

City of Gainesville

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



Meeting Agenda

October 08, 2007

1:00 PM

City Hall Auditorium

City Commission

***Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Rick Bryant (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Jack Donovan (District 3)
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

070482.

Interlocal Agreement with Alachua County Board of County Commissioners - Base Level Transit Services (B)

This item involves a request to authorize the City Manager to execute the Interlocal Agreement between the City of Gainesville Regional Transit System (City) and the Alachua County Board of County Commissioners (County) for Base Level Transit Service.

Explanation: The City and County currently have an Interlocal Agreement for the City to provide public transit services to residents and visitors in the surrounding urbanized area that expired on September 30, 2007. The City and County have negotiated a new Agreement for the period of October 1, 2007 through September 30, 2008, for base level transit service, subject to funding and written consent of both parties.

Fiscal Note: The City will receive \$551,461 of revenue from the County in quarterly payments of \$137,865.25 for the period of October 1, 2007, through September 30, 2008.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to execute the Interlocal Agreement with Alachua County Board of County Commissioners for base level transit service for the period of October 1, 2007, through September 30, 2008, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission deny authorization for the City Manager to execute the Interlocal Agreement with Alachua County Board of County Commissioners for base level transit service for the period of October 1, 2007, through September 30, 2008.

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070483.

Interlocal Agreement with Alachua County Board of County Commissioners - Route 75 Transit Services (B)

This item involves a request to authorize the City Manager to execute the Interlocal Agreement between the City of Gainesville Regional Transit System (City) and the Alachua County Board of County Commissioners (County) for Route 75 Transit Services.

Explanation: The City and County have an Interlocal Agreement for the City to provide public transit services to residents and visitors on Route 75 that expired on September 30, 2007. The City and County have negotiated a new Agreement for the period of October 1, 2007 through September 30, 2008, for Route 75 transit service, subject to funding and written consent of both parties.

The route provides service from the Oaks Mall to Butler Plaza along SW 75th Street. The previous Agreement ran Monday through Friday from 6:00 am to 10:00 am and 5:40 pm to 8:16 pm every 35 minutes, and 10:00 am to 5:40 pm every 53 minutes. On Saturdays it ran from 6:40 am to 6:39 pm every 90 minutes. The contract generated \$379,039 in FY07 revenue.

Due to new contract negotiations for service at a higher rate, the County has agreed to pay \$257,904 for FY08 reduced service on the route starting October 1, 2007. The service would run Monday through Friday from 6:00 am to 10:05 am and from 5:05 pm to 8:15 pm every 53 minutes, and from 10:05 am to 5:05 pm every 105 minutes. The Saturday hours and frequency will remain the same.

Fiscal Note: The City will receive \$257,904 of revenue from the County in quarterly payments of \$64,476 for the period of October 1, 2007, through September 30, 2008. This is a reduction in the amount of \$379,039 received from the County in FY07 which, as stated in the explanation, has resulted in a reduction in service to Route 75.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to execute the Interlocal Agreement with Alachua County Board of County Commissioners for Route 75 transit service for the period of October 1, 2007, through September 30, 2008, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission deny authorization for the City Manager to execute the

Interlocal Agreement with Alachua County Board of County Commissioners for Route 75 transit service for the period of October 1, 2007, through September 30, 2008.

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070484.

Final Adoption of the Transit Development Plan for FY 2008 (B)

This item involves a request that the City Commission adopt the RTS Transit Development Plan as submitted to the Florida Department of Transportation (FDOT) on August 31, 2007.

Explanation: The FDOT requires that the transit system update and submit a Transit Development Plan (TDP) each year to maintain its eligibility for state transit block grant funds. The TDP outlines the development of transit in a community over a five-year period. The governing board of a transit system must adopt a TDP to maintain eligibility for FDOT transit block grant funding. The City Commission acts as the governing board for public transit in the Gainesville urban area.

Fiscal Note: During fiscal year 2007, the City of Gainesville received \$1,356,306 in FDOT transit block grant funds.

RECOMMENDATION

The City Commission adopt the TDP for FY2008-2012.

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070503.

Citation Module for Gainesville Police Department - Request for Purchase Order to Sungard OSSI's (B)

This item requests the City Commission to authorize the issuance of a Purchase Order for a Mobile Citation Module and the ensuing Annual Maintenance Fee.

Explanation: Sungard OSSI provides a Mobile Citation Module product used to capture data from the written state citation form. Gainesville Police Department uses the Sungard OSSI Records Management System. With the purchase of the Mobile Citation Module we will maintain total integration of our current records management system data and also the integrity of our Master Name Data Base.

Fiscal Note: Funds in an amount not to exceed \$61,600.00 for this expenditure are available from forfeiture funds, account number 109 810 F116 5210 6006 Gainesville Police Department's Wireless/Technology Project approved in May 27, 2003 by the City Commission.

RECOMMENDATION

Recommended Motion: The City Commission authorizes the City Manager to execute a Purchase Order to Sungard OSSI, a specified source, in an amount not to exceed \$61,600.00 for the purchase of this module.

Alternative Recommendation A: The City Commission authorizes less than \$61,600.00 for the Mobile Citation Module with the understanding that this will drastically limit the police department's ability to manage its Records Management Database.

Alternative Recommendation B: The City Commission denies funding.

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070513.

Request to Accept a Florida Department of State Division of Cultural Affairs Challenge Grant (NB)

This item involves a request to accept a Florida Department of State Division of Cultural Affairs Challenge grant for the Liquid Muse: Paintings from the St. Johns Region traveling art exhibition and related events.

Explanation: On September 6, 2007, the City of Gainesville's Department of Parks, Recreation, and Cultural Affairs Thomas Center Gallery applied for a Florida Department of State Challenge grant in the amount of \$49,500. The purpose of the grant is to support a catalogue, educational materials, website, DVD, promotional items, and artwork crating expenses for the Liquid Muse: Paintings from the St. Johns Region traveling art exhibition and related events. The exhibition is scheduled to open at the Thomas Center Main Gallery in August 2008, and run through October 2008, before traveling to venues in Deland, Tallahassee, Palatka, and Jacksonville, Florida.

Co-sponsors for the project include the Artists Alliance of North Florida (AAONF), the University of Florida's Harn Museum of Art Education Department, and Art for a Complete Education (ACE), who will produce an education guidebook for use by K-12 teachers. The guidebook will include suggestions for classroom projects documenting the role of the river over the past 10,000 years. In collaboration with the Liquid Muse exhibition, Santa Fe Community College is planning a statewide symposium, Preserving the Past/Sustaining the Future, scheduled for October 2008, and the Santa Fe Community College Art Gallery plans to host an exhibition during Fall 2008, titled Springs Eternal focusing on the preservation of the region's fragile hydrologic network.

Fiscal Note: The Division of Cultural Affairs is requesting \$49,500 from the Florida Department of State Division of Cultural Affairs Challenge Grant to cover 48% of the project cost. The remaining \$52,742 will consist of both in-kind and cash match. \$21,700 is in-kind and the cash match will consist of \$7,190 paid from the City of Gainesville Division of Cultural Affairs FY2007 budget, \$17,800 from other private support, and \$6,052 provided by Santa Fe Community College.

RECOMMENDATION

Recommended Motion: The City Commission approve the request to accept a Florida Department of State Division of Cultural Affairs Challenge grant for the

Liquid Muse: Paintings from the St. Johns Region art exhibition and related events, if awarded, and authorize the City Manager or designee to execute any related documents pending approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission deny the request to accept a Florida Department of State Division of Cultural Affairs Challenge grant if awarded funding for the Liquid Muse: Paintings from the St. Johns Region art exhibition and related events.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

070538.

ARBITRATOR DECISION IN FRATERNAL ORDER OF POLICE, GATOR LODGE 67 vs. CITY OF GAINESVILLE (NB)

Explanation: In the spring of 2006, as a result of having used its entire overtime budget for the year by fiscal mid-year, the police department began to look at what overtime was being used for and where cuts might be possible. In evaluating overtime in the form of holiday pay (officers receive either extra time off or double time or double time and a half for working holidays), the department determined that it could cut down on the number of employees working a holiday without affecting levels of service. Accordingly, management issued a directive that holiday work would be limited to those who were needed to work on that day, a decision to be made by management. In other words, management would determine the level of service and schedule employees to work as needed.

The Fraternal Order of Police (FOP), representing the sworn personnel in the ranks of officer, corporal, and sergeant, filed a grievance alleging that the City violated the Collective Bargaining Agreement. They argued that as long as the holiday fell on their regularly scheduled work day, it was their decision unilaterally whether to work the holiday and receive the overtime compensation, regardless of whether the City needed them to work. So, if 15 detectives wanted to work a holiday, all could work even though the City only needed 3 on duty.

The matter went to arbitration in June 2007. On September 13, 2007, the arbitrator issued his decision in the case. In that decision, the arbitrator found that the contract provided that if a holiday fell on an employee's regularly scheduled work day they were entitled to holiday pay regardless of whether the City wanted them to work. The arbitrator's decision cannot be reconciled with the contract as a whole, and the clear and unequivocal language of the holiday and overtime articles.

The arbitrator ignored the Management Rights Article that gives the City "the

sole and exclusive rights, powers, and authority" to "schedule...employees, ... to relieve employees from duty because of lack of work, funds, or other legitimate reason, ...to assign overtime and to determine the amount of overtime required...". The arbitrator ignored the language of the Holiday Article which provides that "The City observes the following paid holidays, but reserves the right to schedule work on these days." The arbitrator ignored language in the Overtime Article which provides that overtime rates "shall not be construed as a guarantee to such employee of any specified number of hours of work either per day or per week or as limiting the right of the City to fix the number of hours of work (including overtime) either per day or per week for such employee." The arbitrator based his decision on language in the contract which does nothing more than give the employee a choice of compensation for the holiday once the City exercises its right to schedule work on the day.

In ignoring the language in the contract, specifically including the City's management rights clause and the first sentence governing the scheduling of work on holidays, the arbitrator exceeded the scope of his powers under the contract. The contract between the City and the FOP provides that "The arbitrator shall have no authority to modify, amend, ignore, add too, subtract from other otherwise alter or supplement this Agreement or any part thereof or any amendment thereto."

This issue has immediate and significant consequences for the City. If the City does not have the right to schedule its employees, then the City has no control over the level of service it offers and no control over its budget. The arbitrator's decision is in derogation of the statutory rights given public employers because of their special responsibilities to the public.

For these reasons and upon consultation with and the recommendation of the City Manager, the City Attorney's Office requests authorization to file a Motion in Circuit Court to vacate the arbitrator's decision.

RECOMMENDATION

The City Commission authorize the City Attorney to file an action challenging the Arbitrator's Award.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

070519.

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of September 10, 2007 (Regular Meeting); September 17, 2007 (Special Meeting); September 24, 2007 (Board of Trustees and Regular Meeting); and September 25, 2007 (Special Meeting); as circulated.

070519_20071008.pdf
070519a_20071008.pdf
070519b_20071008.pdf
070519c_BOT_20071008.pdf
070519d_20071008.pdf

070532.**Resignation of Gainesville Code Enforcement Board Member Alfonso T. Atwaters (B)****RECOMMENDATION**

The City Commission accept the resignation of Alfonso T. Atwaters from the Gainesville Code Enforcement Board effective immediately with appreciation for his service.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****PUBLIC SAFETY COMMITTEE, CONSENT****REGIONAL UTILITIES COMMITTEE, CONSENT****060775.****Impact of Tiered Rates on People with Low Income Levels (NB) - 060775**

Explanation: The impact of tiered rates on people with low income levels was referred to the RUC on November 27, 2006. At the September 11, 2007 RUC meeting staff presented information on the evaluation of the impacts of the baseline rate, established in October 2006, in comparison to the prior rate structure. The baseline rate for residential customers is for energy use between 0 and 250 kWh per month. The next tier is at 750 kWh per month. The prior rate structure had one tier at 750 kWh per month.

The impact of the rate structure change was evaluated on the bills of 153 low income individuals. These individuals were determined as low income as part of the DEED survey. These impacts were compared to the impact on the entire GRU residential customer base. The sample shows that the baseline rate saves money for low income customers in lower usage months, but that increased energy use, in the higher tiers, increases the total bill.

As a result of the September 11 meeting the RUC agreed that the tiered rate structure is beneficial and takes into consideration the needs of low income customers. In addition, the Committee agreed to recommend to the City Commission that a letter be sent to Governor Crist promoting the tiered rate structure as a conservation tool and to remove item #060775 from the referral list.

The RUC also discussed requesting a separate referral to investigate a community goal for energy conservation. This request was made and approved at the September 24, 2007 City Commission meeting.

RECOMMENDATION

The Regional Utilities Committee (RUC) recommends that the City Commission send a letter to Governor Crist promoting the tiered rate structure as a conservation tool and remove item #060775 from the

referral list.

Legislative History

11/27/06	City Commission	Referred (7 - 0)	Regional Utilities Committee
9/11/07	Regional Utilities Committee	Approved, as shown above - See Motion(s)	

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

GENERAL MANAGER FOR UTILITIES

070430.

Excellence in Leadership Group Project (B)

Last Spring the Excellence in Leadership (EIL) team was asked to develop a new residential energy efficiency program. The purpose of the program was to increase energy efficiency using a more customized or "whole house" approach.

Explanation: A whole house approach to energy efficiency has been successful in other parts of the country providing up to 30% in energy savings to the customer. While it costs the customer more money initially, implementing more measures at the same time provides more energy and demand savings per dollar invested

Fiscal Note: Cost for this program is included in the FY 2008 budget.

RECOMMENDATION

The City Commission hear a presentation from EIL members regarding the Home Performance with Energy Star Program to be implemented in January 2008.

Legislative History

9/10/07	City Commission	Continued
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070430_20071008.pdf

070527.**Biomass Power Supply Request for Proposals (RFP) (B)**

Biomass generating resources have the potential to provide i) cost effective renewable capacity and/or energy benefits, ii) environmental attributes consistent with the preferences of the Gainesville community, and iii) enhanced and reliable energy supply for the GRU system. Staff has drafted a power supply Request for Proposals (RFP) for biomass-fueled base load generation capacity, and wishes to review this proposal with the Commission to be certain the wishes of the Community are appropriately represented.

Explanation: On May 10, 2007 the City Commission selected biomass-fueled generation capacity as a key component of our energy supply planning. On June 18, 2007, the City Commission authorized GRU staff to develop a power supply RFP for biomass-fueled base load generation capacity, including municipal solid waste (MSW) as one source of fuel. A proposal containing the technical aspects of the RFP has been developed and we wish to review its key features before adding the purchasing administrative requirements to the document and issuing it as an RFP on October 15, 2007 (Attachment A). The proposal was reviewed with the Gainesville Energy Advisory Committee (GEAC) on September 17. A number of interested parties have asked for and commented on the draft proposal as well. We wish to review these Commission (Attachment B). The key features of the proposal are: allowable fuels; capacity requirements; fuel availability and unit size; sustainable forest resource management; the criteria for a technology to be considered; contract structures; and the evaluation criteria and selection process. The issues identified by GEAC and others include: truck traffic; the carbon sequestration aspects of waste to energy; consistency with comprehensive plans; enforcement of sustainable forestry practices; competition between MSW-to-energy and recycling; nutrient recycling; and net effects on particulate emissions. We wish to review these aspects of the proposal with the Commission to be certain the project has environmental attributes consistent with the preferences of the Gainesville community.

Fiscal Note: Issuing the RFP for biomass-fueled generation capacity will not have a fiscal impact. Staff will not recommend proceeding with a project that does not have long term financial, environmental, and/or reliability benefits for the community.

RECOMMENDATION

The City Commission authorize staff to issue the proposed power supply RFP for biomass-fueled generation capacity.

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070527a_20071008.pdf

070528.**Nuclear Energy Option (NB)**

Progress Energy Florida (PEF) has publicly announced their plans to develop new nuclear electrical generating and transmission capacity at a site in Levy County, to potentially come on line between 2015 and 2020.

PEF has recently initiated an inquiry into the level of municipal utility interest in participating in these units (probably as joint ownership). Nuclear generation holds the promise of being very reliable and competitive base load electrical capacity should carbon constrains be imposed on a state or national level, and is a valuable and important option for our customers.

Explanation: Florida Statutes have a new provision that allows early cost recovery to encourage investor owned utilities to invest in nuclear facilities, provided they negotiate in good faith to allow municipal utilities an opportunity to acquire an equity share of the unit's capacity.

There are also substantial Federal tax and production credits for the first 6,000 MW of licensed nuclear capacity in the USA, and competition is fierce to be one of the recipients of this incentive. Progress Energy Florida (PEF) has publicly announced their plans to develop new nuclear electrical generating and transmission capacity at a site in Levy County, to potentially come on line between 2015 and 2020. PEF has very recently contacted us to establish our level of interest in participating in these units, probably in the form of a letter of interest. If GRU wishes to consider participating in this project in the future, it is important to be able to negotiate to secure an option in a timely manner now. We do not know how much capacity PEF is willing to share, but we do know that the level of interest is very high among municipal utilities around the state and we are unlikely to be allocated as much capacity as we might like. Staff believes an initial letter of interest of up to 100 MW is appropriate at this phase of the discussions, but it is unlikely that we will be able to secure this amount. The Commission will be asked to approve any agreements requiring a financial commitment to purchase capacity.

Fiscal Note: The initial letter of interest will be non-binding. Once allocations are set, we expect to be asked to enter into binding agreements in which we will be asked to assume a share of the project development costs. We do not know at this time, but will seek Commission approval before entering into financial commitments to purchase capacity.

RECOMMENDATION

The City Commission authorize the General Manager or her designee to enter into negotiations to secure an option on base load, nuclear generation capacity to be developed by Progress Energy Florida which might become available between 2015 and 2020.

070529.

Opportunity to Construct a Large Photovoltaic System (B)

Staff has been in discussions with a large retail customer interested in constructing an extensive photovoltaic system (up to 250 kW system) on top of a covered parking structure.

Explanation: Staff was approached by a large retail customer interested in constructing a large photovoltaic system on top of covered parking. Staff has had several discussions with this customer and would like to discuss this opportunity with the City Commission. There are several options that staff has considered as well alternate funding sources, including a financial contribution by the customer.

Fiscal Note: None at this time, although staff will be seeking direction on possible funding sources.

RECOMMENDATION

The City Commission hear a presentation from staff regarding the proposed project; cost estimates; timelines; and funding sources.

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC SAFETY COMMITTEE

070244.

VEHICLES FOR HIRE (B)

Explanation: The City Commission referred this ordinance at first reading to the Public Safety Committee at the September 10, 2007 meeting after concerns, unrelated to this particular amendment, were brought forward by area cab and limousine companies.

For the Committee's September 20, 2007 meeting, all companies with occupational licenses with the City were invited in writing to attend the meeting. Most of the companies invited were represented and participated in the discussion.

It was determined that the issues of clarification before the Committee were: 1) whether or not the City would require a financial audit of the companies; 2) criminal history restrictions for the drivers; and 3) the number of vehicles required by a company in order to obtain or maintain a franchise.

Mark Benton, Finance Director, and Brent Godshalk, City Auditor, determined that the City has no need for the financial audit. Mr. Godshalk provided a letter to the Committee stating this opinion. It was agreed by Commissioners Mastrodicasa and Henry that this requirement be stricken from the ordinance.

It was decided that the criminal history requirements for the vehicle for hire drivers would mirror that of what is being proposed in the Roam Towing Regulations with a ten year time frame on violent felony offenses, a ten year time frame for other specified felonies and first degree misdemeanors and a five year time frame on driver's license issues.

After a discussion with the taxi and limousine company owners regarding the number of vehicles required to get a license, it was agreed that the minimum

number of vehicles required would be one in an effort to be fair to businesses just starting up. It was also decided that the intent of the ordinance is that if a licensed vehicle is sold, traded or wrecked, the medallion can be transferred to a new vehicle by contacting the City's Finance Department for transfer.

Fiscal Note: None

RECOMMENDATION

The City Commission 1) authorize the City Attorney to draft and the Clerk of the Commission to advertise amendments to the Vehicle for Hire ordinance incorporating the changes proposed in the amendment that was pulled from first reading and the specific changes recommended by the Public Safety Committee at its meeting on September 20, 2007, to address the concerns of the Vehicles for Hire owners and drivers; and 2) hear from Regional Transit System staff regarding the licensing of medical transportation vehicles that was not brought forward at the September 20 Public Safety Meeting.

Legislative History

8/13/07	City Commission	Approved as Recommended (4 - 0 - 3 Absent)	
9/10/07	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee

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ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

070533.

Dave Mays Automotive Business Appreciation Day - October 1, 2007 (B)

RECOMMENDATION

Dave Mays, Owner of Dave Mays Automotive to accept the proclamation.

070533_200710081300.pdf

070534. **Fire Prevention Week - October 7-13, 2007 (B)**

RECOMMENDATION *Gainesville Fire-Rescue Risk Reduction Bureau Deputy Chief Tim Hayes, Specialist Laura Koppel, and Specialist Krista Gonzalez to accept the proclamation.*

070534_200710081300.pdf

070535. **National Arts and Humanities Month - October 2007 (B)**

RECOMMENDATION *City of Gainesville Visual Arts Coordinator Erin Friedberg to accept proclamation.*

070535_200710081300.pdf

070536. **United Nations Day in Gainesville - October 18, 2007 (B)**

RECOMMENDATION *UN Day in Gainesville Chair Elisabeth Renner to accept the proclamation.*

070536_200710081300.pdf

070537. **DECA Week - October 7-13, 2007 (B)**

RECOMMENDATION *Buchholz High School DECA Chapter President Clare Rumsey, Vice President Emily Eskin, Secretary Hannah Stark, and Marketing Vice President Matthew Norton to accept the proclamation.*

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CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

070429. **SERVICE CHARGES FOR INSTALLATION OR TURN-ON OF UTILITY SERVICE AND FIELD VISITS FOR RECONNECTION OF UTILITY SERVICE (B)**

**Ordinance No. 0-07-81
AN ORDINANCE AMENDING CHAPTER 27, ARTICLE 1, SECTION 27-15 OF THE CODE OF ORDINANCES OF GAINESVILLE, FLORIDA**

RELATING TO SERVICE CHARGES FOR INSTALLATION OR TURN-ON OF UTILITY SERVICE AND FIELD VISITS FOR RECONNECTION OF UTILITY SERVICE; AMENDING APPENDIX A, UTILITIES SECTION (1), SUBSECTION c BY DELETING AN ADDITIONAL BILLING CHARGE FOR METERS READ BY THE CONSUMER; AMENDING APPENDIX A, UTILITIES SECTION (3), SUBSECTION c BY PROVIDING FOR A BACKFLOW TESTING FEE; AMENDING APPENDIX A, UTILITIES SECTION (7), SUBSECTION b(3) SERVICE CHARGES BY DELETING A FEE FOR TRANSFER OF UTILITY SERVICE CLASSIFICATION AND PROVIDING FOR A FIELD VISIT TRIP CHARGE; AND AMENDING APPENDIX A, UTILITIES SECTION (7)b BY ADDING SUBSECTION 10 PROVIDING FOR AN UNAUTHORIZED SERVICE INVESTIGATION FEE; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Explanation: Background:

Minor changes are needed to Chapter 27, City of Gainesville Code of Ordinances, to reflect revised practices brought about by the implementation of the new SAP Customer Care System in April, 2007. The manner in which the SAP software accomplishes the billing function is different than the previous billing system. Rather than change the software at a higher cost, staff has revised its processes and procedures. To accurately reflect the procedures and the sequence of charges, staff recommends that minor changes to Chapter 27, City of Gainesville Code of Ordinances, including but not limited to the following, be made:

- 1. Combined fees for service reconnection were replaced with reconnection fees for each service.*
- 2. With a customer-based data model and system, the classification of "accounts" is no longer required. The provision and fee specified in the ordinance needs to be stricken.*
- 3. No fee is charged for a customer reading his/her own meter. The fee needs to be stricken from the ordinance.*
- 4. Two (2) service charges are generally referenced in the ordinance as cost recovery charges; yet in practice, the charges are standardized fees.*

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/10/07 City Commission Approved as Recommended (5 - 0 - 2 Absent)

070429_200710081300.pdf

070448.

CORRECTION OF SCRIVENER'S ERROR (URBAN SERVICES REPORT) (B)

Ordinance No. 0-07-79

An ordinance of the City of Gainesville, Florida, correcting a scrivener's error by adding tax parcel number 06687-004-000 to the title and Section 1

of Ordinance No. 070130, which was adopted on August 27, 2007; and providing an immediate effective date.

Explanation: At its regular meeting on September 24, 2007, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance correcting a scrivener's error that can only be corrected by ordinance. Specifically, Ordinance No. 070130 inadvertently omitted two references to tax parcel number 06687-004-000. The proposed ordinance is limited to correction of the error. The actual adopted Urban Services Report that was attached to Ordinance No. 070130 is correct as adopted and needs no amendment. If adopted on first reading, second and final reading will be October 22, 2007.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/24/07 City Commission Approved as Recommended (6 - 0 - 1 Absent)

070448_200710081300.pdf

070520.

EXTENSION OF MORATORIUM ON ELECTRONIC AND ANIMATED SIGNS (B)

Ordinance No. 0-07-92

An Ordinance of the City of Gainesville, Florida, readopting and ratifying Ordinance No. 070026, and extending the time period of the temporary moratorium on the issuance of any permit, development order, site plan approval and any other official action of the City of Gainesville having the effect of permitting or allowing the construction, operation or erection of an electronic sign or an animated sign, as more specifically described in this Ordinance, excluding approvals and permits for the maintenance of an existing electronic sign or animated sign; the temporary moratorium shall apply to all real property located within the corporate limits of the City of Gainesville; providing a procedure for extraordinary hardship; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: Ordinance No. 070026 was adopted by the City Commission on June 11, 2007, imposing a temporary moratorium on electronic and animated signs. The current time period ends on October 22, 2007. The City Commission, at its meeting of Monday, September 24, 2007, decided to authorize the extension of the time period of the moratorium. The extended period will end on Monday, April 14, 2008, or sooner if the City completes its review and adopts the necessary implementing ordinance(s).

RECOMMENDATION

The City Commission adopt the proposed ordinance.

070520_200710081300.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

070455.**TOWING - FELONY CONVICTIONS (B)****Ordinance No. 0-07-83**

An ordinance of the City of Gainesville amending Chapter 14.5, Article III, Section 14.5-27 to provide a time frame for disqualifying felony convictions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its meeting on September 10, 2007, authorized the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance to allow convicted felons to obtain the driver permit under certain conditions. At its September 17, 2007 meeting, the City Commission requested revisions which would continue to include a category of disqualifying convictions consisting of specified violent felonies, those involving the use of a gun or knife, and those resulting in great bodily harm. Additionally, a 10-year category was established for all other violent felonies.

RECOMMENDATION

The City Commission adopt the proposed ordinance, as amended.

Legislative History

9/10/07	City Commission	Referred (6 - 0 - 1 Absent)	City Attorney
9/24/07	City Commission	Adopted on First Reading, as amended (Ordinance) (7 - 0)	

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RESOLUTIONS- ROLL CALL REQUIRED**PLAN BOARD PETITIONS****DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****COMMISSION COMMENT****CITIZEN COMMENT (If time available)****ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**