

City of Gainesville

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



Meeting Agenda

May 12, 2008

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Rick Bryant (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Jack Donovan (District 3)
Commissioner Craig Lowe (District 4)*

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone

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

071160.

RTS Administration Modular Building Project (B)

This item involves a request for approval to have a Modular Building for RTS Administration next to the RTS Operations building at 100 SE 10th Avenue.

Explanation: During the past four (4) years RTS administration staff has moved two (2) times with the possibility of being forced to move again this year. The current lease expires October 24, 2008 and the landlord has expressed interest in selling the property. RTS staff would like to move to its existing site next to the RTS Operations building at 100 SE 10th Avenue as soon as possible because it would greatly improve staff productivity and working conditions, be more cost effective, and eliminate other unnecessary moving expenses.

As a part of the master planning efforts, site work was conducted in order to accommodate a future administration building at the RTS facility located at 100 SE 10th Avenue. Even though plans call for an administration building at that location, the maintenance facility and operations facility expansion have funding priority over the administration building.

RTS anticipates that it would take at least five (5) years to collect funding for the maintenance and operations facility before getting funding for the administration building.

The modular building will be designed to match as much as possible the current

architecture of the operations building.

Fiscal Note: Currently RTS has \$326,000 for this project through FTA Section 5307 grants.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the RTS administration modular building; and 2) direct staff to continue with the planning/design efforts.

Alternative Recommendation A: The City Commission: 1) deny staff recommendation; and 2) direct staff to look for another location to accommodate RTS administration offices.

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071161.

Release of Easement (B)

This item involves the release of a Drainage Easement in exchange for an additional Drainage Easement.

Explanation: As per the plat of North Florida Regional Doctors Office Park, Plat Book H, page 81 of the Public Records of Alachua County, Florida, there is a twenty (20) foot Drainage Easement between Lots 21 and 22, which are owned by HCA Health Services of Florida, Inc. The existing Drainage Easement conflicts with the proposed development plans of HCA Health Services of Florida, Inc. HCA Health Services of Florida, Inc. proposes to relocate the drainage facilities to another location on their property and grant a Drainage Easement over the new location in exchange for a Release of Easement over the existing location.

Fiscal Note: Funding in the amount of \$100 for administrative costs is available in the Public Works FY08 operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the relocation of the existing Drainage Easement and 2) authorize the Mayor to execute a Release of Easement subject to approval by the City Attorney as to form and legality, upon receipt of the new Drainage Easement from HCA Health Services of Florida, Inc.

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071163.

Comet Halley Sculpture and Sunburst Marker (B)

This item involves a request to accept Elizabeth Indianos' Comet Halley Sculpture and Sunburst Marker for the Gainesville Solar Walk.

Explanation: In March 2002, artist Elizabeth Indianos installed a public art project in cooperation with the Alachua Astronomy Club titled "Gainesville Solar Walk," at a cost of \$30,000. Since this time, the Art in Public Places Trust (APPT) has been cooperatively working with the Alachua Astronomy Club for additional enhancements to the site in order to make it an attraction for Gainesville. These enhancements included: repair to monuments; the design and fabrication of two benches by the solar walk artist, Elizabeth Indianos; installation of two pairs of interpretive signs designed by the Alachua Astronomy Club and graphic designer Saydi Kaufman and fabricated by Crystal Graphics, Inc.; and installation of two donor plaques made by Creative Workshop, Inc. all of which had been completed in March 2006.

On April 2, 2008, the City of Gainesville's Art in Public Places Trust Advisory Board, in cooperation with the Alachua Astronomy Club, unanimously approved artist Elizabeth Indianos' Comet Halley Sculpture and Sunburst Marker to be installed as additional enhancements to the Gainesville Solar Walk. The two sculptures represent the Comet Halley aphelion (farthest point from the Sun) and Comet Halley perihelion (nearest point from the Sun). The primary location (aphelion) for the comet sculpture will be between Neptune and Pluto and the secondary location (perihelion) for the sunburst marker will be near Venus.

Fiscal Note: The cost for the Comet of Halley sculpture and Sunburst Marker including artist labor, materials and travel expenses total \$10,825 and will be funded from the Art in Public Places Trust budget.

RECOMMENDATION

Recommended Motion: The City Commission approve the request to accept the Art in Public Places Trust recommendation of Elizabeth Indianos' Comet Halley Sculpture and Sunburst Marker for the Gainesville Solar Walk.

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071172.

Ratification of Agreement between the Fraternal Order of Police (FOP) Gator Lodge 67, Inc. Bargaining Unit and the City of Gainesville for October 1, 2007 through September 30, 2010 (B)

This item proposes the ratification of the Agreement between the City of Gainesville and the Fraternal Order of Police Gator Lodge 67 Bargaining Unit.

Explanation: This Agreement has been reached through negotiations between the Fraternal Order of Police Gator Lodge 67, Inc. and the City of Gainesville, and was ratified by the Fraternal Order of Police Gator Lodge 67, Inc. Bargaining Unit on May 8, 2008. This Agreement extends the current Collective Bargaining Agreement through September 30, 2010.

A copy of the Agreement is on file in the office of the Clerk of Commission. After May 12, 2008, the Agreement will be on file in the Human Resources Department.

A salary survey was conducted in conjunction with these negotiations. The survey indicated that Gainesville law enforcement personnel are paid approximately 12% below the Florida market. This contract provides average annual increases of 5.25%, 5% and 5.14% for FY2008, 2009 and 2010 respectively. Assuming the market will move at a rate of 3% annually, these increases will put Gainesville's law enforcement personnel within 3% of the market.

Fiscal Note: Funds are currently budgeted for FY2008. The costs for FY2009 and FY 2010 will be addressed in the budget preparation process.

RECOMMENDATION *The City Commission ratify the Agreement between the City of Gainesville and the Fraternal Order of Police Gator Lodge 67 Bargaining Unit extending the Agreement through September 30, 2010.*

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071174.

Request to Increase Demolition Purchase Order with Florida Concrete Recycling, Inc. (NB)

This item requests City Commission approval for the increase of the demolition purchase order to pay for the demolition of five houses before September 30, 2008.

Explanation: At its November 8, 2004 meeting, the City Commission approved a contract with Florida Concrete Recycling Inc. to provide administrative abatement of dangerous buildings through demolitions, which will expire on September 30, 2008. As of October 1, 2007, Code Enforcement has demolished seven houses totaling \$33,370. Code Enforcement requests that the purchase order be increased by \$18,000 to cover the expenses of five additional demolitions between now and September 30, 2008.

Fiscal Note: Funds in the amount of \$18,000 are budgeted in the FY 2008 Code Enforcement Contractual Services Account No. 001-630-6315-5240-4120, to cover demolitions and lot clears.

RECOMMENDATION *The City Commission authorize the City Manager or designee to increase the purchase order to cover the expenses of pending demolitions.*

Alternative Recommendation: The City Commission deny the request to increase the demolition purchase order with Florida Concrete Recycling, Inc.

071183.**Annexation of Parcel Number 06708-000-000 (B)**

This is the submission of petition for voluntary annexation for the above referenced parcel number, which is located in the vicinity of SW 20th Avenue, SW 34th Street, SW 24th Avenue and the City limits, and SW 38th Terrace.

Explanation: Linda M. Wright, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located in the vicinity of SW 20th Avenue, SW 34th Street, SW 24th Avenue and the City limits, and SW 38th Terrace. Staff has determined that the petition bears the signature of the property owner or authorized agents. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation. The area is approximately 2.2 acres.

Fiscal Note: The fiscal impact of this annexation will be addressed in the Urban Services Report.

RECOMMENDATION

The City Commission: 1) receive the petition for annexation; and make findings that it contains the signature of the property owner or authorized agents; 2) direct the City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.

Alternative Recommendation: The City Commission deny acceptance of the petition.

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071184.**Annexation of Parcel Numbers 06720-000-000 and 06721-000-000 (B)**

This is the submission of petition for voluntary annexation for the above referenced parcel numbers, which are located in the vicinity of SW 20th Avenue, the vicinity of SW 34th Street, SW 24th Avenue and the City limits, and SW 38th Terrace.

Explanation: Jack C. May, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located in the vicinity of SW 20th Avenue, the vicinity of SW 34th Street, SW 24th Avenue and the City limits, and SW 38th Terrace. Staff has determined that the petition bears the signature of the property owners or authorized agents. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation. The area is approximately 4 acres.

Fiscal Note: The fiscal impact of this annexation will be addressed in the Urban Services

Report.

RECOMMENDATION

The City Commission: 1) receive the petition for annexation; and make findings that it contains the signature of the property owners or authorized agents; 2) direct the City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.

Alternative Recommendation: The City Commission deny acceptance of the petition.

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071185.

Annexation of Parcel Numbers 06708-001-000, 06710-000-000, 06716-000-000, 06717-000-000, 06718-000-000, 06719-000-000, 06752-000-000, 06756-001-000, and 06756-002-000 (B)

This is the submission of petitions for voluntary annexation for the above referenced parcel numbers, which are located in the vicinity of SW 20th Avenue, the vicinity of SW 34th Street, SW 24th Avenue and the City limits, and SW 38th Terrace.

Explanation: Jack C. May Trust, property owner, has submitted petitions to the City of Gainesville for voluntary annexation. The property is generally located in the vicinity of SW 20th Avenue, the vicinity of SW 34th Street, SW 24th Avenue and the City limits, and SW 38th Terrace. Staff has determined that these petitions bear the signature of the property owners or authorized agents. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation. The area is approximately 8 acres.

Fiscal Note: The fiscal impact of this annexation will be addressed in the Urban Services Report.

RECOMMENDATION

The City Commission: 1) receive the petitions for annexation; and make findings that it contains the signature of the property owners or authorized agents; 2) direct the City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.

Alternative Recommendation: The City Commission deny acceptance of the petitions.

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071186.

Annexation of Parcel Numbers 06708-002-000 and 06709-000-000 (B)

This is the submission of petition for voluntary annexation for the above referenced parcel numbers, which are located in the vicinity of SW 20th Avenue, the vicinity of SW 34th Street, SW 24th Avenue and the City limits, and SW 38th Terrace.

Explanation: Paul and Donna Miller, property owners, have submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located in the vicinity of SW 20th Avenue, the vicinity of SW 34th Street, SW 24th Avenue and the City limits, and SW 38th Terrace. Staff has determined that the petition bears the signature of the property owners or authorized agents. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation. The area is approximately 4 acres.

Fiscal Note: The fiscal impact of this annexation will be addressed in the Urban Services Report.

RECOMMENDATION

The City Commission: 1) receive the petition for annexation; and make findings that it contains the signature of the property owners or authorized agents; 2) direct the City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.

Alternative Recommendation: The City Commission deny acceptance of the petition.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

071182.

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of April 16, 2008; April 21, 2008; April 28, 2008; and May 1, 2008; as circulated.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS**COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****GENERAL MANAGER FOR UTILITIES****071159.****Evaluation of Biomass-Fueled Generation Facility Proposals (B)**

Staff submits its evaluation of the binding proposals received from the three top-ranked respondents pursuant to GRU's Request for Proposals for a Biomass-Fueled Generation Facility for City Commission review.

Explanation: On October 15, 2008 the City Commission authorized staff to issue a Request for Proposals (RFP) to solicit biomass-fueled electrical generation. The RFP set forth a two step process, whereby the three top ranked respondents from the first step would be invited to submit binding proposals. On January 28, 2008, the Gainesville City Commission authorized staff to request binding proposals from the top three ranked respondents, allowing respondents to offer multiple proposal options. On March 24, 2008 the Commission approved the overall factors and factor weights to be applied to the evaluation of biomass proposals received pursuant to this invitation. On April 11, 2008, three firms submitted binding proposals, two of which offered two separate proposals. All proposals were for a 100% biomass fueled facility.

Proposals were evaluated and scored based on the Commission approved 14 factors and weights which reflect the environmental interests of the community, the economic benefits and risks of the project, and the reliability of the proposed power supply. The proposals were ranked in the following order:

- 1. Nacogdoches Power, LLC-100 MW Purchased Power Agreement (PPA)*
- 2. Nacogdoches Power, LLC-50% of a 100 MW Unit with a PPA*
- 3. Covanta Energy Corp.-50 MW Financed by GRU, designed, constructed, maintained and operated by Covanta*
- 4. Covanta Energy Corp.-50 MW PPA*

5. Sterling Planet-30 MW PPA

If staff is unable to negotiate an acceptable contract with the top ranked firm, staff requests authorization to initiate negotiations based on the next highest ranked proposal, in order of this ranking. Staff's review and analysis are summarized in the back up materials accompanying this agenda item as well as posted on the Web.

Fiscal Note: The selected alternative will provide a long term economic source of power even without mandatory renewable energy portfolio standards (RPS) or carbon constraints. The selected alternative provides a strong regulatory and financial hedge should RPS and carbon constraints become mandatory. Project funding will be requested in future fiscal years as required.

RECOMMENDATION

The City Commission: 1) continue the discussion on Evaluation of Biomass-Fueled Generation Facility Proposals; 2) approve the ranking of proposals received in response to the Request for Proposals for a Biomass-Fueled Generation Facility; 3) authorize the General Manager, or his designee, to negotiate and execute a contract with Nacogdoches Power, LLC for a long term purchase power agreement for a 100 MW net capacity, 100% biomass fueled facility to be constructed at the Deerhaven site, subject to approval of the City Attorney as to form and legality; and 4) if the General Manager or his designee is unable to negotiate an acceptable contract with the highest ranked proposer, the General Manager/Designee may then negotiate with the next highest ranked proposer in order; and 5) authorize staff to procure various services, equipment and materials in conjunction with the project within approved budget limitations, as required.

Legislative History

4/28/08 City Commission Continued

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CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**PUBLIC SAFETY COMMITTEE****AUDIT, FINANCE AND LEGISLATIVE COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****COMMUNITY REDEVELOPMENT AGENCY****071169. SEGRI Special Area Plan (B)**

Explanation: The Southeast Gainesville Renaissance Initiative (SEGRI) Master Plan is a conceptual planning tool that outlines the vision and goals for new development in the SEGRI study area. The SEGRI Master Plan process began in March 2007, with a kickoff meeting hosted by consulting firm Wilson-Miller. Over the next several months, Wilson-Miller worked closely with local residents, City staff, CRA staff, and other stakeholders in order to identify a unified vision for future development in southeast Gainesville. Community participation meetings were held on April 18, 2007, June 23, 2007, July 11, 2007 and August 30, 2007, and through this process stakeholders identified challenges, strengths, and goals for the SEGRI area. Stakeholders also identified both the types of uses and the quality of design desired within the SEGRI area.

After receiving excellent feedback from the community, six redevelopment Focus Sites were selected to undergo a full planning analysis. These sites were selected based on their high visibility within the study area, their potential to accommodate redevelopment (sites that are vacant or underutilized), and their ability to spur additional reinvestment and redevelopment throughout the remainder of the SEGRI study area. Each Focus Site received a site planning analysis where consultants provided examples of how the stakeholder's desired uses, architectural standards, and urban design elements could potentially be realized. These conceptual site plans illustrate how new development and infill redevelopment in southeast Gainesville can provide needed amenities to the community while also achieving a high quality of design that is complimentary of and beneficial to the existing neighborhoods. Findings were presented to the City Commission on September 10, 2007, concluding the SEGRI visioning and master planning process.

Although the Master Plan document is complete, there are still significant challenges in realizing and implementing the SEGRI vision. Of the six redevelopment Focus Sites identified in the study, only one property, the former Kennedy Homes site, is currently owned by the City. There is a degree of uncertainty regarding how and when the remaining privately-owned study sites

might be developed. The SEGRI Master Plan is not a binding regulatory document, and therefore the five privately-owned Focus Sites (along with any other privately-owned lands in the SEGRI study area) may currently be developed in a manner that is permissible under the City of Gainesville Land Development Code, but which is inconsistent with the SEGRI vision. Recognizing this issue, the CRA and the City Commission requested staff to move forward with creating a zoning overlay/Special Area Plan (SAP) that could facilitate the type of development, quality of design, and mix of uses discussed in the SEGRI Master Plan. The Special Area Plan will function as an additional set of standards (on top of the underlying zoning), and will serve as a regulatory tool to implement the SEGRI vision. The SAP will transition the SEGRI vision from a conceptual plan into an implementation tool that will require a high quality of development throughout southeast Gainesville.

Staff worked closely with Wilson-Miller to prepare the SEGRI SAP. In keeping with the precedent established during the Master Plan process, public participation has been an important component in crafting the Special Area Plan. Over the past months, Wilson-Miller received much input from neighborhood leaders, local residents, CRA staff, and City officials. Through a series of public meetings, the proposed SAP has received input and comment from the Eastside Redevelopment Advisory Board, from southeast Gainesville neighborhood leaders, and from the general public.

Based on stakeholder feedback, Wilson-Miller has compiled the SAP regulations that will serve to implement the SEGRI vision. It is important to note the differences between the SEGRI Master Plan and the proposed SAP. The SEGRI Master Plan is a conceptual document that outlines a general vision for the area by providing specific examples of how this vision might be realized through specific uses, site layout, and architecture at six properties. The SAP cannot mandate this level of detail (i.e. exact uses and precise site layout) on a parcel-by-parcel basis. Rather, the SAP consists of a set of standards to ensure a high quality appearance for new development, to promote pedestrian-friendly design, and to protect/enhance the existing residential neighborhoods. The SAP enforces the SEGRI vision by encouraging development that relates well to adjoining public streets, open spaces, and neighborhoods. It also provides for development and redevelopment that contains a compatible mix of residential and non-residential uses within close proximity to one another. The goal of the SAP is to implement the high-quality standards identified by SEGRI, while also allowing flexibility, individuality and creativity for projects within southeast Gainesville.

The proposed SAP includes regulations related to urban design, site and building orientation, architectural standards, and general prohibited uses. Development standards are divided into three major categories: Residential, Non-Residential and Mixed-Use, and Bulk Standards. Responding to public input demanding a variety of housing options and densities, the SEGRI SAP residential uses encourage detached single-family, attached single-family and multi-family housing. Residential development standards cover issues such as setbacks, garage placement, front porches, and sidewalk requirements. For attached single-family and multi-family housing, the SEGRI SAP also provides

standards related to elements such as architecture, massing and articulation, building orientation, building height, parking, and façade treatments.

The SAP also encourages the types of non-residential uses and qualities desired by SEGRI stakeholders. Non-Residential and Mixed-Use standards relate to site and building design elements such as architecture, setbacks, transparency, ground floor height, and use orientation. Parking areas are also addressed, as are streets and blocks. The SAP contains standards relating to sidewalks, cross-access, lighting, landscaping, street trees, transit stop connection, bicycle spaces, and stormwater facilities. In addition to all other standards, the SAP includes support for environmentally sustainable building practices, and for Crime Prevention Through Environmental Design techniques.

The proposed SEGRI Special Area Plan will provide a regulatory toolset that will oblige development within the study area to adhere to the guiding principles behind SEGRI. It is envisioned that resulting development will be high quality, sensitive to the existing neighborhoods, oriented to the human scale, and engaged with the public realm. However, while implementing the SEGRI vision is important; particular care has been taken to prevent regulations from becoming too complex or confusing. The goal of the SEGRI process is not to hinder redevelopment in the study area, but rather to enhance it. To this end, the proposed SAP is also linked to existing overlays that currently operate within the SEGRI area. The overall goal is to present standards and regulations in a cohesive, uncomplicated, straightforward manner.

Should the City Commission accept the proposed SEGRI Special Area Plan created by Wilson-Miller, staff will move forward with incorporating the document into the City's Land Development Code. CRA staff will work with staff from the City Planning and City Attorney offices in order to finalize the document for adoption into the LDC. It is anticipated that the adoption process, which will involve multiple public hearings, will take approximately six months.

RECOMMENDATION

The City Commission: 1) Hear presentation from Wilson-Miller and provide input as necessary; 2) Accept the proposed SEGRI Special Area Plan; and 3) Direct staff to finalize the proposed SAP and initiate the process for the SAP's adoption into the City of Gainesville Land Development Code.

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MEMBERS OF THE CITY COMMISSION

071197.

Project on Streamlining Gainesville Government (B)

This item will be to discuss opportunities to streamline Gainesville government.

Explanation: On February 25, 2008 Karen Johnson was requested to examine opportunities to streamline processes and procedures within all segments of City government, including but not limited to City Commission committees, citizen committees, handling of referrals and the agenda and meeting process. The attached report provides a framework for discussing many issues related to this charge.

RECOMMENDATION

The City Commission: 1) hear a report from staff regarding a project on streamlining Gainesville Government; and 2) establish a timetable and responsible parties to implement those recommendations that are approved.

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071199.

Commissioner Ed Braddy - Apartment Complex Maps (B)

RECOMMENDATION

The City Commission refer the issue of Apartment Complex Maps to the Public Safety Committee for appropriate action.

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071200.

Annual Performance, Salary and Benefits Review for the Clerk of the Commission (NB)

RECOMMENDATION

The City Commission review the salary and benefits of the Clerk of the Commission and make any changes deemed appropriate.

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

Gator Detachment of the Marine Corp League

PROCLAMATIONS/SPECIAL RECOGNITIONS

071177.

City of Gainesville's Citizens' Academy 2008 Graduates (NB)

Explanation: The City of Gainesville Communications and Marketing 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 and participants could review a summary of the session's activities, provide comments and ask questions on the "Gainesville 101 Blog."

RECOMMENDATION

The City Commission: 1) recognize accomplishments of Gainesville 101, Spring 2008 City of Gainesville Citizens' Academy graduates; and 2) hear brief comments from the class speaker on what they have learned.

071178.

Recognition of Mr. Phil Emmer for his contribution to the Reichert House (NB)

Explanation: Mr. Emmer donated \$25,000 to the Reichert House as an endowment. Mr. Emmer's intent is to build a substantial charitable fund to generate revenue for crime-prevention, life skills and support programs for the Reichert House members. The Fund will be a permanent, perpetual source of revenue, as well as the recipient of fundraising, donations, and bequests from members of the community wishing to enhance the Reichert House Programs.

RECOMMENDATION

The City Commission recognize Mr. Phil Emmer for his contribution to the Reichert House.

071121.

National Emergency Medical Services Week 2008 (B)

RECOMMENDATION

Gainesville Fire Rescue Special Operations Chief Don Sessions to accept the proclamation.

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071203.

National Water Safety Month - May 2008 (B)

RECOMMENDATION

City of Gainesville Recreation Supervisor Jeff Moffitt, UF Synchro Coach Betsy Caza, Gainesville Gravitass Representative Andrea Cornelius, PK Yonge Coach

mike Davidson, and Makos Representative Perrin foerster to accept the proclamation.

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071204.

National Day of Prayer - May 1, 2008 (B)

RECOMMENDATION *Oak Park Baptist Church Pastor Danny Austin to accept the proclamation.*

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071205.

International Internal Audit Awareness Month - May 2008 (B)

RECOMMENDATION *Institute of internal Auditors North Central Florida Chapter John Byrd, CIA and Jessica Haug, CIA to accept the proclamation.*

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071206.

National Foster Care Month - May 2008 (B)

RECOMMENDATION *Partnership for Strong Families Representative Dana Bobb to accept the proclamation.*

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071207.

Code Enforcement Officer Appreciation Week - June 2-6 (B)

RECOMMENDATION *City of Gainesville Code Enforcement Officer Lorie Podolsky and Diana Osborn and Field Collector Heather Watson to accept the proclamation.*

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071208.

Memorial Day - May 26, 2008 (B)

RECOMMENDATION *Gator Detachment of the Marine Corp League to accept the proclamation.*

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

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED**070904.****COMPREHENSIVE PLAN AMENDMENT - URBAN MIXED-USE 1
FUTURE LAND USE CATEGORY - BUILDING HEIGHT (B)****Ordinance No. 0-08-07; Petition 105CPA-07 PB**

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan, amending the Urban Mixed-Use-1 category within Policy 4.1.1 by deleting the current allowance for an additional 2 stories of building height by Special Use Permit and deleting an unnecessary reference to the Land Development Code; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

On May 17, 2007, the City Plan Board heard Petition 34TCH-07 PB and voted 6-0 to amend the text of the Gainesville Land Development Code to limit building height in the Urban Mixed Use-1 zoning district to 6 stories by right and not allow any additional height by special use permit. On August 13, 2007, the Petition was heard and approved by the City Commission.

Staff realized that the approval of the text change to the Land Development Code requires that the Future Land Use Element of the Gainesville Comprehensive Plan be amended to reflect this limitation in the Urban Mixed-Use 1 Future Land Use category.

On September 20, 2007, the City Plan Board heard this Petition 105CPA-07 PB and by a vote of 7-0 recommended approval of this Petition. There are currently no buildings located on lands with Urban Mixed-Use 1 land use that are taller than 6 stories, so existing buildings in this category would not become non-conforming due to the proposed maximum building height of 6 stories.

CITY ATTORNEY MEMORANDUM

The Community Development Department has requested the City Attorney's Office prepare the appropriate ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan consistent with this petition.

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

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

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

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

After this Comprehensive Plan amendment becomes effective, staff will agenda the ordinance hearing for the related text change amendments (Petitions 34TCH-07 PB and 35TCH-07 PB) that were heard and approved as petitions by the City Commission on August 13, 2007.

Fiscal Note: None.

RECOMMENDATION

The City Commission (1) approve Petition 105CPA-07 PB and (2) adopt the proposed ordinance.

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071154.

COMPREHENSIVE PLAN AMENDMENT – FUTURE LAND USE ELEMENT – NEW LAND USE CATEGORY, “BUSINESS INDUSTRIAL” (B)

Ordinance No. 0-06-122; Petition 116CPA-07 PB

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan by adding a new land use category, “Business Industrial,” to policy 4.1.1, specifying conditions and limitations; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

In April 2007, the County submitted a petition (47LUC-07PB) that proposed changing the Alachua County Fairground site land use to Mixed-Use Medium (MU-M) and a petition (48CPA-07PB) to modify the MU-M land use category to accommodate a proposed industrial business park on the Fairground site adjacent to the Airport. After extensive review of the petitions by both City and County staff, it was determined that it would be inconsistent to apply a land use category that allowed residential development in such close proximity to the Airport. However, almost all of the City's existing land use categories allow some type of residential development, including the industrial land use category. The proposed Business Industrial land use category is developed specifically to be applied to properties near the Airport and to other areas of the City where office, business, commercial or industrial uses are desired and residential use is not appropriate.

CITY ATTORNEY MEMORANDUM

On November 15, 2007, the City Plan Board heard this Petition and by a vote of 7-0 recommended the City Commission approve the Petition. The Community Development Department has requested the City Attorney's Office prepare the appropriate ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan consistent with this petition.

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

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

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

Fiscal Note: None.

RECOMMENDATION

The City Commission (1) approve Petition 116CPA-07 PB and (2) adopt the proposed ordinance.

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070744.

APPENDIX A - SCHEDULE OF FEES - UTILITIES (B)

Ordinance No. 0-08-16

AN ORDINANCE AMENDING CHAPTER 27, ARTICLE 1, SUBSECTION 27-15(d) OF THE CODE OF ORDINANCES OF GAINESVILLE, FLORIDA RELATING TO RECONNECTION OF UTILITY SERVICE; AMENDING APPENDIX A, UTILITIES SECTION (7), SUBSECTION b(4)(i) SERVICE CHARGES BY INCREASING THE DELINQUENT DISCONNECTION FEE AND ELIMINATING THE SAME DAY RECONNECTION FEE FOR REQUESTS MADE DURING NORMAL WORKING HOURS; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The City Commission at its meeting of April 14, 2008 approved the Regional Utilities Committee's recommendation to authorize the City Attorney to draft an ordinance amending Appendix A by increasing the delinquent disconnection fee and eliminating the same day reconnection fee for requests made during normal working hours.

Under current policies, customers who are delinquent in making payments are charged a \$20 fee for the field visit to disconnect service for nonpayment. Once payment is made in full, the customer is charged another \$40 fee to have service reconnected the same day payment is made. Timing issues between the disconnection action and customer payments on the same day often yield customer complaints that are difficult to explain. Staff recommend the separate \$40 reconnection fee be eliminated and the delinquent service fee be increased by \$20 to cover the two field visits required to disconnect then reconnect service. This recommendation effectively reduces delinquent processing fees by \$20. All customers making delinquent payment in full by close of business would be reconnected that same day without an additional fee.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/10/07	City Commission	Referred (5 - 0 - 2 Absent)	Regional Utilities Committee
1/30/08	Regional Utilities Committee	Deferred	
3/19/08	Regional Utilities Committee	Approved as Recommended	
4/14/08	City Commission	Approved as Recommended (4 - 0 - 3 Absent)	

Backup for #070744 Delinquent Policy Review Jan 8 081.pdf

Backup for #070744 Delinquent Policy Review Revised Jan 30 2008.pdf

Attachment to Item #070744 Delinquent Policy Referral Mar 19 2008.pdf
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071180.

ORDINANCE SETTING 2009 CITY ELECTION DATES (B)

Ordinance No. 0-08-20

An ordinance of the City of Gainesville, Florida, setting March 24 as the date for the 2009 regular city election and April 14 as the date for the 2009 run-off election, if necessary; providing a severability clause; providing a repealing clause; and providing an immediate effective date. (B)

Explanation: The City Commission, at its meeting of April 28, 2008, authorized the City Attorney's Office to draft an ordinance setting the 2009 regular city election and run-off election dates.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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070623.

FIRE SPECIAL ASSESSMENT (B)

Ordinance No. 0-08-13

**AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA;
RELATING TO THE PROVISION OF FIRE SERVICES, FACILITIES,**

AND PROGRAMS THROUGHOUT THE INCORPORATED AREAS OF GAINESVILLE, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE SERVICES ASSESSMENTS AGAINST PROPERTY; PROVIDING CERTAIN DEFINITIONS INCLUDING A DEFINITION FOR THE TERM “FIRE SERVICES ASSESSMENT”; ESTABLISHING A PROCEDURE FOR IMPOSING FIRE SERVICES ASSESSMENTS; PROVIDING THAT FIRE SERVICES ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF ASSESSMENT ROLL; PROVIDING THAT THE LIEN FOR A FIRE SERVICES ASSESSMENT COLLECTED PURSUANT TO LAW SHALL, UPON PERFECTION, ATTACH TO THE PROPERTY ON THE PRIOR JANUARY 1, THE LIEN DATE FOR AD VALOREM TAXES; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; AUTHORIZING THE IMPOSITION OF INTERIM ASSESSMENTS; PROVIDING A PROCEDURE FOR THE COLLECTION OF FIRE SERVICES ASSESSMENTS; PROVIDING FOR SEVERABILITY; PROVIDING DIRECTIONS TO THE CODIFIER AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: On April 7, 2008, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance providing for a fire services assessment.

This Ordinance will permit the City to levy a fire services assessment to fund the cost of fire protection services within the incorporated area of the City. Commencing with the Fiscal Year beginning on October 1, 2008, and with the tax statement mailed for such Fiscal Year, the City may use the uniform method of collecting non-ad valorem assessments authorized in section 197.3632, Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost of providing fire protection services. If the City Commission desires to implement this Ordinance, resolutions must be adopted at advertised public meetings.

This ordinance requires two public hearings. If adopted on first reading, second and final reading of the ordinance is scheduled for May 28, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/19/07	City Commission	Approved as Recommended (4 - 0 - 3 Absent)
12/17/07	City Commission	Adopted (Resolution) (6 - 1)
4/7/08	City Commission	Approved as Recommended (5 - 2)

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

070213.

PLANNED DEVELOPMENT - SAM'S CLUB (B)

Ordinance No. 0-07-96, Petition No. 4PDA-07PB

An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 3558 as amended by Ordinance No. 971051, that adopted the Planned Development commonly known as "Sam's Club", located in the vicinity of 2801 Northwest 13th Street; providing for certain additions to the existing Sam's Club and permitting a gasoline fueling station under certain conditions; adopting revised development plan maps and a revised planned development report; amending and adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 17, 2007, authorized the city attorney's office to prepare and the clerk to advertise the necessary ordinance amending the planned development known as "Sam's Club". At first reading of the ordinance, the City Commission amended Condition 6, as shown on page 4 by shading, and adopted the ordinance as amended. As of the printing of the agenda, Wal-Mart, on behalf of Sam's Club, has notified the City Attorney's Office that representatives of Wal-Mart may wish to address the City Commission.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/13/07	City Commission	Withdrawn
9/10/07	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
9/17/07	City Commission	Approved (Petition) with Staff and Plan Board Conditions, as amended (7 - 0)
4/28/08	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance), as amended (6 - 1)

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RESOLUTIONS- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

071162.

Street Vacation for Regional Transit System (B)

Petition 40SVA-08PB. City of Gainesville/Public Works Department, agent for Regional Transit System. Vacate, abandon and close that portion of Veitch Street bounded by the north right-of-way line of Southeast 10th Avenue to a point 230.89 feet west of Southeast 4th Street.

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

According to Section 30-192 (b) (5) of the City Land Development Code, the City Plan Board and City Commission shall consider the following criteria in determining whether the vacation is in the public interest: a. Whether the public benefits from the use of the subject right-of-way as part of the city street system; b. Whether the proposed action is consistent with the comprehensive

plan; c. Whether the proposed action would deny access to private property; d. The effect of the proposed action upon public safety; e. The effect of the proposed action upon the safety of pedestrians and vehicular traffic; f. The effect of the proposed action upon the provision of municipal services including, but not limited to, emergency service and waste removal; g. The necessity to relocate utilities both public and private; and h. The effect of the proposed action on the design and character of the area.

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

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 40SVA-08PB, subject to the condition that the Gainesville Regional Utilities (GRU) easement (150' powerline easement) be maintained over existing facilities. Vote 7-0.

Staff to City Plan Board - Approve Petition 40SVA-08PB, subject to the condition that the Gainesville Regional Utilities (GRU) easement (150' powerline easement) be maintained over existing facilities.

Alternate Recommendations

The City Commission approve Petition 40SVA-08PB as submitted.

The City Commission deny Petition 40SVA-08PB.

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DEVELOPMENT REVIEW BOARD PETITIONS

071068.

Blues Creek Subdivision, Unit 5, Phases 2 and 3 (B)

Petition 76SUB-07DB. Legislative Matter No. 000000. Eng, Denman & Associates, Inc., agent for Blues Creek Development. Design plat approval of Unit 5, Phases 2 and 3 of Blues Creek Subdivision, for 44 lots on 36.7 acres MOL, having a density of 1.19 dwelling units per acre. Located at the 7900 Block of NW 78th Road.

Explanation: In 1981, the Alachua County Board of County Commissioners approved the Blues Creek Subdivision as a residential Planned Unit Development (PUD). The subdivision was annexed into the City of Gainesville in 2001. And, on

March 17, 2003, the City Commission voted to adopt a resolution approving the final plat for Blues Creek, Unit 5, Phase 1.

The subject property is located immediately south of Blues Creek, Unit 5, Phase 1 and north of Blues Creek. It consists of regulated wetlands, vegetation, and wildlife, and it abuts a 90-acre area identified as Drainage Easement, Developed Recreation & Conservation Area on the County-adopted Blues Creek Master Plan. The land use designation is SF (up to 8 units per acre). The zoning designation is PD (Planned Development).

The City Development Review Board considered a request to approve a design plat for Unit 5, Phases 2 and 3 of Blues Creek Subdivision for 44 residential lots on 36.7 (MOL) acres at a public hearing held February 14, 2008. By a vote of 3 - 2, (Abstain: Clay Sweger), the City Development Review Board denied Petition 76SUB-07DB with a finding that it did not fulfill the requirements of the City Land Development Code.

Prior to February 14, 2008, the applicant filed for design plat approval of Unit 5, Phases 2 and 3 of the Blues Creek Subdivision for 46 lots on 36.7 (MOL) acres under Petition 11SUB-06DB. The City Development Review Board voted 6-0 on September 14, 2006 to deny the petition based on the following findings of fact: 1) design plat not meeting all the requirements for the PD; 2) incomplete application; 3) unacceptable proposed wetland impacts for the design plat; and 4) unacceptable wetland mitigation plan. The applicant chose not to appear before the City Commission with a recommendation of denial from the Development Review Board and re-applied for design plat approval on June 13, 2007 under Petition 76SUB-07DB.

Fiscal Note: None

RECOMMENDATION

Development Review Board to City Commission - The City Commission deny Petition 76SUB-07DB. Vote 3-2 (Abstain: Clay Sweger).

Staff to Development Review Board - This petition shall comply with all applicable regulations, as well as all adopted conditions and recommendations.

Alternate Recommendations

The City Commission approve Petition 76SUB-07DB as submitted.

The City Commission approve Petition 76SUB-07DB with staff conditions and recommendations.

Legislative History

4/14/08 City Commission Continued (Petition) (7 - 0)

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SCHEDULED EVENING AGENDA ITEMS

071201.

Commissioners Ed Braddy and Rick Bryant (NB)

RECOMMENDATION

The City Commission hear comments from Commissioners Ed Braddy, Mayor Commissioner Pro-Tem Rick Bryant, the Mayor, City Commissioners and the public.

NOTE: It is anticipated that the Commission will waive the Rules and hear this item at 6:30 PM.

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)