

Blueprint 2000 TCC Meeting Minutes

Monday, April 12, 2004

Ellis Building – Koger Center

2:00 pm

Gabriel Menendez, Chairperson, called meeting to order at 2:00 pm.

Attendees: (TCC Members in Bold)

David Bright	Bill Little	Ed Ring
John Buss	Vince Long	Alan Rosenzweig
Rodney Cassidy	Phil Maher	Debra Schiro
Jim Davis	Gabe Menendez	Dan Selman
Craig Diamond	Chris Merritt	Wayne Tedder
Sally Dowlen	June O'Meara	Shelia West
Shelonda Gay	Jerry Oshesky	Karla Weaver
Theresa Heiker	Tom O'Steen	Michael Wright
John Kraynak	Tony Park	Bill Woolery
Jack Kostrzewa	Bonnie Pfuntner	Ray Youmans

I. Agenda Modifications

Mr. Phil Maher began the meeting by discussing the three agenda modifications. The first modification was to item #5, Headwaters of the St. Marks River. The Sensitive Lands Working Group final report was added and a map was included identifying the parcels. The second modification was to item #6, the CCNW Regional Stormwater Facility. A clarifying note was made in the agenda item detailing what items were included in the initial deposit; also, a site map of the pond parcels was included. The third modification was to Item 7, the Multi Modal Design Guidelines and that was to provide TCC members with a copy of the final guidelines.

Chairman Gabe Menendez recognized Jim Davis who introduced the GEC representatives.

II. Information Items

Item #1: Right of Way (ROW) Acquisitions

Jim Davis explained that ROW costs for CCNW has continued to escalate and has gone above the \$24.5M dollars in the budget and is currently in the neighborhood of \$31M and may go even higher before it is over. Blueprint 2000 spoke with the City Manager and County Administrator and it was their direction that Blueprint explain to the Committees why these ROW acquisitions have become so expensive. It was noted that Debra Schiro and Dan Rigo have developed a Blueprint real estate policy; Ms. Schiro made a slide presentation on ROW acquisition.

Ms. Shiro explained that the information in the presentation tries to hit on key points about Right of Way Acquisition and the process of acquiring it that influences cost. ROW is one of the biggest costs in road construction projects in the state and that is primarily because Florida is such a huge property rights state. There are rights to property owners in Florida that other states do not have when property is acquired through condemnation. There are two ways that we can acquire property for a project. Through negotiated settlements, which is a purchase and sale

agreement and that generally occurs when the property owner is not contesting the offer or is willing to negotiate to a certain amount. If a settlement cannot be negotiated before you have filed a suit, you have defined a right-of-way, you have acquired an appraisal and an offer has been made in writing, and you cannot negotiate, you go to condemnation. Condemnation is a drawn out process.

Property owners in Florida have the right to obtain their own appraisal and obtain their own experts through an attorney and the government is required to pay for those costs as long as they are reasonable. When you get an appraisal and make an offer, there are 2-3 components. Land value, which is the dispute between property owners and the government, although it is generally not over land value. They are seeing that on CCNW. The biggest area of dispute is over ******(not clear on the word here) that is where there has been some loss in value or a claim of a loss of value to the remainder property because of a taking. There are several kinds of law and formulas in that for appraisers to use, the better the appraiser the better the analysis. That is one of the components of full compensation that property owners are entitled too. Business damages are strictly legislative. If it is not written in the law, they do not get it. It is very strict with things, such as you have to have been in business for a certain amount of time, and it has to be a partial taking. With a new statute that went into effect in 2000, the business owner has to make the offer to the government first and they have to provide records to support what they claim their business damages are. There is a benefit of the government not rushing to try to settle with the business owner before the period runs out for them to produce the record.

Attorney fees are part of full compensation that property owners are entitled to. It is based on a formula and it is a percentage of what is above the initial offer. That is why it is so important that the initial offer the government makes is well thought out and is the best offer that can be made because everything above that is putting money in the attorneys hand.

Expert witnesses, appraisers, land planners, and engineers are hired by both sides and it can become he said/she said so it is important to get good expert witnesses in the beginning so there is not as much room for argument. Relocation is a federal entitlement program. It is not generally required in city and local but it is done sometimes on city projects by choice. Relocation on CCSE is federally funded because it is a state road so we will be participating in relocation and that applies to both the owners of the property and business occupants.

Ms. Shiro then mentioned that the main ideas that Jim Davis wanted to impress upon the IA were ways to avoid the escalating cost. There are not ways to avoid but there are things that can be done to stop the process instead of dragging it out. One that has been tried throughout the state in the many different districts of FDOT is an incentive offers. In the first written offer the government makes they provide an incentive for early settlement and it says that in the letter to the property owner. There is no attempt to hide the intent; they are told it is an incentive to avoid some of the costs of acquiring ROW. It is a number above the appraisal and that number is something the team works out together. It could be 25% or it could be 50%, though with an offer in the millions, this would not be done, but it is a hook to try to get the property owner to settle early. If this is accomplished the savings are quite extensive. Pre-suit negotiations went into effect in 2000 and this is not used much at the city level and even the state does not use this as much but it is really effective and it allows for formal mediations before a petition has been filed that starts the whole legal process. There are many pre-suit negotiations with the city and they

are finding, along with FDOT, that there are less and less settlements before they filed a petition. Ms. Shiro stated that when she started working for the city in 2000, the city had a high rate of settlement and now they do not. The reason for that was because in July of 2000 a law was enacted that applied to the city and the county to do what the FDOT always had to do. They must give everything to the property owner and let them know the minute you start a project that they can get all their fees and cost paid by the government and the incentive to settle is less. That has caused the city's pre-suit settlements to go down from 50-60 to 30. When they did CCSE, Centerview to Connie, 3 out of 35 property owners are settled but they are still working on it/negotiating but it has significantly decreased the amount of early settlement.

Ms. Shiro said that land banking is what Jim Davis has Dan Selman, Ray Youmans, and Ms. Shiro working on to create an innovative process that is not available to FDOT, they are not allowed to do this. The Blueprint philosophy will be attractive to this type of process, which allows Blueprint to purchase from willing sellers in advance, perhaps of the project even being on the books, except conceptually. They are willing and coming to Blueprint and there is not a whole lot of negotiating. We give them the appraisal and tell them we have authority to go a small percentage above that and then the land is there, waiting for Blueprint when the project comes around. It can be a very good way to save money. Debra Shiro stated that it was important to make the first offer the best offer and there was no low-balling in Florida any more. In other places she worked appraisers are being "asked" to change their numbers or lower their number. It becomes a difficult process if good experts are not used that give good numbers regardless of who they work for. There is a range but the analysis that goes into the first number that makes all the difference. A qualified appraiser is key. The City of Tallahassee tries to hire the most experienced ROW professionals and instances when they were not successful resulted in them paying more to go out and get new experts to come up with new numbers.

Ms. Shiro stated that it was important to share with the IA that there are ways to reduce cost, or more correctly, control costs. Property rights say owners are entitled and good numbers and good offers keep the process from being drawn out which costs government even more money.

The question was asked about access control or the limited access study. Ms. Shiro asked for how it fits into the overall analysis, it was not included and she asked for information on how it could fit in. It was clarified that Mr. Menendez was referring to the CUTTER study and Mr. Davis and Ms. Shiro said that it could be placed on the last slide. Mr. Menendez said that for the commission this would probably come up. Ms. Shiro said that she thought that defining a corridor in advance of a project and requiring property owners to consider that in the development of their property was key in reducing costs. Putting the study in as an innovative way to reduce cost would be good but they were still entitled to what they were entitled to and if they build outside the designated right-of-way you would be reducing the damages to what the taking would cost, but you haven't limited their right to compensation, it's just reduced.

Mr. Davis stated that ROW acquisition was not comparable to anything that has occurred in someone's personal life, like buying or selling a home. In the State of Florida, the rules are very different. What may be a good deal as a homebuyer or seller is nothing compared to the current situation in ROW acquisition. According to FDOT, in some cases, not all, but in some if you have a \$1M dollar appraisal and you can buy it for \$2M that would be a great buy. In addition, this is a difficult process that is an art, not really a science. Ms. Shiro then mentioned that when

an appraiser appraises a piece of property for a condemnation agreement, he appraises it at its highest and best use that may not be its current use. It is what the market would reflect if someone was to come in and redevelop it to a more intense commercial use and many times the property is a house but the zoning around it is changing and appraisers takes that into consideration and that is called a reasonable probability theory. It still has to be proven but it increases the value tremendously.

Mr. Menendez asked that when they appraise it, was it on the current zoning. Ms. Shiro replied that they look at what the highest and best use could be and current zoning may not reflect that. It is not ignored but they look at the trend and if it was agricultural but it is going commercial, they would appraise it as commercial. They have to do an analysis and provide a report but it is the law and that is what they are required to do. If they fail to do so, that causes the big diversion in value.

Discussion came up about what appraisers Blueprint would use. Mr. Davis discussed hiring with local preference and high quality. Blueprint has tried to identify the two best appraisal firms they could find, one is local and one is not. Other appraisal firms will be used for relocation specialist and other things but Blueprint is trying to keep things in the community. Blueprint will have, and Ray Youmans especially, the ability to select amongst the appraisal firms that they get. They may identify several other firms and let them work on greenways or things were they are not using condemnation, it would all be from willing sellers and someone who could specialize in less than fee simple, local appraisals could be used in that process. However, Blueprint would keep the two appraisers that they think would be the most viable expert witnesses should anything go to court, they would be on the Blueprint payroll to do appraisals.

The question came up on CCNW that the ROW was going to be potentially \$24M to \$31M. Mr. Davis stated that the current estimate was at \$31M and that did not include Hopkins Crossing. The question was then asked if that included any particular method such as incentive offers. Mr. Davis said he was unsure of what the FDOT was doing but John Duncan was in ROW acquisition for 30+years and everyone he had spoken with indicated he was one of the best and he was going to be relied on heavily. Mr. Davis stated that there was no advantage in the process and there was no legitimate incentive for a property owner to not engage the services of an attorney since they are out no money, Blueprint has to pay for it. The landowners on Capital Circle have been contacted by multiple attorneys. Blueprint will end up going to court and the question becomes what are the reasonable expectations and what are the cost associated with the trial versus what would you be wiling to settle for without going to trial.

Item #2: City and County Water Quality Program Appropriation Amendment

Phil Maher stated that there was currently \$2M appropriated for City and County water projects. The item requests an amendment to the appropriation for a little over \$4.1M and this is to accommodate the Counties request for over \$4.7M and the Cities request for over \$1.3M. The proposal also request approval for a methodology in determining the allocation of the Water Quality funds to the City and County and it provides three options. The first option allocates the Water Quality funds based on the percentage of the Water Quality funds to the estimated sales

tax collection. This amount would be adjusted each year for changes in the projections. These funds will 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 are requested early based on a policy that was adopted at the June 2002 IA meeting.

Mr. Maher went on to explain that the second method allocates the Water Quality funds based on one fifteenth of the \$25 million, which comes out to the City and the County each receiving about \$1.6M a year. Likewise, these funds will be transferred to the City and County on a monthly basis not to exceed \$25 million and interest would be charged on funds that are requested early. Option 3 was board guidance. When he met with the finance committee, there were several other options that came out but they were not in keeping with the policy that Jim had been discussing with Anita and PA. The option that was recommended by Blueprint was Option 1, which allocates the funds on an equitable percentage of sales tax collection. At the end of the item was a simple schedule that showed how things were calculated, the water quality funds as far as a percentage of sales tax was applying the \$25M to the estimated \$591M and it came out to around 4.2% a year and the other was taken straight from 115. Jim Davis then mentioned that he had a meeting on Thursday with Anita and PA and he would then present it to them, they had not seen it yet.

John Buss made the comment that he thought that when they were prioritizing projects, it was laid out when or to what extent money would be needed. Bonding and other scenarios were discussed. Later on, in the Fall of last year funding scenarios were laid out for Blueprint and he thought that the bonding scenario had gone forward then at that time. He stated that what was laid out did not match what was being proposed and it was running about half of what was projected as needed and it was anticipated that all the money would be needed by 2012 and the current submit takes it to 2020. He wanted to know what was driving this and where it came from. Mr. Davis replied that what drove it was some budget request this year for money and there was an item in there that was done some time ago and passed by the board, that said that interest would be charged to the \$25M. If money was gotten early, based on a base line assumption that had to be verified with Anita and PA, the money would not be available in one lump sum but would be available over the 15 years of the sales tax extension. If you made that the base line assumption then the methodology that was applied says that you get a percentage of the revenue every year just like other Blueprint projects would get.

According to Mr. Davis, there was no distinction between water quality money and other money; they are all funded over a 15-yr. period. If you need the money early, if you want it all in the first 12 yrs then that is fine, but you then have to pay interest on it. The baseline allocation of the funds is what is projected in the agenda item and whatever the allocation or methodology is would determine what the interest would be on the particular funds. The agenda item was not saying that you can't have the money in the first twelve years, it was saying that based on the pay out curve, this would be how much money you would get every year for water quality projects. If you get it before then, there are several options. You can borrow against your own internal funds, like the stormwater funds, and you can do that and pay it back later. It can be bonded and the fair share of interest cost paid. The interest is not shared by all but that would be discussed with Anita and PA. If Blueprint were to upfront all the money for the water quality then Blueprint would absorb all the interest that would be paid if it is collected early and that would be done at the expense of the other projects. Blueprint was saying that like all the other projects

the interest cost associated with CSSE would be charged eventually to CCSSE. If there was an interest cost associated with a stormwater or water quality pond since it was elected to build it early, then those interest cost should be charged against that project and should not be charged against other projects.

Mr. Buss clarified that he understood the agenda item and methodology but it was the assumption that something is being built early was totally being based on a schedule that Blueprint arrived at on their own, versus schedules that were laid out when the projects were discussed and those may be ok, but absent that assumption it did not work. He then said that if you put them in a category and look at all other projects, like roadway projects, how do you determine when they are supposed to be built and whether they are being built early. He said that was an artificial schedule that did not “jive” with the data that was used when the projects were created. The artificial for water quality, was every project entitled to its total budget divided by the total sales tax revenue each year, and they are in and then gone by and it is going to be charged interest.

Mr. Davis replied that as money is bonded Blueprint is going to absorb any interest costs associated with any bonding through the other projects automatically. In the layout, there is an \$111M in the back row schedule of interest that will be absorbed in the other projects. So yes, it was not quite as refined yet. The bottom line was that it is going to be added to the shortfall of the program so it does not have to be tracked. Any money that is spent on interest for the Blueprint program will add to the shortfall at the end, which will add to a project falling off the list until more funds can be leveraged.

The question was then asked how the 10% to the City and County would be handled. Mr. Davis said it was just like this since they get that money every month. The 10% for the governments comes from the Department of Revenue every month as it is distributed. 80% goes directly to Blueprint and the other 2 10%'s go to the City and County and that is automatic using the same methodology. It was discussed that one way to implement the percentage share that was recommended would be to go back to the Department of Revenue or whoever is making the allocation and ask them to increase the Cities share from 10% to 14.2% to be consistent.

It was pointed out by Mr. Menendez that in the Agenda, in the second paragraph under supplemental information where it says, “all these appropriations are subject to the conditions outlined in the June 17th water quality agenda item,” he did not believe that was the case with the Frenchtown stormwater money. He said he believed that the city commission specifically, when they approved Blueprint 2000, they removed the \$10M from the \$25M. Mr. Maher then stated that what was trying to be said was that, at that point in time, there were several projects approved and then they delegated authority to Anita and PA to approve additional projects. Blueprint would give the funds for the projects that were in addition to the ones mentioned in the item, based on their approval.

Mention was made that Harvey Harpers firm would review projects but Frenchtown was not really a water quality issue. Jim Davis agreed that it was not; he stated that the \$10M was pulled out of the \$25M for the city, as was the \$5M that the county has and those funds were earmarked. The statement was made by _____ that if this item did not contradict the other than he was ok with it or did not have a problem with it.

Theresa Heiker then added that some of the \$4.7M that was requested was the \$5M that is independent of the review. She wanted to be clear and asked if what they were saying was that Blueprint 2000 was charging the interest to CCNW and CCSE as they accelerate beyond the 15 year payout schedule, because she did not see anything to indicate that was the case. Mr. Davis replied that that was not true. Ms. Heiker then asked how was it that the water quality program, which was identified as a program of equal importance to the community, was treated different from the transportation projects? She felt that there was resistance and as a member that established the original program, they were not seen as second-class projects. They were unidentified projects at the time; they were never to be treated differently than the transportation. Ms. Heiker said that what she was being told was that there would be less money to do stormwater projects at the expense of CCSE, which accelerates and reduces the bonds appropriated for other purposes. That is her objection and she pointed out again that the stormwater program was not different from the transportation program and if they did it, the transportation program, her objection would be withdrawn but it would stand, the same way it stands for the Capital Cascades. If the scope of the Capital Cascades project was reduced because there was an assigned \$70M and the scope was reduced while funding continued to be accelerated and expanded to the transportation project at the expense of the other projects, that would be a distinction that the community would not adopt. Ms. Heiker did not feel that it would hold up in the community discussion of how funds are spent.

Mr. Davis replied that if you looked at everything in the macro there was the \$25M that was allocated to the city and the \$25M allocated to the county and they were slightly different because they were fixed amounts. All the road projects were a little different but they were the same. He said that he could not say what the total amount of the Blueprint program was since in Blueprint, the corridor projects, which have been separated from the water quality dollars, would absorb the interest for all the bonding issues. The difference was, instead of saying there would be less money, like for the \$25M, you would have, if you picked a number, like \$22.5 because \$2.5M would be eaten up in interest. Mr. Davis said that what he was saying was that there were \$600M worth of projects because Blueprint has accelerated the construction and now Blueprint revenues of \$591M are extensively reduced to \$400M because they have to pay all the interest. Therefore, instead of saying that the money is going to be reduced, because there is not enough money to begin with, say that the shortfall is going to be increased it would not be treated any differently. If money was borrowed, to accelerate a road project Blueprint would pay the interest on it and the same thing would be applicable. If the water quality program was accelerated, the interest would need to be paid on it and no one was being treated like a second-class citizen.

Ms. Heiker responded that there was never an identified schedule for the completion of the water quality program and by saying that they were accelerating those projects.... Mr. Davis interjected that you are accelerating from the standpoint that he thought the assumption was, and he would clarify with Anita and PA, that her money, \$25M would come from the same schedule as does all the rest over 15 years. She replied that this would apply to CCSE and CCNW. He said it does and that is why they are going to pay the interest on those. She replied that what he was saying was that they are not accounting those to the project, what he is doing is not doing CCSW which is a separate project and that is how he views Blueprint as absorbing those costs. She said that water quality was the same financially as CCSE and for the funds associated to water, quality to be attributed solely to the water quality program was not equitable when you

give full benefit to CCSE at the expense of CCSW. That is how she sees the funds being pulled out and funds reduced to the program over all and that is not consistent with how the other transportation projects are being done. Mr. Davis said he did not agree and Ms. Heiker said that that was a distinction that none of the commissioners understand. He said he would explain it to them. Mr. Davis said this was the position but it was not locked in concrete and he had not talked with Anita and PA. He had spoken to the finance committee and they all agreed except for Alan.

Ms. Heiker said that in this item, since there were other alternatives proposed, in order to acknowledge the strong issue at stake, there needed to be a discussion about whether or not there was intent to schedule the programs and were they truly accelerated. She thought that to option 3, it needed to be added to fund the program as the funds were requested and specifically address that the funding shortfall would be addressed at a similar matter to the transportation at the expense of other Blueprint programs.

Mr. Menendez then made the comment that all the projects listed in Blueprint, whatever the estimates are today, the projections are that there will not be enough money. It was a matter of setting priorities. There were priorities set when Blueprint was passed but there was not enough money to go with all of them. The question would then become, do we follow the same priority or do we reconsider and reset the priority. Mr. Davis replied that the priorities were set in the agenda items and the full \$50M was within those priorities and they were not saying that because the program is short 30% that the water quality program would be reduced by 30%. He stated that the issue was that the water quality money, the \$25M was funded at that \$25M level. The water quality is a priority above the cut line as compared to some other projects that are below the cut line. The only issue is who pays the interest. How the money would be allocated and who pays the interest if the money was received sooner, as compared to a level or methodical way of accumulating the money. The priorities are the same and the bottom line was that if Blueprint says to give them the money when they ask for it, with no interest. If Teresa asked for \$10M this year then the city would have to ask for \$10M because then they could take that same money, interest free and invest in and draw interest. The City of Tallahassee would make interest and Blueprint would be paying it for them. This was a concern because David Reed has already said that you could not do that. If the county wanted it and got it early without interest then he would want the same amount of money at the same time. There was a clarifying question of David Reed having said that and Mr. Davis replied that yes, David Reed had said that.

Alan Rosenzweig who sits on the finance committee for the city and county, spoke and said that they met on the issue and there was a consensus at the first meeting were they all agreed that they should be able to get the money when they wanted with no interest. Blueprint did not like that position so they met again. The Director came in and met with the committee and went through the issues and the discussion was about if the money was borrowed earlier, they stated that they would be happy to accumulated any interest earned, the same way it was done with the State and the JPA and they would remit all of those funds back to Blueprint. There was no intent that if they both took the money that it would just sit and gain interest. He stated that they did not need that, they would be happy to accumulate the interest. For instance if the City of Tallahassee took the money now and they did not really need it for four years, he thought the Frenchtown plan was that they needed it over the next five years, if they would re-approve (I

think that was the word used?) \$5M now. Their may be interest earned on it but those earn interest funds would be kept segregated and the clerk was their representing the county and they clearly stated that they would remit any earn interest on the funds that was not spent over the time of the projects back to Blueprint. He stated that he, David, and the whole finance committee all agreed to that and thought it would not be a problem. The clerk said it was not a problem and he could keep the funds segregated if need be. There was no issue at all on earning interest. Jim said that they could keep the interest if they wanted but they said that they did not need to, it was not a problem for them to keep it segregated. He said there was a little confusion there. Yes, he and David agreed that it would only make sense to the IA that they drew funds equally. It would be a very difficult posture to put the IA in that if the County needed \$5M this year and the city may need \$5M 3 years from now. It may be easier to say that we all take our funds now. He agreed with Teresa that if the County and the City need the money, they need to turn the dirt now, and they are ready to do projects and it is a priority of the IA to bond the money now, then you should bond it. It was not as if any other project was being reduced, the project would be done. The finance committee had several problems; as this was a priority issue not a financing or funding issue. It is a prioritization issue for the IA. If the IA says these are projects that they want to do now, then Blueprint should bond the money and pay the interest as they are paying the interest for all projects. The city and the county are in effect the project mangers of the funds. The same way they have a GEC or some other construction firm doing the road projects on CCNW, they don't charge anyone interest to do a project. All the finance committee suggested back in June was to get clarification on the prioritization of the water quality funds as it relates to the IA. They should make the decisions and if it's \$5M a year for five years then fine, or \$1.6M over 15 years then fine but they need to decide where this fits into the scheme or how to try to spend the funds.

He thought that the agenda item from a couple of years ago never went to the finance committee to discuss the interest charged to it. He also did not think if you surveyed any of the IA members that they fully appreciated what the intent of what was being stated in the item was or that they had any concept that they would have less than \$50M for projects or for water quality projects.

Tony Park then asked if there was any way to get a report from the finance committee as to their position. Mr. Davis stated that they obviously had a difference of opinion and that it was an informational item that was not asking for a vote and it would not be resolved until it had been shown to Anita and PA. Mr. Davis said that this was to state where Blueprint was coming from and to be upfront. There was some disagreement but that is why there was an IA, to resolve those kinds of things.

John Kraynak then mentioned that what Alan described was not in the agenda and asked who participated in the meeting with Anita and PA? Was it just Jim and the two of them? This was affirmed and then Mr. Kraynak stated that he felt that since there were two completely different perspectives based on the same facts that there needed to be an alternative perspective provided. Mr. Davis responded that he would bet that someone had already spoken with PA and that someone should get with Anita and present there predictions. They will have the information ahead of time and they will have a chance to review it. The comment was made that it was not a very efficient way of doing business. Someone then asked who had been to PA. Mr. Davis replied that he assumed someone had and that Alan said that he was going to talk to him.

Alan replied that what they had wanted to do was wait until the technical committee had looked at it and he agreed with John that the TCC should have some say in it. He said that would be in remittance of PA and Anita and that would be appropriate. He stated that he was with Teresa at looking at where the money goes. It looked that someone had just decided what would be the easiest way to break the money up over 15 years and he was having trouble coming to grips since it was a broad policy issue and it was not a technical or financial issue. He did not think that anything needed to be reprioritized since they were not getting down to that level of specificity. He believed they needed to decide with the \$50M if it should be \$5M or whatever it was but that was not really presented in the item. He did not think it was good enough to say that this would go to Anita and PA too and if it was here, then the committee should have something to say about it.

Gabe Menendez then asked what authority did the TCC have in revising the language of the agenda items or directing any revisions. Mr. Park said that there had to be some input from the TCC and part of the reason for the committee was to coordinate the efforts of each individual program that the City and County with the funding that they would be receiving through the Blueprint program. There had to be input as to when the projects would be done or when the \$25M would be coming into the system so they could program those projects. He thought that if the agenda item went to the financial review committee and they could provide an attachment or informational item to the agenda item as to how they discussed it and present it from them since that was their purpose.

Alan Rosenzweig then told the chairman that he did not think there was a financial issue, it was a policy issue. The finance committee could tell a lot about bonding and things of that sort but he did not think they should be put in a position were they recommend that someone get \$5M next year, irrespective of knowing what projects were being looked at that year.

John Kraynak then agreed that Jim's perspective is that there were water quality projects and other projects and all other projects are going to have to pay all their interest. Alan is saying that there are just projects and Blueprint needs to pay the interest on the projects regardless if Capital Cascade is built first or a water quality project. He said it was not a financial question and for Capital Cascades he did not believe that the agenda item explained the question at all.

Wayne Tedder said that he thought that Jim was trying to preserve projects at the end of the list so they are not cut off. Jim said that was not true because projects would be cut off. What he was trying to do was make a logical methodology for allocating money and he made an assumption that said nobody expected the water quality dollars to be funded in the first year from the revenue at the exclusion of everything else, thereby forcing everything else to be bonded. If that was a bad assumption then that would be a policy issue that he needed guidance on. He agreed that this was not a finance committee issue and they were not empowered to make that decision. That is why it would need to go to Anita and PA to see what they wanted to do. He personally felt that for each project there were set amounts of money associated with them and there were restrictions. The Blueprint projects in the prioritization were not always going to be funded and some were already gone. To say that every Blueprint project was going to be charged interest just like the water quality would be charged was not fair since some were already off the table. The projects that are funded would have to pick up a piece of the interest cost that would be associated. Every dime Blueprint spends has to be capitalized and the

referendum did not cover any operation or maintenance cost. At the end of the year costs such as salaries, interest, rent, are to be allocated to projects in a methodology to be decided. It was not decided if that was only viable projects, which he stated he believed it had be. All the Blueprint projects would eat a piece of the interest but some of them would not have their projects funded so you could not charge it to them. The \$111M dollars in interest that is projected was going to be swept to some project. He said that with definitive city and county projects that are fully funded at \$25M apiece, it is fair and reasonable that any interest that can be associated with that based upon an approved payout curve or approved accumulation revenue curve should be absorbed by that project.

The comment was that if IA says that they want to do the project then they do the project and figure out at the time the best way to recoup or manage the cost appropriately. He was not sure about the delayed response. If there was a set project list they go after and the IA approves it, then they realize that there are consequences in the project. There may be additional dollars lost at the end of the project but it still increases the deficit at the end and they need to realize those losses at the time of their decision, otherwise they don't move forward with the project.

Another TCC member spoke and said that to him, one part of Blueprint was guaranteeing city and county dollars for profit and that was the only program he sees as dedicating the city and county for money. He asked Teresa if that was correct. She said yes but she was puzzled because it was like saying that the transportation projects are money with the state. She said that she and John have water quality programs and rather than initiating an independent water quality program run by the Blueprint group the funds are going to their programs. The question was then asked why the IA was controlling city and county dollars. Ms. Heiker responded that they were not in control of the programs and that was the question of how was it determined to be completely separate from the money associated with Capital Cascades and others. As far as control of the program, the IA set the criteria for review.

The comment was made that to say that the projects were guaranteed under the scenario would no longer be true because once interest was subtracted from the projects the projects were not guaranteed like the other Blueprint projects, it was no more guaranteed than CCSE. CCSE was guaranteed because it was on the list just like the water quality projects and it was coming early in the program. He said he was not clear why it was said that one was guaranteed and one was not, CCSE was going to happen and it was going to spend whatever it spends. Projects early on would be funded and others would not.

XXXX spoke and said another concern about setting up a system that puts in place Option 1 or 2 and there was a set amount every year. Every year that the city or county do an amendment to that, and that would probably be every year, you would somehow be breaking the rules and you would be setting the IA up for that.

Tony Park asked for a motion to approve the Consent Item. Gabe Menendez made a motion and it was second by Vince Long, and it was passed unanimously by the Committee.

Item #3 February 2, 2004 Technical Coordinating Committee Meeting Minutes

IV. Presentations/Discussion

Item #4: CAC Performance Report Recommendations

Mr. Davis explained that for two years running there had been performance results for Blueprint 2000 as required by the Interlocal Agreement. The first year it was done by the CAC, since they had not done enough work to warrant spending a lot of money on it. This year it was done by MGT of America and \$34,000 was spent. The findings and recommendations were presented as seen fit based on valid alternatives found by MGT. The CAC met to review the findings and recommendations by MGT. The item presented a draft letter from Bill Smith, the chairman of the citizens advisory committee. Mr. Davis stated that each item would need a vote since the letter would go to the IA for approval, unless Anita and PA pulled it.

The first item created a management contract for the Staff Director. That had been recommended for two years. The CAC recommend creating a management contract but staff recommendation was that nothing be done. Anita and PA were not in favor of doing it since it would set precedence, plus the director does not report to the board. The direction was that the implanting action be executed and since there was not one, number one was deleted. The motion not to implement the CAC's recommendation, passed unanimously.

Item 2 dealt with the performance report that found out that Blueprint was being tasked by a single commissioner. The recommendation was that tasking's by one commissioner, that were not brought before a vote and task the staff to do outside the program objectives, now require a majority vote of the IA. The item was motioned by Vince Long and seconded by Wayne Tedder. Jim Davis pointed out that the CAC recommended a majority vote but staff re-wrote it to say a vote of at least 3 other directors, so it would take 4 (the tasker plus 3) not 7 directors to task Blueprint to do something. Therefore, the implementing instruction was to change the bylaws to reflect that. The board was not weighted between county and staff. Vince Long said he would recommend keeping with the majority versus the three directors. It was voted on to follow the majority vote of the IA. The item passed with no nays.

Item 3 dealt with the leveraging policy and it was already being worked on. There was further recommendation that all the assets of the city and county be coordinated to leverage Blueprint funds. With the City, County, and Blueprint all working together, three people all looking for money then it was better than just one being tied to the task of coming up with a leveraging policy.

The question was then, that it sounded good, but how would it work in reality and if it did not work, would it be in violation of the policy. Mr. Davis explained that this item was about highlighting coordination. If opportunities were found when looking for government funds and the other party could apply, then they could coordinate to let the other know. It should not be a unilateral action. Mr. Long thought it would be good to develop but the details may be more

difficult and it would be important to look at the policy. Tony Park also expressed concerns about the policy being looked at. Further discussion was had on how the different entities could coordinate efforts. The question was asked if the item could be held until they looked at the leveraging policy and Mr. Davis replied that it could not because the recommendation was to develop a leveraging policy and then it would go to the IA. The motion was made on developing the leveraging policy, it was seconded, and it passed unanimously.

The fourth item recommended that the IA be a policy board and that instead of taking action or being a decision making body, they establish policy and leave the implementation to Anita and PA. The MGT recommendation was to change the meeting frequency to every four months and eventually to every six months and the empowerment of Anita and PA to make the decisions needed for the program. Staff agreed and implementation could force the commission into becoming a policy board. They could no longer wait six months for approval to award a contract so that power would have to be authorized to Anita and PA. Mr. Menendez made a motion and there was no second. Mr. Davis gave further explanation of the benefits of this change. There was no second

The fifth item recommends expanding the citizens advisory committee to no more than 20 members following the recommendations of the IMC and the Blueprint Staff Director. The director of the CAC wanted to keep the group at around twelve members. Yet looking at the representation, there was no one from the educational community. The CAC then recommended one voting member to represent each of the three institutions of higher learning plus the school board. Dr. Law had said that he would discuss it with the two university presidents. The voting would be rotated on a three-year base. So there would be one seat for TCC, FSU, FAMU, and the school board. There was a motion made by Jack Kostrzewa and it was seconded by Wayne Tedder. It passed unanimously.

The sixth item was that Blueprint invite the Florida Department of Transportation to serve as a non-voting member of the Technical Coordinating Committee, to ensure ongoing positive communications and coordination. There was no discussion and the item was passed unanimously.

The seventh item involved creating specific sub-workgroups, or Task Forces, with limited duration, for developing practical action steps on critical issues, such as identifying leveraging opportunities. Blueprint staff would develop a policy with a standard set of By-Laws and each set of By-laws would be modified to reflect the purpose of the work group. Mr. Davis expressed concern that Anita and PA might not be in favor of the item so he would need additional guidance or approval before having the work groups. There are currently working groups in place. John Buss motioned the item and it was seconded. The motion passed with one nay from Vince Long.

Item 8 had been taken care of with Jack Kostrzewa as the MPO representative so it was not discussed.

The final recommendation was to implement the actions with the exceptions of numbers four and two and number two was modified.

Item #5: Headwaters of the St. Marks River: Recommendation of the Sensitive Lands Working Group

Mr. Dave Bright explained that the working group received a lot of assistance from the Planning Staff and the working group was one that was approved by the IA. The agenda item indicated that the Committee was initiated to provide direction to Blueprint and the water management district to begin purchasing easements in the area of the Headwaters of the St. Marks River. The process and committee might also be used to identify other sensitive land purchases pursuant of the Blueprint report such as ones in the Lake Lafayette and Lake Jackson Basins, and all the greenway properties that would be acquired in the Capital Circle Northwest and Southwest corridor. The board approved the eight-member committee. Mr. Craig Diamond then discussed the actual process used by the group. He discussed some of the processes and issues discussed by the committee. He discussed Attachment 1, which looked at the process that the committee used to make decisions on which lands to acquire. Mr. Bright explained that the recommended action was to accept the recommendation of the SLWG and provide those on to the CAC and the IA and to authorize the NFWMD to begin the process of acquiring the easements. In addition, authorizing Blueprint staff to work with the Planning Department staff in preparing and submitting an FCT grants application for the Blueprint Major Sinks properties. The motion was made to pass the item, it was seconded by Teresa Heiker, and it passed unanimously.

Item #6: Capital Circle Northwest Regional Stormwater Facility Tri-Party Agreement

This item was presented by Dave Bright and Phil Maher. Mr. Bright explained that a map was now part of the item and this was the FDOT widening project from I-10 to US 90. Initially, FDOT's design for stormwater ponds proposed a 1.2 acre "FDOT" pond south of the southeast corner of West Tennessee Street and CCNW, and a 5.1 acre "FDOT" pond south of the southwest corner of West Tennessee Street and CCNW, storing and treating the runoff from the roadway facility. In keeping with the Blueprint philosophy to apply a holistic approach to stormwater ponds in lieu of only addressing the requirements of the road project, staff worked with Leon County and FDOT to redesign the stormwater pond location and design.

Blueprint wanted to get rid of the 1.2 acre pond since it was only 1 acre and it was going to be in an area thought to have high ROW acquisition costs, and most importantly the Brittle Pond was near the Gibby area and could provide an area to have a larger pond that would follow the Blueprint design. This could be a regional pond with 15 acres land size, it would provide retrofit to the area, and it could be more like a Lake Ella with recreational features.

The item requests authorization for Blueprint 2000 to enter into a Tri-Party Agreement with Leon County and the Florida Department of Transportation (FDOT) for the Capital Circle Northwest Regional Stormwater Facility. This agreement requires Blueprint 2000 to provide the project funds for FDOT to purchase 13.25 acres of land (Gibby property) and construct a regional stormwater facility associated with Capital Circle Northwest (CCNW), and for Leon County to accept maintenance responsibility for the facility following construction.

Mr. Maher discussed the financial issues such as if the pond was viewed from the southeast side that was not in DOT's original estimate and there was no money transferred to them under the JPA. The agenda item asked for the appropriation of \$2M for the initial deposit for the site. The

\$2M included settlement cost, contingencies, and a portion or a less than fee simple title on part of the property on the southwest, Gibby 2. On the JPA, many deadlines would have to be met as it goes through the legal process. There may have to be additional deposits so they are also asking for the authorization for the Intergovernmental Management to make amendments to the budget depending on DOT's requirements. Ms. Heiker moved the item, it was seconded by Vince Long, and it passed unanimously.

Item #7: Multi Model Design Guidelines

Mr. Davis explained that CCSE was going great and the ROW was straight. The design build and RFQ was an issue last week but they were expecting responses quickly and they would start short listing people. Part of the RFP package was Blueprint giving the consultant teams an idea of what they want it to look like. Originally, it was called the aesthetic guidelines but the commissioners asked it to be re-titled the multi modal design guidelines. There was a workgroup, which contained by-laws, which worked on it. There was an organizational meeting and a do it meeting and they tried to establish guidelines. Mr. Davis then pointed out some specific features in the agenda item. Blair Stone was a guideline for the ideas that were implemented. Tom O'Steen then briefly discussed the guidelines and information about the meetings held. The work group only meet twice in order to maintain the schedule necessary to get the RFP out and taking into the consideration of the IA meeting only so often. The scope of the project presented focused on the first segment, Connie to Tram Road. There may have been specific design elements not in that section that would apply in other areas or other projects but it was thought that it would cover the majority of Capital Circle and extend all the way to I-10.

The guidelines were based on having two separate pedestrian components, a six-foot sidewalk and an eight to ten foot sidewalk. Originally three different cross-sections were presented as to how the sidewalks would be relative to the road design, how much of a landscape edge would be between the back of the curb and the sidewalk, and whether they would be parallel or meandering. It was narrowed back to two options and those were in the guidelines in a cross-section and a plan view. They did not deal with anything relative to the median width or the travel lanes. They dealt primarily with the edges of the property. Mr. O'Steen then discussed further some vegetation elements and other design features. In the context of the stormwater management and facilities that would serve their segment of the corridor, the project would possibly be able to provide additional capacity or treatment by depressing the medians rather than building up mounded sections.

The question was asked when would FDOT be able to see the design. Mr. O'Steen replied that there was a representative from FDOT as a member of the working group, he was instructed in terms of dimensions, planning back of curb and in the median, and he gave some additional guidelines.

The comment was made that what was being shown contradicted what the TCC was told earlier from FDOT in regards to large trees in the median. Mr. Davis clarified that in the FDOT design manual, within some of the other guidelines, there were contradictions, and this might allow FDOT some flexibility. In one place, it says that you cannot have big trees more than 6ft from the edge of the curb and in another place it says 26ft. Blueprint wants to compromise and they would put 17ft right in the middle and then they would be tapered out and the closer to the curb

the smaller they would be. This was an issue that the design consultant would have to deal with and do the research as to what would get FDOT approval. The question was then asked if Scott _____ our representative from FDOT, could speak for the FDOT when it came time to get a permit. If the answer was no then the group was saying it will provide the design/build group a document to use as a guideline that has in no way been accepted by FDOT and they would be asked to do research and get the approval. A lot of money would be paid for them to manage their risk. He said it needed to be run by the FDOT.

Mr. Tedder asked the question of would chain link fencing be prohibited. Mr. Davis assured that if there were areas where they had to use a blended chain link fence, if there was no alternative, it would be done to the highest standards. The point was made that this should be made clearly known in the guidelines. Secondly, Mr. Tedder asked about the consideration for the spacing between lightening or joint lighting facilities with the sidewalk. Mr. Davis replied that was not specified in the design guidelines, the design consultant would specify.

The final question was concerning the distance between the pedestrian refuge and the edge of the curb. It appeared to be six lanes and was it possible to have an additional pedestrian refuge at the turn lane, between it and the through lane. It would be a long distance for someone to walk across Capital Circle.

John Buss brought back Mr. Tedder's point about the pedestrian crossings and said that he believed it was important to address or not to address the issue. Huge barriers for pedestrians were built but when looking at the drawing you could see there were many sidewalk connections across planned and it was hard to get across the road. He believed that they should either say they should have them and try to sell it to FDOT, or say that FDOT rules and they should not have them, but there needed to be some guidance. Two different TCC members said they could not vote for the item if it moved forward as is, based on the one issue of pedestrian refuges. The question was asked with the cross-sectioned match what was done in the PD&E and if things were changed what would happen to the schedule if it were reevaluated. There was then discussion on the parallel or meandering sidewalks.

Jerry Oshesky asked for clarification if two foot of impervious was needed for a re-evaluation and if there were two sidewalks, one on each side and what was being discussed was the difference between 6ft on one side and an 8ft on the other. He thought it would not be cause for a re-evaluation. Bill Woolery replied it was the disturbed areas that the PD&E document was about and if you start meandering and widening, then there were more areas that were disturbed and that is what agencies want to look at. When you start pulling the sidewalk away from the curb that increases the disturbed area.

Wayne Tedder stated again that 5-6 lanes would be too hard to cross and the pedestrian refuges were needed at major intersections and if there was a sidewalk it needed to be done right or remove the sidewalk and admit there was a barrier. Further discussion took place as to how the median could be put in place.

John Buss made the motion to give Tom O'Steen instruction to add pedestrian refuges and to come up with a metric. If in any direction you were crossing more than four lanes, you would have to have a refuge. In regards to how to do it, it should be put in, they should try to sell it to

FDOT, and if they will not approve, do to one or two things in the manual you could then work the political process right then. If the plan was given to a designer, they go out and spend \$4M, and they cannot get it permitted, the project would then be left holding the bag. He did not think that FDOT should determine how the City of Tallahassee and Leon County build their roads. The item would be contingent on FDOT approval. The motion was seconded. There was a substitute motion made by Mr. Davis to vote only on the amendment to require a pedestrian refuge if you cross more than four lanes of traffic without the landscaping contingent on FDOT approval. There was no second to the motion.

The original motion was returned to and it was to modify the design guidelines adding the additional refuge for greater than 4 lanes of traffic and present it to the IA for approval contingent to the FDOT signing off on it. There was a second. The item passed and there were no opposes.

Item #8: Capital Circle Southeast Design Build (Connie to Tran) Scope of Services

Mr. Davis stated that there were some major problems in the project that had to be overcome having to deal with ROW, state land, a FAA tower, and properties here and there but the majority were resolved and he complemented the GEC and Blueprint staff. Blueprint was moving at a very rapid rate for the design/build and they were hoping to get it out to the IA for approval in September. Mr. Davis reminded the TCC that their one charge was to approve scope of services. That was something that did not go to the IA, it was approved by the TCC.

Jerry Oshesky discussed that the GEC felt that the Scope got out late to the committee and he proposed two options for review and approval, he and Bill Little were prepared to discuss the Scope of services that day. If the committee felt it had not had enough time in which to review the scope of services enough to feel comfortable voting on them, then he proposed calling a special meeting just for that purpose. No one felt that they had sufficiently reviewed the document so it was decided to call a special meeting of the TCC to review and approve the scope of services. The meeting would be held in around 3 weeks time, no later than the first week in May.

Tony Park had questions on a dispute review board and who would make that up. There was also nothing in the Scope about Partnering Agreements. In addition, he wanted to know if there were ROW acquisitions at Tram. Debra Shiro also made mention that there needed to be a meeting with Pat Hurley.

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, Gabriel Menendez, Chairperson, adjourned the meeting at approximately 3:30.