

City of Gainesville

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



Meeting Agenda

December 01, 2011

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Thomas Hawkins (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Todd Chase (District 2)

Commissioner Susan Bottcher (District 3)

Commissioner Randy Wells (District 4)

Commissioner Jeanna Mastrodicasa (At Large)

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

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**

Prophet George Young

CONSENT AGENDA**CITY MANAGER, CONSENT AGENDA ITEMS****110453.****Annual Services Contract for Professional Surveying and Mapping Services FY12 (B)**

This is a request for the City Commission to approve staff's recommended ranking of the Surveying and Mapping Services firms .

Explanation: On August 9, 2011, the City's Purchasing Department solicited statements of qualifications for professional surveying and mapping services. Eight (8) firms submitted responses on September 8, 2011. Staff reviewed the submittals and invited 5 firms to present their qualifications on October 10, 2011. The final ranking of the 5 firms is:

1st - Degrove Surveyors, Inc.

2nd - George F. Young, Inc.

3rd - DRMP, Inc.

4th - Lochrane Engineering, Inc.

5th - Volkert, Inc.

Fiscal Note: As services are identified, funding sources will be identified in the Public Works Department FY 2012 operating budget and the City's Capital Improvement Plan capital project accounts.

RECOMMENDATION

The City Commission: 1) approve staff's

recommended ranking of the Surveying and Mapping firms; and 2) authorize the City Manager to negotiate in accordance with the Consultants' Competitive Negotiations Act (CCNA) and execute a contract and any related documents, subject to approval from the City Attorney as to form and legality, for the Surveying and Mapping Services.

110453B_Award Notification_20111201.pdf

110502.

**Annual Services Contract for Professional Engineering Services FY2012
(B)**

This is a request for the City Commission to approve staff's recommended ranking of the Engineering Services firms.

Explanation: On August 11, 2011, the City's Purchasing Division solicited statements of qualifications for professional engineering services in the following disciplines: Transportation/Planning, Civil and Water Resource. Thirteen (13) firms submitted responses on September 12, 2011. Staff reviewed the submittals and invited four (4) firms per discipline to present their qualifications on October 25-26, 2011. Following the presentations, Staff evaluated the firms and provided final rankings and recommendations for award as follows:

Transportation/Planning

- 1st - Reynolds, Smith & Hills, Inc. (Recommended for award)*
- 2nd - Comprehensive Engineering Services, Inc. (Recommended for award)*
- 3rd - The LPA Group*
- 4th - Brown & Cullen, Inc.*

Civil

- 1st - Comprehensive Engineering Services, Inc. (Recommended for award)*
- 2nd - Reynolds, Smith & Hills, Inc. (Recommended for award)*
- 3rd - Brown & Cullen, Inc. (Recommended for award)*
- 4th - The LPA Group*

Water Resource

- 1st - Geosyntec Consultants (Recommended for award)*
- 2nd - Jones Edmunds & Associates (Recommended for award)*
- 3rd - Comprehensive Engineering Services, Inc.*
- 4th - The LPA Group*

Fiscal Note: *As services are identified, funding sources will be identified in the Public Works Department FY 2011 operating budget and the City's Capital Improvement Plan capital project accounts.*

RECOMMENDATION

The City Commission: 1) approve staff's final ranking and recommendations for award; and 2) authorize the City Manager to negotiate in accordance with the Consultants' Competitive Negotiations Act (CCNA) and execute contracts and any related documents,

subject to approval from the City Attorney as to form and legality, for Engineering Services.

110502A_Award Recommendation_20111201.pdf

110502B_Award Recommendation_20111201.pdf

110502C_Award Recommendation_20111201.pdf

110503.

Annual Services Contract for Professional Environmental Services FY2012 (B)

This is a request for the City Commission to approve staff's recommended ranking of the Environmental Services firms.

Explanation: On August 11, 2011, the City's Purchasing Department solicited statements of qualifications for professional environmental services. Six (6) firms submitted responses on September 20, 2011. Staff reviewed the submittals and invited the top 3 responsive firms to present their qualifications on October 18, 2011. The final ranking of the 3 firms is:

1st - AMEC E&I, Inc. (Recommended for award)

2nd - Environmental Consulting & Technology, Inc. (Recommended for award)

3rd - Water & Air Research, Inc.

Fiscal Note: As services are identified, funding sources will be identified in the Public Works Department FY 2012 operating budget and the City's Capital Improvement Plan capital project accounts.

RECOMMENDATION

The City Commission: 1) approve staff's recommended ranking of the Environmental Services firms; and 2) authorize the City Manager to negotiate in accordance with the Consultants' Competitive Negotiations Act (CCNA) and execute contracts and any related documents with the top two (2) firms, subject to approval by the City Attorney as to form and legality, for the Environmental Services.

110503_BidTab_20111201.pdf

110519.

Design and Construction of the Gainesville Police Department Headquarters & Physical Training Facility (B)

This is a request for the City Commission to approve staff's recommended ranking of the Design/Build firms for the Design and Construction of the Gainesville Police Department (GPD) Headquarters & Physical Training Facility.

Explanation: The GPD Headquarters & Physical Training Facility project is to be a major initiative to revitalize the NW 6th Street and NW 8th Avenue corridor through the modernization of the GPD Headquarters & Physical Training Facility. The design for the Project needs to be functional, cost-effective, and utilize environmentally sustainable concepts to reduce and control operational costs

and minimize negative environmental impacts. The facilities and associated work will be designed to blend into the surrounding environmental context and meet or exceed the budgeted program parameters currently defined for GPD and the City.

On August 25, 2011, the City began the first step in accomplishing GPD's Goal, by issuing a Request for Qualifications (RFQ), through the City's Purchasing Division to retain the services of a qualified Design/Build Firm to plan, design, and construct the multi-building project. The project will be located on Parcel # 14396-000-000, which is located north of NW 7th Avenue, east of NW 6th Street, south of NW 8th Avenue, and west of NW 4th Street, and contains approximately 4.78 +/- acre.

A Mandatory Pre-Qualification Conference and a Mandatory Walk-Through were held on September 8, 2011, to inform all potential Qualifiers and provide them an opportunity to see the site first hand and ask specific questions based on their visual inspection.

On October 6, 2011, Finance Department / Purchasing Division received ten (10) RFQ submittals for the GPD project. Upon initial review of the Qualification Proposals by staff, it was determined that four (4) of the ten (10) would be classified as non-responsive, because they did not include the following three (3) mandatory forms with their initial submittals.

01.00.11 - Certificate Regarding Debarment

01.00.12 - Certificate Regarding Lobbying

01.00.14 - Contractor Responsibility Certification

In this regard, the Purchasing Division sent letters, dated October 11, 2011, to the four (4) non-responsive proposers informing them that their submittals were non-responsive and therefore would not be considered for the Gainesville Police Department Project.

On October 13, 2011, a bid protest letter was received by the Purchasing Office from CORE Construction Services of Florida protesting the fact that their submittal had been deemed non-responsive for not including the above mentioned forms in their initial submittal. In keeping with the established purchasing bid protest procedures, General Services was notified that it would be required to schedule a Bid-Protest Hearing. On October 18, 2011, all proposers were notified that General Services had scheduled a Bid-Protest Hearing for October 26, 2011 at 9:00 AM at the Public Works Administration Building.

As provided for in the Financial Services Procedures Manual, 41-000 Purchasing, Section 41-580, the Bid-Protest Hearing was held, whereby General Services' Director, Milton Reid recommended the following: "Based on my review of the facts as detailed above, I recommend that the determination that the submittal from CORE Construction Services of Florida is non-responsive, be upheld."

The General Services Director's recommendation, including all substantive backup, was forwarded to the City Manager Russ Blackburn. On November 2, 2011 the City Manager issued a letter to Mr. Wiseman and Mr. Painter of CORE Construction Services of Florida, that he was upholding the Department's determination that CORE Construction Services of Florida was non-responsive by the omission of the above referenced forms in their initial Statement of Qualifications.

An evaluation team consisting of City staff evaluated the qualifications of all six (6) responsive firms. Those evaluations were scored for the purpose of short-listing three proposers to advance to the oral presentations. The short-listed proposers were Brasfield & Gorrie/Pond, Mills Gilbane/Harvard Jolly, and Peter Brown/ADG. On Monday, October 31, 2011 the short-listed firms participated individually in oral presentations and interviews and staff is recommending the following ranking of the firms:

- 1) Mills Gilbane/Harvard Jolly*
- 2) Peter Brown/ ADG*
- 3) Brasfield & Gorrie / POND*

If a contract cannot be negotiated with the top ranked firm, negotiations will continue down the list in the ranked order until a contract is negotiated and can be executed.

Fiscal Note: The City of Gainesville has identified funding for this project is from a variety of services, including Law Enforcement Contraband Forfeiture Funds, bond proceeds and the General Fund.

RECOMMENDATION

The City Commission approve the final ranking and authorize staff to begin negotiations with the top rank firm, Mills Gilbane/Harvard Jolly, for the negotiated prices of both Option 1 (Renovations/New Construction of the existing 721 Building and Renovations of the 411 Building) and Option 2 (New construction of the 721 Building and Renovations of the 411 Building). Prices for both options are to be presented to the City Commission for their final selection prior to execution of any agreement for this project.

110519_Ranking Recommendation_20111201.pdf

110520.

Human Resources Policies E-3, Code of Conduct/Disciplinary Procedures and G-7, Use of Technology Systems (B)

Explanation: Policy E-3:

This policy requires review by the Human Resources/Organizational Development Department of all disciplinary actions with a proposed penalty of suspension without pay and for all terminations. The goal is to ensure consistency in the handling and application of all disciplinary actions. The rules and recommended minimum disciplinary actions grid has not been

changed.

Policy G-7:

The purpose of this policy is to ensure that the City's IT Systems are used for their intended purposes, to define authorized and prohibited uses of the City's IT Systems, and to protect the integrity, availability and performance of the City's IT Systems.

Fiscal Note: None

RECOMMENDATION

Approve Human Resources Policies E-3, Code of Conduct/Disciplinary Procedures and G-7, Use of Technology Systems.

110520A_E-3 Code of Conduct strikeout version_20111201.pdf

110520B_E-3 Code of Conduct final version_20111201.pdf

110520C_G-7 Use of Technology Policy_20111201.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

110521.

Contract for Crew Callout System (NB)

Staff recommends establishing a contract with ARCOS, Inc. for a subscription to an automated system for crew callout notifications.

Explanation: When utility emergency response personnel are needed outside of regular work hours to assist in restoration services, systems operations dispatchers are responsible for calling crews to report to work. The dispatchers are responsible for handling outage-related calls while concurrently summoning the required emergency response crews including electric and gas line workers, utility line locators and field service technicians. By implementing an automated crew notification system, dispatchers will be able to focus their attention on critical restoration tasks without also having to manually call crews. The automated system will increase the efficiency of dispatchers' response to restoration activities while facilitating and expediting crew notification for unplanned events.

ARCOS, Inc. is the most widely used web-based application with 24/7 availability that is specifically designed for the utilities industry. The company has over 10 years of experience providing this service to utilities and has improved restoration efforts for its customers by as much as 20%. The estimated cost of the contract is \$95,000 which includes a one-time set up cost, training and travel expenses, and a 36-month subscription service for 100 users. The contract will include provisions to add other GRU departments to the contract if needed.

Fiscal Note: Funds for these services are available in the FY 2012 budget and will be requested in subsequent year budgets.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a

contract for a subscription with ARCOS, Inc., a specified source, for an automated crew callout notification system, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders in amounts not exceeding budgeted amounts for each year of the contract, subject to the final appropriation of funds for these services for each fiscal year.

CITY ATTORNEY, CONSENT AGENDA ITEMS

110513.

ERIN FRIEDBERG VS. THE CITY OF GAINESVILLE; EEOC CHARGE NO. 15D201200052 (NB)

Explanation: On November 14th, 2011, the City of Gainesville received a Notice of Filing a Complaint of Discrimination from the Florida Commission on Human Relations. Ms. Erin Friedberg, a former employee, alleges that the City discriminated and retaliated against her based on her disability.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled ERIN FRIEDBERG vs. the City of Gainesville; FCHR No.: 201200259; EEOC Charge No. 15D201200052

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE (CONSENT)

110491.

Review of General Fund Forecasted Revenues and Other Sources of Funds for the Fiscal Year Ending September 30, 2012 (B)

Explanation: In accordance with Section 12(a), Budget Reviews, of Commission Resolution 970187 and our Annual Audit Plan, we have completed our review of General Fund revenue estimates as presented by the City Manager in the proposed General Government Budget for the fiscal year ending September 30, 2012.

We reviewed the forecasted General Fund Revenues and Other Sources of Funds set forth in the Fiscal Year 2011-2012 Final General Operating and Financial Plan Budget adopted by the City Commission on September 19, 2011.

Our objective was to assess whether data, methods and assumptions used by the City Manager in preparing projected General Fund Revenues and Other Sources of Funds in the amount of \$103,074,320 provide a reliable and reasonable basis for the forecast.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our conclusion based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our conclusion based on our audit objective.

Conclusion

Based on our review, we believe that management's assumptions provide a reliable and reasonable basis for presenting projected Fiscal Year 2011-2012 General Fund Revenues and Other Sources of Funds in the amount of \$103,074,320. However, we projected some revenue sources at a different level than the approved General Fund budget. The total estimated difference is approximately \$274,738 or 0.3% more than budgeted. The differences are reflected in the attached schedule of General Fund Forecasted Revenues and Other Sources of Funds for the Fiscal Year Ending September 30, 2012 and an accompanying Explanation of Differences. Management continues to monitor the City's financial position throughout the fiscal year and makes adjustments as necessary. Monitoring reports are provided to the City Commission through the Audit, Finance and Legislative Committee on a quarterly basis, with any significant changes from budgeted figures discussed in committee.

RECOMMENDATION

The City Commission accept the City Auditor's report.

Legislative History

11/14/11 Audit, Finance and Recommended for Approval
 Legislative
 Committee

110491-Review of General Fund Forecasted Revenues and Other Sources of Funds for t

110473.

Review of Miscellaneous Cash Receipts and Expenses (B)

Explanation: In accordance with our Annual Audit Plan, the City Auditor's Office has completed a Review of Miscellaneous Cash Receipts and Expenses. The primary objective of our audit was to provide reasonable assurance that cash receipts and expenses were accumulated in compliance with cash handling policies, rules, and procedures. During our review, we interviewed key personnel, analyzed operating data and evaluated management controls.

Based on the results of our review, we believe that opportunities exist for the Parks, Recreation and Cultural Affairs Department to strengthen the process of overseeing and accounting for Downtown Festival and Art Show revenues. Our report, which includes a response from the City Manager, is attached for your review. The report provides several recommendations related to improving

controls over the process of accounting for and reconciling revenues received.

We request that the Committee recommend the City Commission accept our report and the City Manager's response. Also, in accordance with City Commission Resolution 970187, Section 10, Responsibilities for Follow-up on Audits, we request that the Committee recommend the City Commission instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.

RECOMMENDATION

The City Commission: 1) Accept the City Auditor's report and the response from the City Manager; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.

Legislative History

11/14/11 Audit, Finance and Recommended for Approval
 Legislative
 Committee

110473-Review of Miscellaneous Cash Receipts and Expenses - AFLC 11-14-11.pdf

110472.

Review of GRU Capital Project Contracts (B)

Explanation: In accordance with our Annual Audit Plan, the City Auditor's Office has completed a Review of GRU Capital Project Contracts. The primary objective of our audit was to evaluate the system of management control over the process for monitoring GRU capital project contracts. During our review, we interviewed key personnel, analyzed operating data and evaluated management controls.

Based on the results of our review, we believe that opportunities exist for GRU to strengthen the process of overseeing capital project contracts. Our report, which includes a response from the General Manager, is attached for your review. The report provides two recommendations related to improving the contract management process and reporting on the status of GRU capital projects.

We request that the Committee recommend the City Commission accept our report and the General Manager's response. Also, in accordance with City Commission Resolution 970187, Section 10, Responsibilities for Follow-up on Audits, we request that the Committee recommend the City Commission instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.

RECOMMENDATION

The City Commission: 1) Accept the City Auditor's report and the response from the General Manager for Utilities; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.

Legislative History

11/14/11 Audit, Finance and Recommended for Approval
 Legislative
 Committee

110472-Review of GRU Capital Project Contracts - AFLC 11-14-11.pdf

110333**Report on the Status of Outstanding Audit Recommendations for November 2011 (B)**

Explanation: City Commission Resolution 970187, City Auditor Responsibilities and Administrative Procedures, requires the City Auditor to notify the appropriate Charter Officer of recommendations projected for implementation in the following six months. The responsible department managers prepare a written status report to the appropriate Charter Officer who then provides this information to the City Auditor. The City Auditor's Office verifies that corrective action has been taken and summarizes the results to the Audit, Finance and Legislative Committee.

During the past several months, the City Auditor worked with the appropriate Charter Officers in preparing a status report on 29 outstanding audit recommendations. We have reviewed management's feedback on the implementation of outstanding recommendations and prepared the attached status report summarizing the results of our review.

We would like to express our thanks to the City Manager, Equal Opportunity Director, General Manager for Utilities and the various departments participating in this review process.

RECOMMENDATION *The City Commission accept the City Auditor's report.*

Legislative History

11/14/11 Audit, Finance and Recommended for Approval
 Legislative
 Committee

110333 - Report on the Status of Outstanding Audit Recommendations for November 2011

110445.**Outside Agencies Using the City Commission Auditorium (B)**

Explanation: This referral was brought forward by Mayor-Commissioner Pro Tem Thomas Hawkins at the October 20, 2011 City Commission meeting, where it was referred to the Audit, Finance and Legislative Committee. After discussing this item during their November 14, 2011 meeting, the Committee agreed by consensus to recommend to the City Commission that the City Commission Meeting Facilities Policy be amended to allow the auditorium and City Hall meeting rooms to be used for "Open candidate forums conducted by 501(c)(3) or 501(c)(4) organizations not endorsing or opposing a candidate or political party." The facilities will only be available for such forums on Saturdays and Sundays when the rooms are not needed by the City and all costs of providing

the facilities will be paid by the organization. The Clerk of the Commission, City Manager and City Attorney will ensure that a standard contract documenting the arrangement, costs and indemnification of the City will be executed with the organization prior to the event. A copy of the current City Commission Meeting Facilities Policy and a memo from the President of the League of Women Voters of Alachua County/Gainesville have been attached to this item as backup.

RECOMMENDATION

The City Commission approve amending the City Commission Meeting Facilities Policy to allow the auditorium and City Hall meeting rooms to be used for "Open candidate forums conducted by 501(c)(3) or 501(c)(4) organizations not endorsing or opposing a candidate or political party," under the conditions set forth in the explanation of this item.

Legislative History

10/20/11	City Commission	Referred (7 - 0)	Audit, Finance and Legislative Committee
11/14/11	Audit, Finance and Legislative Committee	Recommended for Approval	

110445 - City Hall-Commission Meeting Room AUTHORIZATION REQUEST Packet (3 p
110445-League of Women Voters doc ref City Commission Rqst for Auditorium.PDF

ECONOMIC DEVELOPMENT/UNIVERSITY COMMUNITY COMMITTEE, CONSENT

110127.**2002 Town Gown Relations Study - Ten Years Later (B)**

Explanation: On June 16, 2011, the City Commission moved this referral to the Economic Development University Community Committee (EDUCC). The Committee reviewed the Town Gown Task Force's Neighborhood Action Plan completed in September, 2002 on two occasions and heard input from staff and representatives from other entities in the community about implementation that has occurred as a result of the Study's recommendations.

Fiscal Note: None.

RECOMMENDATION

EDUCC to City Commission: 1) Recommend that the Mayor draft a letter to the University of Florida indicating thanks for actions implemented as a result of the Action Plan specifically related to Code Enforcement and off-campus life; and 2) remove this referral from the Committee's pending referral list.

Legislative History

6/16/11	City Commission	Referred (7 - 0)	Economic Development/University Community Com
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110127A_Memo from Staff_20110713.pdf
110127B_2002 Town Gown Action Plan_20110713 .pdf
110127A_Memo from Staff_20111201.pdf
110127B_2002 Town Gown Action Plan_20111201 .pdf

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

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

Gator Detachment of the Marine Corp League Bob Gasche

PROCLAMATIONS/SPECIAL RECOGNITIONS**110523.****Pearl Harbor Remembrance Day - December 7, 2011 (B)****RECOMMENDATION**

Gator Detachment of the Marine Corp League Bob Gasche and Dick Davis to accept the proclamation.

110523_PearlHarbor_20111201.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****110504.****Resolution for a Joint Participation Agreement (JPA) - Bus Rapid Transit (BRT) Alternatives Analysis (B)**

This item is a request to adopt a Resolution Repealing Resolution No. 090907 and authorizing the City Manager to execute a Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive \$125,000 in funds for a Bus Rapid Transit (BRT) Alternatives Analysis.

Explanation: On April 1, 2010, the City Commission adopted Resolution No. 090907 to allow the Regional Transit System (RTS) to accept \$125,000 in funding from the Florida Department of Transportation (FDOT) for a Bus Rapid Transit (BRT) Alternatives Analysis. On May 26, 2010, RTS and FDOT entered into a Joint Participation Agreement (JPA) to accept the funding.

On October 30, 2011, FDOT requested that RTS add Contract Number APX06 to the resolution which requires the repeal of Resolution No. 090907 and the adoption of a new resolution.

Fiscal Note: FDOT will provide funding in the amount of \$125,000 and has advised that no local share is required for this project.

RECOMMENDATION

The City Commission adopt the Resolution.

110504_Resolution_20111201.pdf

110469.**Final Amendment to the FY 2010-2011 General Government Financial and Operating Plan (B)**

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2010-2011 General Government budget those transactions and

activities that were not anticipated during the budget process.

Fiscal Note: All of the recommended changes are funded either by increases in revenue budgets, decreases in expenditure budgets, or decreases in appropriate fund balances.

RECOMMENDATION

The City Commission adopt the proposed resolution.

Legislative History

11/14/11 Audit, Finance and Recommended for Approval
Legislative
Committee

110469-Resolution - FY11-Final-AMEND-BGT.PDF

110469-Final Amendment to the FY 2010-2011 General Government Financial & Operatir

110335.

Proposed Fiscal Year 2012 Annual Audit Plan (B)

Explanation: Resolution 970187, City Auditor Internal Responsibilities and Administrative Procedures, Section 4 (b) requires the City Auditor to submit an Annual Audit Plan to the City Commission for approval. The process of preparing the Annual Audit Plan includes defining auditable units, obtaining input from City Commissioners and Charter Officers, evaluating information gained from previous audits and assessing the relative risks involved in different City programs and operations.

Each of the requested projects is weighed against other planned or required projects resulting in Exhibit A, which represents a compilation of proposed audits for the City Auditor's work plan for Fiscal Year 2011. Audits are classified into the following categories:

*Revenue/Cost Containment Audits
Operational Audits
Compliance Audits
Follow-up Audits
Other Projects*

We request that the Committee recommend the City Commission approve our Fiscal Year 2012 Annual Audit Plan by resolution.

RECOMMENDATION

The City Commission adopt the resolution.

Legislative History

11/14/11 Audit, Finance and Recommended for Approval
Legislative
Committee

110335-Proposed Fiscal year 2012 Annual Audit Plan - AFLC 11-14-11.pdf

ADOPTION READING-ROLL CALL REQUIRED

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

110367.**HOURS OF SALE, SERVICE AND CONSUMPTION OF ALCOHOL (B)****Ordinance No. 110367**

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to the hours of sale, service and consumption of alcohol by amending section 4-2 and 4-5(a) to permit sale, service and/or consumption on Sunday commensurate with permissible hours on Monday through Saturday; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting on November 17, 2011, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending section 4.2 regulating Sunday alcohol sales, extending the hours of sale to mirror the Monday through Saturday regulations.

If the City Commission adopts the ordinance on first and second reading, all licensed alcoholic beverage establishments will be allowed to sell alcoholic beverages seven days a week from 7:00am until 2:00am with the exception of package liquor stores who can sell spirituous liquors by the package from 7:00am until 11:00pm.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

10/6/11	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
10/26/11	Public Safety Committee	Discussed	
11/17/11	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	

110367_jeffrey_meldon20111006.pdf
110367a_WojciechowskiEmail_20111026.pdf
110367b_OrdSectionOnSales_20111026.pdf
110367c_GDOTLtrofSupport_20111026.pdf
110367B_jeffrey_meldon_20111201.pdf
110367A_draft ordinance_20111201.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**110371.****AMENDMENT TO PARKING CODE (B)****Ordinance No. 110371**

An Ordinance of the City of Gainesville, Florida, creating and adding a new section 26-102 to the Code of Ordinances, relating to Downtown mid-street parking; providing requirements, conditions and limitations; providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.

Explanation: Section 26.3 of the Code of Ordinances authorizes the City Manager to designate loading zones. On June 24, 2004, the City Manager issued a set of procedures for utilization of mid-street parking for loading and unloading in the downtown area. However, these procedures are not codified, and the parking restrictions may not have been widely understood. Therefore, the City Attorney's Office recommends they be codified into the Gainesville Code of Ordinances. The proposed ordinance also clarifies the need to leave room to pass and to avoid blocking traffic, and that such parking procedures are not available when traffic conditions or special events make it unsafe. Finally, it is recommended that the current placard issuance requirements for vehicles without business markings be removed, as these procedures have never been utilized.

The City Commission at its October 20, 2011 meeting authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance creating a provision in the Code of Ordinances relating to mid-street parking. If approved on first reading, second and final reading will be held on Thursday, December 1, 2011.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

10/20/11	City Commission	Approved as Recommended (7 - 0)
11/17/11	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

110371_Draft Ordinance_20111117.pdf

110372.

BUTLER PLAZA - TIME EXTENSION FOR PLANNED DEVELOPMENT REZONING (B)

Ordinance No. 110372

An ordinance of the City of Gainesville amending Section 4 of Ordinance No. 090537 related to Butler Plaza Planned Use District (PUD); by providing a time extension to obtain Planned Development (PD) zoning; providing directions to the codifier; providing a severability clause; providing a repealing clause; and, providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

On August 5, 2010, the City Commission approved the Butler Plaza Planned Use District (PUD) Ordinance. After state review, the PUD Ordinance became effective on September 6, 2010. Section 4 of the PUD Ordinance gave the property owner 12 months from the effective date (i.e. September 5, 2011) to obtain a rezoning to Planned Development (PD). The PUD Ordinance allows the owner to request an extension from the City Commission. On August 10, 2011 the owner filed a request for an extension.

The City Commission approved the PD rezoning petition on May 9, 2011. City staff and the owner, and its agents, have been working to finalize the Butler Plaza Planned Development rezoning petition into an ordinance ("PD

Ordinance"). Due to the complexity of the petition and its many exhibits, the preparation and review of the PD Ordinance is still in progress.

The City Commission, at its November 3, 2011 meeting, authorized the City Attorney to draft the appropriate ordinance to extend the time for obtaining the PD zoning until January 19, 2012.

CITY ATTORNEY MEMORANDUM

Should this ordinance be adopted on first reading, second and final reading will be held on December 1, 2011.

RECOMMENDATION The City Commission adopt the proposed ordinance

Legislative History

10/20/11	City Commission	Approved as Recommended (7 - 0)
11/17/11	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

110372_Attorney 8-10-11 Letter_20111020.pdf

110372A_draftordinance_20111117.pdf

110452.

POLICE AND FIREFIGHTERS CONSOLIDATED PENSION PLAN AMENDMENTS (B)

Ordinance No. 110452

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII, Division 8, of the Code of Ordinances of the City of Gainesville, relating to the City of Gainesville Police Officers and Firefighters Consolidated Retirement Plan; amending Section 2-605 to expressly provide that the corpus and income of the plan are to be used for the exclusive benefit of the plan participants and their beneficiaries; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a retroactive effective date.

Explanation: The City Commission, at its meeting on November 3, 2011, authorized the City Attorney to prepare, and the Clerk of the Commission to advertise, an ordinance amending the City of Gainesville Police Officers and Firefighters Consolidated Retirement Plan to add the exclusive benefit rule language required by IRS Revenue Ruling 2011-1.

In order for the City's pension plans to continue to invest in group trusts and not affect the tax status of the group trusts they invest in, IRS Revenue Ruling 2011-1 requires governmental pension plans to expressly provide in their governing documents "that it is impossible for the corpus or income of the group trust retiree benefit plan to be used for, or diverted to, purposes other than the exclusive benefit of the plan participants and their beneficiaries." This language is sometimes referred to as the "exclusive benefit rule."

While the City of Gainesville Police Officers and Firefighters Consolidated Retirement Plan currently contains similar language to the language referenced above in Section 2-605(a)(1) of the Gainesville Code of Ordinances ("The City

Commission shall have the right, at any time, to amend any or all of the provisions of the plan; provided, however, that no such amendment shall authorize or permit any part of the trust fund to be diverted for purposes other than for the exclusive benefit of members and their beneficiaries."), the plan does not contain specific exclusive benefit rule language set forth above. To comply with Revenue Ruling 2011-1, the City is required to amend its pension plans to add the language required by the IRS and referenced above by December 31, 2011.

This ordinance requires two public hearings. If adopted on first reading, second and final reading of the ordinance is scheduled for Thursday, December 1, 2011.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

11/3/11	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
11/17/11	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

110452_Consolidated Pension_20111117.pdf

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)