

City of Gainesville

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



Meeting Agenda - Final

September 19, 2013

1:00 PM

Modified Agenda

City Hall Auditorium

City Commission

*Mayor Ed Braddy (At Large)
Commissioner Lauren Poe (At Large)
Commissioner Thomas Hawkins (At Large)
Commissioner Yvonne Hinson-Rawls (District 1)
Commissioner Todd Chase (District 2)
Commissioner Susan Bottcher (District 3)
Mayor-Commissioner Pro Tem Randy Wells (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**

[120416.](#)

Solid Waste Collection Contract (B)

This item is a request for the City Commission to approve the renewal of a contract between the City and WCA (City's contract waste hauler) for residential and municipal solid waste, recycling and yard trash collection.

Explanation: The current contract term ends September 30, 2016, with the option for two 5-year renewals. The City has negotiated with WCA to renew this contract for one 5-year period, effective immediately with the renewal ending on September 30, 2021. In return, WCA has agreed to convert their fleet to Compressed Natural Gas (CNG) and develop a publicly accessible fueling station, in addition to various reductions in certain rates from the original contract.

On July 18, 2013, the City Commission authorized the City Manager to negotiate the final terms of the contract extension. Staff has worked with Alachua County and WCA representatives to negotiate the following:

- 1. The City agrees to renew this agreement for one 5-year period, effective immediately and terminating September 30, 2021.*

2. WCA has agreed to convert its residential collection vehicles from diesel to compressed natural gas (CNG) within five (5) months of the execution of the renewal; with the exception of its recycling trucks which will not be converted until the city and county have determined what future recycling collection needs are.

3. WCA has agreed to eliminate the diesel fuel surcharge upon execution of the contract renewal and replace it with a flat rate of \$0.10 per household per month to cover fluctuations in CNG prices.

4. In addition to constructing a slow fill CNG refueling station on their property for their fleet, WCA has also agreed to develop a fast fill station for public use. WCA will purchase its natural gas from GRU.

5. WCA has agreed to reduce the current scheduled and future contract rate increases in FY15 and FY19 from 8% to 6%.

6. WCA has agreed to terminate the use of their transfer station located on Bear Archery Road to process municipal solid waste (MSW) and to direct haul all MSW to the Leveda Brown Environmental Park (LBEP).

7. WCA has executed a voluntary annexation agreement which is being processed by staff.

8. In addition to improving various operational aspects of the collection contract, WCA has agreed to reduce rates for collecting public trash and recycling containers; and has agreed to pay a \$250,000 assignment fee to the City in the event the contract is ever sold or assigned.

Fiscal Note: The estimated savings over the remaining contract term is \$875,675. All expenses associated with this contract will be funded through the Solid Waste Enterprise Fund.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Renewal Agreement with WCA of Florida, LLC for residential and municipal solid waste, recycling and yard trash collection through September 30, 2021; subject to approval by the City Attorney as to form and legality.

Legislative History

1/17/13	City Commission	Approved as Amended
7/18/13	City Commission	Approved as Recommended

[120416A_PPT_20130117.pdf](#)
[120416B_Letter_20130117.pdf](#)
[120416A-MOD_COMPLAINTS_FY05-FY12_20130117.pdf](#)
[120416B-MOD_WCA_COMPLAINTS_FY11_20130117.pdf](#)
[120416C-MOD_WCA_COMPLAINTS_FY12_20130117.pdf](#)
[120416A_Proposal_Description_20130718.pdf](#)
[120416B_Transfer_Station_Disposal_Agreement_20130718.pdf](#)
[120416C_WCA_6-11-13_Letter_20130718.pdf](#)
[120416D_WCA_CNG_Presentation_20130718.pdf](#)
[120416E_Current_Contract_20130718.pdf](#)
[120416F_TECH_SPECS_20130718.pdf](#)
[120416_Collection_Contract_Renewal_20130919.pdf](#)
[120416-MOD_Contract_20130919.pdf](#)

[130185.](#)

Edward Byrne Memorial Justice Assistance Grant Application (JAG countywide - State Solicitation) (NB)

This item requests City Commission authorization to apply for and accept Edward Byrne Memorial Justice Assistance Grant funds (State Solicitation) in the amount of \$10,000 for the Sexual Predator and Offender Tracking Program and \$10,000 for the Brave Overt Leaders of Distinction (B.O.L.D.) Program.

Explanation: The Edward Byrne Memorial Justice Assistance Grant (State Solicitation) is a competitive grant opportunity consisting of \$111,358 in Federal funding allocated for government entities within Alachua County. The Alachua County Sheriff's Office serves as the Grant Administrator. On June 6, 2013 the Gainesville Police Department presented two programs for consideration by the Policy Board. One program is a continuing effort: The Sexual Predator and Offender Tracking Program. The Brave Overt Leaders of Distinction (B.O.L.D.) is a new program request. The Sexual Predator and Offender Tracking Program requests funding for overtime details that will monitor and enforce the terms of probation for sexual predators and offenders within the City of Gainesville. The Brave Overt Leaders of Distinction (B.O.L.D.) Program requests funding to provide staff support and assistance to this at-risk population of 18-25 year old males. Funding for this program provides partial support for a part-time coordinator who will mentor, provide educational guidance and job search assistance for the participants.

Fiscal Note: Each application is for a one-year funding cycle that will begin in FY 2014. The current Federal regulations do not require a match for the grant. The total amount requested by the Gainesville Police Department for both programs is \$20,000.

RECOMMENDATION

The City Commission authorize the City Manager

to execute the grant application, grant award and any other necessary documents pending review by the City Attorney as to form and legality.

[130232.](#)

Bid Award for Open-Close-Clean Services at City of Gainesville Parks (B)

This item involves a request for the City Commission to authorize the bid award and contract to Superglo Cleaning Service for the opening, closing and cleaning of City of Gainesville parks in the amount of \$82,980.

Explanation: The Parks, Recreation and Cultural Affairs Department issued a request for bids for park opening, closing and cleaning at sixteen (16) City-owned parks. Three (3) vendors attended the voluntary pre-bid conference, with two (2) vendors submitting bids. The lowest cost bidder was originally notified of the bid award, however they were unresponsive during contract review and the bid was re-awarded to the next lowest bidder, Superglo Cleaning Services.

Fiscal Note: Funds in the amount of \$82,980 are available in the FY 2013-2014 Department of Parks, Recreation and Cultural Affairs contractual services budget.

RECOMMENDATION

The City Commission: 1) award the contract for park opening, closing and cleaning to Superglo Cleaning Service for a one-year period from October 1, 2013, through September 30, 2014, with the option to execute two (2) one-year extensions; 2) authorize the City Manager or his designee to execute the contract, subject to approval by the City Attorney as to form and legality; and 3) approve the issuance of a purchase order in the amount of \$82,980 for the 2013-2014 fiscal year.

Alternative Recommendation:

The City Commission not award the contract for park opening, closing and cleaning to Superglo Cleaning Service and direct staff to rebid the contract.

[130232_SuperGlo_bid_tab_20130919.pdf](#)

[130266.](#)

Bid Award - Annual Contract for Asphaltic Concrete Surfacing Services (B)

This item is a request for the City Commission to authorize bid awards to Oldcastle Southern Group, Inc. d/b/a APAC Southeast,

Inc., John C. Hipp Construction Equipment Company and V.E. Whitehurst & Sons, Inc., for delivery of asphalt.

Explanation: The City of Gainesville and Alachua County jointly advertised Invitations to Bid (ITB) in July 2013 for Annual Asphalt Concrete Surfacing for FY2014. The ITB contained a provision that the City of Gainesville would negotiate a two-party contract for the services being obtained by the City of Gainesville.

Due to the additional funding for pavement management authorized by the City Commission, the Public Works Department intends to supplement the in-house paving with contracted pavement services. Therefore, staff recommends that contracts be executed with all the bidders: 1) one contract with Oldcastle Southern Group, Inc. d/b/a APAC Southeast, Inc. for delivery of asphalt; 2) one contract with John C. Hipp Construction Equipment Company for delivery of asphalt; and 3) one contract with V.E. Whitehurst for delivery of asphalt.

Fiscal Note: Funding sources will be identified as needed in the Public Works Department FY 2014 operating budget and the multi-year accounts for Pavement Management.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute contracts with Oldcastle Southern Group, Inc. d/b/a APAC Southeast, Inc., John C. Hipp Construction Equipment Company and V.E. Whitehurst for delivery of asphalt, subject to approval of the City Attorney as to form and legality; and 2) authorize the City Manager to execute any and all related documents.

[130266_Contractor Bid Info_20130919.pdf](#)

[130268.](#)

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

This item is a request to authorize the City Manager to execute the Base Level Transit Services Agreement between the City of Gainesville Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC).

Explanation: The Agreement between the Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC) for RTS to provide base level public transit services to residents and visitors in the surrounding urbanized area expires on September 30, 2013. The City and County have negotiated a new Agreement for the period of October 1, 2013 through September 30, 2014, for base level transit services, subject to funding and written consent of both parties.

Fiscal Note: RTS will receive \$352,346 in revenue from the County in quarterly payments for the period of October 1, 2013 through September 30,

2014.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Base Level Transit Services Agreement with Alachua County Board of County Commissioners (BoCC) for the period of October 1, 2013 through September 30, 2014, subject to approval by the City Attorney as to form and legality.

[130268A_Map_20130919.pdf](#)

[130268B_RateSheet_20130919.pdf](#)

[130268C_Agreement_20130919.pdf](#)

[130269.](#)

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

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

Explanation: The Agreement between the Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC) for RTS to provide public transit services to residents and visitors on Route 75 will expire on September 30, 2013. The City and County have negotiated a new Agreement for the period of October 1, 2013 through September 30, 2014, for Route 75 transit service, subject to funding and written consent of both parties.

Fiscal Note: RTS will receive \$546,983 of revenue from the County in quarterly payments for the period of October 1, 2013 through September 30, 2014.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Transit Services Agreement (Route 75) with Alachua County Board of County Commissioners (BoCC) for the period of October 1, 2013 through September 30, 2014, subject to approval by the City Attorney as to form and legality.

[130269A_Map_20130919.pdf](#)

[130269B_Agreement_20130919.pdf](#)

[130270.](#)

Agreement between ADP, Inc., and Regional Transit System (RTS) for Timekeeping and Attendance Upgrade (B)

This item is a request for the City Commission to authorize the City Manager to execute an Agreement with ADP, Inc., for a timekeeping and attendance system upgrade for Regional Transit System (RTS).

Explanation: The Regional Transit System (RTS) has had an agreement with ADP, Inc., since October 2004 for its timekeeping and attendance system (eTIME). In 2009, ADP advised RTS that it would eventually phase out eTIME in favor of an upgraded system. RTS began the process of finding a new timekeeping system and obtained quotes from other vendors. A vendor other than ADP was selected as the replacement system but after extensive testing, it did not meet RTS' needs. RTS began the process again and decided on the ADP upgrade but implementation was delayed due to inter-departmental scheduling. RTS received notice on August 19, 2013, that ADP will discontinue eTIME the first half of 2014.

RTS and IT are ready to move forward with the upgrade. RTS has used the ADP system for 9 years and has confidence in their quality.

Fiscal Note: Billing for the upgrade is approximately \$1,680 per month with a one-time charge of \$10,750 for implementation fees and software. Funds are available in the RTS FY13-14 budget.

RECOMMENDATION

The City Commission authorize the City Manager to execute an Agreement with ADP, Inc., for the timekeeping and attendance system upgrade for Regional Transit System (RTS), subject to approval by the City Attorney as to form and legality.

[130270A Agreement 20130919.pdf](#)

[130270B AgreementAddendum 20130919.pdf](#)

[130270C SalesOrder 20130919.pdf](#)

130271

Agreement between Alachua County Board of County Commissioners (BoCC) and Regional Transit System (RTS) for Emergency Management (B)

This item is a request for the City Commission to authorize the City Manager to execute an Agreement with Alachua County Board of County Commissioners (BoCC) and Regional Transit System (RTS) for Emergency Management.

Explanation: In the event of an incident or major storm, Alachua County's Emergency Management Plan incorporates the use of Regional Transit System (RTS) personnel for Emergency Support Function 1 (ESF) staffing, drivers and buses to support the Emergency Operations Center (EOC) for the purpose of responding to emergency operations and providing support to ameliorate such event or incidents. The Agreement outlines

how Alachua County and the federal government will reimburse the City of Gainesville for this support. It defines their insurance status and terms for cancellation of the Agreement.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission authorize the City Manager to negotiate and execute an Agreement with Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC), for Emergency Management, subject to approval by the City Attorney as to form and legality.

[130271_Agreement_20130919.pdf](#)

[130281.](#)

2013 Strike Out Hunger Food Drive (B)

The purpose of this agenda item is to request the City of Gainesville to co-sponsor and authorize staff participation in the 2013 Strike Out Hunger Food Drive for Gainesville/Alachua County.

Explanation: For several years, the City of Gainesville and its employees have participated in the Strike Out Hunger Food Drive. The food drive is organized by former Alachua County Commissioner Rodney Long who is requesting that the City co-sponsor this event. The City of Gainesville has been a committed partner in the effort to reduce poverty in Gainesville/Alachua County for a number of years. In addition, the City has been a major partner in the creation and development of the Hunger Abatement Plan for Gainesville/Alachua County. The Strike Out Hunger Food Drive collects food and donations to restock food pantries throughout Gainesville/Alachua County for needy families. Without the annual food drive, many of the local food pantries would run out of food during one of the most critical times of the year, which is the holiday season. For that reason, the Long Foundation, Inc. (hereinafter called the Foundation) is requesting that the City co-sponsor and participate in the food drive.

In November 2012, the Strike Out Hunger Food Drive collected nearly 78,000 pounds of food for Gainesville/Alachua County. The food was distributed to non-profit organizations, faith-based organizations and food banks throughout the City and the County. Last year, the City co-sponsored the event, provided meeting spaces for the planning sessions, issued a proclamation and authorized staff to coordinate the event for City employees. The City of Gainesville employees collected over 2,173 pounds of food and \$130 for last year's food drive. The Alachua County Commission and its staff coordinated the event for the county-wide food drive.

In 2013, the Foundation will be responsible for coordinating and providing the necessary resources to ensure the success of the county-wide food drive. The Foundation is inviting the City Commission

to co-sponsor the event, requesting the City Manager to authorize staff to participate in the project, and to issue a proclamation at the October 17, 2013 City Commission meeting. Additionally, the Foundation would like to make a presentation at the December 19, 2013 City Commission meeting regarding the outcomes of the 2013 Strike Out Hunger Food Drive, including recognition of the stakeholders and participants.

Costs to the City typically include staff time for scheduling meeting rooms and food pick-up services. The food collected by the City's General Government employees last year was donated to the City's Gainesville's Little Ones (GLO) Program which provides food and gifts for needy families during the holiday season. The GLO Program food weight total was provided to the County to be included in the Strike Out Hunger Food Drive total weight.

Fiscal Note: There is little or no cost to the city other than staff time.

RECOMMENDATION The City Commission approve the request to co-sponsor the Strike Out Hunger event for 2013 and authorize the City Manager to designate staff to assist with the event coordination.

[130281A_Email Request_20130919.pdf](#)

[130281B_2013 Proposal_20130919.pdf](#)

[130281C_2012 Outcomes_20130919.pdf](#)

[130289.](#)

Amendment to extend the term of the Interlocal Agreement between the City of Gainesville and Alachua County for the Provision of Emergency Supplemental Shelter and Services (B)

This item involves a request for City Commission approval to amend the Interlocal Agreement for the provision of emergency shelter and services for homeless persons and families. The proposed amendment extends the term of the Agreement by one year, from September 30, 2013, to September 30, 2014.

Explanation: Since December 2005, the City of Gainesville has provided funding for the provision of emergency supplemental shelter and services to address shelter gaps for homeless persons and families during the cold winter months of November through March. Since 2008, Interlocal Agreements between the City and Alachua County have been in effect for the funding and operation of this program. The current Interlocal Agreement, which was approved by the City Commission on September 15, 2011, expires on September 30, 2013. This agenda item seeks approval of an Amendment to the Interlocal Agreement to continue providing emergency supplemental shelter and services to be funded by the City of Gainesville and Alachua County, under the same terms and conditions, from October 1, 2013, through September 30, 2014.

If the amendment extension is approved, the upcoming winter will likely be the final Cold Night Shelter Program implemented as it is currently structured. City and County staff anticipate that in the future, the Cold Night Shelter Program will likely be transitioned into the homeless services provided at the GCI facility.

Fiscal Note: For FY 2013-2014, the City Commission and Board of County Commissioners shall each contribute \$25,000 pursuant to the terms and conditions of the Interlocal Agreement, as amended. This item is not a commitment of future appropriations beyond FY 2013-2014. This funding is included in the City's current proposed budget for FY 2013-2014.

RECOMMENDATION

The City Commission: 1) approve the amendment to the Interlocal Agreement between the City of Gainesville and Alachua County to continue supporting emergency shelter and services for homeless persons and families; and 2) authorize the Mayor to execute the amendment and any related documents necessary on behalf of the City, subject to approval by the City Attorney as to form and legality.

[130289A_CNS Amendment_20130919.pdf](#)

[130289B_Interlocal Agreement_20130919.pdf](#)

[130261.](#)

Sidewalk Cafes on State Roads (NB)

This is a request to refer the issue of sidewalk cafes on state roads to the Community Development Committee.

Explanation: The Florida Department of Transportation (FDOT) no longer allows sidewalk cafes on state roads unless FDOT enters into an agreement with a local government to take on responsibility for the sidewalk cafés. This policy change from FDOT impacts downtown businesses that have sidewalk cafes on state roads. No new sidewalk cafes may be opened unless an agreement is in place and there are at least two establishments currently seeking sidewalk cafes on Main Street that are not able to do so. It is expected that existing sidewalk cafes on state roads will be required to eliminate them in the future unless an agreement is put in place.

RECOMMENDATION

The City Commission refer the issue of sidewalk cafes on state roads to the Community Development Committee.

Legislative History

9/5/13 City Commission Approved as Recommended

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS[130267.](#)**ALFREDO NOBLE-RODRIGUEZ V. CITY OF GAINESVILLE;
ALACHUA COUNTY CIRCUIT COURT; CASE NO.:
01-2012-CA-1399 (B)**

Explanation: On January 15, 2009, a City of Gainesville RTS bus was involved in an accident with a vehicle driven by Plaintiff Alfredo Noble-Rodriguez. Both vehicles were proceeding south on US 441, when the bus attempted to make a U-turn as part of its assigned route. The bus crossed southbound lanes of travel and came to a rest in the median with its tail-end obstructing southbound traffic in the inside lane of US 441. The Plaintiff's vehicle struck the left rear of the RTS bus. The City bus driver was cited for a traffic violation.

Mr. Noble-Rodriguez sought medical treatment, and, ultimately, surgery for injuries sustained in the accident. His physicians opined that he suffered permanent injuries resulting from this accident, and he incurred medical bills totaling \$68,729.00. At trial, Mr. Noble-Rodriguez also anticipated presenting claims for lost wages, pain and suffering, loss of earning capacity, and future medical expenses.

Mr. Noble-Rodriguez filed suit in April 2012 and served the City in May 2012. Both parties engaged in discovery in preparation for trial, and participated in Court-ordered mediation on August 19, 2013. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims such as this is limited to \$100,000 per person, and \$200,000 per incident. At mediation, representatives for the City negotiated a settlement of all claims with Mr. Noble-Rodriguez and his attorney in the amount of \$60,000.00, subject to the approval of the City Commission of the City of Gainesville. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

Fiscal Impact: Funds are available in the City's General Insurance Fund.

RECOMMENDATION

The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of Alfredo Noble-Rodriguez v. City of Gainesville; Alachua County Circuit Court Case No.: 01-2012-CA-1399, on behalf of the City.

[130267_Noble-Rodriguez Settlement_20130919.pdf](#)

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[130314.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of August 6, August 12, August 13, August 19, August 20, August 27, and September 9, 2013.

[130314 Minutes 20130919.pdf](#)**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**[130262.](#)

EO Office 2013 Update (B)

RECOMMENDATION

The City Commission accept from EO Director a 2013 update on the EO Office.

[130262_PPT_20130905.pdf](#)**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT****PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT****PUBLIC SAFETY COMMITTEE, CONSENT****AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**[130244.](#)

Review of Combined Communication Center Expenses (B)

Explanation: In accordance with our Annual Audit Plan, the City Auditor's Office completed a Review of Combined Communications Center (CCC) Expenses. The primary objective of this audit was to provide the City Commission with reasonable assurance the City's share of expenditures is calculated in accordance with the terms of the ongoing CCC interlocal agreement between the City of Gainesville, Alachua County and the Alachua County Sheriff. Our procedures included reviewing the interlocal agreement for the CCC, reviewing relevant documents and data, interviewing General Government, Alachua County and Alachua County Sheriff staff members knowledgeable of or responsible for administering the interlocal agreement and drawing conclusions from the information reviewed.

The attached report provides a detailed background regarding the administration of the interlocal agreement for the CCC, an analysis of

historical CCC expenses, a summary of our review process and our overall audit conclusions. Based on the results of our review, we believe that the City's share of expenditures for Fiscal Year 2011 was calculated in accordance with the terms of the ongoing CCC interlocal agreement. We have provided two issues for the City, County and the Sheriff to consider for the next interlocal agreement, which we believe will help to provide greater transparency in the annual budget process and clarify the City of Gainesville's ability to access CCC financial and operational records.

RECOMMENDATION *The Audit, Finance and Legislative Committee recommends that the City Commission accept the City Auditor's report and the written response to the report from Sheriff Sadie Darnell.*

Legislative History

8/29/13	Audit, Finance and Legislative Committee	Approved as Recommended
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[130244 - Review of Combined Communications Center Expenses - AFLC 8-29-](#)

[120551](#)

City Commission Candidate Qualification Process (NB)

Explanation: The City Commission, on November 1, 2012, based on a motion by Commissioner Bottcher, referred the issue of Including a requirement of collecting petitions for the candidate qualification process to the Audit, Finance and Legislative Committee.

On August 29th, the Audit, Finance and Legislative Committee members, Commissioner Bottcher and Alachua County Supervisor of Elections Pam Carpenter discussed this issue and agreed to recommend that the City Commission remove this item from the referral list.

RECOMMENDATION *The Audit, Finance and Legislative Committee recommends removal of this item from the referral list.*

Legislative History

11/1/12	City Commission	Referred to the Audit, Finance and Legislative Committee
7/11/13	Audit, Finance and Legislative Committee	Continued
8/29/13	Audit, Finance and Legislative Committee	Approved as Recommended

[110822.](#)

Sales Tax Rebate (NB)

Explanation: The City Commission, based on a motion by Commissioner Wells during the March 12, 2012 Special City Commission Meeting regarding FY2013-14 preliminary budget discussions, referred the issue of sales tax rebates for low income people to the Audit, Finance and Legislative Committee.

On August 29th, the Audit, Finance and Legislative Committee members discussed this issue and agreed to recommend that the City Commission remove this item from the referral list.

RECOMMENDATION *The Audit, Finance and Legislative Committee recommends removal of this item from the referral list.*

Legislative History

3/12/12	City Commission	Referred to the Audit, Finance and Legislative Committee
7/11/13	Audit, Finance and Legislative Committee	Continued
8/29/13	Audit, Finance and Legislative Committee	Approved as Recommended

[130236.](#)

Fiscal Year 2013 Operating Funds Quarterly Monitoring Report - Quarter Ending June 30, 2013 (B)

Explanation: The City's General Government Budget Policy requires staff to prepare and submit a quarterly budget compliance report in substantially the same form as the final budget document, for all major operating funds, including the status of General Fund balances to the Audit, Finance and Legislative Committee.

RECOMMENDATION *The Audit, Finance and Legislative Committee recommends that the City Commission receive the quarterly budget monitoring report for the quarter ended June 30, 2013.*

Legislative History

8/29/13	Audit, Finance and Legislative Committee	Approved as Recommended
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[130236 - 3rd Qtr Monitoring Report Final 08-22-13.pdf](#)

[130246.](#)

Quarterly Financial Report - Gainesville Regional Utilities (B)

RECOMMENDATION *The Audit, Finance and Legislative Committee recommends that the City Commission receive the GRU Quarterly Financial Report as of June 30,*

2013.

Legislative History

8/29/13 Audit, Finance and Approved as Recommended
 Legislative
 Committee

[130246 - GRU 2013 Third Quarter Financials Final.pdf](#)

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

[130338.](#)

Charter Review Meeting Re-schedule (NB)

RECOMMENDATION

The City Commission change the October 29th meeting to November 4, November 6 or November 18 at 6:00 PM.

CITY MANAGER

[130264.](#)

Charter County and Regional Transportation System Surtax (B)

Section 212.055, Florida Statutes allows charter counties to impose a discretionary sales surtax of up to one (1) percent. The Alachua County Board of County Commissioners is considering a 2014 ballot initiative for a one (1) cent Charter County Transportation System Surtax.

Explanation: Section 212.055, Florida Statutes allows charter counties to impose a discretionary sales surtax of up to one (1) percent. The proceeds from the surtax shall be applied to:

- 1) bus and fixed guideway systems;
- 2) on-demand transportation services; or
- 3) roads or bridges

The County is not required to distribute proceeds to municipalities;

however if they intend to distribute proceeds to municipalities there must be an Interlocal agreement entered into pursuant to chapter 162. A one (1) percent surtax is estimated to generate approximately \$30,000,000 annually.

To assist in developing a prioritized list of transportation projects, staff has compiled projects from the Transportation Improvement Plan, Transit Development Plan and the Long Range Transportation Plan. The projects are prioritized within categories i.e. transit, preservation of existing system, enhancement of existing system, enhancement to Bicycle/Pedestrian Network, and enhancements - new corridors. Staff recommends developing a funding distribution plan, in which a percentage of the available revenue is spent in each of the categories because of the difficulty in prioritizing projects between the categories on an objective basis.

Fiscal Note: There is no fiscal impact associated with this discussion.

RECOMMENDATION The City Commission: 1) hear presentation; and 2) discuss prioritization of transportation projects considered for Surtax funding.

[130264A_MOD Transportation Needs PPT_20130919.pdf](#)

[130264B_MOD ProjectSummary_20130919.pdf](#)

[130264C_MOD TransportationNeeds_20130919.pdf](#)

[130264D_MOD RTS Maps_20130919.pdf](#)

[130264E_MOD RankingSummary_20130919.pdf](#)

[130212.](#)

Agreement between the City of Gainesville and Keep Alachua County Beautiful for FY2014 (B)

This item is a request for the City Commission to approve the execution of an agreement with Keep Alachua County Beautiful in the amount of \$55,000.

Explanation: Keep Alachua County Beautiful (KACB) is the sponsor of "The Great American Cleanup," "Trash Troopers," and other anti-litter/beautification activities. The Great American Cleanup is held the second or third Saturday in April of each year and recruits thousands of volunteers to pick up litter, remove graffiti, paint run-down buildings, clean up illegal dump sites, and otherwise beautify Gainesville, the other cities in Alachua County and the unincorporated area of Alachua County. Over 2 tons of litter and debris and 3 tons of tires were removed from public right-of-ways and other areas just within the City of Gainesville during the 2013 events associated with the cleanup. In addition, 1,772 lbs. of Hazardous Waste was brought by residents to the clean-up for proper disposal and/or recycling by the County Hazardous Waste staff.

KACB was certified in 1995 as the local affiliate of Keep Florida Beautiful

and Keep America Beautiful. The City of Gainesville has been a KACB member since the certification of this non-profit organization and has supported KACB with an annual contribution of either \$15,000 or \$20,000 for the past ten years. The City of Gainesville has also provided in-kind services ranging in value from approximately \$6,000 to \$7,000 each year in support of the Great American Cleanup activities.

The Agreement provides:

1. Contribution of up to \$6,769.62 in in-kind services.
2. Payment of \$15,000 to renew the City membership in Keep Alachua County Beautiful. In return, KACB will perform specified cleanup and beautification projects in coordination with the City Solid Waste and Parks Divisions. These projects include, but are not limited to: "The Great American Cleanup", graffiti removal, tree and shrub plantings, and public education programs for litter and graffiti prevention.
3. Payment of \$10,000 for continued implementation of "The Beautiful Block Program." The Beautiful Block Program is necessary to recruit block captains from targeted neighborhoods and to provide guidance and tools to empower neighborhoods to keep their own blocks clean and beautiful.
4. Payment of \$10,000 for the implementation of the "Gainesville Clean and Green Program." The Gainesville Clean and Green Program consists of the beautification improvements of specific medians to be designated by the City Manager through the Solid Waste Division Manager and other minor beautification projects as developed.
5. Reimbursement up to \$20,000 for coordination of beautification services.

Fiscal Note: Funding in the amount of \$55,000 is available in the adopted Public Works Department, Solid Waste Division FY 2014 operating budget.

RECOMMENDATION

The City Commission authorize the City Manager to execute the contract with Keep Alachua County Beautiful for the period of October 1, 2013, through September 30, 2014, subject to approval by the City Attorney as to form and legality.

[130212_Agreement_20130905.PDF](#)

[130191.](#)

**Parking and Transportation Funding Options for Innovation Square
(B)**

This item involves a request for the City Commission to hear a presentation on Innovation Square parking and transportation

funding options.

Explanation: In response to a request from the University of Florida Development Corporation, City staff began researching possible options for the City to construct and operate parking and transportation facilities and services to facilitate the development of Innovation Square. Staff met with Innovation Square stakeholders including the University of Florida Development Corporation and prospective Innovation Square developers to discuss needs and options. Staff also sought guidance from an experienced consulting firm, Government Services Group (GSG).

These efforts resulted in the identification of a special assessment for parking and transportation facilities and services as a possible option that would allow the City to assess benefitting Innovation Square property owners for capital and operating costs associated with new parking and transportation facilities and services. It is anticipated that the special assessment would be an optional tool that could be used if requested by property owners and approved by the City.

There are many key issues that must be addressed. The first is identifying whether there is a public need for parking and transportation facilities. This is the threshold question in order for the City to lawfully issue bonds and have the bond issue validated. Any improvements funded by a bond issue must be City-owned and operated (although the City could contract for management services) and open to the public.

The CRA has partnered with the University of Florida Development Corporation to fund an Innovation Square Parking Analysis & Strategy that is well underway and focusing on: 1) the parking spaces needed; 2) where the parking spaces should be located; and 3) how the parking spaces should be phased with the development of Innovation Square. The Study is also looking at maximizing the use of available parking inventory in the area and will consider the availability and opportunities for other modes of transportation such as transit, bicycles and pedestrians. The CRA is scheduled to hear an update on the Innovation Square Parking Analysis & Strategy at the September 16, 2013 CRA meeting.

The second key issue is determining where parking facilities will be constructed. It is anticipated the City would acquire the land (either fee title or a 99-year lease). Any land acquisition or lease costs would be passed through to those assessed.

The third key issue is determining the geographic extent of "special benefit" for specific parking and transportation projects. Separate studies would be necessary to identify the areas that are "specially benefitted" by the specific project and those benefitted properties would be assessed the project costs. Based on the meetings between City staff and the stakeholders, the current thinking is that the boundaries of where a special assessment for parking and transportation services could be established should be limited to the Innovation Square District.

Another issue that must be addressed is the apportionment of benefit between vacant and improved parcels.

A fourth key issue is addressing the City's ability to collect all funds from benefiting property owners. The ownership of parcels within the special benefit area must be analyzed because property owned by the state is not assessable absent state legislative authority allowing such assessment. Much of the land within the Innovation Square District appears to be owned by the state or state related entities. At this point, City staff is not certain how these non-assessable parcels could be required to contribute. An agreement for payment-in-lieu of assessment may be an option, however, it does not provide the same level of certainty for a long-term funding commitment that a special assessment does since such an agreement would likely be subject to annual covenants to budget and appropriate. Perhaps the state could dedicate or pledge a funding source, such as rents or sales proceeds from development on the property. However, such funds would only be available once the property is developed. In addition, City staff is uncertain how the benefit (and associated cost) would be apportioned between assessed parcels and agreement parcels. If feasible, a more straight-forward approach may be for the non-assessable property owners to seek special legislative authorization for the parcels to be assessable.

Assuming the City is able to work out an apportionment methodology for a special assessment and obtain either legislative authorization to assess traditionally non-assessable parcels (or alternatively obtain multi-year legally binding agreements for payments in-lieu of assessments); the City should then validate the bonds that it seeks to issue to fund the infrastructure. To do so, the City files a bond validation action in local circuit court seeking an order to show cause why the bonds should not be issued. The Court will consider the validity of the bonds, the validity of the pledged revenues, the proceedings authorizing the bonds and any remedies provided for bond collection. The Circuit Court ruling can then be appealed to the Florida Supreme Court.

City staff is seeking direction as to whether the City Commission wants to pursue a Special Assessment for Parking and Transportation services for Innovation Square. If the City Commission wants to pursue a special assessment for parking and transportation services, City staff will need to work with stakeholders to investigate and report on the need for and feasibility of a special assessment for Innovation Square. City staff will contact all property owners within Innovation Square to determine their interest in funding parking services through a special assessment or other means. If there is significant interest, the City must determine which properties are assessable. Property owners may be asked to provide a legally binding method of collecting the special assessment. As mentioned above, this may require legislative waiver or separate agreements in the case of property owned by the State or State related entities. City staff will assess the level of interest among property owners and the means available to assure that properties pay for

parking and transportation improvements and report back to the City Commission. If the need is established; there is a strong level of interest among property owners; and the means can be made available to assure payment from properties, staff anticipates seeking authorization to employ GSG to prepare an assessment study and methodology for the first project at Innovation Square which is expected to be a parking garage.

Fiscal Note: There are no direct costs anticipated at this time beyond the staff time necessary to assist in determining the feasibility of a special assessment.

RECOMMENDATION

The City Commission: 1) hear an update on Innovation Square; 2) hear a presentation on Innovation Square parking and transportation facility and service funding options; and 3) direct staff to return to the City Commission to report on the need for and general feasibility of a Special Assessment for Parking and Transportation Services for Innovation Square.

[130191A_GSG Presentation_20130919.pdf](#)

[130191B_Parking Study Summary - June 2010_20130919.pdf](#)

[130191C_FINAL CPUH REPORT October_20130919.pdf](#)

[130191D_FINAL Dtown Report_20130919.pdf](#)

[130191E_MOD UF Development Corp PPT_20130919.pdf](#)

[130191F-MOD_Parking Analysis_20130919.pdf](#)

GENERAL MANAGER FOR UTILITIES

[130302](#)

Dewatering Equipment for Water Reclamation Facilities (B)

Staff recommends award of a contract to Andritz Separation Inc. for the purchase of dewatering equipment for the Water Reclamation Facilities Dewatering Project.

Explanation: Water/Wastewater Systems operates two water reclamation facilities, the Kanapaha and Main Street Water Reclamation Facilities, which collect wastewater throughout Gainesville and Alachua County. Through the wastewater treatment process, aerobically digested Class B biosolids are produced which are beneficially reused via land application at a local agricultural site (Whistling Pines Ranch) through a long term lease. In February 2011, GRU and the Alachua County Commission agreed to a consent order to cease application of Class B biosolids at the site by February 21, 2016.

To comply with the order, GRU considered all viable alternatives for future reuse of biosolids and determined that dewatering facilities that

produce 20% solids with thickening improvements to be the best overall approach. To assist GRU with the project, a contract with CH2MHill, Inc. for engineer design services was approved by the City Commission on May 12, 2012. Through bench and pilot testing over the past year, GRU selected centrifuges as the equipment technology to produce 20% solids. The proposed facility improvements will take approximately three years to construct. Due to the long lead time for the equipment, GRU is purchasing the equipment at this time. Installation will be performed by a contractor starting in FY 2014. A separate request for approval for those construction services will be presented to the City Commission at that time.

An Invitation to Bid was issued by Purchasing to five known dewatering equipment manufacturers. Four bids were received, two of which were deemed nonresponsive due to noncompliance with the technical specifications. Bids were evaluated based on actual and life cycle costs, technical capabilities of the equipment, service and warranty, project approach and references. Andritz Separation, Inc. provided the highest evaluated bid. A copy of the bid tabulation is attached for your reference.

Fiscal Note: Funding is included in the Water/Wastewater Capital Improvements budget.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to execute a contract with Andritz Separation Inc. for the purchase of dewatering equipment for the Water Reclamation Facilities, and 2) approve the issuance of a purchase order to Andritz Separation Inc. for dewatering equipment in the amount of \$968,500, subject to approval of the City Attorney as to form and legality, subject to the final appropriation of funds.

[130302 bidtab 20130919](#)

[130302 ppt 20130919](#)

130310.

GREC Proposal Discussion Item (B)

RECOMMENDATION

Hear a presentation and discussion.

[130310 ltr 20130919](#)

[130310 ppt 20130919](#)

130336.

Amendment of Escrow Agreement in Order to Preserve Tax-Exempt Status of Utilities System Revenue Bonds, 2007 Series A (B)

Explanation: In March of 2007, the City issued its Utilities System Revenue Bonds,

2007 Series A (the "2007 Series A Bonds") to refund portions of the 2003 Series A and 2005 Series A bonds (the "Refunded Bonds"). This was an "advance" refunding, whereby the proceeds of the 2007 Series A Bonds were used to refund the Refunded Bonds in advance of the first call date of the Refunded Bonds. As a result, two issues of tax-exempt bonds - the original Refunded Bonds and the 2007 Series A Bonds - are held by investors until the Refunded Bonds are redeemed in 2015.

Pursuant to the Internal Revenue Code and applicable Treasury Regulations, in order for interest on the 2007 Series A Bonds to be and remain tax-exempt, GRU is required to restrict the earnings on the proceeds of the 2007 Series A Bonds (i.e., GRU cannot earn arbitrage above the yield on the 2007 Series A Bonds).

In order to comply with these yield restriction requirements, the escrow for the Refunded Bonds was structured to ensure that no excess arbitrage is earned, in part through the use of 0% reinvestments in United States Treasury Securities - State and Local Government Securities ("SLGS") to blend down the earnings rate on the escrow to stay within the mandated limitation. As a result, the escrow agreement provides for the reinvestment of the cash balance on deposit in the escrow account in 0% SLGS on October 1, 2013. However, because the federal government has reached its debt ceiling, the United States Department of the Treasury has been forced to stop borrowing funds, so it currently is not issuing/selling SLGS. Under the escrow agreement, no alternative reinvestment procedures were provided because at the time of the issuance of the 2007 Series A Bonds, it was not contemplated that the federal government would stop borrowing (and, therefore, stop selling SLGS).

In 2007, the Treasury Department issued regulations to address the situation where issuers of tax-exempt bonds are required to make reinvestments in 0% SLGS in order to keep their advance refunding escrows in yield compliance, but cannot as a result of the federal government having suspended the issuance of SLGS. Under these regulations, issuers of tax-exempt bonds are permitted to purchase higher-yielding U.S. Treasury securities on the open market, provided that they pay any excess arbitrage earnings over to the federal government.

RECOMMENDATION

The City Commission authorize the General Manager for Utilities (1) to enter into an amendment to the escrow agreement for the Refunded Bonds in substantially the form submitted to this meeting, with such changes thereto as the General Manager for Utilities may determine to be necessary or desirable and subject to approval of the City Attorney as to form and legality, in order to permit necessary reinvestments in open-market U.S. Treasury securities in addition to 0% SLGS; (2) to execute such other documents and take such other actions

(including, without limitation, hiring certain professionals to assist GRU with the purchase of such open-market securities and to verify compliance with federal income tax requirements) as may be necessary or desirable to proceed with this transaction and preserve the tax-exempt status of the 2007 Series A Bonds; (3) to cause any excess arbitrage earnings on the escrow to be paid over to the federal government, and to enter into any commitments with respect thereto as may be necessary or desirable; and (4) to enter into amendments to escrow agreements for such other Utilities System Revenue Bonds issuances that may be similarly impacted in substantially similar form subject to approval of the City Attorney as to form and legality.

[130336 amendment 20130919](#)

[130336_emailUSBank_20130919](#)

[130336_escrowagmt_20130919](#)

[130336_resolution_20130919](#)

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS**RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****Ray Davis***Sons of the American Revolution Past President***PROCLAMATIONS/SPECIAL RECOGNITIONS**[130307.](#)**Gainesville Fire Fighter Appreciation Week - September 16-22, 2013 (B)****RECOMMENDATION***Muscular Dystrophy Association Fundraising Coordinator Gillian Market and Gainesville Fire Department Chief Gene Prince and MDA Coordinator Sean Withers to accept the proclamation.*[130307_FireFighterWeek_20130919.pdf](#)[130315.](#)**Expressions Learning Arts Academy 2012-2013 2nd Grade Class and Ms. Kuchinski Day - September 26, 2013 (B)****RECOMMENDATION***Expressions Learning Arts Academy to accept the proclamation.*[130315_ExpressionAcademy_20130919.pdf](#)[130316.](#)**September 16-21, 2013 as Constitution Week and September 17, 2013 as Sons of the American Revolution Day (B)****RECOMMENDATION***Sons of the American Revolution Past President Ray Davis to accept the proclamation.*[130316_SARConstitution_20130919.pdf](#)**CITIZEN COMMENT (6:00pm)****PUBLIC HEARINGS/BUDGET RESOLUTIONS**[130222.](#)**APPENDIX A - SCHEDULE OF FEES, RATES & CHARGES FOR**

UTILITIES (B)

Ordinance No. 130222

An ordinance of the City of Gainesville, Florida, relating to utilities; amending portions of Appendix A, Schedule of Fees, Rates and Charges of the Code of Ordinances by revising fees, rates and charges for Electricity, Water, Sewerage and Natural gas; amending section 27-271, Natural gas definitions, by creating and adding a new definition for "General service, small commercial;" providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date in accordance with the schedule provided herein.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to revise electric, water, wastewater and natural gas fees, rates and charges as required to meet system revenue requirements for Fiscal Year 2014. GRU is also adding a new definition of "General service, small commercial," which relates to the new general service rates for small commercial natural gas customers. This ordinance is necessary to implement the rate changes effective October 1, 2013.

The first reading of this ordinance is scheduled for September 9, 2013, and the second and final reading is scheduled for September 19, 2013. The rate changes will be applied to bills rendered after 12:01 AM, October 1, 2013.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/9/13 City Commission Adopted on First Reading (Ordinance)

[130222 Draft Ordinance 20130909.pdf](#)

[130275.](#)**FINAL GAINESVILLE REGIONAL UTILITIES BUDGET (B)**

RESOLUTION NO. 130275

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE TENTATIVE BUDGET FOR THE CITY OF GAINESVILLE REGIONAL UTILITIES FOR THE FISCAL YEAR 2013-2014 BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; PROJECTING REVENUES AND ESTABLISHING A TENTATIVE BUDGET TO PAY FOR PERSONAL SERVICES EXPENSES, OPERATING AND MAINTENANCE EXPENSES AND OTHER EXPENSES, FOR CAPITAL OUTLAY, AND FOR DEBT SERVICE REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The proposed resolution adopts a final budget for the City of Gainesville Regional Utilities for fiscal year 2013-204 beginning October 1, 2013 and ending September 30, 2014, to pay for personal services expenses, operating and maintenance expenses and other expenses, for capital outlay and for debt service requirements is submitted for adoption by the City Commission.

All changes will be effective October 1, 2013.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

[130275_final GRU budget_20130919.pdf](#)

[130196.](#)

APPENDIX A - SCHEDULE OF FEES, RATES & CHARGES (B)

Ordinance No. 130196

An ordinance of the City of Gainesville, Florida, amending Appendix A, Schedule of Fees, Rates and Charges of the Code of Ordinances by revising fees, rates and charges for adult performance establishment, escort services, and escort licenses; alcoholic beverage bottle club license; cable franchise; cemetery, including a ten percent surcharge on fees; controlled vehicular parking area decals/permits; fire/rescue fire alarm operators, false alarm, prohibited devices, fire alarm monitoring companies, fire alarm system contractors, fire inspection, burning leaves, brush, clean wood or other vegetative debris, annual burning permit, pyrotechnic display; basic air monitoring fee for hazardous material response; home occupation permit; land development code fees; parks, recreation, and cultural affairs facilities and events, including a ten percent surcharge on fees; peddlers, solicitors and canvassers; burglar alarm operators, burglar alarm monitoring companies, burglar alarm systems contractors, and burglar alarm systems; roam towing trespass towing application process fee, registration for owners, operators and vehicles, immobilization; registered domestic partnerships; secondhand goods dealers; permits for congregating on streets and sidewalks; permit to remove, construct, alter curb, driveway, gutter, etc.; traffic and motor vehicle parking violations and delinquency and immobilization; solid waste and recyclables; stormwater management; and vehicles for hire; Amending Section 11.5-31 of Chapter 11.5, Article III, Hazardous Material Cost Recovery to include within the definition of costs for recovery, a fee associated with the use of a basic air monitoring device; Amending Section 18-17 of Chapter 18, Article II, Park Regulation to limit city manager's authority to set parks and recreation fees; Amending Chapter 18, Article II, Park Regulation, by adding a new section regarding setting fees for parks, recreation and cultural affairs facilities and events; providing directions to the codifier; providing a severability

clause; providing a repealing clause; and providing an immediate effective date in accordance with the schedule provided herein.

Explanation: BUDGET AND FINANCE DEPARTMENT STAFF REPORT

During several public meetings beginning July 16, 2013 and continuing through July 25, 2013, Administrative Services staff presented the "Budget Workshop for the FY2014 Adjustment Year" to the City Commission. As presented, the proposed FY2014 revenues included a continuation of the policy of 5% scheduled biennial increases of Appendix A fees.

On July 25, 2013, the City Commission adopted Resolution No.130139, approving the Proposed Tentative General Government Financial and Operating Plan which includes the 5% increase in Appendix A fee revenues and the 10% surcharge for cemetery, parks, recreational and cultural affairs fees and charges. This ordinance is necessary to implement the increased fees effective October 1, 2013.

CITY ATTORNEY MEMORANDUM

This ordinance increases the existing fees and charges found in Appendix A by 5%, effective October 1, 2013. This ordinance also limits the city manager's authority to set fees for parks, recreation and cultural affairs by placing those fees in Appendix A. The city manager will continue to set fees and charges for any park, recreational or cultural affair event or facility if that fee is not listed in Appendix A.

The ordinance increases the existing parks, recreation, and cultural affairs fees by 5%. In addition, this ordinance places a 10% surcharge on cemetery fees, and certain parks, recreational, and cultural affairs fees. The increase is effective October 1, 2013 for all fees and charges except when a facility was booked prior to the effective date of the ordinance, in which case the City would recognize the fees in place at the time the facility was booked.

If adopted on first reading, second and final reading will be held on September 19, 2013.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/9/13 City Commission Adopted on First Reading (Ordinance)

[130196A_draft ordinance_20130909.pdf](#)

[130273.](#)

FINAL MILLAGE RATE - FISCAL YEAR 2013 - 2014 (B)

RESOLUTION NO. 130273

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO THE LEVY OF GENERAL

MUNICIPAL PURPOSE AD VALOREM TAXES FOR THE 2013-2014 FISCAL YEAR; ADOPTING THE FINAL MILLAGE RATE; DIRECTING THE TRANSMITTAL OF CERTIFIED COPIES; AUTHORIZING A SPECIFIED ADJUSTMENT TO THE FINAL MILLAGE RATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The City Commission is required by Florida Law to adopt a final millage rate to fund the budget for FY 2013 - 2014.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

[130273_final millage rate_20130919.pdf](#)

[130274.](#)

FINAL - GENERAL GOVERNMENT BUDGET - FISCAL YEAR 2013 - 2014 (B)

RESOLUTION NO. 130274

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; ADOPTING THE GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The proposed General Government Budget for Fiscal Year 2013 - 2014 as set forth in the Adopted Financial and Operating Plan Budget by Funds is hereby submitted as prepared by the Budget and Finance Department.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

[130274_final GG budget_20130919.pdf](#)

RESOLUTIONS- ROLL CALL REQUIRED

[130254.](#)

THIRD AMENDMENT TO THE FY 2012-2013 GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN (B)

RESOLUTION NO. 130254

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013;

AMENDING RESOLUTION NO. 120271 AS AMENDED BY RESOLUTION NO. 120758 AND 130100, BY MAKING CERTAIN ADJUSTMENTS TO THE GENERAL FINANCIAL AND OPERATING PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2012-2013 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.

[130254-A- FY13-3rd-AMEND-BGT-RESOLUTION.PDF](#)

[130254-B- FY2013 Amendatory 3rd Quarter.pdf](#)

[130265.](#)

Grant of License Agreement to the State of Florida Department of Transportation (B)

This item is a request to adopt a resolution approving the grant of a License Agreement to the State of Florida Department of Transportation (FDOT) to allow FDOT to install a sidewalk on City of Gainesville property.

Explanation: FDOT is constructing a sidewalk extension along Northwest 34th Street (State Road 121) adjacent to City owned property, known as Northside Park and the newly constructed Senior Center. FDOT has requested a License Agreement to install a pedestrian sidewalk on the east side of Northwest 34th Street, adjacent to the Park and Senior Center. As part of the State's process, a resolution must be adopted, approving the grant of the License Agreement to the State for the sidewalk installation.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION The City Commission: 1) adopt the Resolution to grant a License Agreement to the State of Florida Department of Transportation, allowing the State to install a sidewalk on City owned property; and 2) authorize the City Manager to execute a Maintenance Agreement for the sidewalk with the State of Florida Department of Transportation, subject to approval by the City Attorney as to form and legality.

[130265A_Minor SD Book 20130919.pdf](#)

[130265B_License Agreement 20130919.pdf](#)

[130265C_Resolution 201300919.pdf](#)

[130265D_Map 20130919.pdf](#)

[130329.](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA WITHDRAWING THE APPOINTMENT OF JENNIFER L. HUNT AS AN “AUTHORIZED Officer” as that term is defined by THE UTILITIES SYSTEM REVENUE BOND RESOLUTION DATED JUNE 6, 1983, AS SUPPLEMENTED AND AMENDED; AND APPOINTING DAVID RICHARDSON AS INTERIM CHIEF FINANCIAL OFFICER AND AUTHORIZED OFFICER PENDING APPOINTMENT OF A PERMANENT CHIEF FINANCIAL OFFICER TO FILL THE POSITION; AND PROVIDING AN EFFECTIVE DATE. (B)

Explanation: Because of the resignation of Jennifer L. Hunt, Utilities Chief Financial Officer, on September 13, 2013, it is necessary that her appointment as Authorized Officer under the terms of the Utility System Revenue Bond Resolution be withdrawn and an Interim Chief Financial Officer be appointed until such time as the position is filled permanently.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

[130329_Res_20130919](#)

[130329_res2004_20130919](#)

ADOPTION READING - ROLL CALL REQUIRED

[121106.](#)

LAND USE CHANGE - SMALL SCALE - BUTLER DEVELOPMENT (B)

Ordinance No. 121106; Petition No. PB-12-149 LUC

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use category on six properties totaling approximately 3.2 acres that have underlying land use categories of Commercial (C) and Business Industrial (BI) and that are generally located at 3654, 3730, and 3820 SW Archer Road, and 3310 and 3318 SW 40th Terrace, as more specifically described in this ordinance; assigning subject properties to the Butler Development PUD as regulated by Policy 4.3.6 of the Future

Land Use Element of the Comprehensive Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance amends the Future Land Use Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use category on six small parcels that total approximately 3.2 acres in size. These properties will be included in the Butler Development PUD that is governed by Policy 4.3.6 of the Future Land Use Element of the Comprehensive Plan. Two parcels have an underlying Business Industrial (BI) land use category and are located on the north side of SW 33rd Place at the western edge of the existing Butler Development PUD, and are currently developed with one single-family house. The other four properties are outparcels located along Archer Road and have an underlying Commercial (C) land use designation. Three of these outparcels are developed with commercial uses, and one is developed as a surface parking lot.

The PUD land use category is an overlay that may be applied to any specific property in the City. The category was created to allow the consideration of unique, innovative or narrowly construed land use proposals that are specifically found to be compatible with the character of the surrounding land uses but that might otherwise not be allowed in the underlying land use category. Planned Development (PD) zoning is required to implement any development plan under a PUD land use overlay.

The staff recommendation is based on the factors stated in the Future Land Use Element and state criteria: consistency with the Comprehensive Plan; compatibility and surrounding land uses; environmental impacts and constraints; support for urban infill and/or redevelopment; impacts on affordable housing; impacts on the transportation system; availability of facilities and services; and need for the additional acreage of the particular land use category.

After public notice was published in the Gainesville Sun on January 31, 2013, the City Plan Board held a public hearing on February 19, 2013, and recommended approval of the petition by a vote of 6-0. After public notice was published in the Gainesville Sun on May 13, 2013, the City Commission held a public hearing on May 29, 2013, and approved the petition by a vote of 7-0.

CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan involves a use of 10 acres or fewer and qualifies as a small-scale development amendment. The City Commission may adopt small-scale development amendments with a single public hearing.

The effective date of this amendment to the City of Gainesville Comprehensive Plan shall be whichever date occurs later as described in the following two scenarios:

- 1. 31 days after adoption if this amendment is not timely challenged. If timely challenged, the date the state land planning agency or the Administration Commission enters a final order determining this amendment to be in compliance with Chapter 163, Florida Statutes; or*
- 2. The date the amendment to the City of Gainesville Comprehensive Plan in Ordinance No. 121107 becomes effective as provided therein.*

No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/29/13 City Commission Approved (Petition)

[121106A Staff report and attachments 20130529.pdf](#)

[121106B CPB Butler Plaza Minutes 20130529.pdf](#)

[121106C Butler justification report 20130529.pdf](#)

[121106D staff ppt 20130529.pdf](#)

[121106 presentation 20130529.pdf](#)

[121106A draft ordinance 20130919.pdf](#)

[121106B staff ppt 20130919.pdf](#)

[121106 MOD app pres Butler CityComm 1st Reading 20130919.pdf](#)

TRANSMITTAL HEARING - ROLL CALL REQUIRED

[121107.](#)

COMPREHENSIVE PLAN AMENDMENT - BUTLER DEVELOPMENT (B)

Ordinance No. 121107; Petition No. PB-12-148 CPA

An ordinance of the City of Gainesville, Florida, amending Policy 4.3.6 of the Future Land Use Element of the City of Gainesville Comprehensive Plan relating to the Butler Development Planned Use District (PUD) that is generally located north of Archer Road, west of SW 34th Street, east of I-75, and south of SW 24th Avenue; amending the Future Land Use Map Series in the Future Land Use Element of the Comprehensive Plan by deleting and replacing two maps depicting the Butler Development PUD and the underlying land use categories for the

properties within the Butler Development PUD; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This ordinance amends Policy 4.3.6 of the Future Land Use Element in the Comprehensive Plan relating to the Butler Development Planned Use District (PUD). The Butler Development PUD consists of approximately 267 acres and is generally located north of Archer Road, west of SW 34th Street, east of I-75, and south of SW 24th Avenue. This ordinance also amends two Butler Development maps in the Future Land Use Map Series that depict the underlying land use for the properties within the Butler Development PUD and illustrate the boundaries of the PUD Future Land Use Overlay. These maps are being revised for clarity and will also now include the 6 small parcels that received overlay PUD land use designation by Ordinance No. 121106.

According to the petitioner, the purpose of this ordinance is to create a more practicable plan for infrastructure, allow for relocation of the Town Center, and provide flexibility in implementation. The proposed changes to Policy 4.3.6 do not include any changes to the allowable land uses or the intensity that is currently allowable within the PUD. For example, there are no changes to the: allowable square footage of commercial/retail/office space, number of allowable hotel/motel rooms, and total number of allowable residential units. The Butler Development program also continues to be limited to the maximum trip generation already established in Policy 4.3.6 (37,591 average daily trips including existing development).

Public notice was published in the Gainesville Sun on January 31, 2013. The Plan Board discussed the petition at a public hearing on February 19, 2013, and recommended approval with a vote of 4-2. After public notice was published in the Gainesville Sun, the City Commission held a public hearing on May 29, 2013, and approved the petition with revisions by a vote of 6-1.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing. Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing. If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written

comments.

Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/29/13 City Commission Approved (Petition), as amended

[121107A ProposedtextamendmentPolicy4.3.6 20130529.pdf](#)

[121107B Updated CHW Justification Report for proposed amendments to FLUF](#)

[121107C Revised staff report with Exhibits 20130529.pdf](#)

[121107D Staffpropamend2-19-13PBmeeting 20130529.pdf](#)

[121107E CPB Butler Plaza Minutes 20130529.pdf](#)

[121107F staff ppt 20130529.pdf](#)

[121107 presentation 20130529.pdf](#)

[121107 CHawkins 20130529.pdf](#)

[121107A draft ordinance 20130919.pdf](#)

[121107B staff ppt 20130919.pdf](#)

[121107 MOD app pres Butler CityComm 1st Reading 20130919.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[121108.](#)

REZONING - BUTLER DEVELOPMENT PLANNED DEVELOPMENT (B)

Ordinance No. 121108; Petition No. PB-12-150 PDV

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning certain property known as the Butler Development that is generally located north of Archer Road, west of SW 34th Street, east of I-75, and south of SW 24th Avenue as more specifically described in this ordinance, from Planned Development District (PD), Business Industrial District (BI) and General Business District (BUS) to Planned

Development District (PD); adopting a PD report; providing for enforcement; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

Planned Development District (PD) zoning is an entirely voluntary method for landowners or developers to submit unique proposals that are not provided for or otherwise allowed in the zoning districts established by the City of Gainesville Land Development Code. On January 5, 2012, the City Commission adopted Ordinance No. 090538, which rezoned the Butler Development property (excluding six small parcels that are currently the subject of a small-scale land use change in Ordinance No. 121106) to Planned Development District (PD). That ordinance and its implementing regulations remain in effect at this time.

The Butler Development PD totals approximately 267 acres and is generally located north of Archer Road, west of SW 34th Street, east of I-75, and south of SW 24th Avenue. The Butler Development PD includes the existing Butler Plaza retail area located between Archer Road and Windmeadows Boulevard, which is developed with over one million square feet of commercial uses. The Butler Development PD also includes several adjacent shopping plazas and multiple outparcels along Archer Road, and is accessed by several public streets and private drives connecting from Archer Road to Windmeadows Boulevard. The existing commercial centers were developed under Alachua County's development regulations over a period of 30 years and remained outside city limits until an annexation in 2008.

This ordinance adds to the Butler Development PD the six small parcels that are the subject of a small-scale land use change in Ordinance No. 121106 as well as replaces the existing regulations pertaining to the Butler Development PD. According to the PD Report, the purpose of the proposed rezoning is to create a more practicable plan for infrastructure, allow for relocation of the Town Center, and provide for flexibility in implementation. The proposed PD will not increase the overall development potential beyond what was approved for the existing PD.

The proposed PD is separated into four subareas, rather than the current three subareas, and the requirements for the development are based upon these areas. The PD Layout Map (included in the PD Report) shows the overall arrangement of the planned development with existing streets, proposed new public streets, and the boundaries of the four subareas. The map also shows the location for the RTS Transit Transfer Station and the proposed route for the Archer Braid Trail. Subarea 1 is shown as the area north of Windmeadows Boulevard and west of the SW 62nd Boulevard extension, and will be designed for large-scale retail and auto-oriented commercial uses. Subarea 2 encompasses the area east of SW 62nd Boulevard extension and south of SW 24th Avenue, and is proposed to be developed with more of an urban character. Subarea 3 encompasses the portion of the existing commercial center east of Butler Boulevard (currently the site of the

Wal-Mart, Lowe's and Regal Cinemas). This area is proposed to be redeveloped in the form of a 'Town Center' commercial area, which is essentially an outdoor shopping mall that is organized around a 'main street.' Subarea 4 represents the remainder of the existing retail area.

The PD Report outlines proposed standards and permitted uses within the four subareas. The development standards in the report incorporate many of the general requirements that are currently found within the conditions of the existing PD. A table in the report lists all of the standards that vary according to subarea, including basic dimensional standards (such as building setbacks) and some urban design standards (such as build-to line, building frontage, and building glazing and articulation). A maximum block perimeter is also defined for each subarea; this standard is designed to ensure that adequate vehicular and pedestrian connectivity will exist throughout the development. Architectural guidelines are outlined for each subarea (including illustrations which indicate the general architectural theme for the buildings within each subarea). A higher level of urban design and architecture is required for Subarea 3 (Town Center) and for Subarea 2, which has been recognized by staff and the applicant as a transitional area between the Urban Village and the more auto-oriented commercial development in Subareas 1 and 4. Other unique standards for the PD are provided within sections on the Unified Signage Plan, Tree Preservation and Landscaping, and Stormwater Management Facilities. The Development Schedule outlines the proposed timing of infrastructure improvements within the development. Specific elements of infrastructure (such as the new public streets, the transit transfer station and park-and-ride facility, and an additional turn lane on the I-75 exit ramp) are required to be constructed at certain points in the progression of the development.

Public notice was published in the Gainesville Sun on January 31, 2013. The Plan Board discussed the petition at a public hearing on February 19, 2013, and recommended approval with revisions by a vote of 6-0. After public notice was published in the Gainesville Sun, the City Commission held a public hearing on May 29, 2013, and approved the petition with revisions by a vote of 6-1.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings. This ordinance shall become effective immediately upon final adoption; however, the rezoning shall not become effective until the amendments to the City of Gainesville Comprehensive Plan adopted by Ordinance Nos. 121106 and 121107 become effective as provided therein.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

5/29/13 City Commission Approved (Petition)

[121108A MEMO Butler Plaza 5-29 BkUp 5-8-13 Signed 20130529.pdf](#)
[121108B matrix 130508 20130529.pdf](#)
[121108C Staff report and attachments 20130529.pdf](#)
[121108D CPB Butler Plaza Minutes 20130529.pdf](#)
[121108E PD Report 130415 with attachments 20130529.pdf](#)
[121108F staff ppt 20130529.pdf](#)
[121108 presentation 20130529.pdf](#)
[121108A draft ordinance 20130919.pdf](#)
[121108B staff ppt 20130919.pdf](#)
[121108 MOD app pres Butler CityComm 1st Reading 20130919.pdf](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[130122](#)

GENERAL EMPLOYEE'S PENSION PLAN AMENDMENTS (B)

Ordinance No. 130122

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII, Division 5 (Employees Pension Plan) of the Code of Ordinances of the City of Gainesville, for federal tax compliance purposes and to amend the investment authority of the board of trustees; amending Section 2-521, Definitions; amending Section 2-522, Establishment of system; amending Section 2-523, Membership and service; amending Section 2-524, Contributions and funding; amending Section 2-526, Benefits; amending Section 2-527, Administration of the plan; amending Section 2-530, Miscellaneous; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of Thursday, August 1, 2013, authorized the preparation and advertisement of this Ordinance. The Ordinance amends the City's General Employees Pension Plan (Plan) for federal tax compliance purposes. In addition to these amendments required by law, additional minor amendments provide the Board of this Plan (members of the City Commission sit as the Board) with broader investment authority. Currently, Section 2-527(w) of the Plan provides "[t]he [B]oard shall have full power to invest and reinvest all funds within its control and to make investment of all kinds except as otherwise provided by statute or ordinance." Under Florida Statute Section 112.661(5)(a), the investment of the assets of the Plan are subject to the limitations and conditions set forth in Florida Statute Section 215.47(1)-(6), (8), (9), (11) and (17), "unless otherwise authorized by law or ordinance." The proposed amendment to the Plan would expressly provide that investments of the Plan's funds are not subject to investment limitations and conditions set forth in Florida Statute Section 215.47, thereby authorizing the Board to invest funds in asset classes or

allocations which may be otherwise restricted by Florida Statute Sections 112.661(5)(a) and 215.47.

This ordinance requires two public hearings. If adopted on first reading, second and final reading of the ordinance is scheduled for Thursday, September 19, 2013.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/5/13 City Commission Adopted on First Reading (Ordinance)

[130122_Gen Pension_20130905.pdf](#)

[130203.](#)

**CONSOLIDATED POLICE OFFICERS AND FIREFIGHTERS
RETIREMENT PLAN AMENDMENTS FOR POLICE OFFICERS
(B)**

Ordinance No. 130203

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII, Division 8 (Consolidated Police Officers and Firefighters Retirement Plan) of the Code of Ordinances of the City of Gainesville, for purposes of compliance with federal tax law and Chapters 175 and 185, Florida Statutes; amending Section 2-596, Definitions; amending Section 2-597, Establishment; amending Section 2-600, Retirement dates and benefits; amending Section 2-601, Optional forms of retirement income; amending Section 2-602, Administration of the plan; amending Section 2-605, Amendment; termination of plan; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of Thursday, August 1, 2013, authorized the preparation and advertisement of this Ordinance. The Ordinance amends the Consolidated Police Officers and Firefighters Retirement Plan for federal tax compliance purposes and to comply with recent amendments to Chapters 175 and 185, Florida Statutes (SB 538).

This ordinance requires two public hearings. If adopted on first reading, second and final reading of the ordinance is scheduled for Thursday, September 19, 2013.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/5/13 City Commission Adopted on First Reading (Ordinance)

[130203_Consolidated Pension_20130905.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)