

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Meeting Agenda

July 14, 2008

1:00 PM

City Hall Auditorium

City Commission

***Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Jack Donovan (District 3)
Commissioner Thomas Hawkins (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Lauren Poe (District 2)
Commissioner Craig Lowe (District 4)***

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER

AGENDA STATEMENT

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

080100.

Public Safety Interoperable Communications (PSIC) Grant Program (NB)

Explanation: The Public Safety Interoperable Communications Grant Program will provide funding to States and Territories to enable and enhance public safety agencies' interoperable communications capabilities. The PSIC Grant Program is a one-time formula-based, matching grant program intended to enhance interoperable communications with respect to voice, data, and/or video signals. PSIC provides public safety agencies with the opportunity to achieve meaningful and measurable improvements to the state of public safety communications interoperability through the full and efficient use of all telecommunications resources. The Florida Division of Emergency Management acts as the State Administrative Agency for the application for, approval of, contracting for and monitoring of these funds.

The City's funding request will be part of a regional application that will be reviewed and prioritized by the Jacksonville Regional Domestic Security Task Force and the Statewide Interoperable Communications Committee will prioritize all projects approved at the regional level for inclusion into the investment justifications that are part of the State of Florida's application. The City of Gainesville will request 102 portable radios for the Gainesville Police Department that will replace current out of date units. The City Commission previously approved Gainesville Fire Rescue and the Public Works Department's request to apply for portable radios as part of the same grant.

Fiscal Note: The required 20% cash match required is \$83,150.40 and is available through

CIRB 2005.

RECOMMENDATION

The City Commission: 1) approve the request to apply for PSIC funding for portable radios for the Gainesville Police Department; and 2) authorize the City Manager to execute any grant related documents following review by the City Attorney as to form and legality.

080103.

Approval and Authorization to Grant a Conservation Easement (B)

This item is requesting approval and authorization to grant a Conservation Easement over City-owned property, Tax Parcel 10859-002-000, onto St. Johns River Water Management District.

Explanation: The original construction of NE 12th Avenue extension from Cedar Grove to Waldo Road required wetland mitigation for removal of a portion of a wetland as a condition of the Water Management District permit. The City created a wetland adjacent to the existing natural wetland. A permit condition required monitoring the success of the created wetland for three years. At the end of the third year, it was determined that the wetland mitigation was not as successful as it should have been. Because of the lack of success, St. Johns River Water Management District required the City to establish an upland conservation area adjacent to the wetland mitigation site.

On June 28, 2007, Wal-Mart Stores East, LP, deeded onto the City of Gainesville a portion of the new Super Wal-Mart site located in the northeast corner of their development adjacent to the created wetland for purposes of conveying a conservation easement to St. Johns River Water Management District. This parcel is approximately 1.62 acres and is identified as Tax Parcel 10859-002-000. This conservation easement will satisfy the City's permit condition.

Fiscal Note: Funding in the amount of \$200 for administrative costs is available in the Public Works FY 2008 operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve and authorize the Mayor to execute and the Clerk of the Commission to attest a Conservation Easement onto the St. Johns River Water Management District over Tax Parcel 10859-002-000, subject to approval by the City Attorney as to form and legality.

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080107.

Request to Declare as Surplus and Dispose of City Owned Property (B)

This item is a request to declare as surplus and dispose of City Owned Property - a portion of Tax Parcel 08198-007-000, located at 2001 Northeast 39th Avenue.

Explanation: The City acquired the vacant property known as Tax Parcel 08198-000-000, which includes Tax Parcel 08198-007-000, located at 2001 Northeast 39th Avenue by Special Warranty Deed in August 2002 (OR Book 2526, Page 560). CSX Transportation, Inc., granted the parcel to the City for further development of the City of Gainesville and for the benefit of the public. The acquisition cost of \$201,000 was for a multi-parcel acquisition of 77.05 acres. No grant money was used for this acquisition. The City has received a request from an adjacent property owner to declare an approximately 0.5-acre portion of Tax Parcel 08198-000-000, as surplus, for the purpose of purchasing it. Negotiations have settled on a total sum of \$10,000 for the portion of the property requested to be declared surplus, lying adjacent to his prospective property.

In and of itself, this property is not conducive to development. Current guidelines allow the sale of surplus property to the adjacent property owner, if that property has a value of less than \$25,000. Staff believes that it would be in the City's best interest to declare the approximately 0.5-acre portion of this property as surplus and return this property to the tax roll by selling the property to the adjacent property owner. If the City Commission approves the surplus of this 0.5-acre portion of Tax Parcel 08198-000-000, then a minor subdivision will be processed prior to the exchange of the property. A utility and drainage easement will be retained over the southern and eastern portion of the surplus parcel.

Fiscal Note: Funding in the amount of \$100 for administrative costs is available in the Public Works FY 2008 operating budget. Expenses incurred will be paid from Public Works operating funds and will be reimbursed from the sale proceeds, with the remainder deposited into the General Fund.

RECOMMENDATION

Recommended Motion: The City Commission: 1) declare an approximately 0.5-acre portion of Tax Parcel 08198-000-000, located at 2001 Northeast 39th Avenue, as surplus; 2) authorize the City Manager to execute a Purchase and Sale Agreement for that portion of Tax Parcel 08198-000-000 to the adjacent property owner; 3) authorize the City Manager to prepare a Special Warranty Deed, retaining a utility and drainage easement over the southern and eastern portion of the surplus property, subject to approval by the City Attorney as to form and legality; and 4) authorize the Mayor to execute, and the Clerk to attest, the Special Warranty Deed to convey that approximately 0.5-acre portion of Tax Parcel 08198-000-000, to the adjacent property owner.

Alternative Recommendation: The City Commission deny the request for surplus and sale of the property to the adjacent property owner and keep the property off the tax rolls.

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080108.**Declare Surplus and Dispose of Property in Exchange for Quit-claim Deed (B)**

This item is a request to declare surplus a portion of City property in exchange for a Quit-claim Deed.

Explanation: On April 28, 2008, the City vacated a section public of right-of-way, known as Northwest 7th Place, between Northwest 4th Street and Northwest 5th Street in ordinance 070820. Adjacent to this vacated right of way is a City owned parcel, Tax Parcel 14396-000-000, and a privately owned parcel, Tax Parcel 14403-000-000. In exchange for equal square footage of Tax Parcel 14396-000-000, the owner of Tax Parcel 14403-000-000 has agreed to release any interest they may have in the vacated right of way, Northwest 7th Place, by Quit-claim Deed. The adjacent property owner is in dire need of this property exchange to add a sleeping room to her home for her handicapped child. Staff believes the exchange would be most beneficial to both parties.

Fiscal Note: Funding in the amount of \$200 for administrative costs is available in the Public Works FY 2008 operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) declare the westerly 9.5 feet of Tax Parcel 14396-000-000 as surplus; 2) authorize the City Manager or designee to prepare a Special Warranty Deed for the westerly 9.5 feet of Tax Parcel 14396-000-000; and 3) authorize the Mayor to sign, and Clerk to attest, the Special Warranty Deed, subject to approval by the City Attorney as to form and legality, in exchange for a Quit-claim Deed from the owner of Tax Parcel 14403-000-000 for any interest in the vacated right-of-way known as Northwest 7th Place.

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080117.**Edward Byrne Memorial Justice Assistance Grant Program FY 2008 Local Solicitation (NB)**

This item involves receiving \$31,281 in grant funds from the U.S. Department of Justice Programs' Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program, for funding of the Gainesville Police Department's Police Beat Television Show for fiscal year 2009.

Explanation: The U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, has announced available grant funds to local units of government through the Edward Byrne Memorial Justice Assistance Grant Program (JAG).

The City of Gainesville is eligible to receive \$31,281 in funding through this grant. The JAG program allows local governments to support a broad range of activities to prevent and control crime. The funding distribution is based on population and crime statistics, as well as law enforcement expenditure data. The JAG Program blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed the most. The Gainesville Police Department proposes to utilize the funds received under this grant to continue the production of the Gainesville Police Department television show "Police Beat." The television show is dedicated to educating the Gainesville Community about crime trends as well as crime prevention, with the goal of lowering victimization within our community.

Fiscal Note: The \$31,281 in grant funds provided by the U.S. Department of Justice through the Edward Byrne Memorial Justice Assistance Grant is distributed up front instead of on a reimbursement basis. There are no required local matching funds for this grant award. The Gainesville Police department will be seeking City Commission approval to use up to \$17,500 in state forfeiture funds, which along with the JAG grant funds will provide total cost for the production of twelve new episodes of Police Beat.

080123.

Wireless Services for the Gainesville Police Department's Laptops (NB)

This item requests the City Commission to authorize the issuance of a Purchase Order for recurring high speed wireless service.

Explanation: T-Mobile provides high speed wireless data services for the Gainesville Police Department. This allows communication between laptops in GPD's vehicles and the Records Management System. This service agreement approved by the City Commission on September 8, 2003 provides for recurring costs in the amount of \$29.99 per device for unlimited data. This purchase order will cover the period from June 1, 2008 through May 31, 2009. The City has a fixed rate plan, until such time as one party notifies the other of their intent to discontinue the service.

Fiscal Note: Funds for this expenditure are available from general funds, account number 001 810 8148 5210 4120.

RECOMMENDATION

The City Commission authorizes the City Manager to execute a Purchase Order to T-Mobile, Inc. Jacksonville, Florida, a specified source, in an amount not to exceed \$110,000.00 for recurring wireless service expenses.

Alternative Recommendation A: The City Commission authorizes less than \$110,000.00 for wireless service, with the understanding that this will drastically limit the police department's ability to communicate with the Records Management System.

Alternative Recommendation B: The City Commission denies funding.

080129.

E-Government Tape Drive Purchase (NB)

This item seeks authorization for staff to purchase a backup tape drive solution using a price discounted off the State of Florida's Information Technology hardware contract.

Explanation: On February 11, 2008, the City Commission authorized staff to acquire an E-Government solution from Innoprise Software Incorporated for Building Inspection, Codes Enforcement, and Planning software. The complete acquisition also included hardware, GIS software, consulting services, and maintenance.

A number of anticipated hardware components have already been acquired. Still remaining to be purchased is a backup tape drive solution needed to address our immediate and long-term needs. After much research, staff determined the best solution to be an IBM TS3500 tape package, which is available on the State of Florida's purchasing contract.

The list price for this tape system, which includes the hardware, related software, and extended maintenance is \$166,825. Staff, however, has been able to negotiate an additional discount of \$28,579 with Gainesville-based IBM business partner, E-TechServices. This discount reduces the total package cost to \$138,246.

...Fiscal Note

Initial funding for the E-Government effort includes \$200,000 from the Gallagher Insurance settlement and \$400,000 from the Building Inspections Enterprise Fund. The initial cost of the E-Government effort was projected to be \$450,000, which included \$110,000 funding for the tape drive system. While the cost of this tape solution is higher than originally estimated due to hardware and software price increases, it is within available funding.

Fiscal Note: Initial funding for the E-Government effort includes \$200,000 from the Gallagher Insurance settlement and \$400,000 from the Building Inspections Enterprise Fund. The initial cost of the E-Government effort was projected to be \$450,000, which included \$110,000 funding for the tape drive system. While the cost of this tape solution is higher than originally estimated due to hardware and software price increases, it is within available funding.

RECOMMENDATION

The City Commission: 1) approve E-TechServices as a specified source for the purchase and installation of an IBM tape drive solution; and 2) authorize the City Manager or designee to issue a purchase order in the amount of \$138,246 for the purchase of this backup tape drive solution.

080144.**Edward Byrne Memorial Justice Assistance Grant Program FY 2008 Local Solicitation (NB)**

This item requires City Commission authorization to apply for and accept the U.S. Department of Justice Programs' Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program funds in the amount of \$16,000 for the Tutorial Assistance for At-Risk Youth and \$9,000 for funding of the SAFE-T Kiosk for fiscal year 2009.

Explanation: The U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, has announced available grant funds to local units of government through the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The Alachua County Sheriff's Office serves as the Grant Administrator and automatically receives 10% (\$5,890) which leaves the county \$53,016 to fund continuing programs. On June 26, 2008 the Gainesville Police Department presented two programs for continued funding to the Byrne Grant Advisory Board. The first presentation was to continue funding for the "Tutorial Assistance for At-Risk Youth" which is in its second year at the Reichert House. The program provides tutoring services as well as job skill education to students. The second presentation was for continued funding of the SAFE-T Kiosk. This program consists of overtime funding for an officer to provide information on substance and alcohol abuse and safety options to prevent risky behavior which leads to victimization. The Byrne Grant Board selected both programs for continued funding through the Edward Byrne Memorial Justice Assistance Grant for a total to the Gainesville Police Department of \$25,000. The Tutorial Assistance for At-Risk Youth would receive \$16,000 and the SAFE-T Kiosk would receive \$9,000.

Fiscal Note: Each application is for a one-year funding cycle in FY 2009. There is no match required for this grant. The total award for both programs is \$25,000.

080145.**Gainesville Paynes Prairie Sheetflow Restoration (B)**

This item requests the City Commission provide authority to the City Manager to accept funds awarded by the State of Florida and execute all related documents.

Explanation: The State of Florida Fiscal Year 2008-2009 General Appropriations Act provided the City of Gainesville \$500,000 to fund a portion of the Paynes Prairie Sheetflow Restoration project. This project was included in the City's 2008 State Legislative Agenda and was supported by members of the Alachua County Legislative Delegation who were instrumental in acquiring these funds. The overall scope of the Paynes Prairie Sheetflow Restoration project is to meet TMDL limits for Sweetwater Branch and Alachua Sink. The project includes upgrades to the Main Street Water Reclamation Facility and the reconstruction

of a portion of the wetlands within Paynes Prairie to return them to a natural state and act as a filtration system for the water flowing onto the Prairie via Sweetwater Branch and into Alachua Sink. The Paynes Prairie Sheetflow Restoration project is a collaborative effort between the City of Gainesville Public Works Department and Gainesville Regional Utilities. The grant award requires matching funds of \$500,000.

Fiscal Note: Adequate funding is budgeted in current Wastewater and Stormwater Utility capital improvement plans or existing multi year accounts to provide the required match for the respective shares of the \$500,000.00 grant.

RECOMMENDATION

The City Commission authorize the City Manager to accept the grant award in the amount of \$500,000 and execute all related documents following approval by the City Attorney as to form and legality.

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080152.

Summer Heat-Wave 2008 (NB)

Summer Heat-Wave 2008 is designed to provide a well-rounded summer recreational and educational program for at-risk youth that will include both middle and high school aged students.

Explanation: The City of Gainesville has experienced several incidents of youth violence between late April to June 30, 2008. These incidents involved youth from rival communities and, in some instances, they involved factions of hybrid youth gangs. Citizens of Gainesville, civic organizations--such as the Black on Black Crime Task Force, and private groups--such as the Jennings group, the Gainesville Housing Authority and Neighborhood Watch organizations have collaborated with Gainesville Police Department and Alachua County to create an alternative activity for youth. Our focus will be on youth who, primarily due to age and income, may not be eligible for already established summer enrichment camps. The strategy that was devised is a three-pronged model, which includes strategies to address the entire population (local communities and neighborhoods), with messages and programs aimed at preventing youth violence. The Summer Heat-Wave program will provide both life-skills training and recreational and social activities designed to engage the aforementioned population. This strategy is in concert with the Gainesville Police Department's goal of addressing youth violence through prevention, intervention and suppression of violent activity. The program will provide approximately 150 participants with stipends to attend City of Gainesville Department of Parks, Recreation and Cultural Affairs Summer Day Camp programs and RTS bus passes to provide travel to and from the day camps. Alachua County has provided \$120,000 towards the program and the City of Gainesville's contribution consists of 150 RTS monthly bus passes for two months, Gainesville Police Department security for special events and stipends for 150 program participants to attend a six week Summer Day Camp program.

Fiscal Note: Funding for the City of Gainesville's contribution consists of a request for \$9,000 in City Commission Contingency Funds to cover the cost of 150 RTS

monthly bus passes for a two month period and an in-kind contribution consisting of the Gainesville Police Department providing security service for special events valued at \$9,000 and stipends for 150 program participants to attend a six week City of Gainesville Department of Parks, Recreation and Cultural Affairs Summer Day Camp program valued at \$36,900. The City Commission Contingency Fund as of June 19, 2008 is \$51,845.

RECOMMENDATION

The City Commission approve City Commission Contingency Funds in the amount of \$9,000 to cover the cost of 300 RTS monthly bus passes and authorize the in-kind donations for this program.

Alternative Recommendation:
The City Commission deny the request.

080124.

Request for City Commission Contingency Funds for the Ninth Annual Stop the Violence Rally (B)

This is a request for City Commission Contingency Funds for the People Against Violence Enterprises (PAVE) in support of the Ninth Annual Stop the Violence Rally.

Explanation: The People Against Violence Enterprises is hosting the Ninth Stop the Violence Rally to be held on August 16, 2008. The PAVE organization is requesting \$2,558 to help defray the cost of expenses to raise awareness to the whole community concerning violence prevention. This year's rally area of concentration is gang violence. The organization will use the funds to pay for Gainesville Police Department security and banners.

Fiscal Note: The People Against Violence Enterprises is requesting a total of \$2,558 from the City Commission Contingency Fund. The balance as of June 19, 2008 is \$51,845.

RECOMMENDATION

The City Commission approve the request for City Commission Contingency Funds in the amount of \$2,558.

Alternative Recommendation
The City Commission deny the request.

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080126.

Request for City Commission Contingency Funds for the Bo Diddley Memorial Service and Community Tribute at the Martin Luther King, Jr. Multipurpose Center (B)

This item involves a request for City Commission Contingency funds for the security staffing and facility rental of the Martin Luther King, Jr.

Multipurpose Center for the Bo Diddley Memorial Service and Community Tribute on June 7, 2008.

Explanation: On June 2, 2008, long time Alachua County resident and legend, Bo Diddley passed away. The family members, through Alachua County Commissioner, Rodney Long, requested security assistance from the City for the Memorial Service held on Saturday June 9, 2008 at 2:00 p.m. as well as the facility use of the Martin Luther King, Jr. Multipurpose Center from 9:00 a.m. until 10:00 p.m. for a Community Tribute. As part of the request, the City was asked to waive the fees for this event. The event, which was free to the general public, included a musical tribute which included local and national entertainers. Approximately 560 people attended the memorial service and 600 individuals attended the community tribute.

Fiscal Note: The cost for staffing the event, which included Gainesville Police Department security at the memorial service and community tribute, Traffic Engineering for signage, and Parks, Recreation and Cultural Affairs staffing of the event totaled \$5,844.79. The cost of \$863.00 for the facility use of the Martin Luther King, Jr. Multipurpose Center was waived. The balance as of June 19, 2008 is \$51,845.

RECOMMENDATION

The City Commission approve the request for City Commission Contingency Funds in the amount of \$5,844.79.

Alternative Recommendation

The City Commission deny the request.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

080161.

Declare Scrap Metals Surplus and Authorize Contract for the Sale of Scrap Metals (B)

Staff recommends award of a contract to Ocala Recycling for the sale of surplus scrap metals.

Explanation: In accordance with GRU's Investment Recovery Guidelines, Utilities Stores staff aggregates scrap metals that are returned to the warehouse in order to recover part of the initial cost of the materials. The scrap metals recovered are separated into categories listed in the "American Metal Market" newspaper. This market publication is used to determine the present value of the scrap metals and the amount the dealer will pay to GRU. The scrap metals are separated into the following eight categories:

Aluminum Wire and Cable
Insulated Copper Wire and Cable
Bare Copper Wire and Cable
Scrap Steel (galvanized and non-galvanized)
Scrap Iron (mixed ductile and cast iron)
Brass and Bronze

Street Lights

Stainless Steel

An Invitation to Bid for the sale of scrap metals was sent to the only two (2) prospective scrap metal dealers in our area with both responding. A tabulation of the evaluation is attached for your information.

Fiscal Note: This contract will allow for recovery of funds for those metals designated as scrap for FY 2009 through FY 2011.

RECOMMENDATION

The City Commission: 1) declare scrap materials that become available as surplus; and 2) authorize the General Manager, or his designee, to negotiate and execute a three-year contract with Ocala Recycling for the period beginning October 1, 2008 and ending September 30, 2011, subject to the approval of the City Attorney as to form and legality.

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CITY ATTORNEY, CONSENT AGENDA ITEMS

080153.

MICHAEL WOHL AND DIANA OSBORN VS. CITY OF GAINESVILLE AND JAMES L. GARRETT, SR., Eighth Judicial Circuit, Alachua County, Case No.: 01-2008-CA-002915 (B)

Explanation: On June 16, 2008, a Complaint filed by Michael Wohl and Diana Osborn was served on the City of Gainesville and on June 17, 2008 a Complaint was served on James L. Garrett, Sr. The Plaintiffs allege that they worked in excess of 40 hours and were not paid overtime. They allege that the City violated the Fair Labor Standards Act. The Plaintiffs seek overtime compensation, liquidated damages, prejudgment interest, costs, and attorney's fees.

RECOMMENDATION

The City Commission authorize the City Attorney to 1) represent the City of Gainesville and City employee acting in the course and scope of his employment, with the consent and waiver of potential conflict by the City Commission and by said City employee, and; 2) the City Commission authorize the City Manager to execute a consent and waiver of potential conflict on behalf of the City.

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080154.

CEM ENTERPRISES, INC. V. CITY OF GAINESVILLE; ALACHUA COUNTY CASE NO.: 2005-CA-3143 (B)

Explanation: In the fall of 2004, the City was under a consent order from the Florida Department of Environmental Protection (FDEP) to stabilize the banks of the landfill that exist along a portion of the Sweetwater Branch Creek. The erosion of the old landfill bank was causing the contents of the landfill to wash into the

stream thus polluting the stream. In December 2004, the City Commission approved the award of a bid to CEM Enterprises for the project, and subsequently the City and CEM entered into a contract. The City utilized the services of Golder & Associates, Inc., a consulting engineer to provide day to day supervision of the project and the site. It became apparent early during CEM's time on the project that CEM was having difficulty performing the project and in fact CEM abandoned the worksite prior to the expiration of the contract. The City therefore terminated the contract.

In August 2005, CEM filed a breach of contract Complaint against the City. CEM sought delay damages, extended site conditions damages and loss of productivity/efficiency damages. CEM contended that the claimed damages arose from allegedly deficient plans and specifications and the City's interference or lack of cooperation. Essentially, CEM asserted that it was impossible to complete the job under the terms of the contract, and the City would not compensate CEM to construct the project using a different approach.

The City filed a counterclaim against CEM for breach of contract and indemnification. The City's breach of contract claim was based on CEM's failure to construct the project in a timely fashion. The City's indemnification claim was based on CEM's obligation to contractually indemnify the City for any damages incurred as a result of CEM's default and actions while on the job.

The City hired a completion contractor, EBC, who successfully completed the project under the same contractual conditions given to CEM. The City submitted the completion report to FDEP which accepted the work done on the project.

The City was represented in the lawsuit by The Robertson Group, a Gainesville law firm, particularly its lead attorney Peter A. Robertson, who served as special counsel to the City. Mr. Robertson is Board Certified in Construction Law. The parties participated in Court-ordered mediation with a retired Circuit Judge, but mediation ended in an impasse. Since the parties were unable to reach an amicable resolution to the competing claims, the matter went to a jury trial in September 2006.

In September 2006, after a six-day trial, a jury determined the City breached the contract with plaintiff CEM Enterprises, and returned a verdict in favor of the plaintiff in the amount of \$734,549.74 as compensation for the breach of contract claim. If the verdict was allowed to stand, under the terms of the contract, the plaintiff could request the Court order the City to pay the plaintiff's attorneys' fees, expert witness, and costs associated with the litigation, in addition to the sum indicated by the jury. The City's special counsel identified several errors that could have led to the jury's verdict, and sought a re-trial of the matter on those grounds. The Circuit Court granted the City's motion, in part, by ordering a new trial on the issue/amount of damages only. The Circuit Court refused to overturn the jury's decision as to liability.

Both the City and CEM appealed the Circuit Court's ruling. The City appealed

the Circuit Court's denial of a new trial on liability, and CEM appealed the Circuit Court award of a new trial on damages. On January 23, 2008, the First District Court of Appeal issued an order denying both parties' claims by affirming the decision of the Circuit Court, and entered its Mandate on February 8, 2008 commanding that the Circuit Court commence further proceedings in accordance with its decision. No further appellate review was available to either party.

The case was sent back to the Circuit Court for a new trial on damages only. The trial is scheduled to commence on October 6, 2008. The Court also ordered the parties to participate in mediation which took place on May 30, 2008. At the mediation, the parties entered into a proposed settlement, subject to approval of the City Commission. At the mediation CEM demanded payment of approximately \$1.6 million, which amount included the amount awarded by the previous jury, additional damages CEM intended to argue were attributable to the breach of contract, attorneys' fees, prejudgment interests and costs that CEM would have been entitled to under the contract. In the interest of avoiding further litigation, including another jury trial and costs, the parties entered into a proposed settlement whereby the City would pay \$900,000 in full and complete settlement to CEM upon the City Commissions approval of the settlement agreement. CEM would release all claims against the City and agree to provide cooperation and assistance to the City regarding any claims the City may pursue against others in relation to the Sweetwater Branch Creek project.

It is the recommendation of the City Manager, Special Counsel, and the City Attorney's Office that the case be settled on these terms. If the matter is not settled, the case will proceed to another jury trial as to the matter of damages since the City was previously found liable for the breach of contract.

Fiscal Impact: The settlement is a liability of the Solid Waste Enterprise Fund. It is management's proposal that the General Fund make a short-term loan to the Solid Waste Fund to initially fund the payment of the settlement. Subsequently, during fiscal year 2009 \$900,000 would be added to the proposed borrowing that has been scheduled to fund portions of the FY09-FY13 Capital Improvement Plan. This incremental \$900,000 in proceeds would go to the General Fund to repay the short-term loan which funded the settlement. The Solid Waste Fund would be responsible for paying the debt service on the \$900,000, which would run over a term of 20 years. In this manner the rate impact on Solid Waste fees resulting from the settlement would be distributed over the long term, versus the rate impact that would occur if the entire settlement was folded into the next rate adjustment.

RECOMMENDATION

The City Commission 1) approve the terms of the settlement agreement; 2) authorize the City Attorney to settle the lawsuit on behalf of the City.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

080151. City Commission Approved Workshops (NB)**RECOMMENDATION**

The City conduct the Vision Workshop on September 8, 2008 at 1:00 PM and the remaining workshops for the Legislative year on October 13, November 10, December 8, 2008 January 12, February 9, March 9, April 13 and May 11, 2009 @ 1:00 PM.

080164. Resignation of Art in Public Places Trust Member Peggy A. Richardson (B)**RECOMMENDATION**

The City Commission accept the resignation of Peggy A. Richardson from the Art in Public Places Trust effective immediately and extends its appreciation for her services.

080166. City Commission Minutes (B)**RECOMMENDATION**

The City Commission approve the minutes of June 23, 2008, as circulated.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT****PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT****PUBLIC SAFETY COMMITTEE, CONSENT****080111.** State LECFTF Funding for Joint Aviation Unit Helicopter Fuel (NB)

Explanation: On July 8, 1996, the City Commission approved the Inter-Agency Agreement for a Joint Aviation Unit between the Alachua County Sheriff's Office (ACSO) and the City of Gainesville's Police Department. The Gainesville Police Department Aviation Unit operates one OH-58 helicopter and staffs one full-time aircrew (pilot and tactical flight officer).

This request is to purchase 8000 gallons of JET-A aviation fuel for the Joint Aviation Unit. Though sufficient funds were budgeted for fuel expenses for this fiscal year, rising fuel costs require the purchase of an additional fuel load in order to curb rapidly rising costs. Postponing a fuel purchase until late summer 2008 will only increase the cost to GPD and ACSO. Fuel must be purchased in bulk to receive the lowest price possible. The cost for 8000 gallons of JET-A is approximately \$33,600 (\$4.20 per gallon as of June 16th). GPD's share of this purchase will be approximately \$16,800. This bulk rate will be around \$2.00 per gallon less than the commercial rate at the airport, which amounts to a cost savings of over \$16,000. The final price for the order will not be known until the day of the delivery. For this reason we are asking for \$20,000 to cover possible further increases in cost per gallon.

This item was discussed and approved at the June 25, 2008 Public Safety Committee Meeting.

Fiscal Note: Funds for this expenditure are available in the State Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of State Forfeited Property for State and Local Law Enforcement Agencies." The balance in this account is \$55,000.

RECOMMENDATION *The City Commission approve the appropriation of an amount not to exceed \$20,000 from the State Law Enforcement Contraband Forfeiture Trust Fund for the purchase of aviation fuel for the Joint Aviation Unit.*

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

EQUAL OPPORTUNITY COMMITTEE, CONSENT

070159. Preference (tie-breaker) Given to City Contractors Who Provide Domestic Partner Benefits (B)

Explanation: The City Commission referred the issue of "preference (tie breaker) given to City Contractors who provide domestic partner benefits to domestic partners" to the Equal Opportunity Committee on 6/11/07. The Equal Opportunity Committee has heard reports from staff on findings with other entities who have ordinances on this matter and the legal challenges that these tie-breakers might present.

RECOMMENDATION *The City Commission: 1) take no action on this matter at this time; and 2) remove from the referral list.*

Legislative History

6/11/07	City Commission	Referred	Equal Opportunity Committee
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6/26/07	Equal Opportunity Committee	Continued
7/25/07	Equal Opportunity Committee	Continued
8/15/07	Equal Opportunity Committee	Deferred
10/10/07	Equal Opportunity Committee	Continued
11/7/07	Equal Opportunity Committee	Continued
12/18/07	Equal Opportunity Committee	Continued
1/17/08	Equal Opportunity Committee	Continued
3/20/08	Equal Opportunity Committee	Continued
4/17/08	Equal Opportunity Committee	Deferred

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070241.**Definition of Family Implications of Domestic Partner Registry (B)**

Explanation: The implications of the definition of a family as a result of the establishment of the City's Domestic Partner Registry was referred to the Equal Opportunity Committee on 6/11/07. The Equal Opportunity Committee has discussed incorporating "domestic partner" into the City's Code of Ordinances, and also develop ways to achieve the highest level of equality for city employees who are certified domestic partners.

RECOMMENDATION

The City Commission: 1) Initiate a planning petition to expand the definition of family in the zoning codes to include registered domestic partners; 2) add registered domestic partners to city personnel policies (except where legal requirements would prevent such) in all respect with an exception regarding FMLA leave equivalency; and 3) remove this item from the referral list.

Legislative History

6/11/07	City Commission	Referred	Equal Opportunity Committee
6/26/07	Equal Opportunity Committee	Discussed	
7/25/07	Equal Opportunity Committee	Continued	
8/15/07	Equal Opportunity Committee	Continued	
10/10/07	Equal Opportunity Committee	Continued	
11/7/07	Equal Opportunity Committee	Continued	
12/18/07	Equal Opportunity Committee	Continued	

1/17/08 Equal Opportunity Continued
Committee
3/20/08 Equal Opportunity Continued
Committee
4/17/08 Equal Opportunity Deferred
Committee
070241_20080714.pdf

070889.**Coverage of Anti-Discrimination by Governmental Entities (NB)**

Explanation: The Equal Opportunity committee has discussed the issue of coverage of governmental entities under anti-discrimination ordinances. A presentation was made by Senior City Attorney Charlie Hauck, concerning jurisdiction over governmental agencies in the City's Discrimination Ordinance. The discrimination ordinance precludes jurisdiction over governmental agencies when complaints of discrimination arise from actions taken in their official capacity. Discussion also included how the City's Charter Officers might enact anti-discrimination.

RECOMMENDATION

The City Commission: 1) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance adding gender identity to the City's anti-discrimination policies; 2) direct the Charter Officers to enact anti-discrimination to the extent allowed by law; and 3) remove this item from the referral list.

Legislative History

1/28/08	City Commission	Referred (4 - 3)	Equal Opportunity Committee
3/20/08	Equal Opportunity Committee	Deferred	
4/17/08	Equal Opportunity Committee	Approved as Recommended	

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**070826.****Rental Assistance Using Tax Increment Funds in the CRA Districts (B)**

This item involves a request from the City Commission to the Community Development Committee to determine if it is legal to use TIF funding to provide rental assistance similar to Section 8 vouchers to individuals and families.

Explanation: On January 14, 2008, the City Commission referred to the Community Development Committee (CDC) the issue of whether Tax Increment Funds (TIF) from the Community Redevelopment Trust Funds may be lawfully used as rental assistance similar to Section 8 housing vouchers.

On May 8, 2008 CRA staff informed the CDC that it didn't find statutory authority for using TIF as rental assistance similar to Section 8 housing vouchers, which are in essence grants to individuals to subsidize the payment of that individuals rent. The "Community Redevelopment Act of 1969" (Part III of Chapter 163, Florida Statutes) establishes the powers of the CRA. These powers do not include the power to grant or loan funds to an individual for that individual's private purpose, such as rent or mortgage payments. Although the Act provides authority for CRA's "developing and demonstrating new or improved means of providing housing for families and persons of low income," staff does not believe that replicating an existing rental subsidy program, such as Section 8, would be a "new or improved means " of providing such housing. To encourage affordable housing, the CRA rewrote the Transformational Incentive Program to mandate that 10% of housing units (either rental or ownership) be set aside as affordable housing units. The analysis indicated that support is there for affordable housing and the City should look at ways of encouraging more participation. The CDC suggested that the City explore the pros/cons of the matter, and noted that it might be worthwhile to put the item on the next Joint City/County meeting agenda.

Fiscal Note: None.

RECOMMENDATION

Community Development Committee to the City Commission: 1) Remove this item from the referral list; and 2) Assign a new referral to the CDC to study the issue of affordable housing in a general sense, city wide, including but not limited to an inclusionary housing ordinance in conjunction with the County and other municipalities.

Legislative History

1/14/08	City Commission	Referred (6 - 0 - 1 Absent)	Community Development Committee
2/14/08	Community Development Committee	Continued	
5/8/08	Community Development Committee	Approved as Recommended	

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END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

080127.**Proposed Modifications to the Alachua County Boundary Adjustment Act (B)**

The Countywide Visioning and Planning Committee (CVPC) is requesting comments and support for the CVPC Task Force's recommended changes to the Alachua County Boundary Adjustment Act (BAA).

Explanation: On January 24, 2008, the newly re-instituted Countywide Visioning and Planning Committee held its first meeting with Commissioners Craig Lowe and Scherwin Henry serving as Gainesville's representatives on the Committee. The CVPC is chaired by County Commission Chairman Rodney Long.

In the effort to collectively look at the BAA, each municipality in Alachua County was asked to provide a letter to Chairman Long with their position on potential changes to or elimination of the BAA. The City Commission discussed this issue at the regular February 25, 2008 City Commission meeting.

At the March 6, 2008 CVPC meeting, each municipal representative on the CVPC presented their particular municipality's position on the BAA and provided the Committee with comments. Based on the input received from the City representatives, the overall consensus was to keep the BAA and provide recommended modifications. Chairman Long appointed a task force consisting of five individuals (two city representatives in favor of retaining the BAA, two representatives against retaining the BAA, and one neutral member) to work on possible modifications to the BAA. The following CVPC members were appointed by Chairman Long to the task force: Jean Calderwood (Chair/City of Alachua), John Glanzer (Newberry), Jim Gabriel (High Springs), Craig Lowe (Gainesville), and Kit Randall (Hawthorne).

The Task Force met on April 3, 2008 and again on April 24, 2008. They then presented recommendations for BAA modifications to the CVPC on May 22, 2008.

The CVPC's Task Force is scheduled to reconvene to review comments and feedback on the BAA modifications on July 31, 2008. The Task Force will then present refined recommendations to the CVPC on August 7, 2008 for final CVPC endorsement. Municipalities will then be asked to hold public hearings in August - October and adopt a resolution supporting recommended changes to the BAA. The Board of County Commissioners will then hold a public hearing and adopt a final resolution in October or November. The request for modifications to the BAA with the resolutions attached will then be presented to the Legislative Delegation in December.

Staff has reviewed the modifications recommended by the CVPC's Task Force and will provide a presentation.

Fiscal Note: None at this time

RECOMMENDATION

The City Commission: 1) hear a report from staff on

the suggested changes to the BAA; 2) discuss any other possible changes to the BAA; and 3) approve the Commission's position on the recommended changes to the BAA and direct staff to convey that position to the CVPC before July 21, 2008.

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080128.

Parks, Recreation and Cultural Affairs Capital Improvement Projects and Sensitive Lands Acquisition (B)

This item involves approving the Parks, Recreation and Cultural Affairs Capital Improvement Projects and Sensitive Lands Acquisition List for potential funding through a local government infrastructure surtax of 0.5 percent to acquire and improve conservation lands and create, improve and maintain parks and recreational facilities.

Explanation: On June 3, 2008 the Alachua County Commission held a special meeting for the purpose of discussing the Quality of Life Coalition's request to place a measure on the November 4, 2008, ballot to fund protection of drinking water sources; the water quality of rivers, lakes, and streams; wildlife habitat; environmentally sensitive lands, natural areas and forests; and to create, improve and maintain parks and recreational facilities. This initiative would be funded through a 0.5 percent local government infrastructure surtax for a two year period beginning January 1, 2009 and ending on December 31, 2010.

In order to move forward with this initiative, the City of Gainesville has been asked to develop and submit a priority list of Parks, Recreation and Cultural Affairs capital improvement projects and sensitive lands acquisition. This list has been developed and was submitted to both the Public Recreation and Parks Advisory Board and the Nature Centers Commission for review. Both boards reviewed the proposed list at their June 2008 board meetings and endorsed and approved it.

Fiscal Note: The local government infrastructure surtax of 0.5 percent, if approved by voters, is projected to generate \$39,710,808 over the two year period. If current projection estimates are correct, the City would receive over \$14,000,000 to acquire and improve conservation lands and create, improve and maintain parks and recreational facilities.

RECOMMENDATION

The City Commission 1) review the Parks, Recreation and Cultural Affairs Priority List; and 2) approve the priority list as submitted.

Alternative Recommendation A: The City Commission 1) review the Parks, Recreation and Cultural Affairs Priority List; and 2) modify the proposal as deemed appropriate.

Alternative Recommendation B: The City Commission

*deny the Parks, Recreation and Cultural Affairs
Priority List.*

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080130.

Taxi Stands (B)

As part of the Hospitality District Initiative, staff will provide an informational presentation and seek comment on plans for taxi stands in Downtown, College Park and a special taxi stand for University of Florida (UF) home football game days.

Explanation: The Hospitality District Initiative discussed by the Public Safety Committee calls for implementation of taxi stands Downtown and in College Park. Since there appears to be broad agreement on the need and desirability for taxi stands, staff has developed proposed locations and operating hours and is in the process of gaining stakeholder input. Meetings have been held with vehicle-for-hire operators, the Downtown Redevelopment Advisory Board and the Gainesville Downtown Owners and Tenants Association. Staff is meeting with the Gainesville Responsible Hospitality Partnership on July 16th.

Staff met with the College Park/University Heights Redevelopment Advisory Board on July 2nd to discuss proposed locations and operating hours for a College Park taxi stand and also a UF home football game day taxi stand. A meeting is being held with UF officials to discuss these issues.

Staff is also working on a promotions plan to communicate the availability of the taxi stands to vehicle-for-hire operators, Hospitality District businesses and customers (including UF students) and others. The taxi stands should be commenced a week or two prior to the start of classes at UF and before the first home football game on August 30th.

Staff believes implementation of taxi stands is a win/win opportunity, providing safe and convenient transportation to guests of the Hospitality Districts while also facilitating business for the vehicle-for-hire industry.

Fiscal Note: There is minimal cost associated with manufacturing and installing signs and promoting the taxi stands.

RECOMMENDATION

The City Commission: 1) hear a presentation on the proposed taxi stands; and 2) provide comments and suggestions.

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080155.

Presentation and Update on the Retiree Health Insurance Program (B)

This item involves a request for the City Commission to hear a presentation regarding recent discussions concerning the Retiree Health Program and consider the various options.

NOTE: It is anticipated that the rules will be waived to hear this item at 3:00 PM.

Explanation: On June 9, 2008, staff made a presentation regarding a potential change to the formula used to determine the City's contribution towards the premium paid by retirees. The staff proposed a formula change resulting in a liability reduction of approximately \$15 million and projected annual savings of approximately \$1.5 million. After hearing the presentation and comments from citizens and retirees, the City Commission directed staff to develop an additional formula (along the line of the structure in Option 4) that would generate annual savings of \$1million and annual savings of \$500,000. Based on that direction, staff has worked with the Fund's actuary and has identified additional enhancements to the proposed formula that would meet the budgetary savings criteria.

In addition, staff continued to meet with the stakeholders to get additional input for consideration. The presentation will contain updates on both the formula enhancements and additional ideas generated by the stakeholders.

Fiscal Note: Based on the option selected by the City Commission, the actuarial savings would range from \$3 million to \$16 million. The annual budgetary savings would range from \$500,000 to \$1,500,000 for the General Fund.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff regarding the Retiree Health Insurance Program and Trust; 2) give staff direction regarding the various options discussed; and 3) take any additional action deemed appropriate.

080155_Power Point_20080714.pdf

GENERAL MANAGER FOR UTILITIES

080162.

South Energy Center to Support the New Shands Hospital Complex (NB)

Explanation: The South Energy Center will efficiently provide chilled water, steam, emergency and standby power generation, and medical gas infrastructure to serve the first hospital tower at the new Shands South Campus, and will be expanded to serve future phases of the project. The South Energy Center is currently under construction and is on-schedule to begin supplying service to the hospital by December 1, 2008 to support the completion of the hospital, which is on-schedule to begin receiving patients in November, 2009. On July 9, 2007, the City Commission authorized an increase in project funding to \$40,000,000 to provide funding for the incorporation of Combined Heat and Power (CHP) into the South Energy Center. The CHP system uses waste heat to produce steam and chilled water and provides a highly efficient source of clean energy to the hospital campus. The inclusion of CHP into the project is

projected to contribute 8 points towards the Leadership in Energy and Design (LEED) certification of the hospital.

Since July 9, 2007, the supply of reclaimed water from GRU for use within the South Energy Center for cooling tower makeup and for use on the hospital campus for site irrigation has been added to the scope of the project. The use of reclaimed water conserves valuable groundwater, reduces long term cost, and contributes points towards LEED certification.

The project has seen escalation in construction costs since July 9, 2007 due to the following cost factors: 1) the original project budget was based on available partial design development drawings, 2) the addition of reclaimed water, and 3) the rapid escalation in the underlying markets for materials such as steel, copper, concrete, and petroleum products. There have also been additional costs due to unforeseen coordination and site conditions such as poor soil conditions. The form of the financial agreement, which is open book cost plus is such that these increases result in unchanged return on investment.

Fiscal Note: Funds are available in the FY 2008 Utility budget and the required funding through October 2010 will be included in future budgets.

RECOMMENDATION

The City Commission: 1) increase the General Manager's authorization level from \$40,000,000 to \$48,500,000 to support the design, finance, construction, operation, maintenance and future expansion of the South Energy Center to support the new Shands hospital complex, and 2) authorize the General Manger or his designee to execute the necessary contractual amendment to implement the additional authorization level.

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

EQUAL OPPORTUNITY COMMITTEE

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS**RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****080148.****Americans with Disabilities Act Awareness Month - July 2008 (B)****RECOMMENDATION**

City of Gainesville Equal Opportunity Director Jimmie Williams and Specialist Rodney J. Bickel to accept the proclamation.

080149.**Recreation and Parks Month - July 2008 (B)****RECOMMENDATION**

Public Recreation and Parks Board Chair Mark Wellner, Nature Centers Commission Chair Hannah Covert, Friends of Nature Parks Chair Penny Weber and Sports Advisory Board Committee Member Kelly Lofland to accept the proclamation.

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****080051.****Public Utilities Regulatory Policy Act (PURPA) Requirements (B)**

Staff will make a presentation on the requirements of Public Utility Regulatory Policies Act of 1978 (as amended by the Energy Policy Act of 2005), the schedule and public participation procedure for consideration and determination of Standards 11, 12, and 13. PURPA jurisdictional members have until August 8, 2008, to begin consideration of net metering, fuel diversity, and fossil fuel generation efficiency. Considerations and findings will be presented to support the recommended City Commission determination to implement net metering by October 1, 2008. Staff recommends the City Commission determine that GRU meets the intent of the standards for fuel diversity and fossil fuel generation efficiency.

Explanation: The Public Utility Regulatory Policies Act of 1978 (PURPA) was enacted as

part of the National Energy Act by President Jimmy Carter. The Energy Policy Act of 2005 (EPAct 2005) adds additional PURPA standards that state commissions and nonregulated utilities must consider. These include (1) net metering; (2) fuel diversity; and (3) fossil fuel generation efficiency. The City Commission took initial action to meet the PURPA requirements on July 31, 2006. PURPA jurisdictional members have until August 8, 2008, to begin consideration of net metering (Standard 11), fuel diversity (Standard 12), and fossil fuel generation efficiency (Standard 13).

Staff recommends the following timeline.

May 28, 2008 - GRU Staff recommendation, as well as all documentation in support thereof, shall be made available to the general public.

On, or before June 9, 2008 - members of the general public planning to participate in the hearing must file a Notice of Intent to Participate in Hearing by this date and must file written testimony and any other information in support of or in opposition to the adoption of Standards 11, 12, and 13 by this date.

June 9, 2008 - a public hearing shall be held at the City Commission meeting, after 6 pm.

June 11, 2008 - The General Manager shall issue a Recommended Decision for Gainesville City Commission consideration at the July 14, 2008, City Commission Meeting.

July 14, 2008 - The Gainesville City Commission shall issue their decision adopting, modifying or rejecting the Recommended Decision at the June 9, 2008, City Commission Meeting. The Gainesville City Commission shall issue their determination on the implementation of Standards 11, 12, and 13 at the July 14, 2008 meeting.

Fiscal Note: The estimated cost for consideration and determination of PURPA requirements is included in the FY 2008-09 Budget.

RECOMMENDATION

The City Commission a) receive a presentation on the requirements of Public Utility Regulatory Policies Act of 1978 (as amended by the Energy Policy Act of 2005); and, b) find that net metering for renewable energy is in the public's best interest and should be implemented by October 1, 2008; and, c) find that fuel diversity has been and shall be an important consideration in future energy supply planning in accordance with the intent of the PURPA standards; and, d) find that the efficiency with which electricity is generated from fossil and other fuels has been and shall be an important consideration for system operation and management in accordance with the intent of the PURPA standards.

Legislative History

6/9/08 City Commission Approved as Recommended (7 - 0)

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080051b_20080609.pdf
080051_ATTACHMENT A_20080714.PDF
080051_Staff Rec PURPA 20080714.PDF
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ADOPTION READING - ROLL CALL REQUIRED

070818.

PLANNED USE DISTRICT - FAT TUSCAN (B)

Ordinance No. 0-08-04; Petition 115LUC-07 PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by overlaying the "Planned Use District" category over certain property located in the vicinity of 725 Northeast 1st Street, as more specifically described in this ordinance, with the underlying reversionary future land use category of "Office"; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING DEPARTMENT STAFF REPORT

The purpose of this PUD land use proposal is to allow a small, pedestrian oriented neighborhood café. The neighborhood café will be established within an existing two-story historic structure which is currently being used as a professional office building for an architectural firm. In addition, the building's owners are currently in the final stages of restoration of the historic building. The existing structure is located within the Northeast Residential Historic District and also within a special overlay design area known as the Traditional City Special Area Plan. The Traditional City designation has been established to improve the sense of place and community; and to strike a balance between the needs of the car and pedestrian by creating a pleasant ambiance and human scaled features.

The unique aspect of this location is its pedestrian accessibility. It can be accessed via tree lined neighborhood streets that encourage patrons to walk and not drive to this destination. The addition of the café should contribute to the vitality of the area.

The applicant's request is for a neighborhood café to be open for breakfast and lunch six (6) days a week. The proposed development is unique and will provide an eatery within a short walking distance of the many offices, and residences, and will be across the street from a multi-family building. The scale of the eatery will be small providing a total of no more than 30 seats divided between the interior of the building and a new courtyard area to the rear of the lot. The courtyard will provide seating in a garden setting complete with a water feature and extensive landscaping.

The proposed use also requires a rezoning from OR (office residential - up to 20 du/ac) to PD (planned development). And thus, this petition is related to Petition 112PDV-07PB.

After notice in the Gainesville Sun on October 31, 2007, the Plan Board at its meeting on November 15, 2007, heard the Petition, and by a vote of 7-0, recommended the City Commission approve the petition with staff conditions as modified. The City Commission heard and approved the petition by a vote of 7-0 at its meeting on January 28, 2008.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/28/08 City Commission Approved (Petition) as revised by the City Plan Board, as amended (7 - 0)

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070819A_200801281300.pdf
070818_MOD01_200800128.pdf
070818_MOD_012808.pdf
070818_200807141300.pdf

ORDINANCES FIRST READING - ROLL CALL REQUIRED

070819.

PLANNED DEVELOPMENT REZONING - FAT TUSCAN (B)

Ordinance No. 0-08-05; Petition 112PDV-07 PB

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance, and amending the Zoning Map Atlas from "OR: 20 units/acre office residential district" to "PD: Planned Development District"; located in the vicinity of 725 Northeast 1st Street; commonly known as "Fat Tuscan Planned Development"; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an effective date.

Explanation: PLANNING DEPARTMENT STAFF REPORT

The purpose of this PD zoning overlay is to allow for the creation of a small, pedestrian oriented neighborhood café in an office/residential (OR) zoning district having an office (O) land use designation. The neighborhood café will be established within a portion of the first floor of an existing two-story historic structure which is currently being used as a professional office building for an architectural firm. The existing structure is located within the Northeast Residential Historic District and the Traditional City special area. The Traditional City designation has been established for this area to improve the sense of place and community; improve the environment for business, including smaller, locally owned businesses; and facilitate a healthy economy by providing a vibrant mix of commercial, office, retail and residential uses in close proximity.

The unique aspect of this location is its pedestrian accessibility. It can be accessed via tree lined neighborhood sidewalks/streets that encourage patrons to walk and not drive to this destination. The addition of the café should contribute to the vitality of the area.

The applicant's request is for a neighborhood café to be open for breakfast and lunch six (6) days a week. The proposed development is unique and would provide an eatery within a short walking distance of many offices and residences. The petitioner indicates that the scale of the eatery will be small providing a total of no more than 30 seats. The total of 30 seats will be divided between the interior of the building and a new courtyard plaza area to be installed in the rear of the lot. The courtyard will provide seating in a garden like setting complete with water features and extensive landscaping.

This Petition is related to Petition 115 LUC-07 PB.

After notice was published in the Gainesville Sun on October 31, 2007, the Plan Board held a public hearing on November 15, 2007, and by a vote of 7-0 recommended the City Commission approve the petition.

After notice, the City Commission heard and approved the Petition by a vote of 7-0 at its meeting on January 28, 2008.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of January 28, 2008 authorized the city attorney's office to prepare and advertise the necessary ordinance rezoning certain lands within the city to planned development commonly known as "Fat Tuscan Planned Development" within the City of Gainesville.

This Ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on July 28, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/28/08 City Commission Approved (Petition) as revised by the City Plan Board, as amended (7 - 0)

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070819A_200801281300.pdf
070819B_200801281300.pdf
070819_20080128.pdf
070819C_200801281300.pdf
070819_200807141300.pdf

ADOPTION READING - ROLL CALL REQUIRED

071209.

LAND USE CHANGE - 5200 SOUTHWEST 41ST BOULEVARD (B)

Ordinance No. 0-08-21, Petition 44LUC-08PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the Alachua County land use category of "Tourist/Entertainment" to the City of Gainesville land use category of "Commercial"; located in the vicinity of 5200 Southwest 41st Boulevard; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition is a small-scale land use amendment to change the Future Land Use designation from Alachua County Tourist-Entertainment Commercial land use to City of Gainesville Commercial land use. This ±7.54-acre property was annexed by the City on February 11, 2008 and must be brought into conformance with the City's Generalized Future Land Use Map.

The subject property is undeveloped. It is bounded on the west by Southwest 41st Boulevard and undeveloped land; on the east by the Interstate 75 southbound off-ramp; on the south by a small amount of Williston Road frontage and a gasoline service station; and on the north by developed industrial lands. Surrounding land uses include Heavy Industrial to the west and north and Tourist-Entertainment to the south. Given its location adjacent to an interstate highway frontage road and the surrounding land uses, the BT: Tourist-oriented business district designation is appropriate.

Public notice was published in the Gainesville Sun on April 2, 2008. The Plan Board held a public hearing on April 17, 2008.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's

adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION

The City Commission: 1) approve Petition 44LUC-08PB; and 2) adopt the proposed ordinance.

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

071210.

REZONING - 5200 SOUTHWEST 41ST BOULEVARD (B)

Ordinance No. 0-08-22, Petition No. 43ZON-08PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from the Alachua County zoning category of "Highway oriented business services (BH) district" to the City of Gainesville zoning category of "BT: Tourist-oriented business district"; located in the vicinity of 5200 Southwest 41st Boulevard; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition requests rezoning of the subject property from Alachua County Highway-oriented business services (BH) to City of Gainesville Tourist-oriented business (BT). This ±7.54-acre property was annexed by the City on February 11, 2008 and still has Alachua County land use and zoning designations.

The subject property is undeveloped. It is bounded on the west by Southwest 41st Boulevard and undeveloped land; on the east by the Interstate 75 southbound off-ramp; on the south by a small amount of Williston Road frontage and a gasoline service station; and on the north by developed industrial lands. Surrounding land uses include Heavy Industrial to the west and north and Tourist-Entertainment to the south. Given its location adjacent to an interstate highway frontage road and the surrounding land uses, the BT: Tourist-oriented business district designation is appropriate.

Public notice was published in the Gainesville Sun on April 2, 2008. The Plan Board held a public hearing on April 17, 2008.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board

both recommend approval.

RECOMMENDATION

The City Commission: 1) approve Petition 43ZON-08PB; and 2) adopt the proposed ordinance.

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080014.

COMPREHENSIVE PLAN AMENDMENT - CREATION OF PUBLIC SCHOOLS FACILITIES ELEMENT (B)

Ordinance No. 0-08-42, Petition 46CPA-08PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by creating and adding a Public Schools Facilities Element; by creating Goals, Objectives and Policies to implement the new element; providing directions to the city manager; stating intent to adopt the new element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING DEPARTMENT STAFF REPORT

The 2005 Florida Legislature mandated that availability of public schools be made a prerequisite for approval of residential construction, and directed a closer integration of planning for school capacity with comprehensive planning. Under the statewide schedule, the School Board of Alachua County and the local governments in our county have been working together, in accordance with the Interlocal Agreement for Public School Facility Planning, to establish school concurrency this year. Over the past year, a staff working group with support from the University of Florida's Center for Building Better Communities has developed data and analysis for the required Public Schools Facility Element (PSFE) and for related amendments to the Intergovernmental Coordination Element and Capital Improvements Elements.

Staff made a presentation on public school concurrency (Legislative no. 070707) to the City Commission on December 10, 2007, which referred the matter to the Community Development Committee. On February 14, 2008, the Committee reported back to the City Commission with a recommendation that the Commission authorize staff to take school concurrency-related comprehensive plan amendments to the City Plan Board, and remove the item from the referral list. The City Commission approved the matter as recommended on March 10, 2008.

Concerns regarding the impact of countywide growth and development patterns and their impact on schools located in Gainesville were expressed at the Community Development Committee meeting in February. In response, staff drafted PSFE Policy 5.1.3, which requires that during the comprehensive plan Evaluation and Appraisal Report (EAR) process which will begin in 2009, staff will review the comprehensive plan and make a recommendation to the Plan Board regarding the need for plan amendments that would help to support public schools within or proximate to Gainesville's city limits.

The data and analysis show that the concurrency service areas (CSAs) for all three middle schools (Westwood, Lincoln and Bishop) in Gainesville are under the 100 percent, proposed level of service (LOS) threshold in the School Board's 5-year (2007/08 through 2011/12) and 10-year (2012/13 - 2017/18) District Facilities Plans. The same is true (with one exception - Bucholz is at 110.5 percent in 2007/08) for the CSAs for the three regular high schools located either in Gainesville (GHS) or nearby (Bucholz and Eastside). The Long-Range District Facilities Program shows additional capacity for 200 students at both Eastside and Bucholz in the 10-year program.

The three concurrency service areas that include elementary schools located in Gainesville (Northwest Gainesville, East Gainesville, and South Gainesville CSAs) are under the 100 percent, proposed level of service (LOS) threshold in both the 5-year (2007/08 - 2011/12) and 10-year (2012/13 - 2017/18) School District Facilities Plans. However, major capacity issues regarding elementary schools outside of Gainesville have prompted School Board staff to make the following recommendations for the first 5 years: additional capacity for 200 students at Alachua Elementary; new elementary school in the High Springs CSA; new elementary school in the West Urban CSA; and attendance boundary changes to shift enrollment from Stephen Foster Elementary (Northwest Gainesville CSA) to Metcalfe Elementary and Rawlings Elementary (Northeast Gainesville CSA). For the second 5 years (2012/13 - 2017/18) the recommendation includes four new elementary schools (in the Newberry, Northwest Gainesville, South Gainesville and Alachua CSAs) and 80 additional student stations for JJ Finley (South Gainesville CSA). These recommendations, if implemented, comprise a financially feasible plan that will meet the 100 percent LOS standard by 2011/12. To meet possible capacity deficiencies within the first 5-year period, an interim LOS standard greater than 100 percent for currently backlogged CSAs (none of which is within our city limits) is recommended. Also recommended is incorporation of proportionate share mitigation as a component of the 5-year District Facilities Work Program of the School Board.

The proposed Public School Facilities Element meets statutory requirements for public school concurrency, and is consistent with the related, proposed amendments to the Intergovernmental Coordination Element and to the Capital Improvements Element.

Public Notice was published in the Gainesville Sun on April 2, 2008. The Plan Board held a public hearing April 24, 2008. On April 24, 2008, the Plan Board held a public hearing, and by a vote of 7-0 recommended the City Commission approve the Petition, as revised. On June 23, 2008, the City Commission heard and approved the Petition, as revised, by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing

will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local

Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/9/08	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
6/23/08	City Commission	Approved (Petition), as recommended by staff, as amended (6 - 0 - 1 Absent)

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080012.

COMPREHENSIVE PLAN AMENDMENT - CAPITAL IMPROVEMENTS ELEMENT - SCHOOL CONCURRENCY (B)

Ordinance No. 0-08-44, Petition 48CPA-08PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Capital Improvements Element relating to public school facilities; by referencing in Policy 1.2.6 adoption of Level Service Standards for Public School Facilities; by creating and adopting Table 15, consisting of the 5-year District Facilities Work Program for the School Board of Alachua County; providing directions to the city manager; stating intent to adopt the new element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING DEPARTMENT STAFF REPORT

The Capital Improvements Element (C.I.E.) must be amended in order to meet statutory requirements for public school concurrency. The amendments are consistent with the proposed Public School Facilities Element that is the subject

of related Petition 46CPA-08 PB, and are required for its implementation. Data and analysis for these proposed amendments to the City's 2000-2010 City of Gainesville Comprehensive Plan are in the document entitled City of Gainesville - Public School Facilities Element - February 6, 2008.

The LOS (Level of Service) standard for public school facilities is required to be included in the C.I.E. This comprehensive plan amendment meets this requirement by adding Public School Facilities to the list of LOS standards in Policy 1.2.6 of the Capital Improvements Element. The 5-Year Schedule of Capital Improvements is required to be updated by adding the School Board's five-year capital improvements program. The addition of the School Board of Alachua County's 5-Year District Facilities Work Program (FY 07/08 - 11/12) to the 5-Year Schedule of Capital Improvements meets this requirement.

The proposed amendments to the Capital Improvements Element are consistent with the City of Gainesville 2000-2010 Comprehensive Plan, and are recommended for approval.

Public Notice was published in the Gainesville Sun on April 2, 2008. On April 24, 2008, the Plan Board held a public hearing and, by a vote of 7-0, recommended approval of the Petition. On June 23, 2008, the City Commission held a public hearing and approved the Petition.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

6/9/08	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
6/23/08	City Commission	Approved (Petition) (6 - 0 - 1 Absent)

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080016.**COMPREHENSIVE PLAN AMENDMENT - INTERGOVERNMENTAL COORDINATION ELEMENT - SCHOOL CONCURRENCY (B)****Ordinance No. 0-08-43, Petition 47CPA-08PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Intergovernmental Coordination Element relating to public school concurrency; by amending Policy 1.1.1 and Policy 1.1.2 to update statutory references; by creating a new policy 1.1.4 to provide for coordination in implementing public school concurrency requirements; by renumbering existing policies; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING DEPARTMENT STAFF REPORT

The Intergovernmental Coordination Element (ICE) must be amended to meet statutory requirements for public school concurrency and updated so that its statutory references are current. The proposed amendments are consistent with the proposed Public School Facilities Element that is the subject of related Petition 46CPA-08 PB, and will further its implementation. Data and analysis for these amendments to the City's 2000-2010 City of Gainesville Comprehensive Plan are in the document entitled City of Gainesville - Public School Facilities Element - February 6, 2008.

This comprehensive plan amendment updates references to the Florida Statutes in two existing ICE policies, and adds a policy regarding implementation of the interlocal agreement regarding public school facility planning and implementation of the Public School Facilities Element to extend concurrency requirements to public schools.

The proposed amendments to the Intergovernmental Coordination Element are consistent with the City of Gainesville 2000-2010 Comprehensive Plan, and are recommended for approval.

Public Notice was published in the Gainesville Sun on April 2, 2008. On April 24, 2008, the Plan Board held a public hearing and, by a vote of 7-0, recommended approval of the Petition. On June 23, 2008, the City Commission held a public hearing and approved the Petition.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA

will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/9/08 City Commission Continued (Petition) (6 - 0 - 1 Absent)

6/23/08 City Commission Approved (Petition) (6 - 0 - 1 Absent)

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080080.

URBAN SERVICES REPORT - AREA AROUND S.W. 20th AVENUE, EAST OF AND INCLUDING I-75 (B)

Ordinance No. 0-08-40

An Ordinance of the City of Gainesville, Florida, adopting an Urban Services Report which sets forth the plans to provide urban services to an area generally located south of the City limits and north of Butler Plaza and Windmeadows Apartments, west of S.W. 34th Street and the City limits up to and including I-75, and north of the vicinity of S.W. Archer Road and the City limits; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of June 9, 2008, authorized the preparation and advertisement of ordinances commencing the process of annexing the area described in this Ordinance. The proposed annexation meets the thresholds that require the City and County to discuss the transition of services under the Interlocal Agreement between Alachua County and the City of Gainesville for the Transition of Services Upon an Annexation by the City of Gainesville Within Its Municipal Reserve Area. The annexation is subject to referendum approval of the voters at the general election scheduled for November 4, 2008.

The Alachua County Boundary Adjustment Act requires a municipality to prepare and adopt by nonemergency ordinance a report setting forth plans to provide urban services to any reserve area to be annexed prior to commencing the annexation procedures under the Act.

The report must generally include the following information:

- 1) *a map or maps of the City and adjacent territory showing the present and*

proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;

2) a statement indicating to what extent services to existing residents would need to be reduced within the next five years because of the annexation; to what extent taxes would need to be adjusted within the next five years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;

3) a statement setting forth the plans of the City for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:

a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.

b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.

c) if extensions of major trunk water mains and sewer mains into the area to be annexed are necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

d) set forth the method under which the City plans to finance extension of services into the area to be annexed.

If adopted on first reading, this ordinance shall be heard on second reading on July 16, 2008. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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070688

LOBBYIST REGISTRATION (B)

Ordinance No. 0-08-12

An ordinance of the City of Gainesville, Florida, relating to registration of lobbyists; creating and adding a new Chapter 29, City of Gainesville Lobbyist Registration Act, creating and adding a new section 29-1, Intent and purpose; creating and adding a new section 29-2, Definitions; creating

and adding a new section 29-3, Registration of lobbyists required; registration statements; creating and adding a new section 29-4, Exceptions; creating and adding a new section 29-5, Penalties; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: On June 11, 2007, the City Commission referred the issue of lobbyist registration to the Charter Officers for further development and a recommendation back to the Audit, Finance and Legislative Committee.

The Charter Officers appointed staff to research and present information regarding various lobbyist registration options utilized within other Florida local government agencies. The Charter Officers then presented several options to the Audit, Finance and Legislative Committee at their November 29, 2007 and June 10, 2008 meetings regarding. Based on the information presented, a recommendation was made by the Committee to the City Commission to authorize the City Attorney to draft an ordinance for City Commission consideration addressing the key issues discussed in Committee.

At its meeting of June 23, 2008, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance establishing lobbyist registration requirements.

CITY ATTORNEY MEMORANDUM

This ordinance creates the Lobbyist Registration Act and sets forth requirements for lobbyists who engage in efforts to influence City Commissioners or members of the CRA on matters within Commission or CRA jurisdiction. Prior to engaging in lobbying, each lobbyist will be required to file with the Clerk of the Commission a registration statement which contains general identification information as to the lobbyist and their client(s). The ordinance contains definitions, registration requirements, exemptions and enforcement provisions. To allow adequate time for those affected persons to comply with the requirements of this Ordinance, the Ordinance has a delayed effective date of November 1, 2008.

This ordinance requires two hearings. Should the City Commission pass this ordinance on first reading, second and final reading will be held on Monday, July 28, 2008.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

11/29/07	Audit, Finance and Legislative Committee	Approved as shown above (See Motion)
6/10/08	Audit, Finance and Legislative Committee	Recommended for Approval, as shown above
6/23/08	City Commission	Approved as Recommended (7 - 0)

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

070209.

VENDING BOOTHS AND ITINERANT FOOD VENDORS (B)

Ordinance No. 0-07-75; Petition 80TCH-07PB

An ordinance of the City of Gainesville, Florida, amending Chapter 19 and Chapter 30 of the City of Gainesville Code of Ordinances, relating to itinerant food vendors; amending Section 30-61(c) to add itinerant food vendors as a permitted use in the General Business (BUS) zoning district subject to limitations and in accordance with Chapter 19, Article IV; amending Article IV of Chapter 19 by revising the definitions of vending booths and itinerant food vending conveyances; imposing size limitations and standards and clarifying the permit procedures, requirements and regulations for both vending booths and itinerant food vending conveyances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING DEPARTMENT STAFF REPORT

This Petition amends Section 30-61(c) and Section 19-97(8)(c) of the City of Gainesville Land Development Code to allow itinerant food vendors in the General Business (BUS) zoning district in association with retailers over 50,000 square feet in size.

An "itinerant food vendor" is defined in Section 19-91 of the City of Gainesville Code of Ordinances as a person, corporation, company or business that sells immediately consumable food products and non-alcoholic beverage items from a nonpermanent structure at a fixed location on private property. In other words, itinerant food vendors sell products from small, mobile vending carts, trailer-mounted units or vehicles that are typically (and often appropriately) found in places exhibiting relatively high pedestrian volumes, such as downtown or in front of a large-format retail store such as a Wal-Mart or Home Depot. Currently, itinerant food vendors are only allowed in the MU-1 and MU-2 zoning districts.

Currently, there are 848 parcels within the city that are zoned MU- 1, 276 that are zoned MU-2 and 242 zoned BUS. Therefore, allowing itinerant food vendors in the BUS zoning district would increase the number of parcels where such vendors are allowed, but only on those parcels where a retailer exceeding 50,000 square feet is found. Only a small handful of BUS parcels have such retailers in the city.

Expanding itinerant food vendors to properties containing relatively large-scale retail stores may humanize the scale of a large retail center. Allowing such

vendors within additional locations in the city promotes small, locally owned business operations-particularly those with modest capital resources. The main concern that communities have with such vendors is aesthetics and the potential for clutter and litter problems. As of July 3, 2007, there were six individuals holding itinerant food vendor permits in six locations within city limits. This number has remained fairly steady over the past several years. Staff believes that the City will be able to adequately enforce and correct such problems, and the large distances found between large-format retailer buildings and nearby streets and properties further mitigate these potential problems.

Public notice was published in the Gainesville Sun on July 3, 2007. On July 11, 2007, the Plan board heard the Petition and by a vote of 4-0 recommended the City Commission approve the Petition.

On August 13, 2007, the City Commission approved the Petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

When staff began work on the ordinance and reviewed the existing code provisions, staff realized that the provisions concerning vending booths and itinerant food vending conveyances were not clear, lacked standards and did not reflect the reality of the permitting process. Therefore, this ordinance amends the existing code provisions by imposing size limitations and standards and clarifying the permit procedures, requirements and regulations for both vending booths and itinerant food vending conveyances.

This ordinance requires two public hearings. If the ordinance passes on the first reading, second and final reading will be held on July 14, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/13/07	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
6/23/08	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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071162.

STREET VACATION - VEITCH STREET (B)

Ordinance No. 0-08-29, Petition No. 40SVA-08PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Veitch Street bounded by the north right-of-way line of Southeast 10th Avenue to a point 230.89 feet west of Southeast 4th Street, as more specifically described in this Ordinance; retaining a certain perpetual easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This is a request to vacate a portion of the Veitch Street right-of-way located within the boundaries of the City of Gainesville, Regional Transit System (RTS) Operations and Maintenance Facility. Vacation of the right-of-way will facilitate site improvements that have been filed for future consideration under Petition 20PSZ-08PB and Petition 13SPA-08PB.

According to Section 30-192 (b) (5) of the City Land Development Code, the City Plan Board and City Commission shall consider the following criteria in determining whether the vacation is in the public interest: a. Whether the public benefits from the use of the subject right-of-way as part of the city street system; b. Whether the proposed action is consistent with the comprehensive plan; c. Whether the proposed action would deny access to private property; d. The effect of the proposed action upon public safety; e. The effect of the proposed action upon the safety of pedestrians and vehicular traffic; f. The effect of the proposed action upon the provision of municipal services including, but not limited to, emergency service and waste removal; g. The necessity to relocate utilities both public and private; and h. The effect of the proposed action on the design and character of the area.

The Plan Board reviewed the petition based on the criteria and recommended approval of the petition. One citizen addressed the Plan board regarding whether his property would be affected by the petition. The citizen was assured that his property would not be affected, because the closure did not abut his property.

CITY ATTORNEY MEMORANDUM

The City Commission at its meeting of May 12, 2008 authorized the City Attorney's Office to draft the proposed ordinance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/12/08	City Commission	Approved (Petition) with Conditions (7 - 0)
6/23/08	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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RESOLUTIONS- ROLL CALL REQUIRED

070788.

"PLATFORM FOR STRENGTHENING FAMILIES AND CHILDREN" (B)

A resolution of the City Commission of the City of Gainesville, Florida; committing to support the National League of Cities Platform for Strengthening Families and Improving Outcomes for Children, Youth, and Families, providing for a task force to further the goals as described in the

Platform, and providing an immediate effective date.

Explanation: Earlier this year, the City Commission approved the Equal Opportunity Committee's recommendation that the City Commission authorize the City Attorney to draft a resolution supporting the national League of Cities "Platform for strengthening family and improving outcomes for children and youth." The Platform proposed by the National League of Cities, envisions the creation of the task force to engage all segments of the community to identify needs, opportunities, and priorities for future action related to public, private, and non-profit sectors.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

Legislative History

1/14/08	City Commission	Approved as Recommended and Referred (6 - 0 - 1 Absent)	Equal Opportunity Committee
3/20/08	Equal Opportunity Committee	Approved as Recommended	
4/14/08	City Commission	Approved as Recommended (4 - 0 - 3 Absent)	

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080105.

Resolution to Dual-Name SW 7th Avenue to Isaiah "Ike" Norman Avenue (B)

This item involves a Resolution authorizing the dual-naming of the Porter's Community area of SW 7th Avenue between SW 5th Street and SW 5th Terrace to Isaiah "Ike" Norman Avenue.

Explanation: Mr. Isaiah "Ike" Norman was born on November 12, 1932, in Grove Park, Florida. He was a resident in the Porter's Community for over 70 years. Mr. Norman owned and operated a Café establishment in the Porter's Community at 628 SW 5th Street, for over 50 years. Mr. Norman contributed to the community by serving as an advocate for senior citizens and by donating to various events and to neighborhood children. The City of Gainesville and the Community wish to honor the memory of Mr. Norman, who passed away on Wednesday, January 16, 2008, by dual-naming the portion of SW 7th Avenue between SW5th Avenue and SW 5th Terrace in the City of Gainesville, Florida, to "Isaiah "Ike" Norman Avenue" so that his devotion to humanity and this Community will always be remembered.

Fiscal Note: Funding in the estimated amount of \$200 for materials and sign production is available in the Public Works Department FY08 operating budget.

RECOMMENDATION *The City Commission adopt the Resolution.*

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PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS**SCHEDULED EVENING AGENDA ITEMS****080147.****Student Seat Policy (B)****RECOMMENDATION**

The City Commission hear a presentation on a new Student Seat Policy initiated on May 12, 2008 from Karen Johnson's report to the City Commission.

080147_SS_Policy_20080714.pdf

080133.**Commissioner Jack Donovan - Accessibility: A Study of the Regional Transit System (B)**

Explanation: In partnership, Masters in Public Health students from the UF College of Public Health and Health Professions and the Center for Independent Living of North Central Florida conducted an evaluation of 254 bus stops located on four key Gainesville Bus Routes. Students will present the background, methods and findings from this study along with recommendations for feasible and essential changes that can improve accessibility - and thus, quality of life for individuals who are living with disabilities.

RECOMMENDATION

City Commissioners are requested to listen to this presentation and consider the important implications from this study's findings and recommendations.

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080150.**Commissioner Jeanna Mastrodicasa - Community Book Discussion (NB)****RECOMMENDATION**

The City Commission hear a report from Commissioner Mastrodicasa on a possible Community Book Discussion on Richard Florida's book "Who's Your City" and take any action deemed appropriate.

080157.**Commissioner Scherwin Henry - Vehicle for Hire Fees (NB)****RECOMMENDATION**

The City Commission hear a presentation from Commissioner Henry and take appropriate action.

080171.**Mayor Pegeen Hanrahan - Request for City Commission Volunteer to Chair the July 28, 2008 City Commission Meeting (NB)**

Explanation: Mayor Hanrahan and Mayor Pro Tem Donovan will be out of town during the July 28, 2008 City Commission Meeting.

RECOMMENDATION

The City Commission request a volunteer to: 1) Attend the July 22, 2008 Agenda Review @ 1:30 PM; 2) chair the July 28, 2008 City Commission Meeting; and 3) sign documents relating to the meeting while the Mayor is out of town.

UNFINISHED BUSINESS**COMMISSION COMMENT****CITIZEN COMMENT (If time available)****ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**