

City of Gainesville

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



Meeting Agenda

May 07, 2009

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER

AGENDA STATEMENT

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

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

080958.

Declare ProjectDox Electronic Plan Review and Permitting as Sole Source (B)

This item involves a request for the City Commission to waive the competitive bid process and a request to authorize the Building Official to enter into contract negotiations with Avolve Software for the purchase of electronic plan review software.

Explanation: Electronic plan review is the next step in the streamlining of the permitting and plan review process. ProjectDox is currently the only self-hosted solution for electronic plan check and review for government entities. It is designed to handle permit project drawings from review, markup, and approval thru final inspection. Informative Graphics and Avolve Software is the sole maker of ProjectDox. They are also the sole maker of Brava, which is the viewer within ProjectDox. No other plan review software in the market has the tools and the capability to track all changes and re-submittals on one set of documents.

The City of Gainesville entered into a contract with Innoprise in 2008 to provide software for Planning, Code Enforcement, Building Inspections and GIS that will allow seamless coordinated tracking of our entire development process as well as an e-Gov solution for our citizens. ProjectDox works stand alone so it can be used with any permitting system. Avolve and Innoprise are presently working together so that data input in one will automatically update the other. ProjectDox can be used for site plan review and be shared by all of the City's Innoprise users.

The following jurisdictions in Florida are using ProjectDox for plan review and made their purchase through the sole source purchasing process: The City of Miami, Leon County, City of Palm Coast, City of Tallahassee, Lee County, City of West Palm Beach, and Osceola County. The Building Official has consulted on this matter with the Builders Association of North Central Florida (BANCF) and has received their support for this software application.

The City is approximately half way through the FY 09 budget year and it appears that the Building Enterprise Fund will make budgeted figures for revenue and has reserve funds available for purchasing this enhancement to service delivery.

Fiscal Note: The proposed cost is estimated to be \$364,400 and this amount is available in the Building Enterprise Fund. Staff is projecting a reduction in plan review man hours, a reduction in the time plans spend in the review process and the elimination of \$4,000.00 a year for plan storage and retrieval.

RECOMMENDATION

Recommended Motion: The City Commission: 1) waive the competitive bid process and declare the ProjectDox plan review and electronic permitting software as a "sole source,"; 2) approve the purchase of ProjectDox software from Avolve Software for a not to exceed price of \$400,000; and 3) authorize the Building Official to enter into contract negotiations with Avolve Software , and if successful, to execute a contract, subject to the approval of the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission: deny the waiver of the competitive bid process. There is no fiscal impact.

Alternative Recommendation B: The City Commission: require the competitive bid process for the purchase of this software with fiscal impact to be determined.

080958a_Avolve PPT_20090507.pdf

080958b_Staff PPT_20090507.pdf

080958c_Cost Chart_20090507.pdf

080984.

Evergreen Cemetery Fee Structure (NB)

This item involves a request to the City Commission to instruct the City Attorney to amend the Code of Ordinances Chapter 7, Sections 7-8 and 7-9, so that the entire Evergreen Cemetery fee structure is placed in Appendix A of the Code of Ordinances.

Explanation: Every two years, city staff recommends an across the board fee increase (usually 5%) for Evergreen Cemetery services. This includes prices for grave spaces, annual care, internments, disinternments, re-internments and foundations. As required by Chapter 7, Sections 7-8 and 7-9, these fee increases are accomplished by resolution approved by the City Commission.

One set of Evergreen Cemetery fees, however, is listed in Appendix A of the Code of Ordinances. Those fees involve conversion to perpetual care and exchange of interment rights. Fee increases in Appendix A are accomplished as part of the budget process.

After careful research, staff has determined that there appears to be no rationale behind the separation of the fee schedules, with one in Appendix A and another that requires approval by resolution. Therefore, staff believes it would clarify the matter and be more cost effective to consolidate all Evergreen Cemetery fees in Appendix A of the Code of Ordinances, and enable the fees to be fully integrated into the budget process.

Fiscal Note: None

RECOMMENDATION

The City Commission instruct the City Attorney to amend the Code of Ordinances Chapter 7, Sections 7-8 and 7-9, for the purpose of placing the entire Evergreen Cemetery fee structure in Appendix A.

Alternative Recommendation

The City Commission not instruct the City Attorney to amend the Code of Ordinances, Chapter 7, sections 7-8 and 7-9, for the purpose of placing the entire Evergreen Cemetery fee structure in Appendix A.

080990.

Combined Communications Center Interlocal Agreement (B)

This item presents an amendment to the Interlocal Agreement between the City of Gainesville, the Alachua County Sheriff and Alachua County for the Combined Communications Center.

Explanation: The City of Gainesville, the Alachua County Sheriff and Alachua County entered into an agreement on November 3, 1999 for the provision of a Combined Communications Center (CCC). The Agreement was amended effective October 28, 2003 to address the methodology for monthly billing and annual true-up.

On March 26, 2009, the Executive Board of the CCC, which consists of the Sheriff of Alachua County, the Mayor of the City of Gainesville, and the Chairperson of the Alachua County Board of County Commissioners, approved an amendment to the Agreement to be presented to the City of Gainesville and Alachua County for approval. The proposed changes to the Agreement are summarized below.

The Agreement establishes an Administrative Board comprised of the City Manager, the County Manager and the Sheriff's designee. The Administrative Board is subject to Sunshine Laws. This amendment provides for both the City Manager and the County Manager to designate the Assistant City Manager with oversight over the Fire Department and the Deputy County Manager to sit as a

member of the Administrative Board when they are not available. These individuals will also be subject to Sunshine Laws with respect to discussing matters related to the CCC with the potential voting members of the other entities.

The Agreement also establishes a User Advisory Committee consisting of operational staff to advise the Administrative Board on operational policies and procedures, performance and standards. The establishment of the Committee through the Agreement also subjects this Committee to Sunshine Laws. Because the Committee consists of staff of each of the three agencies who meet regularly to work through operational issues, it is recommended that the establishment of this Committee and all reference to the Committee be removed from the Agreement.

Section 2, paragraph F adds language requiring the acquisition and utilization of the same radio communications technology platform by all users of the CCC to be directly interoperable with all other agencies on the system. It also requires each agency to adhere to Communications protocols utilized for the CCC.

The current agreement requires approval by the City Commission should the Sheriff's requested CCC budget increase by more than five (5) percent over the preceding year. The proposed amendment requires approval by the City Commission when the requested budget increases by more than three (3) percent.

The final change addresses the provision of services for call taking and dispatch to the other municipalities within Alachua County. The current funding formula is cost prohibitive for the other municipalities that have a need to receive services from the CCC. As a result, Alachua County has assumed the full cost of the calls for services to those municipalities. The proposed amendment establishes a provision for a "small user". A small user is defined as a municipality with a population of less than 2000 as verified on October 1 of each fiscal year using the University of Florida's Bureau of Economic and Business Research (BEBR) and must not require additional funding for the CCC. Under the proposed amendment, the Sheriff is authorized to enter into an interlocal agreement with municipalities within Alachua County who meet the small user definition. The interlocal shall include an agreement to pay the Board of County Commissioners for the cost of services as provided by the small user formula. A small user shall be charged 25% of the cost of a call for service beginning 10/1/2009. The County agrees to fund the remaining 75% of the cost of a call for service. The agreement provides a methodology for billing the small user on a monthly basis with an annual true-up. The Sheriff may renew these agreements annually provided that the municipality continues to meet the small user definition. Municipalities that do not meet the definition of a small user shall be required to make a request of the Executive Board of their desire to receive services from the CCC.

All other changes to the agreement were made to reflect the current status of the CCC and remove language related to the initial establishment of the CCC which no longer applies.

Fiscal Note: There is no fiscal impact to the City of Gainesville. Payment received by small

users will decrease the amount of funding required by Alachua County.

RECOMMENDATION

The City Commission approve the Interlocal Agreement as amended.

Alternative Recommendation A:

The City Commission direct staff to communicate any concerns of the City Commission to the Executive Board and report back to the City Commission.

080990_CCC Interlocal Agreement_20090507.pdf

080990A_CCC Interlocal Agreement_20090507.pdf

080992.

American Recovery and Reinvestment Act of 2009 Funded Projects (NB)

This item is a request to authorize the City Manager to award construction bids and to execute construction contracts and related documents.

Explanation: The City of Gainesville has been designated to receive funding from the American Recovery and Reinvestment Act of 2009 for three projects. Those projects are the 6th Street Rail Trail, the Milling and Resurfacing of NE 8th Avenue, and the NW 34th Street sidewalk. It is the desire of the Federal and State Administrations to initiate the construction of these projects as soon as possible. This procurement is being done by competitive bidding. By authorizing the City Manager to award the pending construction bids and execute the associated contracts and related documents (provided the bids are within identified funding and subject to approval by the City Attorney as to form and legality), an estimated minimum of three weeks may be deducted from the start of construction.

Fiscal Note: \$2,300,000 is available from the ARRA of 2009 allocation for the completion of the identified projects. No additional funding beyond that currently provided in the Capital Improvement Program from the City of Gainesville is required.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to: 1) award the bids for the three American Recovery and Reinvestment Act of 2009 funded projects (the 6th Street Rail Trail, the Milling and Resurfacing of NE 8th Avenue, and the NW 34th Street sidewalk) to the lowest responsive, responsible bidder, provided the bid awards are within the approved and available funding for each project; and 2) execute the construction contracts and related documents, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission deny the request and direct the City Manager to proceed with the three American Recovery and Reinvestment Act of 2009 funded projects (the 6th Street Rail Trail, the Milling and Resurfacing of NE 8th Avenue, and the NW 34th Street sidewalk) with the City Commission to approve the award of the

construction bids.

080993.

Purchase of Additional Laser Imaging Detection and Ranging (LiDAR) data from Program Data Solutions (B)

This item is a request for the purchase of additional LiDAR data from a Florida Division of Emergency Management contract in order to facilitate a number of water management program activities in Gainesville and its surrounding areas and is a contract for add-on services to a previously approved project.

Explanation: The Florida Division of Emergency Management (FDEM) has established standards for acquiring data necessary to enhance available computer-modeling analysis for use in Regional Evacuation Studies (RES) that assist disaster response personnel in understanding threats to Florida's citizens and visitors. Contractors have been selected to provide project/program management-related services for collection of aerial data such as LiDAR and associated orthophotography, post-processing of data, and populating updated elevation data for use with coastal surge modeling tools. FDEM is allowing other governmental agencies to "piggyback" onto the competitive procurement of FDEM for these services.

The Public Works Department previously "piggybacked" on one of the FDEM contracts to capture LiDAR data for: 1) updating flood plain mapping, 2) updating Watershed Management Plans, 3) developing Basin Management Action Plan alternatives, 4) providing enhancements to the National Pollutant Discharge and Elimination System Program, and 5) to facilitate forecasting of environmental impacts associated with land development proposals. The Department is now seeking an additional "piggyback" to include an additional 25.55 square miles in the project. This project is part of the Total Maximum Daily Load program which the Department administers for the City, Alachua County and the Florida Department of Transportation (FDOT) according to the Third Supplement to Agreement Providing Joint Implementation of the National Pollutant Discharge Elimination System Program (Third Supplement). Under this Agreement, the City, the County, and the FDOT have agreed to work together on projects that will preserve and enhance the environmental quality of the waters of the state while protecting and promoting the public health, safety, and general welfare.

The Department previously contracted with Program Data Solutions to procure data from an area of 153.77 square miles. This project entails mapping an additional area of approximately 25.55 square miles outside of the City limits but within Alachua County. The data acquisition, processing and quality assurance will be carried out by Program Data Solutions and will cost \$49,913. The Public Works Department is making this request as administrator of the Gainesville Clean Water Partnership (established by the Third Supplement) at the request of Alachua County. If this project is approved, the Florida Department of Transportation (FDOT) will reimburse the City for the full amount of \$49,913 in fulfillment of one of its responsibilities under the Third

Supplement.

Fiscal Note: Funding in the amount of \$49,913 for the contract is available in the FY 2009 Capital Improvement Plan and the Stormwater Management Utility Fund. The City will be reimbursed in full by FDOT upon successful completion of the contract.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the purchase of additional LiDAR data collection, processing and quality assurance from PDS; and 2) authorize the City Manager to issue a purchase order not to exceed \$49,913, subject to review and approval by the City Attorney as to form and legality.

080993_MOU_20090507.PDF

080995.

FY09 General Government Debt Issue (NB)

This item describes the proposed process for FY09 General Government borrowing.

Explanation: As part of the FY09 - FY13 Capital Improvement Plan (CIP) adopted by the City Commission during last summer's budget hearings, the Commission approved a FY09 debt issue to fund the following projects:

Approximately \$3,000,000 will be utilized in conjunction with monies from the additional five (5) cent Local Option Gas Tax receipts to fund portions of nine projects in the City's Transportation Improvement Plan;

Just over \$1,500,000 for the Solid Waste and Storm water Management portions of the Public Works Administration Building expansion at the 39th Avenue Compound;

\$1,225,000 for energy management initiatives at City Hall, the Old Library Building, and the Thomas Center;

\$975,000 for traffic signals construction;

Approximately \$900,000 to reimburse the General Fund for the cost of the CEM settlement. Last September, the City Commission approved payment of the settlement from the General Fund with the reimbursement coming from bond proceeds, the debt service for which will be paid by the Solid Waste Fund over 20 years;

\$850,000 towards the rehabilitation costs associated with the Depot Building; and

Approximately \$750,000 for the General Fund share of the materials storage relocation and construction of an equipment storage building.

Given the relatively small size of the borrowing, the still somewhat unsettled

nature of the capital markets, and the current inflated cost of bond insurance, staff is proposing soliciting bids for a bank loan in order to acquire this capital. In the opinion of staff as well as the City's financial advisor, a bank loan will provide the best rate, most flexible debt structuring, and lowest issuance costs available to the City at this time.

Fiscal Note: Debt service associated with the debt issue will be paid from the General Fund, additional five (5) cent Local Option Gas Tax monies, Storm water Management Utility Fund, and the Solid Waste Enterprise Fund. These debt service costs are included in the respective FY10 budgets for these funds.

RECOMMENDATION

The City Commission direct the City Manager to prepare and distribute an RFP for a bank loan for the FY09 debt issue and authorize the City Manager, Administrative Services Director, and Finance Director to retain the required professional services to implement this debt issue.

081014.

Recovery Act: Edward Byrne Memorial Justice Assistance Grant Application (NB)

This item requests City Commission authorization to apply for and accept Recovery Act: Edward Byrne Memorial Justice Assistance Grant funds (Stimulus - General) in the amount of 158,000 for two full-time Intervention Specialists for the Reichert House (\$97,000) and for 12 digital in-car cameras (\$61,000) for use by patrol.

Explanation: Recovery Act: Edward Byrne Memorial Justice Assistance Grant (Stimulus - General) is a competitive one time only grant opportunity consisting of \$780,991 in Federal funding allocated for government entities within Alachua County. The Alachua County Sheriff Office serves as the Grant Administrator. It is anticipated that the Gainesville Police Department will be eligible to apply for up to \$158,000 of this allocation. On April 29, 2009 the Gainesville Police Department will present two new programs for funding. One program will provide continued funding for two full-time Intervention Specialists (\$97,000) currently covered by a grant that will expire August 31, 2009. Recovery Act funding would ensure that these positions would continue to support at-risk youth at the Reichert House. The second program would support the purchase of 12 digital in-car cameras (\$61,000) for use by patrol officers. The Byrne Grant Advisory Board will be asked to consider funding for these two programs through the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (Stimulus - General).

Fiscal Note:

Each application is for a one-year funding cycle in FY 2010. The current Federal regulations do not require a match for this grant. The total award amount for the two programs is \$158,000.

RECOMMENDATION

The City commission authorize the City Manager to: 1) apply to the Recovery Act: Edward Byrne Memorial

Justice Assistance Grant (Stimulus - General) program for \$158,000 in grant funds; and 2) execute the grant application, grant award, and any other necessary documents, pending review by the City Attorney as to form and legality.

Alternate Recommendation:

The City Commission declines the opportunity to apply for and receive grant funds from the Recovery Act: Edward Byrne Memorial Justice Assistance (Stimulus - General) in the amount of \$158,000.

081015.

Edward Byrne Memorial Justice Assistance Grant Application (NB)

This item requests City Commission authorization to apply for and accept Edward Byrne Memorial Justice Assistance Grant funds (General) in the amount of \$30,000 for the Tutorial Assistance for At-Risk Youth, \$24,000 for the Sexual Predator and Offender Tracking Program and \$20,000 for the SAFE-T Kiosk.

Explanation: The Edward Byrne Memorial Justice Assistance Grant (General) is a competitive grant opportunity consisting of \$186,208 in Federal funding allocated for government entities within Alachua County. The Alachua County Sheriff's Office serves as the Grant Administrator and automatically receives 10% (\$18,620) leaving the county \$167,588 to fund continuing and new programs. On April 29, 2009, the Gainesville Police Department will present three programs for continuation funding to the Byrne Grant Advisory Board. The first presentation will be to continue funding for "Tutorial Assistance for At-Risk Youth," which provides an Educational Coordinator and an Assistant Educational Coordinator for the Reichert House. The second presentation will be to continue funding for the "Sexual Predator and Offender Tracking Program." This program consists of overtime details to monitor and enforce the terms of probation for sexual predators and offenders within the City of Gainesville. The third presentation will be for the "SAFE-T Kiosk." This program consists of overtime funding for an officer to provide information and safety options to individuals in specific areas who are at-risk of becoming a victim of a crime. The Byrne Grant Advisory Board will be asked to continue funding for these three programs through the Edward Byrne Memorial Justice Assistance Grant.

Fiscal Note: Each application is for a one-year funding cycle in FY 2010. The current Federal regulations do not require a match for this grant. The total award amount for all three programs is \$74,000.

RECOMMENDATION

The City Commission authorize the City Manager to:
1) apply to the Edward Byrne Memorial Justice Assistance Grant program for \$74,000 in grant funds; and 2) execute the grant application, grant award, and any other necessary documents, pending review by the City Attorney as to form and legality.

Alternate Recommendation

The City Commission declines the opportunity to apply for and receive grant funds from the Edward Byrne Memorial Justice Assistance Grant in the amount of \$74,000.

081017.**Second Amendment to the FY 2008-2009 CDBG and HOME Annual Action Plan (B)**

This is a request for the City Commission to approve a second amendment to the FY 2008-09 CDBG and HOME Annual Action Plan to allow for the utilization of additional federal HUD program funds; all of the elements of the City's original FY 2008-09 Annual Action Plan are hereby incorporated into this supplemental document.

Explanation: The American Recovery and Reinvestment Act of 2009 (Recovery Act) was signed into law on February 17, 2009, and appropriates \$787 billion for measures that will modernize our nation's infrastructure, enhance energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief and protect those in greatest need. Under the Recovery Act, the City of Gainesville is eligible to receive a direct allocation from the following federal programs:

Community Development Block Grant-Recovery (CDBG-R): the City is eligible to receive \$371,003. The CDBG-R funds constitute a special allocation of FY 2008-09 CDBG funding to support a broad range of housing and community development projects that are "shovel-ready," i.e., can be implemented as soon as possible. The City must give priority to projects that can award contracts within 120-days of the date of the funding award. The City proposes to utilize the CDBG-R funds to acquire vacant property to construct a One-Stop Homeless Center facility.

Homelessness Prevention Fund and Rapid Re-Housing Program (HPRP): the City is eligible to receive \$567,404. The HPRP funds constitute a special allocation of the FY 2008-09 funding to provide financial assistance and other assistance to either prevent individuals and families from becoming homeless or to help those who are experiencing homelessness to be quickly re-housed and stabilized.

To expedite the prompt use of the CDBG-R and HPRP funds and allow reasonable citizen participation, HUD has established a condensed 12-day citizen participation requirement to receive comments on the proposed amendment. Staff presented the proposed second amendment to the Citizen Advisory Committee for Community Development (CACCD) on April 21, 2009. Additionally, a notice of the proposed amendment was published in the Gainesville Sun newspaper on April 16 & 17, 2009. A copy of the proposed amendment was made available to the public at the City's Housing & Community Development Division, the City of Gainesville website, and was

distributed via public press release by the City's Communications Office.

Fiscal Note: These additional funds will be made available for continued financial assistance and other assistance to provide individuals and families with homeless services.

RECOMMENDATION

The City Commission: 1) approve the second amendment to the FY 2008-2009 CDBG and HOME Program Annual Action Plan; and 2) authorize the City Manager or designee to prepare and submit the second amendment to the FY 2008-2009 Annual Action Plan, including all understandings and insurances contained, to the U.S. Department and Urban Development (HUD) for financial assistance under the Community Development Block Grant Recovery Program (CDBG-R) and Homelessness Prevention and Rapid Re-Housing Program (HPRP); and to act on behalf on the City of Gainesville in all matters pertaining to the CDBG-R and HPRP Programs; and 3) authorize the City Manager to execute the appropriate HUD documents for the receipt of the HPRP and CDBG-R funds.

081017_Second Amendment_20090507.pdf

081019.

Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2009 Formula Program: Local Solicitation (B)

The City Commission approve the use of \$448,816 from the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) funds and will authorize the grant application for these funds.

Explanation: The U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, has announced available grant funds to local units of government through the Recovery Act: Edward Byrne Memorial Justice Assistance Grant Program (JAG). This grant program is authorized by the American Recovery and Reinvestment Act of 2009. The City of Gainesville is eligible to receive \$448,816 in funding through this grant. The JAG program allows local governments to support a broad range of activities to prevent and control crime. The funding distribution is based on population and crime statistics, as well as law enforcement expenditure data. The JAG Program blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed the most. The Gainesville Police Department proposes to utilize the funds received under this grant to continue the production of the Gainesville Police Department television show "Police Beat," provide resources to enhance crime prevention programs in the community including a Citizen Observer Program, technical equipment for the Investigations Bureau, Trauma Packs, Handheld Citation Devices, incident command vehicle for large-scale community events, a transportation vehicle for the Reichert House, scheduling software for overtime/special events and other technological enhancements including the acquisition of additional digital in-car video cameras for patrol vehicles, and other technical equipment for enhancements to the Laptop project.

Fiscal Note: The \$448,816 in grant funds provided by the U.S. Department of Justice through the Recovery Act: Edward Byrne Memorial Justice Assistance Grant is distributed up front instead of on a reimbursement basis. The award can fund projects beyond a four year period, allowing successful initiatives to receive funding to continue and expand their efforts. There are no required local matching funds for this grant award.

RECOMMENDATION

The City commission authorize the City Manager to: 1) apply to the Recovery Act: Edward Byrne Memorial Competitive Grant Program for \$448,816 in grant funds; and 2) execute the grant application, grant award, and any other necessary documents, pending review by the City Attorney as to form and legality.

081019_ByrneStimPkgLoc_20090507.pdf

081021.

Recovery Act: Edward Byrne Memorial Competitive Grant (JAG) (NB)

This item requests City Commission authorization to apply for the Recovery Act: Edward Byrne Memorial Competitive Grant for a total amount of \$344,426 for two years. One purpose of Recovery Act funding is to preserve and create jobs to promote economic recovery. The Gainesville Police Department has identified two proposals addressing this purpose to be submitted to the U.S. Department of Justice for consideration.

Explanation: The Edward Byrne Memorial Competitive Grant program is funded for a two year period. One project proposes the creation of a full-time position Crime Analyst position with an emphasis on Information Led Policing. The two year fiscal impact for this award will be \$135,900. The second project proposes to fund two full-time positions and one contract position currently supported by the 21st Century Learning Grant through the School Board of Alachua County. This grant expires in August 2009. Recovery Act funding for these positions would prevent an interruption of services for the population of at-risk youth being served by the Reichert House. The fiscal impact for this award is \$208,526.

Fiscal Note: Each application is for a two-year funding cycle in FY 2010. The current Federal Regulations do not require a match for these grants. The total award amount for both proposals is \$344,426.

RECOMMENDATION

The City commission authorize the City Manager to: 1) apply to the Recovery Act: Edward Byrne Memorial Competitive Grant Program for \$344,426 in grant funds; and 2) execute the grant application, grant award, and any other necessary documents, pending review by the City Attorney as to form and legality.

Alternate Recommendation

The City Commission decline the opportunity to apply for and receive grant funds from the Recovery Act: Edward Byrne Memorial Competitive Grant Program in the amount of \$344,426.

081041.**Prioritization of the City of Gainesville's Projects submitted for the Federal Transportation Reauthorization Bill Funding (NB)**

Explanation: The United State House of Representatives Committee on Transportation and Infrastructure is crafting new surface transportation authorization legislation to replace the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which expires on September 30, 2009. The result of this is that the City of Gainesville must reapply through our Congressional Representative Offices for those applicable projects that we wish to receive continued funding and for any additional applicable projects. Staff has completed the significant task of completing the required forms and questionnaires for each of the projects listed. A requirement of this submittal is a letter signed by the Mayor stating both project prioritization and City support. The following projects have been prioritized as follows:

- 1. SW 62nd Boulevard - Acquire right-of-way and construct the Multimodal SW 62nd Boulevard Connector Corridor from Florida State Road 26 to Florida State Road 24 located in Gainesville, Florida.*
- 2. Depot Avenue - Segments I - IV - To design, acquire right of way and reconstruct the Depot Avenue roadway in the corridor between US 441/SW 13th Street and SR 331/Williston Road, approximately 1.6 miles.*
- 3. Transit Vehicle Purchase - Purchase additional buses for the RTS fleet.*
- 4. RTS Operations and Maintenance Facility Expansion - This project includes expansion of operations and maintenance facility.*
- 5. RTS Intelligent Transportation System - Purchase of an Automated Vehicle Location (AVL) system to better monitor on-time performance (service reliability), gather data to improve system performance, and response time in emergency situations. Also, Automatic Passenger Counters (APCs) equipment to track boarding and alighting (by stop and time of day), monitoring route running time, and identifying bus overload situations. APCs can also be used to collect National Transit Database data.*

Fiscal Note: Request amount is \$165,533,804

RECOMMENDATION

The City Commission: 1) approve the prioritization of the City of Gainesville's federal transportation reauthorization appropriation requests as recommended by staff; and 2) authorize the Mayor to draft a letter to transmit the priority list to the federal delegation.

Alternative Recommendation

The City Commission: 1) reprioritize the attached list of federal transportation authorization appropriation requests and direct staff to utilize the revised list in the federal appropriation request process; and 2) authorize the Mayor to draft a letter to transmit the priority list to the federal delegation.

080517.**Public Waterways Designation Agreement for Potano Paddling Trail (B)**

This item involves a request for the Mayor to execute a Public Waterways Designation Agreement for Potano Paddling Trail.

Explanation: On November 6, 2008, the Gainesville City Commission adopted a resolution in support of state designation for the Potano Paddling Trail. The Potano Paddling Trail provides a variety of experiences for paddling enthusiasts in North Central Florida, with a trail that alternates between narrow creeks and open water, and passes through hydric hammocks, cypress sloughs, wet prairie and marsh habitats. The City's inclusion in the agreement is to permit the use of Palm Point Nature Park on Newman's Lake as part of the paddling trail access points. This will also allow the placement of signage or a kiosk, subject to the City's approval, for information about the paddling trail.

Designation of the Potano Paddling Trail as a state paddling trail does not carry any additional regulatory authority, boating restrictions, or enforcement responsibilities. Alachua Conservation Trust (ACT) is stipulated in the agreement as the "Project Manager," and ACT indicates there should be no cost to the City.

The attached agreement requires each of the four parties to sign; Alachua County and Alachua Conservation Trust, Inc. have already done so. The City is the third party; should the City elect to sign the agreement, all originals will be sent to the fourth party, Office of Greenways & Trails of the Florida Department of Environmental Protection, for their signature to complete the process. One signed original will be returned to the City of Gainesville.

Fiscal Note: Execution of this agreement will have no fiscal impact to the City of Gainesville.

RECOMMENDATION

Recommended Motion: The City Commission authorize the Mayor and Clerk of the Commission to execute the agreement, subject to approval of the City Attorney as to form and legality.

Alternative Recommendation: The City Commission not authorize the Mayor and Clerk of the Commission to execute the agreement.

Legislative History

11/6/08 City Commission Adopted (Resolution) (7 - 0)

080517_MAP_20081106.pdf

080517_RESOLUTION_20081106.PDF

080517_resolution_20081106.pdf

080517_Resolution_20090521.pdf

080517_Agreement_20090521.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****080997.****City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of April 13, 2009 (Workshop); and April 16, 2009 (Regular Meeting); as circulated.*

080997_minutes_20090507.pdf

081018.**Election Date 2010 (NB)**

RECOMMENDATION *The City Commission select April 13, 2010, for the 2010 City of Gainesville Election and authorize the City Attorney to draft and the Clerk of Commission to advertise an ordinance.*

081034.**Budget Meeting Change Request (B)**

RECOMMENDATION *The City Commission cancel the meeting scheduled for Wednesday, July 29, 2009 (see attached e-mail) and add FY 2010-General Government Budget to meeting topics already scheduled for the Tuesday, July 28, 2009, meeting; allowing the meeting to continue through the afternoon and evening as requested.*

081034_request_20090507.pdf

081038.**Resignation of Gainesville Human Rights Board Member Horacio Sierra and Gainesville/Alachua County Cultural Affairs Board Member Vivian Filer (B)**

RECOMMENDATION *The City Commission accept the resignations of Gainesville Human Rights Board Member Horacio Sierra and Gainesville/Alachua County Cultural Affairs Board Member Vivian Filer effective immediately and extends its appreciation for their services.*

081038_Resignations_Sierra and Filer.pdf

081039.**Appointments to City Commission Advisory Boards and Committees (B)****RECOMMENDATION**

The City Commission appoint the following:
William E. Baruch to the Bicycle-Pedestrian Advisory Board for a Term to expire December 31, 2009;
Alfredo E. Gonzalez to the Citizens Adv Comt for Community Development for a Vacancy to expire Nov. 1, 2010;
Theodore Stover to the Citizens Adv Comt for Community Development for a Term to expire Nov. 1, 2011;
Laurel Nesbit to the City Plan Board for a Vacancy to expire November 1, 2010;
Douglas B. Nesbit to the Development Review Board for a Term to expire November 1, 2011;
Colleen Rand to the Gainesville Code Enforcement Board for a Term to expire August 1, 2012;
William T. Hammond to the Gainesville Energy Advisory Committee for a Term to expire Sept. 30, 2011;
Erica J. Rodriguez Merrell to the Gainesville Human Rights Board for a Term to expire Feb. 22, 2012;
Shel E. Packer to the Gainesville Human Rights Board for a Term to expire Feb. 22, 2012;
Deborah L. Duffie to the Gvl/Alachua County Cultural Affairs Board for a Term to expire Sept. 30, 2012;
Charlie W. Pedersen to the Nature Centers Commission for a Vacancy to expire Nov. 1, 2010;
Jon Reiskind to the Nature Centers Commission for a Vacancy to expire Nov. 1, 2010;
Ivor Kincaide to the Tree Advisory Board for a Term to expire January 1, 2012;
Robert Simons to the Tree Advisory Board for a Term to expire January 1, 2012;
Robert Simons to the Tree Board of Appeals for a Term to expire January 1, 2012; and
Jon Reiskind to the Wild Spaces & Public Places Citizen Oversight Committee for a Term to expire May 7, 2012.

081039_Appointments.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****EQUAL OPPORTUNITY COMMITTEE, CONSENT**

080788.**Revision to Chapter 8 of the Gainesville Code of Ordinances (B)**

Explanation: At the February 5, 2009, City Commission Meeting, the Commission referred the issue of the revision to Chapter 8 of the Gainesville Code of Ordinances to the Equal Opportunity Committee and requested the Chamber of Commerce be invited to participate in the EOC meetings.

On April 15, 2009, The Equal Opportunity Committee and members of the Gainesville business and community organizations discussed revisions to Ordinance No. 0-07-88 relating to gender identity.

RECOMMENDATION

The City Commission: 1) authorize the City Attorney to draft and the Clerk of the Commission to advertise revisions to Chapter 8 of the Gainesville Code of Ordinances relating to gender identity regarding public shared shower or dressing facilities as it relates to area businesses and community organizations; and 2) remove this item from the referral list.

Legislative History

2/5/09	City Commission	Referred (5 - 0 - 2 Absent)	Equal Opportunity Committee
4/15/09	Equal Opportunity Committee	Approved as Recommended	

080788_Chapter 8_20090415.PDF

080788_draft ordinance_20090507.PDF

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT**070980.****Solar Panels vs. Removing Tree Canopy (B)**

This item refers to existing City of Gainesville Land Development Code provisions which may conflict with the City Commission's desire to foster economic development opportunities related to the implementation of the Solar Feed in Tariff.

Explanation: In February, 2008, a referral from the City Commission to the Community Development Committee focused upon a perceived conflict between the development of an approved residential subdivision focused on the production of solar energy and the City's existing tree canopy protection standards. Since that time, Nature and Parks staff has been working with the affected party to come up with a solution to this specific issue.

Concurrently, in light of the implementation of the Solar Feed in Tariff by Gainesville Regional Utilities in March, 2009, staff felt that this pending referral could act as a vehicle for a pro-active and broader discussion regarding other related conflicts that have been identified between a desire to fully capture economic development benefits related to Solar Feed in Tariff implementation and existing Land Development Code requirements.

The five focus areas of the Committee's discussion were as follows:

- Physical Development of Solar Fields
- Solar Installation and Tree Canopy Provisions
- Solar Installation and Wetland Provisions
- Solar Installation and Stormwater Retention Systems
- Solar Installation and Historic Preservation

The Committee's direction was twofold: 1) In more immediate terms, direct staff to bring forward a petition to the Plan Board to permit solar fields by right in those areas of the City designated as Agricultural with appropriate dimensional, environmental and life/safety/health requirements; and, 2) bring back any other needed revisions to the Land Development Code to accommodate solar development in a related omnibus petition to the Plan Board at a future time.

The Community Development Committee recommended referral of this recommendation back to the City Commission on February 26, 2009.

Fiscal Note: No fiscal impact.

RECOMMENDATION

Community Development Committee to the City Commission: direct staff to: 1) generate a petition to the Plan Board allowing the development of solar fields by right within areas of the City designated Agricultural with appropriate dimensional, environmental and life/safety/health requirements; 2) generate a related omnibus petition to the Plan Board at a future time to accommodate solar development relative to other pertinent provisions of the City of Gainesville Land Development Code and; 3) remove this referral item from the Community Development Committee referral list.

Legislative History

2/25/08	City Commission	Referred (6 - 0 - 1 Absent)	Community Development Committee
2/26/09	Community Development Committee	Approved as Recommended	

- 070980A_Memo To CDC_20090226pdf.pdf
- 070980B_Regulation_20090226.pdf
- 070980a_CDC 2-26 Minutes_20090507.pdf
- 070980b_Memo_20090507.pdf
- 070980c_Energy Regulation_20090507.pdf

REGIONAL UTILITIES COMMITTEE, CONSENT

070360.

GRU Rate Structure, Item #070360 (NB)

Explanation: On August 13, 2007 the City Commission referred the issue of GRU's rate design and structure to the RUC for review per concerns brought forward by

citizen Jim Konish. Mr. Konish also complained about the difficulty he had in reading the bill. The bills in question were produced during implementation of a new billing system and the associated problems have been resolved.

Staff prepared a report and was scheduled to present it at the October 9, 2007 Regional Utilities Committee meeting, however, Mr. Konish was not present at the meeting, so the item was pulled from the session to be discussed at a later meeting.

On January 14, 2009 GRU staff gave a presentation to the Regional Utilities Committee and the recommendation to remove the item from the referral list was approved by the RUC. Mr. Konish was notified of the meeting earlier that day, but was unable to attend the meeting until after the item had been completed. Mr. Regan offered to meet with Mr. Konish at a later date to discuss any concerns he still had.

Ed Regan and Diane Wilson of GRU met with Mr. Konish on February 19, 2009 and he shared his comments on GRU's rate structure.

Fiscal Note: This item has no fiscal impact.

RECOMMENDATION

The Regional Utilities Committee (RUC) recommends that the City Commission remove this item from the referral list.

Legislative History

8/13/07	City Commission	Referred (6 - 0 - 1 Absent)	Regional Utilities Committee
8/27/07	City Commission	Placed on File	
10/9/07	Regional Utilities Committee	Deferred	
1/14/09	Regional Utilities Committee	Approved as Recommended	

070360_20070827.pdf
 070360A_20070827.pdf
 RUC Rate Structure Presentation October 9 2007.pdf
 Backup for GRU Rate Structure Item 070360 Oct 9.pdf

080222.

GRU Incentives for the Enterprise Zone Referral Item #080222 (NB)

Explanation: At the 7/21/08 budget meeting the City Commission referred the issue of GRU incentives and other incentives for the Enterprise Zone to the Regional Utilities Committee. Commissioner Poe made the suggestion of extending GRU rebate programs to specific new and minority start up businesses in the enterprise zone.

At the February 11, 2009 RUC meeting Erik Bredfeldt, Planning and Development Director, reviewed with the Committee how the Enterprise Zone Program worked and how the incentives are dictated by Florida State Statute. Mr. Bredfeldt made the recommendation to enhance the coordination of information between the existing Enterprise Zone incentives and the energy efficiency programs already offered by GRU which may establish a potential double layer of incentives that could be pursued. This information will be

provided to attendees at the quarterly Enterprise Zone meetings.

The Regional Utilities Committee recommends removal of this item from the referral list.

RECOMMENDATION *The City Commission approve removing this item from the referral list.*

Legislative History

7/21/08	City Commission	Referred (7 - 0)	Regional Utilities Committee
2/11/09	Regional Utilities Committee	Approved as Recommended	

Backup for #080222 Enterprise Zone 2 11 09.pdf

080419.

Review of GRU's 10-Year Plan - Referral Item #080419 (NB)

Explanation: On September 18, 2008 the City Commission referred to the Regional Utilities Committee (RUC) Commissioner Donovan's request to review the GRU 10-Year Plan and the Alachua County energy conservation strategy that has recently been proposed; and report back to the City Commission the issue of energy policy and energy use goals.

Section 186.801, Florida Statutes requires that all major generating electric utilities in Florida (there are 11 currently) submit a Ten-Year Site Plan to the Florida Public Service Commission (PSC) for annual review. To fulfill the requirements of section 186.801 F.S., the PSC has adopted Rules 25-22.070 through 25-22.072, Florida Administrative Code. Each utility's Ten-Year Site Plan contains projections for the utility's electric power needs, fuel requirements and the general location of proposed power plant sites and major transmission facilities.

The PSC evaluates the Ten-Year Site Plans to determine the reasonableness of the load growth projections and whether the reporting utilities have identified additional generation facilities required in order to maintain an adequate supply of electricity at a reasonable cost. Since the Ten-Year Site Plan is not a binding plan of action on electric utilities, the PSC's classification of the plan as suitable or unsuitable has no formal effect on the utility. Such a classification does not constitute a finding or determination in docketed matters before the PSC. The PSC may address any concerns raised by a utility's Ten-Year Site Plan at a public hearing.

GRU staff gave a presentation regarding the Ten-Year Site Plan to the Regional Utilities Commission on February 11, 2009. Commissioner Poe concurred with the recommendation and Commissioner Lowe seconded to adopt the recommendation to remove the item from the referral list.

Fiscal Note: This item has no fiscal impact.

RECOMMENDATION *The Regional Utilities Commission (RUC) recommends that the City Commission remove this item from the*

referral list.

Legislative History

9/18/08	City Commission	Referred (7 - 0)	Regional Utilities Committee
2/11/09	Regional Utilities Committee	Approved as Recommended	

AUDIT, FINANCE & LEGISLATIVE COMMITTEE, CONSENT

080938.

City Commission Rules/Government Efficiency (B)

Explanation: The City Commission received a report from former Gainesville Regional Utilities General Manager Karen Johnson titled, "Streamlining Gainesville Government." This report included a number of recommendations to increase efficiency and productivity in the following functions: Citizen Boards and Committees, Student Adjuncts, City Commission Committees, City Commission Meetings, and Elections. Several of the recommendations have been implemented and the remaining recommendations have been referred to the Audit, Finance and Legislative Committee. Staff has determined that a portion of the recommendations can be implemented by amending the City Commission Rules.

The following is a summary of the recommended amendments. A copy of the amended City Commission Rules is included as back-up in which insertions are underlined and deletions are shown with a strike through:

Rule VI - City Commission Committees

(A) Remove reference to the Personnel and Organizational Structure Committee. This Committee is no longer utilized.

(I) All referrals not completed in six (6) months must seek re-authorization or removal from the referral list by the City Commission prior to the six month due date.

(L) The Clerk of the Commission shall include the City Commission referral list on a City Commission Agenda two times a year and maintain a referral list on the City's Intranet and Internet.

(O) The Standing Committee Chair shall review all Committee meeting agendas and agenda items.

(P) The Standing Committee Chair, or appointed designee, shall be the sponsor of any committee item brought forward for discussion before the City Commission.

Rule VII - Advisory Boards and Committees

7. All Boards and Committees shall submit an annual workplan and accomplishment report to the City Commission. The details associated with the workplan will be dependent upon the mission of the board or committee. The annual workplan and accomplishment report will be submitted to the City Commission during the annual budget process.

Rule VIII - City Commission Meeting Order of Business

Introduction: The Business of the Commission shall be taken up for consideration and disposition in the following order except as changed by the Mayor in agenda review; or by the Mayor or by the Commission during the Adoption of the Agenda to allow greater citizen participation.

(T) 2. Resolutions

(T) 3. Ordinances

Rule XI - Rules of Debate

Signs, props, and posters are not permitted in the meeting room except as provided in Rule XIII.

Rule IV - Decorum

Members of the public are not permitted to possess food, drink, props, signs, posters, or other similar material in the meeting room. Speakers at the podium addressing the Commission may use PowerPoint as part of their presentation provided the Clerk of the Commission is provided a copy at least seven hours prior to the presentation. Speakers may also use the City's overhead system or use displays or props (hereinafter "demonstrative exhibits") as part of a presentation as long as the demonstrative exhibits, including PowerPoint, are not obscene and do not otherwise disrupt, delay, or interrupt the proceeding. Outbursts of approval or disapproval, jeers or heckling are not permitted.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) approve amendments to the City Commission Rules as approved by the Audit, Finance and Legislative Committee; and 2) direct staff to draft a resolution implementing the amendments to be submitted for approval by the City Commission pending review by the City Attorney.

Legislative History

3/30/09 Audit, Finance and Recommended for Approval, as revised
 Legislative
 Committee

080938_revised rules_20090330.PDF

080938_Summary_20090330.PDF

080938_Commission Rules_20090507.pdf

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION**

GENERAL MANAGER FOR UTILITIES

081036.

Evaluation of Biomass-Fueled Generation Facility Proposals (B)

On May 12, 2008 the City Commission authorized the General Manager to negotiate and execute a purchased power agreement (PPA) for the output of a nominally 100 mega-watt (MW) net power plant, fueled with biomass and located on the Deerhaven Power Plant site. Negotiations have been successfully concluded, but because of adjustments to the initial proposal to reflect changing fuel prices, demand for electricity, and power plant construction costs, the General Manager has decided to advise the City Commission of these negotiated changes, their economic implications and to submit the executed PPA to the Commission for final approval.

Explanation: On May 12, 2008 the City Commission authorized the General Manager to negotiate and execute a purchased power agreement (PPA) with Nacogdoches Power LLC for the output of a nominally 100 mega-watt (MW) net power plant, fueled with biomass and located on the Deerhaven Power Plant site. Nacogdoches Power LLC was a subsidiary of Energy Management Inc. and BayCorp holdings. Since that time these two entities have been joined by Tyr Energy, a subsidiary of ITOCHU Corporation and a new company, American Renewables, was formed and the power plant project for GRU was renamed Gainesville Renewable Energy Center, LLC.

Negotiations have been successfully concluded but there are a number of changes in the project in the contract structure from the initial proposal. The fixed contract prices have increased to reflect changes in the cost of power plant construction, but these price increases have been partially offset by extending the term of the contract. The economic stimulus bill has also provided a grant option that will provide an offset to these price increases, provided that the facility goes on line by January 1, 2014. While the long term economics for the facility are favorable compared to conventional alternatives, the biomass plant may increase the fuel adjustment for the first few years of operation, depending on the outcome of climate change legislation, changes in the cost of the fossil fuels that will be avoided by the biomass plant, third-party contractual unit participation and the completion timeframe of the facility. It should be noted that there are benefits beyond those that would appear on a utility bill, such as over 500 estimated new jobs, tangible property tax revenues, cleaner air in the region, avoided costs to replace aging equipment, and enhanced system reliability.

By completing the proposed plant as soon as possible the maximum benefit of the economic stimulus program will be achieved, as well as a favorable position in the regional biomass fuel market. Furthermore, the proposed facility will allow Gainesville's operations to meet the Kyoto Protocol targets for carbon reduction by 2014 and will enable GRU to meet all currently proposed renewable portfolio standards as well.

Fiscal Note: Until the proposed facility commences operation, there will be no fiscal impact to GRU except for the cost to obtain a need certification from the Florida Public

Service Commission. Much of the economic benefit of the biomass plant accrues three to five years after completion due to the effect of increasing fuel prices. The projected thirty year net present value for the facility compared to the projected market electricity cost ranges from \$212 million to \$492 million based on various sensitivities, such as project completion date, implementation of a renewable portfolio standard and/or carbon constraint legislation.

The greater value of the plant accumulates after the initial portion (five years plus) of the contract period. With approximately one-half contractual third party participation included with the other sensitivities, the monthly fuel adjustment impact on a typical customer (1000 kwh/month) could range from \$4 to \$8 in 2014, but by 2019 this approaches a break even point. After 2019, the projected fuel adjustment benefits to customers are significant as discussed above considering net present value. These fuel adjustment effects do not reflect the non-utility benefits of intangible property tax paid by participating utilities outside of Alachua County, and the long term benefits of avoiding the cost to replace aging generation units.

RECOMMENDATION

The City Commission 1) receive a presentation from the General Manager and staff regarding the Power Purchase Agreement (PPA) between the City and Gainesville Renewable Energy Center, LLC for power generated by the nominal 100MW biomass generating plant; 2) approve the executed PPA; and, 3) authorize the General Manager or his designee to execute such documents and take all steps as may be necessary to implement the terms of the PPA, including but not limited to filing of all required applications with jurisdictional governmental bodies and agencies; and, the lease of and easements over portions of the Deerhaven Generating Station site necessary for the construction and operation of the biomass generating plant.

081036_contract_20090507.pdf

CITY MANAGER

080701.

Summer HeatWave 2008 Final Report Update (B)

This item involves a request for City Commission consideration of Summer HeatWave 2009 RTS bus passes that were requested at the January 15, 2009 City Commission meeting.

Explanation: HeatWave is a youth program that was devised as a three-pronged summer program model in 2008, providing youth with constructive activity options during the summer months. The program is administered jointly by City of Gainesville and Alachua County departments. During the summer of 2008, over 400 youths were served in the HeatWave Basketball Summer Camp and "Girls to Young Ladies" programs. Oversight and design of program elements were championed by the HeatWave Committee, which consisted of City staff and

representatives from throughout the community.

On January 15, 2009 the City Commission approved a request by the HeatWave Committee for summer 2009 HeatWave in-kind contributions consisting of the following: Gainesville Police Department providing security service for the HeatWave basketball program and special events valued at \$9,000; scholarships for 150 youth to attend six weeks of summer camp provided by the Parks, Recreation and Cultural Affairs Department valued at \$27,900 for a total in-kind contribution of \$36,900 by the City of Gainesville. A request made during the January 15th HeatWave presentation for 170 RTS monthly bus passes was delayed until May, due to the moratorium on City Commission Contingency funds, to allow staff and the Commission to have a better sense of the City's financial condition.

On April 14, 2009, Alachua County Parks Superintendant Robert Avery presented a request to the Alachua County Board of County Commissioners for the continuation of the HeatWave program in 2009. In 2008, Alachua County Commission provided \$117,350 for the HeatWave program. However, actual program costs were half of that amount, and as a result, the County Commission approved \$60,000 to be carried over for the 2009 HeatWave program. The county's funding cover personnel, contractual, equipment, supplies, printing and other costs.

The actual cost for the 170 passes discussed at the January 15th City Commission meeting is \$8,925. With a contingency fund balance of \$4,520, sufficient funds are available to cover the cost of 85 monthly bus passes for a three-month period. Participation in the Heatwave program is not dependent upon issuance of RTS bus passes, but the passes do improve program accessibility and enhance the likelihood of attendance by youths who lack transportation and might otherwise not be disposed to participate.

Fiscal Note: Funds in the amount of \$4,462.50 are available from City Commission Contingency.

RECOMMENDATION

The City Commission consider the request for City Commission contingency funds in the amount of \$4,462.50 to cover the cost of 85 RTS monthly bus passes for a three-month period.

Alternative Recommendation:

The City Commission do not consider the request for City Commission contingency funds in the amount of \$4,462.50 to cover the cost of 85 RTS monthly bus passes for a three-month period.

Legislative History

1/15/09 City Commission Approved as Amended (6 - 0 - 1 Absent)

080701_MOD-PPT_20090115.PDF

080701_Contingency Request_20090507.PDF

080897.

Presentation of the Site Plan for GPD's Campus Concept (B)

This item involves an approval from the City Commission to proceed with development of the GPD Campus which includes the construction of a new Community Center and remodeling of an existing building into a Tactical Training Center

Explanation: At the October 2, 2008 City Commission meeting concern was expressed over the preliminary site plan proposal for the GPD Campus. There were several issues that arose from the meeting: the location of the Rails to Trails, a retention basin, noise issues from a proposed firing range and on-site generators, the construction of a new Community Training Center and the construction of the Tactical Training Center. Staff was instructed to hold a community meeting to address these concerns.

On February 2, 2009 a community meeting was held at GPD to address the issues. The architect, civil engineer and staff were present to address concerns. The issues were presented and alternatives were discussed and implemented. The architect was tasked with addressing these changes on the site plan. A follow-up community meeting was held on March 23, 2009 to ensure all issues were covered and to present preliminary ideas for new façade for the Community Training Center.

After presentation to the community, staff was instructed to present the findings to the City Commission.

Fiscal Note: The current balance GPD's Building Fund is: Account M650 - \$1,777,059.56 and Account C310 - \$2,257,500.54 (Bond).

RECOMMENDATION

The City Commission: 1) hear a presentation from staff; 2) approve the new site plan for GPD's Campus Plan; and 3) authorize staff to continue development with the architect for the proposed services.

080897_GPDSitePlanDesign_041609.pdf

080901.

State of Florida Legislative Update (B)

The City Commission will be provided with an update of legislation filed during the Florida Legislature's 2009 Regular Session.

Explanation: The Florida Legislature opened its 2009 regular session on March 3, 2009. Several pieces of legislation have been filed that are expected to have an impact on the City of Gainesville. This update will provide a brief update of such legislation.

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission: 1) receive the legislative update; and 2) determine if issues presented necessitate the support or opposition of the City Commission.

Legislative History

3/19/09 City Commission Approved, as shown above (Motions)

080901_PowerPoint_20090319.pdf

080901_Report_20090319.pdf

080901_report_20090507.pdf

GENERAL MANAGER FOR UTILITIES

081035.

Community Relations Annual Report (B)

This item is to provide a report on GRU's community relations activities.

Explanation: As Gainesville's community owned utility, Gainesville Regional Utilities is committed to maintaining two way dialogue with our customers and concerned community organizations.

GRU Community Relations Director Nona C. Jones has led GRU's Community Relations efforts since April 14, 2008. This brief report will provide a summary of GRU's community outreach activities, programs, and initiatives for the past year, including a look at community relations plans for the near future.

RECOMMENDATION

The City Commission hear a report from staff regarding community relations efforts for Gainesville Regional Utilities.

081035_annualreport_20090507.pdf

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)**PROCLAMATIONS/SPECIAL RECOGNITIONS****081016.****City of Gainesville's Citizens' Academy Spring 2009 Graduates (NB)**

Explanation: The City of Gainesville Communications Office offers the Citizens' Academy, dubbed "Gainesville 101," to educate Gainesville citizens on the diverse services their City government provides and inform them on how they can become more involved in their local government.

Participants in this year's Citizens' Academy went behind the scenes of City government operations, met with government officials, toured facilities and asked questions at six weekly sessions. A unique feature of the Citizens' Academy is the emphasis on sustainability, fiscal responsibility and increased interaction. Handouts were provided primarily electronically via the Citizens' Academy Web pages.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) recognize accomplishments of Gainesville 101: Spring 2009 City of Gainesville Citizens' Academy graduates; and 2) hear brief comments from the class speaker on what they have learned.

081029.**International Internal Audit Awareness Week - May 24-30, 2009 (B)****RECOMMENDATION**

North Central Florida Institute of Internal Auditors President John Byrd, Vice President Jeanne Covington, and Board Member Brent Godshalk to accept the proclamation.

081029_Proc_20090507.pdf

081030.**Police Week - May 11-17, 2009 and Masonic Peace Officers' Memorial Day May 15, 2009 (B)****RECOMMENDATION**

Gainesville Lodge #41 F&AM Ray M. Davis, Jr. to accept the proclamation.

081030_Proc_20090507.pdf

081031.**National Water Safety Month - May 2009 (B)**

RECOMMENDATION

UF Synchro Coach Betsy Caza, PK Coach Mike Davidson, Gainesville Gaviatas Andrea Cornelius, and Makos Perrin Foerster to accept the proclamation.

081031_Proc_20090507.pdf

081032.**National Public Works Week - May 17-23, 2009 (B)****RECOMMENDATION**

City of Gainesville Public Works Department Director Teresa Scott, P.E. to accept the proclamation.

081032_Proc_20090507.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****080860.****UTILITY SERVICE CHARGES (B)****Ordinance No. 0-09-11**

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (7) OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING CERTAIN SERVICE CHARGES AND DECREASING LATE FEE FOR COMBINED STATEMENT; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: Staff has performed cost studies on the service charges, such as activation charges to open a new account or relocate service, and after hour charges to reconnect power after hours at a customer's request, and has identified the appropriate prices for the charges based on actual cost of service. Adjusting these service charges to the correct levels will allocate costs to those customers utilizing these services, rather than having these items spread over the entire customer base.

Finally, included in the changes is a decrease to the late payment fee from 2% to 1.5% of the outstanding balance due.

The rate changes will be applied to services rendered after 12:01 A.M., June 1, 2009.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

4/2/09 City Commission Approved as Amended (7 - 0)

080860_presentation_20090402.pdf
080860_ordinanceGRU_20090507.pdf

080988.**UTILITY SERVICE CHARGES (B)****Ordinance No. 0-09-12**

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (3) WATER, OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING THE REFUNDABLE DEPOSITS, THE INSTALLATION AND REMOVAL FEE, AND THE MONTHLY BASE CHARGE FOR TEMPORARY SERVICE ON WATER METERS AND FIRE HYDRANTS; PROVIDING FOR TIME LIMITS; PROVIDING LANGUAGE FOR DAMAGE AND TAMPERING CHARGES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: Currently, the deposits required and monthly fees charges for use of temporary hydrant meters (for water use on construction sites, primarily) do not recover the full cost of the meter if not returned or the cost of installation and removal of the meters by GRU personnel. With the low charges in place, there is no incentive on the part of the customer using the meter to return the meter when construction is complete or to transfer the meter to a regular residential or commercial service, which may be at a higher rate for use. Costs not recovered by those using these services are being passed on to all ratepayers.

Staff is proposing revising the deposit, monthly service charge and usage charge for temporary hydrant meters to recover costs appropriately. Staff has performed a study of charges by peer utilities and the recommended changes leave GRU at the low end of the scale when compared to others.

Finally, staff is proposing language to provide for fees for damage and tampering to temporary meters.

The rate changes will be applied to services rendered after 12:01 A.M., June 1, 2009.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

080988_ordinancehydrantfees_20090507.pdf

080748.**URBAN SERVICES REPORT FOR TAX PARCEL NUMBERS
07176-020-000 and 07176-020-001 (IDYLVILD/SERENOLA AREA) (B)****Ordinance 0-09-05**

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcel Numbers 07176-020-000 and 07176-020-001,

generally located south of Williston Road and the City Limits, west of SW 20th Terrace, north of SW 56th Avenue, and east of the City Limits; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

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

The report must generally include the following information:

- 1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;*
- 2) a statement indicating to what extent services to existing residents would need to be reduced within the next 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;*
- 3) a statement setting forth the plans of the City for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:
 - a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.*
 - b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.*
 - c) if extensions of major trunk water mains and sewer mains into the area to be annexed are necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.*
 - d) set forth the method under which the City plans to finance extension of services into the area to be annexed.**

There are two parcels included in the Urban Services Report, one of which is a City-owned parcel, and it is common practice for the City to annex city-owned

property as soon as possible once it meets the requirements for annexation.

Should this ordinance pass on first reading, second and final reading will be held on May 21, 2009. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/5/09 City Commission Approved as Recommended (5 - 1 - 1 Absent)

080748_Petition_20090205.pdf

080748_MOD_Zahariev_Pet_20090205.PDF

080748_USR Ordinance_20090507.pdf

080748_USR Exhibit A_20090507.pdf

080545.

LAND DEVELOPMENT CODE (B)

Ordinance No. 0-08-82; Petition No. 120TCH-08 PB

An ordinance of the City of Gainesville, Florida, correcting minor scrivener's errors throughout the Land Development Code, by amending subsection 30-41(a)(4) relating to MU-1 and MU-2 zoning districts; by amending Table 2 of section 30-52 relating to principal structures within the residential low density districts; by amending subsection 30-98(m)(9) relating to wireless communication facilities; by amending subsection 30-112(a)(2) relating to historic preservation/conservation; by amending subsection 30-160(d)(33) relating to preliminary development plans; by amending subsection 30-318(b)(4)b relating to I-75 corridor signs; amending subsection 30-353(d) relating to the City Plan Board; by amending Appendix A, Section 6, relating to the Special Area Plan for University Heights; by amending Appendix A, Section 7 relating to the Special Area Plan for S.W. 13th Street, providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition is intended to correct minor scrivener's errors in the Land Development Code of the City of Gainesville that have been noticed by staff over time. The changes include items such as missing footnotes or references that did not get codified or were inadvertently left unchanged during subsequent revisions.

Public notice was published in the Gainesville Sun on October 7, 2008. The Plan Board held a public hearing on October 23, 2008, and by a vote of 6-0, recommended the City Commission approve the petition.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be

held on Thursday, May 21, 2009.

RECOMMENDATION

The City Commission (1) approve Petition No. 120TCH-08 PB and (2) adopt the proposed ordinance.

080545_staff report_20090507.pdf

080545_Scrivener's Errors LDC_20090507.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

080753.

PLANNED DEVELOPMENT - ONE COLLEGE PARK (B)

Ordinance No. 0-09-03, Petition No. 133PDV-08PB

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance, and amending the Zoning Map Atlas from "UMU-1: Up to 75 units/acre urban mixed-use district" and "RMU: Up to 75 units/acre residential mixed use district" to "Planned Development District"; located in the vicinity of the 1700 block between NW 1st Avenue and NW 2nd Avenue; commonly known as "One College Park"; to allow construction of a mixed use development including apartment units, hotel, commercial uses, and parking garage; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This is a request to rezone property from UMU-1 (Up to 75 units/acre urban mixed-use district) and RMU (Up to 75 units/acre residential mixed use district) to PD (Planned Development District) to allow construction of a mixed use development including a hotel and parking garage. Located in the 1700 block of Northwest 1st Avenue and Northwest 2nd Avenue.

The proposed 'One College Park' Planned Development is located on 1.7 acres of the block that is between NW 17th and 18th Street and NW 1st and 2nd Avenues. Currently, the subject property is used as a surface parking lot. This rezoning to PD would apply to that entire block, with the exception of property on the southeast corner which is the site of Hurley Hall. Hurley Hall is a former single-family house that now contains meeting rooms used by the St. Augustine Church/Catholic Student Center. The continued use of that facility will not be affected by this rezoning.

This PD will allow for construction of a maximum of 56 apartment units, a 170-room hotel, 14,000 square feet of commercial, and a central parking structure that would serve all of these uses. The parking garage is proposed for a maximum of 610 parking spaces. The southern half of the subject property currently has a UMU-1 zoning district and the northern half has an RMU zoning district. These are both mixed use districts which allow residential development up to 75 units per acre. The UMU-1 district also allows a number of commercial uses (including hotels, restaurants, retail) that are not permitted

within the RMU zoning district. The subject property is also part of the College Park Special Area Plan, which regulates the form and design of development based upon 'types' designated on the special area plan map. The southern half of the property allows Type I development within the special area plan, which permits retail, office, and residential uses within buildings a maximum of 6 stories in height. The northern half of the property allows Type II development within the special area plan, which permits residential and limited office uses within buildings at a maximum height of 3.5 stories. One of the primary purposes of this request is to allow for 6 stories of development on the entire site, including the Type II area on the northern half. The One College Park PD does not propose to alter the uses that are currently permitted on the site.

Submitted for consideration are a PD report, layout map, and building elevations. The PD Report outlines proposed development standards and permitted uses within the development. The standards include regulations regarding parking, location of driveways, building uses and heights, building placement, and details such as garden walls, signage, and street treatments. The College Park Special Area Plan will remain applicable in all instances that are not specifically addressed by the PD Report, and then the requirements of the Land Development Code will apply in all other cases. A basic layout for the site is shown on the PD Layout Map, which depicts the location of the proposed uses on the site and the central parking structure.

Public notice for this petition was published in the Gainesville Sun on November 20, 2008. Letters were mailed to surrounding property owners on November 20, 2008.

The City Plan Board considered Petition 133PDV-08PB at a public hearing held on December 8, 2008. By a vote of 6 - 1, the City Plan Board approved the petition with amended conditions.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of February 5, 2009 authorized the city attorney's office to prepare and advertise the necessary ordinance rezoning certain lands within the city to planned development commonly known as "One College Park".

Please note that Condition 18 of Section 4 requires the owner/developer to replace the existing wooden fence around Hurley Hall. However, the owner/developer has represented that they do not control this property and cannot unconditionally commit to replacing the fence. Therefore, this condition is subject to the approval of the owner of Hurley Hall. At first reading of the ordinance, the petitioner's attorney, David Coffey, offered to provide the City with some form of assurance to guarantee the replacement of the existing fence with a suitable fence that is compatible with the development. Attached to this memorandum is a letter from the Pastor of St. Augustine Church, John D. Gillespie, granting his consent to the replacement of the existing fence around Hurley Hall.

With the consent letter, the City Commission could amend the ordinance by deleting the words "If permitted by the owner of Hurley Hall..." in paragraph 18

on page 6 of the ordinance. Mr. Coffey, however, does not agree to this revision as stated in his mail to the City Attorney dated April 27, 2009, a copy of which is attached.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/5/09 City Commission Approved (Petition) with Conditions (6 - 0 - 1 Absent)
4/16/09 City Commission Adopted on First Reading, as revised (Ordinance) (7 - 0)

080753_petition_20090205.pdf
080753_layout map_20090205.pdf
080753_staff ppt_20090205.pdf
080753_petitioner ppt_20090205.PDF
080753_color elevations_20090205.pdf
080753_draft ordinance 20090416.pdf

080841.

LIFE SAFETY VIOLATIONS IN PLACES OF PUBLIC ASSEMBLY (B)

Ordinance No. 0-09-08

An ordinance of the City of Gainesville, Florida, amending Chapter 10 of the Code of Ordinances relating to Fire Prevention and Protection; changing the title of the fire department and the fire prevention bureau; adopting the Florida Fire Prevention Code and the Life Safety Code adopted by the State Fire Marshall; updating numerical references to the Florida Fire Prevention Code in Article II; creating and adding a new Article V, relating to assembly occupancy safety; providing for identification and training and responsibilities of crowd managers; requiring approved counting devices to ensure safe occupant loads; requiring an emergency evacuation alert network; providing for security of fire rescue connections; providing penalties; authorizing the name change of fire department to fire rescue department in the Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PUBLIC SAFETY COMMITTEE REPORT

At its October 28, 2008 meeting, the Public Safety Committee discussed a proposal from Gainesville Fire Rescue to strengthen enforcement and penalties for life safety violations in public assemblies. This effort was originally geared towards bars and clubs in hospitality districts but as proposed would apply to similar types of establishments anywhere within the City. This proposal is consistent with the Hospitality District proposals recommended by the Public Safety Committee.

The proposed ordinance would strengthen penalties of the fire codes and the capability of issuing civil citations. In addition, because GPD officers are on the streets every night, whereas GFR inspectors are not it may also be possible for police officers to exercise limited enforcement authority for clear violations creating an immediate risk to public safety. GFR and the City Attorney's Office are exploring this option (see City Attorney Memorandum below). The recommendations include definitions of words, terms and phrases in the Article;

training for crowd managers of public assembly occupancies; blocked or locked exits; fire protection systems; promoters utilizing public assemblies; overcrowding in public assemblies; and the enforcement of the public assembly ordinance.

CITY ATTORNEY MEMORANDUM

At its February 4, 2009 meeting, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise amendments to the Public Assemblies Serving Alcohol-Life Safety Ordinance incorporating the changes proposed for Article V, Section 10.

This ordinance updates some outdated code references and internal titles, provides definitions; provides for crowd manager training for public assembly occupancies; provides for the security of fire protection systems; provides for occupancy monitoring; emergency evacuation alert system, and provides penalties.

The NFPA 1, Uniform Fire Code section 1.7.3 provides that Police and other enforcement agencies shall have authority to render necessary assistance in the enforcement of this code when requested to do so by the authority having jurisdiction, so utilizing the police for enforcement assistance is not an issue. No code amendment is necessary.

The Public Safety Committee is still examining the issue of regulating "promoters".

This ordinance requires two readings. Should the Commission pass this ordinance on first reading, second and final reading will be held on May 7, 2009.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

4/16/09 City Commission Adopted on First Reading (Ordinance) (7 - 0)
080841_Public Assemblies_20090416.pdf

080939.

CLERK OF COMMISSION - CUSTODIAL RESPONSIBILITIES (B)

Ordinance No. 0-09-14

An Ordinance of the City of Gainesville, Florida amending Section 2-164 by changing the custodial responsibilities of the clerk of the commission and the fee charged for copying public records; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: Section 2-164 of the Gainesville Code of Ordinances currently provides that the Clerk of the Commission is the custodian of all books, papers, and records belonging to or appertaining to the city government. This Section has been amended to reflect that the Clerk of the Commission is the custodian of the records of the city commission and certain other specified records.

Section 2-164 also provides that copies of records will be provided to individuals at a rate of \$.05 per page, with the first ten (10) copies at no charge. This Section has been amended to allow the Clerk of the Commission to charge the rate allowable by Florida law, with the first ten (10) copies at no charge, in order to recoup more of the copy expenses associated with public records requests. This policy change will also be made by the other Charter Officers.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

4/2/09 City Commission Approved as Recommended (5 - 0 - 2 Absent)

4/16/09 City Commission Adopted on First Reading (Ordinance) (7 - 0)

080939_Public Records Ord_20090416.pdf

RESOLUTIONS- ROLL CALL REQUIRED

081013.

Acceptance of US Department of Transportation FAA - AIP Grant (No. 3-12-0028-29-2009) (B)

This item seeks the City of Gainesville acceptance of a 2009 US Department of Transportation FAA - AIP Grant to the Gainesville Regional Airport in the amount of \$2,400,000.00 for an Apron Rehabilitation project at the Gainesville Regional Airport.

Explanation: On December 11, 2008, in anticipation of Economic Federal Stimulus Legislation, the Gainesville-Alachua County Regional Airport Authority (GACRAA) directed staff to pursue an FAA Grant Application for funding of a General Aviation Apron Partial Reconstruction project.

On February 17, 2009, the American Recovery and Reinvestment Act (ARRA) was signed into law by President Barack Obama; the ARRA specifically includes \$1.3 billion for projects and programs administered by the US Department of Transportation, Federal Aviation Administration (FAA).

Grants utilizing ARRA funds have additional requirements, above and beyond those normally applicable to FAA Grants. These include various reporting requirements and sponsor certifications tied directly and closely to the use of grant funds and the performance of the project for which funds are used. Many of these reports and certifications are very time sensitive and as a result of this, the City will have to rely on GACRAA to meet these special ARRA obligations in a timely fashion.

Under these circumstances, GACRAA has agreed to defend, indemnify, and hold harmless the City for any failure to meet these special compliance requirements. A copy of the proposed Indemnification Agreement, with attachments, is included in the backup and recommended action includes authorizing the Mayor to execute such Indemnification Agreement subject to approval as to form and legality by the City Attorney. The Indemnification Agreement is scheduled to be approved by GACRAA at its next regular, monthly meeting.

At its meeting on March 26, 2009, GACRAA adopted Resolution 09-010 approving an application for federal assistance for an Apron Rehabilitation project estimated to cost \$2,400,000.00. GACRAA also approved an anticipated grant offer that is expected to be received following the bid phase of the project which is expected to take place no later than May 20, 2009.

The Grant Offer will consist of fiscal year 2009 funds from the Airport Improvement Program (AIP) administered by the Federal Aviation Administration (FAA) and is currently anticipated to be in the amount of \$2,400,000.00. Airport staff has been advised by the FAA Program Manager that the turnaround time between grant offer and grant acceptance by the sponsors will be very short.

Because the City of Gainesville retains title to the land upon which Gainesville Regional Airport operates, the City of Gainesville, in addition to the Gainesville-Alachua County Regional Airport Authority (GACRAA), must formally accept all federal grant offers. GACRAA did approve a Resolution accepting the anticipated \$2,400,000.00 grant at its regular monthly meeting held on March 26, 2009.

Fiscal Note: This US Department of Transportation FAA - AIP Grant is expected to be equal to the application amount of \$2,400,000.00 with proceeds for the listed improvements to be received by the Gainesville Regional Airport.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from staff regarding this request; 2) adopt the proposed 2009 FAA - AIP Grant Resolution and authorize the Mayor and City Attorney to execute said Grant Agreement and the City Clerk to certify said Grant Agreement; and, 3) execute the Indemnification Agreement subject to City approval by the City attorney as to form and legality.

081013a_Resolution_20090507.pdf

081013b_Indemnification Agreemt_20090507.pdf

081013c_Letter from GACRAA_20090507.pdf

081013d_Federal Application_20090507.pdf

081013e_K Thomas Email_20090507.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)