan stated that, while he was unfamiliar with the companies who submitted bids for the project, he felt that \$1.3 million was a sizable sum of money. He inquired if it was something the CAC was empowered to negotiate. Also, if there was a bond documentation problem, was it possible to give Peavy & Sons the opportunity to correct it. Jim Davis stated that it was not possible because the bidder did not comply with the rules. He further stated that Mr. Peavy, personally, told several people that he knew his bid was non-responsive because he did not have a bond. Mr. Davis also explained that several of the bidders listed were currently working or had recently completed multiple projects in town that Mr. Sheridan was familiar with. Jerry Oshesky stated that all the projects were quality projects and all were completed ahead of schedule. Mr. Davis stated that all of the firms were local therefore the money would stay in the community.

Mr. Davis stated that from the budgetary perspective, Blueprint had \$51.5 million in the ROW account for CCNW. He further stated that the current FDOT estimate for the ROW was \$45 million. Blueprint was funding the excess by prudently reallocating money from the ROW excess to cover construction overages. Mr. Oshesky stated there was also a construction contingency.

Item #3: Atkinson Property (Blueprint Map 2A)

Dave Bright referred committee members to the map of three parcels, collectively known as the Atkinson property. Mr. Bright stated that in late 2004 or early 2005 Blueprint staff toured the property and indicated it would fit well within the requirement for greenway and floodplain acquisition consistent with Blueprint's Capital Circle NW roadway improvement as per Map 2A. Unfortunately, however, in January the IA reallocated the majority of Blueprint's greenway and stormwater funds to the CCNW/SW segment. He further stated that both staff and the owner were still interested in acquiring/selling the property. The owners were particularly interested in selling to someone who would maintain the property in a natural state. Additionally, the area of the parcels did appear on Blueprint Map 2A as an area of sensitive land to be acquired as well as on the Tallahassee/Leon County Greenways Master Plan as part of the Gum Swamp Greenway. Furthermore, the northwest quadrant of the Atkinson property abutted the Talquin State Forest.

Mr. Bright stated the purpose of the agenda item was to keep the CAC informed that Blueprint still "had their eye on it." If funding came to fruition as Jim Davis and Phil Maher discussed in the Leveraging Agenda Item, Blueprint funds, which were currently dedicated to the Capital Circle projects could be released. Staff would return to the CAC for advice on reallocation of those funds. One of the items staff was researching relate to the Atkinson property was the possibility of a multi-year acquisition /financing proposal with tax benefits. There was also the possibility of obtaining Florida Communities Trust grant funding for the acquisition. Bob Henderson asked if the same person owned all three tracts. Mr. Bright stated two or three sisters owned it. Mr. Davis stated it was a family tract and they were interested in keeping it intact. There might also be a financial interest for Blueprint to create a park and name it after the

family.

Michael Sheridan inquired as to what was on the land that made it "sensitive." Dianna Norwood inquired if it was where the cypress stands were. Jess Van Dyke stated that the cypress stands were further south. Jim Davis stated that the property consisted of sandy soil, mature pines, well-maintained grassland, water features and a beautiful stream that traversed the property. There was one two-rut dirt road that connected the north and south ends of the property as well as one lean-to tractor barn. He further stated that the Atkinson property, tied into the Gibby parcel and pond and with Gum Swamp to the south, it would create a large habitat and greenway corridor for the west side community. Mr. Sheridan inquired how the Atkinson and Gibby parcels would create a habitat/greenway corridor when there was four-lane divided highway, US 90, between them. Mr. Davis stated that it was more of a passive greenway and bike trail corridor rather than a habitat corridor. Mr. Bright acknowledged that there was a road that fauna would be required to traverse unless an eco-passage was installed.

Bill Smith inquired as to the value of the property. Mr. Bright stated that estimates had been received from \$6.5 to 8 million for the 214 acres. Mr. Davis stated it was on the market for \$7.5 million, the real estate agent said the asking price was \$6.5 million. Mr. Davis thought Blueprint could acquire it for \$5.5 million. The owners received an offer for \$2.5 from a developer but it was rejected. Mr. Davis further stated there were several acquisition options available that would benefit both Blueprint as well as the owners.

Bill Smith inquired as to who the Atkinson's were. Mr. Davis stated that Mr. Atkinson was a long time Leon County employee in the Treasure Clerk office; Commissioner Jane Sauls knew the family. Mr. Davis further stated that the property had been in the Atkinson family for a very long time.

Item #4: Capital Circle SW Corridor Study Update (SR 20 to Springhill Road, Blueprint Map 2B)

Jim Shepherd stated that although Blueprint began the project with 10 possible alternatives, since the third public meeting on CCSW, several more have been added. The Lake Bradford Homeowners Association had submitted two alternatives, numbers 11 and 4C on the map. The Airport Gateway Advisory Committee proposed two other alternatives, numbers 12 and 13 on the map. Mr. Shepherd stated that staff would evaluate the additional seven, (there were three possibilities for alternative 4C) for a total of 17 alternatives to the same extent they evaluated the first ten. It was noted that a fourth public meeting had been scheduled for August 16, 2005 at City Hall, Commission Chambers in order to inform the residents along the newly added corridors.

Mr. Davis stated that 17 alternatives were too difficult to hypothesize therefore, his approach was to consider three general corridors. The first would be the existing alignment; the second would be the area south of Highway 20 through Orange Avenue or Tyson Road connecting through the Lake Bradford/Black Swamp area to Capital Circle east of Springhill Road. The third corridor would be something around the west and south sides of the airport. He further stated there were many permutations of each that staff would consider.

Bill Smith inquired about the timeframe of the project. Jim Shepherd stated that staff's goal was to present their recommendations to the IA in September. At that meeting staff hopes to obtain direction from the Board regarding moving forward with the PD&E study on the alternatives they select. Bill Smith stated that he understood staff's thought process to be to narrow the 17 alternatives to three or four staff recommended alternatives, present them to the IA who would, in turn, make a recommendation to move forward or further expand; with the possibility of two or three alternatives in the PD&E study. Mr. Davis stated that staff would most likely present one corridor recommendation to the IA rather than exact routes. At that stage of the PD&E study, staff was not prepared to narrow scope to one or two alternatives. He further stated that Blueprint did not want to spend \$4 million on the PD&E Study, which would happen if they tried to evaluate every possible permutation, but was trying to determine the most viable corridor. It was probable that staff would study two or three corridors in the PD&E.

Mr. Davis stated that due to a significant increase in development near the Delta Industrial Park area staff did not feel that the original EECC option 4A was viable. However, he also clarified that no decision had actually been made. He continued that staff did feel that the corridor along the Tyson Road/Orange Avenue and Black Swamp area was viable; with obviously multiple permutations through that corridor.

Kevin McGorty stated that he wanted to ensure the CAC was involved with the process and that they had ample time to discuss the project in detail prior to it moving forward to the IA. Unlike their initial meeting on Capital Cascades Trail, in which, they had to hold a special meeting. He felt that CCSW was the most controversial project they would deal with. He also reiterated what Jess Van Dyke stated at the May 5, 2005 CAC meeting, that was the original intent and goals of the project and that some of the alternatives did not correspond with those goals.

Mr. McGorty further stated that the Lake Bradford Homeowners Association had lobbied several of the members of the committee. The residents of that area would be significantly impacted by the project and he had given much consideration and time to their issue. While he had severe reservations to some of their suggestions, especially with the National Forest, he was attracted to alternative 4C, which came extremely close to the original intent of the EECC. Mr. McGorty stated he fully supported the strategy of studying corridors rather than 17 alternatives because proposals were being received on a weekly basis and he felt certain more would follow the August 16, 2005 public meeting. However, at the September 8, 2005 CAC meeting he wanted sufficient time allocated to the discussion of CCSW so the committee could make a clear recommendation to the IA. Additionally, he requested staff provide the committee with the pros and cons of 4B and C as well as possibly have representatives from those Associations or groups to give a five to ten minute presentation for the committee. Mr. Davis agreed.

Bill Smith asked what time frame staff needed to prepare for the IA...working backward to the CAC and TCC meetings. Mr. Davis stated that staff would be prepared to present their recommendations on CCSW to the CAC at the September 8, 2005 meeting. Bill Smith asked if the September meeting would be solely dedicated or at least predominately dedicated to CCSW. Mr. Davis stated that he had not envisioned that it would be solely dedicated to it. Mr. Smith requested a major allocation of time for presentations. He stated that he felt the CAC and the community could benefit from inviting and listening to a representative from each affected group in the area. Mr. Davis asked if Mr. Smith would prefer to call a special meeting specifically for

CCSW. Mr. Smith stated that Mr. McGorty made a rather impassioned plea, that each affected group thinks their area is the most sensitive. He asked Mr. Davis, in regards to process, if he felt the CAC would help themselves and the process by encouraging some discussion from the outside.

Kevin McGorty clarified his position by stating that he was suggesting the CAC members attend the public meeting on August 16, 2005 because it did not need to be repeated at a special meeting of the CAC. He planned to be in attendance and would strongly encourage other members of the committee to also attend. Mr. McGorty further stated that he was not requesting a meeting devoted solely to CCSW because there were other key issues that would be presented to the IA in September that the CAC needed to discuss. Rather than having multiple informational items in the agenda for the September CAC have only the items that were critical for the September IA with time for public comments. Committee members should be prepared by then to make a clear recommendation to the IA, especially if they did their homework, attended the public meeting and have ample time for discussion at the meeting. Bill Smith stated he would work with Mr. Davis to accomplish that.

Bob Henderson inquired about the criteria staff would use to evaluate the three corridors. Jim Shepherd stated staff was using the same basic criteria, at a macro level, that would be used in a PD&E study. They had researched wetland and floodplain impacts, residential relocations, etc. He offered to provide Mr. Henderson with a copy of the matrix used in the evaluation. Mr. Shepherd further stated that staff had simply presented the data as the impacts associated with each alternative without applying weight or significance. Some people felt the wetlands and floodplains were more important than the cost, while it was difficult to quantify economic development potential.

Michael Sheridan stated that he was very supportive of the process Mr. McGorty presented. In the citizen comment process, could the committee, procedurally, consolidate the speakers to one representative per concept. Mr. Davis stated that at the County Commission meetings, the Commissioners would routinely allow the first person to speak then query the audience for support then additional comments. The majority of the time there were no additional comments. Mr. Davis also clarified the breakdown of public meeting attendance for the committee by stating that at the last public meeting there were approximately 35 to 40 attendees. Twenty of which were staff, ten of which were the same people that attended every meeting on CCSW and the remainder were from the affected area. However, he was certain the Lake Bradford homeowners would have a significant contingency at the August public meeting as well as a major contingency against going through the national forest, and those people that would be pressing for the current alignment. Michael Sheridan stated that if the remainder of the committee agreed, he felt comfortable in requesting Mr. Smith and Mr. Davis to create a set of rules of procedure, trying to be as inclusive as possible and following a precedent set at the County Commission, and also invite some of the groups to attend.

Dave Bright stated that the majority of the groups would be represented at the August 16, 2005 public meeting. He encouraged the CAC members to attend. Jim Shepherd reminded the committee that letters from several of the interested groups or associations were included in the agenda packet for them to read. The letters provided a succinct summary of their positions. Mr. McGorty stated that he felt a few invitations for one representative of each group to speak at the

September 8, 2005 CAC meeting would be optimal. Michael Sheridan stated that the testimonies from previous presenters should be considered as well because it might not be convenient for them to return. Mr. Davis stated that a summary of the minutes would be beneficial as well.

Bill Smith stated that as he understood the gist of the committees' position was to encourage limited, yet valuable, input to the process. Mr. Smith further stated that he and Mr. Davis would organize that for the committee.

Sidebar:

Dianna Norwood mentioned that on July 14, 2005 at 7.00 pm WCOT would be airing the Tallahassee Matters segment on the CCSW project. Additionally, Kevin McGorty stated that it was extremely important for the public to be notified when the CAC meeting date changed. The WCOT schedule still had the CAC meeting listed as July 14, 2005. Mr. Davis stated that was Blueprint's mistake and that particular meeting had not been publicly noticed as usual. Therefore, according to Blueprint Counsel, the vote on Harbinwood Estates was a non-binding issue. There was no impact to the remainder of the agenda items as they were informational only. The Harbinwood Estates issue would be presented for a binding vote at the next CAC meeting in September.

Item #5: Capital Circle South: "Flea Market Tract" (Blueprint Map 4)

Jim Davis stated that the parcel referred to as the "Flea Market Tract" was located on the south side of Capital Circle directly across from the flea market itself. The 107 acres was owned by the National Forest Service, however, they were not content owning that piece because it was bisected by the power-lines and difficult to manage. FDOT recently claimed 10 acres for stormwater retention but there were 97 acres available that the Forest Service would like to part with. A few species of wildlife did reside in that parcel however, the Forest Service Biologists felt secure in that the fauna would relocate to the surrounding forest area with any development. Mr. Davis stated that given the above information the question remained of how Blueprint could obtain the property and there were several courses of action Blueprint was considering.

Option 1: Land swap between Blueprint and the Forest Service.

The Forest Service cannot sell property outright, however they could trade it. Blueprint was in the process of investigating a 640-acre privately owned section in west Leon County that was completely surrounded by the National Forest, for a possible land swap. The privately owned section would have to be appraised because the land Blueprint traded must have at least a 75% appraised value of the Flea Market Tract. With the Flea Market Tract being commercial it would be much more expensive than the privately owned 640-acre section. Mr. Davis further stated that the Forest Service was extremely interested and rapidly moving forward in the land swap and the possibility of obtaining the privately owned section. Mr. Davis anticipated approximately two to three years for the process to occur. The problem with the land swap option was that the owner of the 640-acres was not necessarily interested in holding onto that land for several years while the government worked their way through the process. Blueprint also was also concerned with what might happen if they purchased the 640-acres and the land swap agreement fell through.

Option 2: Easement from the Forest Service

Blueprint could obtain an easement through that land for the road widening, possibly at no cost, because it did belong to the Forest Service. The current alignment was in an easement and any additions to that would go through FDOT and Federal Highway, who would present it to the Forest Service. Mr. Davis stated the obvious question... "Why would Blueprint want to spend any money at all if there was the possibility of obtaining the easement for free?" The reason was Blueprint would need approximately 20 acres for the roadway and stormwater ponds, which reduced that parcel to approximately 77-acres. With the development of the Highway that 77 acres would become prime commercial property. It held the potential for Blueprint to realize some gain by selling that property. Additionally, Leon County had expressed an interest in the southern portion of that parcel as a possible site for the relocation of the fairgrounds.

Option 3: Land swap between St. Joe/Arvida, Blueprint and the Forest Service

Mr. Davis stated that St. Joe/Arvida owned property adjacent to Leon Sinks that they would like to, for tax purposes, donate to the Forest Service. What Blueprint proposed was that St Joe/Arvida give the property to Blueprint to use in the land swap for the Flea Market Tract. The financial incentive for St. Joe/Arvida would be in return for the donation, Blueprint would have to give St. Joe/Arvida a portion of the Flea Market Tract for development. St. Joe/Arvida acknowledged that option had not been considered but was certainly feasible.

Option 4: Land swap between Blueprint and Leon County

Mr. Davis stated that another possible benefit of Blueprint controlling the 70 plus acres of the Flea Market Tract was related to Leon County. At the time of the meeting it was not clear what the County would do with the property that Blueprint needed for the southern section of Segment 4 of Capital Cascade Trail. There has been a discussion of them either donating or selling the approximately 30-acres to Blueprint but nothing was definitive. Mr. Davis raised the possibility of a land swap with the County, a portion of the Flea Market Tract for the land needed for Segment 4.

Mr. Davis stated that each of the above options were being worked from every angle and every possible disclaimer was applicable because it was all conjecture at that time. Michael Sheridan asked what was currently on that parcel of land. Mr. Davis replied it was mainly scrub oaks but not much more. Michael Sheridan stated he understood that everyone involved was trying to reduce the number of "cuts" made into the highway. If that parcel were developed the quantity of cuts would increase however if it remained as it was that number would stay low. Jim Shepherd stated that one of the options for that segment of Capital Circle was the use of frontage roads, at least on the north side of the highway to reduce the number of median openings and driveways. If and when the south side was developed frontage roads could also be included. Or possibly even tie the major arterials to those same locations. Mr. Davis clarified that the PD&E for that segment indicated four lanes westbound (on the north side) with a continuous right turn lane but further stated that a frontage road would certainly be possible on the south side of the highway.

Bob Henderson inquired as to who owned the property directly south of the Flea Market Tract. Mr. Davis stated that the Forest Service owned all of the land around that tract. Mr. Henderson questioned why the Forest Service was concerned about that particular tract since it was contiguous to the remaining forest. Mr. Davis stated that it was due to a clear-cut power line easement along the south edge of the Flea Market Tract parcel. Jess Van Dyke stated it was

difficult for the Forestry Service to conduct the prescribed burning or prevent dumping of garbage.

Mr. Davis stated there was one more possible alternative. He reminded the committee that the Forest Service could not typically sell property, however, in the State of Florida there were 17 parcels the Forest Service was allowed to sell. Blueprint could pursue adding the Flea Market Tract to that list and purchase it once it was there.

Terence Hinson inquired as to the size of the current fairgrounds. Mr. Davis stated that, as he understood it and not including the stadium or bus storage, it was approximately 66 acres. By using estimates only it would be comparable in size to the Flea Market Tract once some land was allocated for commercial development.

Kevin McGorty stated he felt the negotiations were admirable and would be advantageous to other projects, however he wanted to urge staff to keep the end user in mind. If the community had the opportunity for a fairgrounds or government use of the property versus commercial strip development the design that fit more closely with the Blueprint philosophy should be followed. While all persons gathered were supportive of economic development he did not think it should become like CCNE. Additionally, the Forest Service would need a buffer for the prescribed burning up to the edge of the property. Mr. Davis agreed.

Terence Hinson stated that if Blueprint was successful in adding the Flea Market Tract to the list of approved properties for sale by the Forest Service they opened themselves up to the risk of someone else acquiring it. Mr. Davis agreed.

Item #6: General Engineering Consultant Information

Jerry Oshesky stated that Blueprint staff had received comments at the last IA meeting as well as feedback from various unnamed sources following the annual performance audit that indicated to staff that misconceptions existed regarding the General Engineering Consultant (GEC). Mr. Oshesky stated that the GEC as a whole was similar to any other staff member at Blueprint. He referenced the organizational chart enclosed with the agenda and explained the eight GEC staff, shown in red, were housed at the Blueprint office. The remaining staff, listed in blue, were resource staff that were at Blueprint's disposal. They were not involved with the day-to-day operations at Blueprint but were available on an as needed basis.

Mr. Oshesky stated that some of the confusion seemed to stem from a lack of understanding of prime and sub-contractor relationships as well as section consultants. Mr. Oshesky explained that the LPA Group was the prime consultant in the GEC; they were the group that Blueprint had a contract with. The 13 other consultant firms were sub-consultants to the LPA Group and as such they did not have a direct contractual relationship with Blueprint. (The firms with asterisks were MBE firms.) Those 13 firms made up a full, multi-discipline team that included experts in all areas required by the program.

Mr. Oshesky stated that one Commissioner in particular, due to misunderstanding the relationships, had inquired as to why the GEC was not doing the designs themselves. Mr. Oshesky explained that the GEC staff was precluded, by contract, from doing the design because

they were the managers of it. The people who were actually doing the design work were, what the GEC and Blueprint called, section consultants. The section consultants included the Genesis Group for Capital Cascade Trail; H.W. Lochner for CCNW/SW PD&E Study; DRMP for CCSE-Tram to Woodville design; and staff had recently short-listed three other firms (URS, E.C. Driver, and RS&H, for CCSE-Woodville to Crawfordville. After completing the evaluation process one of those short-listed firms would be added to the list of section consultants as well. Mr. Oshesky reiterated it was the four section consultants who actually worked on the design process and the GEC managed it. Each time the staff returned to the IA for their approval of a new section consultant it furthered the misconception of the GEC.

Mr. Oshesky stated that there were also comments regarding the fact that the LPA Group was primarily a transportation firm. The insinuation was clear that there was too much emphasis on transportation projects and not enough on sensitive lands and the environment. If that was an issue the public was concerned with obviously it would be addressed, however the LPA Group was a full service A&E firm. Mr. Oshesky further stated the LPA had all the disciplines from transportation and airport design to environmental services as well as the disciplines of the sub-consultants. The connotation that transportation was the emphasis of the company and was therefore driving the Blueprint train was inaccurate.

Also at the IA meeting one of the commissioners inquired as to why Blueprint had paid LPA \$4.2 million. Mr. Oshesky clarified that all the bills and payments of all thirteen sub-consultants went through the LPA Group, as the prime consultant. Mr. Oshesky referenced the PowerPoint presentation, which showed the breakdown through May 2005. In approximately 1.5 years, LPA has billed approximately, \$2.8 million, including the sub-consultants, but were authorized, through the end of FY 2005 to bill \$4.2 million. They were approximately 70% through the time and 67% completed fee. Additionally, LPA has 30% MBE participation; the requirement was only 15.5%.

Mr. Oshesky addressed the \$2.8 million that has previously been billed by LPA and explained what Blueprint received in return. He further stated that several of those accomplishments were listed in the annual report but went on to list a few for the committee. For instance the State Lands acquisition was a ROW acquisition worked through Ray Youmans (GEC ROW Manager) and obtained that land at no cost. Mr. Oshesky stated that it could possibly have been obtained without the GEC however, because they were on board and provided the technical expertise that was counted as a benefit to the program. If all such benefits were totaled it would equate to approximately \$11.8 million versus \$2.8 million in cost. That was a benefit over cost ratio (B/C) of four. The majority of public works projects that have a B/C of 2 are considered good projects. Mr. Oshesky stated that the amount of savings could be debated, however staff felt very strongly that the savings far exceeded the cost of having the GEC on board.

Michael Sheridan asked whom else staff had made the presentation to. Mr. Oshesky stated it had not been presented to anyone yet. Some of the items were contained in the original justification for the program but the CAC was the first group to see this particular presentation, but it would be presented to the IA in September. Mr. Davis stated that the majority of the data was included in the annual GEC report that was distributed to the IA Board and CAC amongst others. Mr. Sheridan stated that he felt that due to the benefit/cost ratio consideration in both City and

County governments it would be a fantastic presentation for the IA, and that it would have a tremendous impact.

Kevin McGorty inquired if the performance audit had made any criticism, or if the comments were coming from one or two Commissioners. Mr. Davis stated that the performance audit was in draft form only. Mr. McGorty interjected that staff had completed an annual process already and had the structure reviewed. Were there any criticisms as a result of that process? Mr. Davis stated that the draft of the performance audit stated that the GEC was more transportation oriented. Mr. Davis further stated that the actual phrasing was similar to "...although the GEC received accolades there was the perception..." Mr. McGorty stated he merely wanted to ensure that the GEC and Blueprint was structurally sound and from reading the report he did not get the feeling that the operation nor the structure of the operation was not. Mr. Oshesky stated he did not feel that there was any insinuation to that effect and explained that comments regarding the benefit/cost ratio were not uncommon in any GEC program.

Mr. Davis stated that it was a fact that without the GEC on board at Blueprint they would not have broken ground on CCSE as of yet. Whether or not the GEC had truly saved \$11 million for the community was debatable but if that number were only half that, it was a significant sum of money because time was money. Mr. Davis further stated that the alternative was to direct hire staff to fill all of the positions of the GEC. Building on that scenario, Mr. Davis stated that he was a member of the selection committee for the Director of the CRTPA. They had been trying to fill that position for 18 months and the last four gentlemen they offered the position to had turned them down. He asked, if that were applied to Blueprint, how long would it have taken staff to hire eight engineers at the rate government pays? Anyone present would be hard pressed to see that happen. Bob Henderson stated that the simple fact that the GEC staff were not vested public employees suggested something toward savings.

Mr. Oshesky summarized that the 14 firms that were the GEC team gave Blueprint access to 35,000 experts. If a project required additional staff they would be available. Likewise, if demand suddenly decreased and staff needed to be reduced, they could do that as well. Mr. Oshesky further stated that the greatest advantage, however, was the acceleration of schedules. He offered a simple example regarding ROW acquisition. If one estimated that ROW cost escalated at approximately 8% annually and if a project took even two years longer, ROW cost would compound to a 17% total increase. Therefore the \$45 million in ROW cost would be \$53 million. He acknowledged again that the actual figures were debatable but stated however that accelerated schedules equaled money saved in ROW acquisition and construction.

Bill Smith commented that the GEC was working well. Mr. Davis stated that it was working so well that Blueprint had recently been invited to Milton, Florida, to give a presentation on Blueprint 2000 and the organization. Mr. Smith clarified that it was a best practice model. Mr. Davis confirmed that and further stated that the LPA Group was recently awarded a job in Charleston, S.C., for a similar organization. Additionally, Mr. Davis pointed out regarding the schedule of fees, one would have to deduct what direct hire staff would have cost the community from the fees paid to LPA for an accurate comparison. Mr. Davis also noted that business practice required the LPA Group to make a profit but in that particular case their operation budget was only 12.5%. He further stated that in addition to everything else, the flexibility to exchange staff that were not "cutting the mustard" was phenomenal.

Jerry Conger stated that he felt there should be an expression of support regarding the structure and data that was presented and that the CAC was pleased with the GEC. Bill Smith agreed and stated that the CAC endorsed the work of the GEC and thanked Mr. Oshesky profusely for their assistance. Mr. Smith inquired if Mr. Oshesky was content with the contract and happy in his position with the GEC. Mr. Oshesky stated yes, on both accounts; that it was a profitable contract and he had no intention of moving elsewhere. Mr. Davis stated that the GEC program was working so well that when Blueprint was writing the contract they stated the City or County could task the GEC for staff augmentation. As a result, the City's sidewalk program was staffed primarily by LPA off of Blueprint's contract. He continued that the program was absolutely working and the City realized the value of it.

Bill Smith asked, for the sake of clarification, if Blueprint was a road-shop. Jerry Oshesky stated that no, Blueprint was not a road-shop, however, staff needed to do a better job of presenting the sensitive land projects and environmental side. Bill Smith stated that, right or wrong, the perception was out there that Blueprint was a road-shop and he did not think that was the original intent of the committee. Mr. Oshesky stated that staff would improve the way they presented the environmental aspects of Blueprint. He further stated that road projects were more apt to find their way into the newspaper, not the acquisition of land for preservation at the headwaters of the St. Marks River.

Dianna Norwood asked why the public was not more aware of items such as that, given that Blueprint had a Public Information Office. Mr. Oshesky stated that sensitive land issues and accomplishments were posted to the website, in press releases, and in all Blueprint reports however that information was not as exciting to read about. Unfortunately, one would read an article on CCSE long before they would read one about the St. Marks lands. Ms. Norwood asked if that was because the Democrat did not respond in the same way to a press release regarding St. Marks as they did a press release regarding a road project. Mr. Oshesky stated that it was not unusual to not have any response from the Democrat regarding sensitive land acquisitions.

Bill Smith stated that he felt Ms. Norwood made a compelling point. Furthermore, since the transportation-shop perception was out, he would recommend Blueprint give thought to utilizing their Public Information Office, public relations consultants, and community liaison to coordinate, for example, a half-day field trip that focused only on sensitive lands. Mr. Oshesky stated that staff was currently working on a piece for Copeland Sink; a media crew was taken out to film footage of that sink. Staff was also looking at expanding the sensitive lands section of the monthly progress report.

Ms. Norwood stated that the City and County both repeated programs on their local cable channels indicating that they obviously had airtime for other items. If Blueprint utilized those channels to bring their message to the public...and if the public saw something other than the Commission meeting yet again, they might stop and watch it. Ms. Norwood clarified that she did not intend her comments to be negative or as a criticism to Blueprint staff, however she felt it was part of her role as a CAC member to help get the word out to the public.

Kevin McGorty stated that he felt as Blueprint moved forward with projects that criticism would always be present to some extent. He was more concerned that the basic structure of operation was not altered and he appreciated Mr. Conger's comments that the CAC should strongly send

forward their support of the GEC. Given the history of the City and County Commissioners, he was fearful they could begin a move that would set Blueprint 2000 back several years. Mr. Davis stated that the problem was that Blueprint had a \$542 million Capital Budget, \$77 million of which was associated with sensitive lands and \$50 million of that was allocated for water quality. Furthermore, approximately 80% of the funding was allocated for transportation, and some of these projects included stormwater and greenway components. Blueprint has been successful in obtaining grants but that was merely a blurb in the newspaper when it happened. Michael Sheridan stated that he felt Mr. McGorty was saying, and he supported him, that the CAC though the GEC process worked, and that should be included in the comments regarding the CAC's pleasure with the GEC, as opposed to the slower pace likely with just internal staff.

Mr. Davis stated that he had one final comment regarding the sub-consultants. One of Blueprint's goals was to spread the money around the community and the majority of the sub-consultants were local firms. Not to have one firm receive \$20 million in design fees over the next fifteen years but to have fifteen firms share that amount.

III. CONSENT ITEMS

Item #7: Minutes of CAC Meeting: March 18, 2005

Item #8: Minutes of CAC Meeting: May 5, 2005

Bill Smith stated, with no comments or discussion from the committee, that the minutes would be considered approved as presented.

IV. PRESENTATIONS/DISCUSSION ITEMS CONTINUED

Item #10: Capital Cascade Trail Update and Segment 2 Design

Dave Bright stated that over the past several months, staff had continued review of the technical reports 2 and 3. The TCC sub-committee has been working to address the issues from those reports. Mr. Bright further stated that technical report 2 reviewed and analyzed all the concepts that were developed over the past 18 months. Technical report 3 analyzed and discussed the preferred concept for each segment. Those reports were still under review by the sub committee and if anyone was interested in the details of that review they were welcome to attend the next meeting, the following morning.

Mr. Bright stated that the key issues were as follows: Blueprint continued to work with the Leon County School Board regarding some type of improvement at Segment 0, the Leon High property. It could possibly range from the recreation of a small Lake Leon with some storage capacity, relocation of the parking lot but with no net loss of usable area for the campus, and/or potential underground storage at the Leon parcel. The County had suggested that was something they might maintain.

Another issue was that Segment 2 two did have significant water storage but during a large rain event it would have significant rise in state. Some of the committee members had expressed some concern that the rise was too quick and could potentially trap pedestrians or become a

hazard. Staff was aware of that issue but felt it was something that could be addressed in the design phase. Early on, however, staff decided not to increase the capacity under Monroe Street, which was currently a major blockage for that channel. If more capacity were allowed under S. Monroe it would reduce the flood rise in Segment 2 but could increase flooding in Segment 3, the FAMU Way and Lake Bradford Road areas. That was obviously not the appropriate solution. Staff was considering the possibility of phasing. For example they could initially build Segment 2 with considerable storage and rise in stage, but then after storage is available in Segment 3, even early on, provide additional capacity under Monroe Street, which would lower the stage in Segment 2.

Kevin McGorty stated that in his review of technical reports 2 and 3 there were a number of questions he would like to submit to the CAC for their review, prior to their September meeting. After talking with both Theresa Heiker and John Buss, County and City Stormwater respectively, major issues remained on the table that must be resolved with the TCC. It was his understanding that the CAC would be asked to make a recommendation to move forward on Segment 2 in terms of the actual design contract.

Mr. McGorty further stated that the CAC took a very strong position regarding public amenities in Segment 2 and their public meetings also took the same position however, the IA chose to eliminate a very significant terraced amphitheater and replaced it with a flat green field. He found in his review an inconsistency with the capacity of the holding pond in the technical reports. He encouraged the CAC to take another look at that and possibly make another recommendation to the IA. Mr. McGorty stated that he was forewarning the committee that they would most likely see the information again in the form of a letter but it was a key issue. He regarded it as the CAC's last attempt to influence the IA on that very significant project. Dave Bright request that Mr. McGorty forward his questions and comments as soon as he could so that he could begin reviewing them and in case there was anything technical that Mark Llewellyn or the modeling team would need to address and return to the CAC prior to their September 8, 2005 meeting.

Dave Bright stated there were other issues regarding TMDL's, whether it would be better to sever state and federal, mainly federal jurisdiction, to provide more flexibility in water treatment design, why were the agencies controlling what was a concrete ditch in an urban area versus a nice wetland, etc. All of those issues were still being addressed however, the City and County not Blueprint 2000 would resolve the TMDL issue. However Blueprint would have to follow through as best as they could in meeting those goals, if at all possible, given the urban watershed characteristics. Those issues paralleled the Blueprint project but were outside of Blueprint control. However, John Buss and Theresa Heiker were assisting.

Bill Smith stated that when the agenda for the September 8, 2005 meeting was developed staff should ensure it was not too cluttered with two huge items at the same time or that those were the only two items on the agenda. Jim Davis stated that he would suggest possibly holding a special meeting to discuss those two items because there were other issues the CAC needed to address prior to the IA meeting on September 19, 2005.

Terence Hinson stated that at the Planning Commission Meeting on July 6, 2005 there was a discussion regarding the Cascade Sector Plan. He inquired if they were involved with the

Capital Cascade Trail project/process. Dave Bright stated that part of the Blueprint philosophy was to develop a sector plan for the areas touched by each of their projects. For example, staff would not just complete the road plan but would review the corridor for stormwater enhancements, and greenway connections, as well as identifying and addressing land use and economic development. The City-County Planning Department in conjunction with a consultant that was briefly on board completed a sector plan that had recently been reviewed by the City and County Commissions. Staff initially thought the plan would include more detail and recommendations, specifically adjacent to the Capital Cascade Trail corridor. There were a few items stated, which were not inconsistent with the redevelopment of Gaines Street or the All Saints district and water quality issues but the Sector Plan also included issues as far away as Bond and Lafayette Park. Therefore the sector plan did not have much affect on the Capital Cascade Trail corridor. Staff had held discussions with Wayne Tedder regarding the need to present the Plan to the CAC and IA, the specific sector plan comments that applied directly to the Capital Cascade Trail corridor.

Jim Davis stated that Blueprint's strategy for the Capital Cascade Trail, and the various sector plans which were adjacent to it, was that the location of the stream was static and that staff would do nothing in the design that would preclude a subsequent interface with the Gaines Street plan, etc. The reason for that decision was, some of the projects had been under study for fifteen years and they were no closer to having a plan than they were ten years ago. Realizing Blueprint would be moving much faster than they, rather than wait for them to complete their plans so they could be incorporated into Blueprint's plan for Capital Cascade Trail, Blueprint opted for a proactive position, while not doing anything to prohibit the implementation of the recommendations of the other plans.

Terence Hinson stated that he was left with the impression, from the Planning Commission meeting, that their voices were not being heard. He wanted to correct that perception and ensure that Blueprint was listening. Dave Bright stated that he attended several of the public meetings held in the neighborhood for the Sector Plan, and the comments he heard, considering the sector plan boundaries he mentioned earlier, were more in line with the need for street lights, solid waste and trash pickup, neighborhood infrastructure problems, crime, etc. The comments did not pertain to the Capital Cascade Trail project.

Kevin McGorty stated that he, too, had attended those public meetings and felt Mr. Bright has characterized them correctly. He did however, feel there was a disconnect not with the sector plan but with staff's lack of creative "wheeling and dealing" in what could be a major opportunity terms of the Gaines Street project. Mr. McGorty further stated that it was not so much an issue of whether or not the stream would move but if the holding ponds would provide some capacity for new and re-development that was occurring. There were several great projects in that area and staff should attempt to see if there are linkages that could be made. It might require design changes but it should be done. Mr. McGorty added that he wanted to applaud the wheeling and dealing of the flea market tract and encourage staff to apply that approach to Capital Cascade Trail especially in view of the economic development potential there.

Dave Bright stated that he felt that would evolve once the project proceeded to the ROW acquisition phase and could determine the exact land space needed by the trail versus what could be utilized for development. He further stated that at that point the project did not incorporate

much, if any, stormwater capacity for other development because there was a significant volume of water Blueprint was responsible for anyway. Additionally, based on current environmental rules, stormwater from adjacent developments must be treated and held off-line prior to adding it to the stream. The majority of the Cascade project holding ponds in the concept are on-line. He further stated that it was against FDEP and EPA regulations to add the water to the stream until it was treated.

Kevin McGorty stated that he understood there were jurisdictional issues but only because of the hard work of staff and urging of the CAC there was now a proposed pond, owned by the City, at Leon High School in the equation. He further stated if everyone kept their minds open other types of opportunities would be available with the Gaines Street sector plan and Capital Cascade Trail. Dave Bright stated that the same would occur with the FAMU Way extension if the City carried through with any schedule similar to Blueprint's. Mark Llewellyn stated that the City's Public Works was investigating the possibility of providing capacity using the regional storm facility for Gaines Street.

Item #11: Ethics Policy/Sunshine Law Issues

Maribel Nicholson-Choice, Blueprint's General Council, and Dan Rigo, attorney for Leon County, were present to discuss ethics and the Sunshine Law as it was applicable to Blueprint and its various committees. Mr. Rigo stated that the handout which was distributed was a print of a PowerPoint presentation available on the Leon County website under the Citizen's Committee link. The handout contained mostly statutory references however; Mr. Rigo stated that all must follow the Code of Ethics and Sunshine Law. He offered examples of local groups or committees, which failed to follow the Code of Ethics and Sunshine Law and the consequences of those actions.

Mr. Rigo stated that the Sunshine Law was based on a Florida Supreme Court case. He repeatedly emphasized the necessity of compliance because if there was a violation, and it could be proven, all action taken by the IA, based on recommendations by the CAC would be void. Not able to be voided but void. Ms. Nicholson-Choice stated that any discussion between two or more members of the committee, that would be taken up in the future, no matter how causal, were subject to the Sunshine Law. To avoid situations such as that based on her own personal experiences, she had learned it was best to keep all casual conversation personal. As soon as the conversation drifted to matters which might be voted upon by the committee, those members were in violation of the Sunshine Law.

Kevin McGorty stated that, as he understood it, even though the CAC was a recommendation board only they were subject to the Sunshine Law the same as the IA, for example. Mr. Rigo stated that he was correct. Ms. Nicholson-Choice stated that the entire purpose of the Sunshine Law was to protect the public from being excluded from all discussions which led up to a decision; not simply the decision itself. The public had the right to participate in the discussions and attend the meeting in which the discussion was being held.

Kevin McGorty inquired about conflicts of interest and the proper procedure of to recuse themselves. Maribel Nicholson-Choice stated that was related to the Code of Ethics. Under the Code of Ethics there were standards and specific procedures, which must be followed in the

event that an event arises from which one might receive benefit. She further stated that as soon as one was aware that the conflict might exist it should be announced to all present. Following the meeting or the next day the conflict must be explained in writing. The County provided a form to members of their committees to explain their conflicts.

Michael Sheridan requested Mr. Rigo provide the committee with a few examples of situations that would be appropriate for recusal. Mr. Rigo stated that the most clear cut example in relation to the CAC would be if the individual in question, their family or employer owned property that would be involved in or effected by the decision or recommendation process. Beyond that it would be extremely difficult for an attorney to state what may or may not be a conflict to an individual, it was at their discretion. He further stated that the issue could be discussed once the conflict was announced however the person must abstain from voting on the issue.

Jim Davis stated that Blueprint's by-laws did not discuss the completion of a form in such cases. Furthermore, Mr. Davis quoted from the CAC by-laws:

1.9 (5) Any CAC member who has a conflict of interest on any particular matter shall declare the conflict of interest before discussion and a vote is taken and shall be excused from voting on that issue.

Mr. Davis further stated that the by-laws also stated that members were subject to the Sunshine Law. Mr. Davis stated that any such scenarios would be reflected in the minutes of the meeting. Maribel Nicholson-Choice stated that pages 12 and 13 of the Guide to Sunshine and the Code of Ethics, which was distributed, would provide committee members with a better understanding of what types of conflicts could arise. Mr. Davis further stated that Commissioner Mustian would, frequently, recuse himself from discussions and votes particularly related to bond issues, as he was a bond attorney.

Michael Sheridan stated that most of the recommendations and decisions regarding CCSE have had an impact on St. Joe/Arvida. He felt it very likely that the majority of people present, either through their retirements, mutual funds or directly, had some share in that company. Mr. Sheridan inquired at what point or how far would one take their involvement. Maribel Nicholson-Choice interjected that the benefit was truly the key and whether it was special or actual benefit. If a general group of people were all benefiting because of a mutual fund, for example, it was different or exempt.

Ms. Nicholson-Choice recommended the committee review page 3 regarding conduct under the Code of Ethics. Additionally, she highlighted that members were subject to the public records law and any meeting notes or journals were subject to public access and review. Dan Rigo stated for the sake of clarification that the distributed material was based on County policy not specifically Blueprint. Maribel Nicholson-Choice also reminded them that they were an advisory committee therefore they would fall under the Decision Making Group category.

Jim Davis summarized the topic by stating that CAC members could not discuss issues outside of the meetings, with each other but could discuss them with staff. Mr. Rigo stated they could even discuss the issues with the IA Board or with the members of the various groups the CAC represented because they were not voting members of the Citizens Advisory Committee. Michael Sheridan stated he did not understand how they could discuss an issue with a Commissioner. Mr. Rigo stated he agreed it did not seem it should be that way but the Attorney

Generals office disagreed. Jim Davis stated it was because they were from two different groups making a recommendation in a decision. For example, City Commissioners or County Commissioners could not discuss agenda items outside of their respective meetings with other City or County Commissioners. However a City Commissioner could discuss the issue with a County Commissioner if it was not an IA issue.

Bill Smith stated that the best advise he could offer was if a member was concerned there might possibly be a conflict of interest they should announce it or question it and allow the committee or staff to seek guidance from Council.

V. CITIZENS TO BE HEARD

There were none.

VI. ITEMS FROM MEMBERS OF THE COMMITTEE

There were none.

VII. ADJOURNMENT

There being no further business the meeting was adjourned at 6:44 pm.