Tuesday, November 8, 2011 – 9:00 A.M. & 5:00 P.M. County Administration Building John R. "Jack" Durrance Auditorium 12 Southeast First Street Gainesville, Florida

The Alachua County Commission met in regular session.

- **PRESENT:** Chair Lee Pinkoson presiding, Vice Chair Paula M. DeLaney Commissioners Susan Baird, Mike Byerly, and Rodney J. Long
- ALSO PRESENT: County Manager Randall Reid Assistant County Manager Richard Drummond, County Attorney David Wagner, Agenda Coordinator Darlene Ryon, Clerk of the Court Irby, Assistant Clerk/Finance Director Todd Hutchison, and Deputy Clerk Steve Donahey

The meeting was televised live on Cox Cable Channel 12.

Chair Pinkoson called the meeting to order at 9:00 A.M.

Invocation

 Invocation by Pastor Drew Standridge, First United Methodist Church of <u>Hawthorne</u> Amount: N/A Recommended Action: Hear Invocation by Pastor Drew Standridge, First United Methodist Church, Hawthorne.

Pledge of Allegiance

2. <u>Pledge</u> Amount: N/A Recommended Action: Hear Pledge

Approval of Agenda

3. <u>Approve the Agenda</u> Amount: N/A **Recommended Action:** A Motion to Approve the Agenda: (a) approve any amendments to the Regular and Consent Agenda; (b) adopt the Regular Agenda; and (c) approve all items on the Consent Agenda.

County Manager Reid stated that Facilities Manager Charlie Jackson requested that an item be added to the agenda Change Order #2 to the Agreement with Peter R. Brown Construction, Inc.

Mr. Reid advised the Commissioner Baird requested that Item #34, CHOICES Enrollment Update and Item #36, Meridian Behavioral Healthcare, Inc. FY 11/12 Agreement be moved from the Consent Agenda to the Regular Agenda for consideration.

Mr. Reid further stated that Item #11, Creation of four new classifications: Non-Certified Firefighter EMT (40 and 56 hour) and Non-Certified Firefighter Paramedic (40 and 56 hour) were removed from consideration and Item #24, FY12 budget carry forwards, re-appropriations and other fund balance adjustments had additional backup added.

Chair Pinkoson stated that Item #32 would be separated for the purposes of voting.

Commissioner Long moved adoption of the agenda as amended. The motion carried 5-0.

32. <u>Replacement of the Roof and HVAC System at the Alachua County Jail: RFP 11-</u> 460 for Engineering Services

Amount: N/A

Recommended Action: Approve the Finance Report to rank RFP 11-460; Engineering Services for Replacement of the Roof and HVAC System at the Alachua County Jail and authorize staff to negotiate agreements with the top ranked firms until agreements are reached.

Commissioner Long moved to approve the Finance Report to rank RFP 11-460; Engineering Services for Replacement of the Roof and HVAC System at the Alachua County Jail and authorize staff to negotiate agreements with the top ranked firms until agreements are reached. The motion carried 3-2 with Commissioners Baird and Pinkoson voting "Nay".

Announcements

 Announcements, Mark Sexton, Communications Coordinator
 Amount: N/A
 Recommended Action: Hear Announcements by Mark Sexton Communications Coordinator

- 1. The first National Emergency Alert test will be conducted by the Department of Homeland Security. It will last 30 seconds. The system is designed should the President need to address the nation that all radio and television systems will air the message.
- 2. On November 6, 2011 Alachua County went to a one day a week water restriction. The water schedule is odd number address on Saturday and even number address on Sunday. Tuesday for non residential irrigation. This applies to municipal water systems as well as well systems.
- 3. The Public Works Department has posted on the County's website information regarding the Transportation Surtax. Citizens are encouraged to review the material to become informed on the need of the tax to meet the County's transportation needs.
- 4. The County's website has new updates for the video on demand function. The meeting will now have Closed Captioning available over the internet.
- 5. The Strike Out Hunger Food Drive was successful in collecting tens of thousands of pounds of food to help the need in Alachua County.

Time Certain Items Public Comments (9:30 A.M.)

5. <u>A.M. Public Comments</u> **Amount:** N/A **Recommended Action:** Hear Public Comments

Chair Pinkoson recognized Reverend Edward Earl Young, Debbie Martinez, Harold Saive, Mike Collins, and Don Davis who presented comments to the Board.

Community Outreach

Recognitions and Proclamations

- 6. Length of Service Milestone Recipients
 - Amount: N/A

Recommended Action: Recognize County Employees that have reached a Length of Service or Career Milestone in October, 2011.

Human Resources Manager Kim Baldry presented the above item.

7. <u>Proclamation: "Veterans Day" in Alachua County, Florida</u>

Amount: N/A

Recommended Action: Present a proclamation declaring November 11, 2011 as "Veterans Day" in Alachua County, Florida

Chair Pinkoson read and presented the Proclamation to Veteran Services Director Major Stroupe who accepted it with gratitude.

8. Proclamation: "Colonel Charles D. Young Day" in Alachua County, Florida

Amount: N/A

Recommended Action: Present a proclamation declaring November 11, 2011 as "Colonel Charles D. Young Day" in Alachua County, Florida.

Commissioner Long read and presented the Proclamation to Facilities Manager Charlie Jackson who accepted it with gratitude.

Presentations

9. <u>Alachua/Bradford Regional Workforce Board (d.b.a. FloridaWorks) - Update by Executive Director Angela Pate</u> Amount: N/A Recommended Action: Hear presentation by Executive Director Angela Pate regarding the current status of the Alachua/Bradford Regional Workforce Board.

Alachua/Bradford Regional Workforce Board Executive Director Angela Pate presented the above item.

Governmental Units Support Services Group

10. <u>Quarterly Hiring Activity Report for the 4th Quarter of Fiscal year 2010-2011 and</u> <u>FY 2011 Hiring Activity Report</u>

Amount: N/A

Recommended Action: Accept the Quarterly Hiring Activity Report for the 4th quarter of Fiscal year 2010-2011 and accept the FY 2011 Hiring Activity Report.

Commissioner DeLaney moved to accept the Quarterly Hiring Activity Report for the 4th quarter of Fiscal year 2010-2011 and accept the FY 2011 Hiring Activity Report. The motion carried 5-0.

11. <u>Creation of four new classifications: Non-Certified Firefighter EMT (40 and 56 hour) and Non-Certified Firefighter Paramedic (40 and 56 hour).</u>

Amount:-N/A

Recommended Action: Approve the creation of the four new classifications, Non-Certified Firefighter EMT/40 hour (\$13.9569 per hour); Non-Certified Firefighter EMT/56 hour (\$8.7686 per hour); Non-Certified Firefighter Paramedic/40 hour (\$15.4755 per hour) and Non-Certified Firefighter Paramedic/56 hour (\$9.7227 per hour) and approve the addition of these classifications to the IAFF Bargaining Unit pay Plan.

Community Services Group

12. <u>NSP Sales Agreement: Real Estate Contract for 22532 SE 59th Place, Hawthorne,</u> <u>FL</u>

Amount: \$84,000.00

Recommended Action: Approve the real estate contract for 22532 SE 59th Place, Hawthorne, Florida in the amount of \$84,000.00, approve the form of the deed, and waive the requirement to be qualified for a mortgage loan through an institutional lender.

Housing Program Manager Tom Webster presented the above item.

Commissioner Byerly exited at 10:20 A.M.

Commissioner DeLaney moved to approve the real estate contract for 22532 SE 59th Place, Hawthorne, Florida in the amount of \$84,000.00, approve the form of the deed, and waive the requirement to be qualified for a mortgage loan through an

institutional lender. The motion carried 3-1 with Commissioner Byerly out of the room and Commissioner Baird voting "Nay".

13. <u>Architectural and Engineering Services for Solid Waste and Resource Recovery</u> <u>Capital Improvement Projects: RFP 11-456</u> **Amount:** N/A

Recommended Action: Award only the material recovery facilities (MRFs) portion of the scope of services, approve the Finance Report to rank and award RFP 11-456; Architectural and Engineering Services for Solid Waste and Resource Recovery Capital Improvement Projects and authorize staff to negotiate an agreement with the top ranked firm, and then the next, until an agreement is reached.

Purchasing Manager Larry Sapp presented the above item.

Commissioner Byerly entered at 10:32 A.M.

Chair Pinkoson recognized Public Works Director Richard Hedrick, County Attorney David Wagner, Mark Goldstein, and Tom Young who presented comments to the Board.

Commissioner Baird moved to reject all proposals and start a new RFP for just the MRF. The motion carried 3-2 with Commissioners Byerly and Long voting "Nay".

34. <u>CHOICES Enrollment Update</u>

Amount: N/A

Recommended Action: Accept the CHOICES Health Services Program Enrollment Update

CHOICES Director Bob Bailey presented the above item.

Commissioner Byerly exited at 11:23 A.M.

Commissioner Long moved to accept the CHOICES Health Services Program Enrollment Update. The motion carried 4-0 with Commissioner Byerly out.

36. <u>Meridian Behavioral Healthcare, Inc Fy 11/12 Agreement</u>

Amount: \$695,556.00 **Recommended Action:** Approve the FY2011-12 Agreement between Alachua County and Meridian Behavioral Healthcare, Inc. and authorize the Chair to sign

Senior Vice President for Advancement Sherry Houston and Chief Financial Officer Jennifer Stale presented the above item.

Commissioner DeLaney moved to approve the FY2011-12 Agreement between Alachua County and Meridian Behavioral Healthcare, Inc. and authorize the Chair to sign. The motion carried 4-0 with Commissioner Byerly out of the room.

County Manager Reports

14. <u>County Manager's Report</u> **Amount:** N/A **Recommended Action:** Accept County Manager's Report

(There were no items submitted.)

Closing Comments Public Comments - 15 minutes

15. <u>Closing Comments from the Public</u>
 Amount: N/A
 Recommended Action: Hear Closing Comments from the Public

Chair Pinkoson recognized Emilio Bruna who presented comments to the Board.

Commission Comments

16. <u>Commission Comments</u> **Amount:** N/A **Recommended Action:** Commission Comments

Commissioner Baird stated that she received a letter from the Florida Restaurant and Lodging Association. She was not sure if the Board of Commissioners needed to do anything in response to the letter.

Tuesday, November 8, 2011 – 9:00 A.M. & 5:00 P.M.

County Manager Reid stated that the staff is working on the matter and that the Board would be updated at a future date.

Commissioner Baird stated that she received two letters from the City of Gainesville. One was in response to the request for information regarding the Biomass Plant. She stated that she would like to hear from staff if the response received was sufficient to determine the impacts to the County. The second letter is regarding the bed tax. The City of Gainesville is trying to fund a conference center downtown. She was wondering if the City is still in favor of the fairgrounds or would they prefer the conference center.

Mr. Reid stated that the City of Gainesville still wants the fairgrounds project in east Gainesville to be funded. The letter is requesting that if the County is opening up the process to new projects that they would like the conference center to be considered.

Commissioner DeLaney stated that the Tourist Development Council did have a meeting and make a funding recommendation for the City of Alachua Project. Their recommendation was to take \$250,000.00 from the Fairgrounds Fund and \$250,000.00 from the reserve fund.

Commissioner DeLaney moved to direct the County Manager and appropriate staff to review the PACE issue and return to the Board with an update and a determination of whether it should be a policy statement in the Federal Legislative Agenda. The motion carried 4-1 with Commissioner Baird voting "Nay".

Commissioner Long stated that the food drive went very well. He would like to thank staff and all the volunteers who participated for their efforts.

Commissioner Pinkoson stated that he would like a motion to have staff review the City of Gainesville regarding the Biomass plant and determine if the information was sufficient to determine the impacts to the County.

Commissioner DeLaney moved to direct staff to perform an analysis to determine if the County's questions were answered and can they determine the financial impacts to the County based on the data. The motion carried 5-0.

Tuesday, November 8, 2011 - 9:00 A.M. & 5:00 P.M.

Commissioner Pinkoson stated that the Supervisor of Elections needs an appointment from the Board of County Commissioners on the Elections Canvassing Board. He stated that the assignment will probably fall to the next Chair.

County Attorney David Wagner stated the act of donating money to a candidate doesn't make an individual ineligible. He stated that should there not be a qualified member from the Board his staff will have to work with the Chief Judge to find an appropriate substitute.

Commissioner Long stated that the Board of County Commissioners received a letter regarding a scrap metal ordinance from Miami Dade Clerk of Court requesting the County review our ordinance to see if it is up to date.

By consensus, the Board directed the County Manager and County Attorney to determine if the County needs to update its ordinance.

COMMISSION RECESSED AT: 12:07 P.M. COMMISSION RECONVENED: 5:00 P.M.

Evening Community Outreach and Public Hearing (5:00 PM) **Proclamations, Recognitions and Presentations**

- 17. Flag Ceremony to be presented by members of Boy Scout Troop #611 (Charter Organization Oak Hall School).
 Amount: N/A
 Recommended Action: Observe the ceremonial presentation of the Flag.
- Proclamation: "Hospice and Palliative Care Month" in Alachua County, Florida Amount: N/A Recommended Action: Present a proclamation declaring November, 2011 as "Hospice and Palliative Care Month" in Alachua County, Florida.

Commissioner DeLaney read and presented the Proclamation to David Dingus who accepted it with gratitude.

19. <u>Proclamation: "World Diabetes Day" in Alachua County, Florida.</u>

Amount: N/A

Recommended Action: Present a proclamation declaring November 14, 2011 as "World Diabetes Day" in Alachua County, Florida.

Chair Pinkoson read and presented the Proclamation to Dr. Kenneth Cusi who accepted it with gratitude.

Public Comments - then resume Public Hearing (5:30 P.M.)

20. <u>P.M. Public Comments</u> **Amount:** N/A **Recommended Action:** Hear PM Public Comment

Chair Pinkoson recognized Bruce Nelson, Terry Martin-Back, Nathan Skop, Joe Prager, County Engineer Dave Cerlanek, and Walter Willard who presented comments to the Board.

Public Hearings Regular Matters

Assistant County Attorney David Schwartz stated that while the Board welcomes comments from all persons with an interest in this proceeding, Florida law requires that the County Commission's decision in a quasi-judicial action be supported by competent substantial evidence presented to the Commission during the hearing on the application. Competent substantial evidence is such evidence, as a reasonable mind would accept as adequate to support a conclusion. There must be a factual basis in the record to support opinion testimony from both expert and non-expert witnesses. Persons presenting testimony may rely on factual information that they present, that is presented by County staff, that the applicant presented, or on factual information included in the County staff report to support their testimony.

Mr. Schwartz further stated that all persons wishing to participate and speak on an issue at the public hearing would be sworn in prior to speaking during this proceeding. All persons will have the right, through the Chair, to ask questions, seek clarification of comments made and to respond to the comments or presentations of staff or other speakers; or to refute or respond to any ex-parte communication. All persons who present written materials to Commissioners for consideration must ensure that a copy of such materials is provided to the Clerk for inclusion in the Board's record of proceedings and official minutes.

Deputy Clerk Steve Donahey asked if any Commissioner had received oral or written communication regarding the items. Mr. Donahey requested that Commissioners disclose the substance of the communication and identify the person(s) making the communications(s).

Tuesday, November 8, 2011 - 9:00 A.M. & 5:00 P.M.

21. <u>Quasi-Judicial/ Zoning Item: ZOS-06-11: A request to amend a special use</u> permit to allow a charter school on approximately 1.8 acres in an RE-1 (single family residential) zoning district

Amount: N/A **Recommended Action:** Staff recommends that the Board hear the item and adopt Resolution Z-11-18 approving the requested amendment; a special use permit to allow a charter school.

Senior Planner Jerry Brewington presented the above item.

Commissioner Byerly moved to hear the item and adopt Resolution Z-11-18 approving the requested amendment; a special use permit to allow a charter school.

Chair Pinkoson opened the Public Hearing at 5:17 P.M.

Chair Pinkoson recognized Sheila Crapo, John Deveron, and Growth Management Director Steve Lachnicht who presented comments to the Board.

Chair Pinkoson closed the Public Hearing at 5:29 P.M.

The motion carried 5-0.

22. <u>Quasi-Judicial/Zoning Item: ZOX-03-11: A request for a special exception to</u> permit a solar array (major utility) in an 'A' (Agricultural) district on approximately 63 acres

Amount: N/A

Recommended Action: Staff recommends that the Board hear the item and adopt resolution Z-11-19 approving the requested special exception to permit a solar array in an Agricultural district.

Senior Planner Jerry Brewington presented the above item.

Commissioner Long exited at 5:55 P.M.

Commissioner Byerly moved to hear the item and adopt resolution Z-11-19 approving the requested special exception to permit a solar array in an Agricultural district. The motion carried 4-0 with Commissioner Long out of the room.

Tuesday, November 8, 2011 – 9:00 A.M. & 5:00 P.M.

Chair Pinkoson opened the Public Hearing at 5:56 P.M.

There was no one present who wished to address the Board.

Chair Pinkoson closed the Public Hearing at 5:56 P.M.

The motion carried 4-0.

23. Quasi-Judicial/Zoning Item: Murphree Solar Park Preliminary Development Plan Amount: N/A Recommended Action: Approval with conditions of the Murphree Solar Park Preliminary Development Plan

Planner Christine Berish presented the above item.

Commissioner Byerly moved approval with conditions of the Murphree Solar Park Preliminary Development Plan.

Chair Pinkoson opened the Public Hearing at 5:59 P.M.

There was no one present who wished to address the Board.

Chair Pinkoson closed the Public Hearing at 5:59 P.M.

The motion carried 4-0 with Commissioner Long out of the room.

24. <u>FY12 budget for carry forwards, re-appropriations and other fund balance</u> <u>adjustments.</u>

Amount: N/A

Recommended Action: Conduct public hearing, adopt resolutions and approve budget amendments to amend FY12 budget for carry forward, re-appropriations and other fund balance adjustments.

Office of Management and Budget Director Suzanne Gable presented the above item.

Tuesday, November 8, 2011 – 9:00 A.M. & 5:00 P.M.

Mrs. Gable stated that on page 6 line 1 the account number should be changed from 4600 to 7600 and on page 31 line 20 the account number should be 353-7910-541.6300.

Commissioner Byerly moved adopt the resolutions 11-127 through11-132 and approve budget amendments to amend FY12 budget for carry forward, reappropriations and other fund balance adjustments with the amendments as stated by Mrs. Gable. The motion carried 4-0 with Commissioner Long out of the room.

Legislative items

25. Public Hearing to Consider an Ordinance Enacting a Six Month Moratorium on Simulated Gambling Establishments Amount: N/A Recommended Action: Hold the public hearing and direct staff to proceed to the second public hearing on the ordinance in regards to a six month moratorium on simulated gambling establishments.

Assistant County Attorney Sylvia Torres presented the above item.

Commissioner Baird moved to hold the public hearing and direct staff to proceed to the second public hearing on the ordinance in regards to a six month moratorium on simulated gambling establishments.

Chair Pinkoson opened the Public Hearing at 6:06 P.M.

Chair Pinkoson recognized Walter Willard, Terry Martin-Back, Joe Prager, Growth Management Director Steve Lachnicht, Assistant County Attorney David Schwartz, Bruce Nelson, Eugene Stivender, and Matthew Hurst who presented comments to the Board.

Commissioner Long entered at 6:09 P.M.

Chair Pinkoson closed the Public Hearing at 6:19 P.M.

The motion carried 5-0.

26. <u>Request for direction on proposed transportation projects on Tower Road and associated roadways and intersection in the Tower Road grid area.</u> **Amount:** N/A **Recommended Action:** Direct staff concerning the Tower Road, SW 61st Street/SW 20th Avenue intersection, the SW 20th/24th Avenue sidewalk, the SW 20th Avenue overpass over I-75 and the SW 8th Avenue/SW 91st Street intersection.

County Engineer Dave Cerlanek and Causseaux & Ellington, Inc. Representative Monique Heathcock presented the above item.

Commissioner Byerly moved to direct staff to move forward with design and reconstruction of Tower Road along the guidelines presented in the really simple plan with the following additions:

- 1. Prepare cost estimates for the provision of six foot sidewalks and eight foot sidewalks the length of the corridor. Right of way should not be purchased to accomplish this.
- 2. Provide for bus pull outs and sheltered stops where appropriate at the high use stops.
- 3. Place sidewalks at the outside edge of the right of way where cost feasible.
- 4. Prepare a treescaping plan for the corridor that emphasizes traffic calming and shading for sidewalks.

Chair Pinkoson recognized Bruce Nelson, Jim Dear, Joe Prager, John Martin, Terry Martin-Back, Matthew Hurst, Terry Shaw, Jeff Hayes, and John Cunning who presented comments to the Board.

The motion carried 3-1 with Commissioner Pinkoson voting "Nay" and Commissioner Long out of the room.

SW 8th AVE

Commissioner Baird moved for the intersection with a traffic light as proposed here with a six foot sidewalk.

Tuesday, November 8, 2011 - 9:00 A.M. & 5:00 P.M.

Commissioner Baird moved the amended motion:

- 1. Approve the proposed six foot sidewalk the length of the north and south portions of the road as proposed by staff.
- 2. A signalized intersection
- 3. Direct staff to look an alternative that would reduce the number of lanes to make it more pedestrian friendly and the cost difference between the two designs and the impacts.
- 4. Staff to look into the possibility of a bus pull out.

Chair Pinkoson recognized Jim Dear, Ken Coral, Tom Hurst, Betsy Hurst, James Bennett, and Matthew Hurst who presented comments to the Board.

The motion carried 5-0.

Bridge on SW 20th Ave

Civil Engineer Ha Nguyen presented the above item.

Commissioner Byerly moved that the staff and the consultant provide the Board the projections regarding what the projections were predicted to be in 2005 and what the traffic totals actually are at the present time. The motion carried 5-0.

<u>SW 8th Ave Corridor</u>

Commissioner Baird moved to defer this project till such time as the it is necessary.

Chair Pinkoson recognized Jim Dear, Dorothy Benson, Ruth Finely, Dave Cerlanek, Matthew Hurst, James Bird, and Betsy Hurst who presented comments to the Board.

The motion carried 5-0.

27. Revised County Commission Districts based on updated census data from 2010 Amount: N/A **Recommended Action:** Adopt amended County Commission districts per Chapter 124.01 of the Florida Statutes as provided in the attached ordinance.

Computer Analyst Bobby Jensen who presented comments to the Board.

Commissioner Long moved to adopt the amended County Commission districts per Chapter 124.01 of the Florida Statutes as provided in the attached ordinance with the changes that would honor Mr. Cheshire's request. The motion failed for lack of a second.

Commissioner Byerly moved to adopt staff's original recommended map of the County Commission districts per Chapter 124.01 of the Florida Statutes as provided in the attached ordinance.

Chair Pinkoson recognized Matthew Hurst, Assistant County Attorney David Schwartz, and Jim Dear who presented comments to the Board.

The motion carried 4-1 with Commissioner Long voting "Nay".

Quasi-Judicial/Zoning Items Closing Comments Public Comments - 15 minutes

28. <u>P.M. Closing Comments from the Public</u> **Amount:** N/A **Recommended Action:** Hear Closing Comments from the Public

Chair Pinkoson recognized Matthew Hurst and Paula Stahmer who presented comments to the Board.

There being no further business before the Board the meeting was adjourned at 10:48 P.M.

Adjourn CONSENT/Community Outreach CONSENT/Governmental Units Constitutional Officers/Other Governmental Units

- 29. <u>Juvenile Dependency Mediation Grant Budget</u>
 - Amount: \$40,000.00

Recommended Action: Approve budget amendment and resolution for unanticipated revenue for Juvenile Dependency Mediation Grant.

County Manager

30. <u>Report of Contracts and Grants signed by County Manager and Staff for</u> <u>September, 2011</u> **Amount:** N/A

Recommended Action: Accept the report and include a copy of the agreements in the minutes of the Board of County Commissioners.

Support Services Group

- 31. <u>Poe Springs Retaining Wall Improvements: Bid 11-457</u>
 - Amount: N/A

Recommended Action: Approve the award of Bid 11-457; Poe Springs Retaining Wall Improvements, to Florida Fill & Grading, Inc., and authorize staff to negotiate a contract.

Community Services Group

33. <u>CHOICES Health Services and ACORN Clinic, Inc.</u> Amount: N/A

Recommended Action: Approve and Execute the CHOICES Fourth Amendment for Oral Health Care with ACORN Clinic, Inc.

35. <u>Alachua County Health Department FY2011/12 Agreement</u>

Amount: \$909,875.00 **Recommended Action:** Approve the FY2011/12 Agreement between Alachua County and State of Florida Department of Health for Operation of the Alachua County Health Department and authorize the Chair to sign.

37. <u>2011 Comprehensive Emergency Management Plan [CEMP]</u>
 Amount: N/A
 Recommended Action: Adopt the resolution approving the 2011
 Comprehensive Emergency Management Plan