

City of Gainesville

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



Meeting Agenda

September 10, 2007

1:00 PM

City Hall Auditorium

City Commission

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

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

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

070332.

First Extension to the Agreement Between the City of Gainesville and Precision Transmission, Inc. (B)

This item involves a request for the first one-year extension to the Agreement with Precision Transmission, Inc. for ZF Transmission repair and rebuild service.

Explanation: The City entered into a contract with Precision Transmission, Inc. for ZF Transmission repair and rebuild services on December 5, 2006. This contract expires on September 30, 2007 with an option of two (2) one-year extensions, subject to funding and written consent of both parties. The first extension will start on October 1, 2007 and expire on September 30, 2008.

Fiscal Note: The estimated annual expenditure for ZF Transmission repair and rebuild service of \$110,000 is available in the FY08 RTS Operating budget.

RECOMMENDATION

The City Commission authorize the City Manager to execute the First Extension to the Agreement with Precision Transmission, Inc. for the period of October 1, 2007 to September 30, 2008.

Alternative Recommendation: The City Commission decline the authorization for the City Manager to execute the First Extension to the Agreement with Precision Transmission, Inc. and provide staff with specific direction in securing these commodities. This

would require selecting another vendor or issuance of a new Invitation to Bid and additional administrative costs.

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070356.

Agreement Between the School Board of Alachua County and the City of Gainesville for the School Resource Officer Program for the 2007/2008 School Year (B)

This item requests the City Commission approval to enter into an agreement with the School Board for the School Resource Officer Program. This is a recurring annual agreement.

Explanation: The Alachua County School Resource Officer Program is a crime and delinquency prevention program focused on educating and counseling students. This program, which has been in place for many years, is a joint venture of the City of Gainesville Police Department and the School Board of Alachua County that encompasses crime prevention and safety education, student counseling, law enforcement assistance, gathering information about potential problems, and development of a positive image of law enforcement officers among students and parents.

This contract provides that GPD will assign two (2) police officers/facilitators to provide School Resource Officer services to each of the following schools: A.Quinn Jones Center, Gainesville High School, and Horizon Center.

GPD will also assign one (1) School Resource Officer as Officer Friendly to provide public safety and prevention and intervention education programs at the following elementary schools: Anchor Center, Duval Elementary School, Glen Springs Elementary School, Littlewood Elementary School, J.J. Finley Elementary School, Metcalfe Elementary School, Rawlings Elementary School, Norton Elementary School, Stephen Foster Elementary School, Terwilliger Elementary School, Talbot Elementary School, and Williams Elementary School.

The School Board agrees to pay \$182,725.20 as its share of funding seven (7) School Resource Officers and up to \$6,000 for instructional materials, overtime and training for the School Resource Officers program.

Fiscal Note: The School Board agrees to pay \$182,725.20 as its share of funding seven (7) School Resource Officers and up to \$6,000 for instructional materials, overtime and training for the School Resource Officers program. The total cost the officers, including benefits, for the 12 month year is \$402,134.00 for a difference of \$219,408.80.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Agreement between the School Board of Alachua County, Florida and the City of Gainesville, Florida for the School Resource Officer Program, for the period of October 1, 2007 to September 30, 2008,

subject to approval by the City Attorney as to form and legality.

Alternative Recommended Motion: The City Commission not authorize the City Manager to execute the Agreement for the School Resource Officer Program, and remove the police officers from the city schools.

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070363.

Annual Performance Measurement Report for FY 2006 (B)

This item presents the results of the City's Annual Performance Measures Report for Fiscal Year 2006.

Explanation: Each year, City Departments collect and report on selected input, output and outcome measures that reflect the results and efforts of City activities. Departments participate in at least one of three programs - International City/County Manager's Association (ICMA) Center for Performance Measurement (CPM), the Florida Benchmarking Consortium and/or internally designed programs.

Each department reports their individual results to the Office of Strategic Planning, and Strategic Planning staff then compiles all department results into this report.

Due to budget reductions in FY 2008, a senior management analyst position was eliminated from the Office of Strategic Planning, along with the funding for participation in ICMA's CPM for a total decrement of \$55,000. These budget reductions will discontinue the City's participation in ICMA's CPM, and the performance measurement program will be decentralized. ICMA CPM is a very time consuming program, and as an alternative, the City will continue to participate in the Florida Benchmarking Consortium to the extent possible. Beginning in FY 2008, City departments will be required to develop and expand their performance measurement programs with minimal oversight from Strategic Planning. This will include researching industry trends, establishing benchmarking partners and producing reports.

Fiscal Note: Use of performance measurement data leads to increase in efficiencies and effectiveness, which translates into long term positive financial impacts for the organization.

RECOMMENDATION

The City Commission receive the report on Performance Measurement for FY 2006.

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070368.

Special Needs Housing Agreement with St. Francis House, Inc. (SFH) (NB)

This item proposes to award a \$4,820 Special Needs Housing Program due-on-sale loan to St. Francis House, Inc. to install a new roof on a residential structure used to shelter very low and low-income single family households. The building is located at 2105 Southwest 14th Street and contains 32 single room efficiency units.

Explanation: The Special Needs Housing Program was approved by the City Commission as a part of the Local Housing Assistance Plan and an Inter-Local Agreement with Alachua County. The State Housing Initiatives Partnership (SHIP) Steering Committee met on July 13, 2007 to review applications for Special Needs Housing Program assistance and to hear presentations from representatives of each applicant regarding their requests for funding. The SHIP Steering Committee also conducted a site visit of each applicant. The funds were advertised on a competitive basis, and there were a total of two applicants who applied for funding: Arbor House, Inc. and St. Francis House, Inc. At the end of the meeting, the SHIP Steering Committee unanimously recommended approval of the funding requests from both St. Francis House, Inc. and Arbor House, Inc. In accordance with the Inter-Local Agreement, Alachua County will fund Arbor House, Inc. in the amount of \$18,269.00, and the City will fund St. Francis House, Inc. in the amount of \$4,820.00.

This Agreement provides for a maximum of \$4,820 of SHIP program funds to be used by St. Francis House, Inc. during the period October 1, 2007 through June 30, 2008. These funds will be used to finance 50% of the cost to install a new roof on the 32-unit residential structure. The due-on-sale loan will have a 15-year term requiring St. Francis House, Inc. to continue assisting eligible very low and low-income households during the compliance period.

Fiscal Note: SHIP funding for this program was approved by the City Commission as a part of the Local Housing Assistance Plan. The funds for this project are budgeted in the SHIP Special Needs Housing Program account.

RECOMMENDATION

The City Commission: 1) approve the grant award of \$4,820 to St. Francis House, Inc. to finance a portion of the cost to install a new roof on the residential structure located at 2105 S.W. 13th Street; and 2) authorize the City Manager, or his designee, to execute the agreement between the City and St. Francis House, Inc., subject to approval by the City Attorney. (Prior to September 10, 2007 a copy of the Agreement will be on file in the Clerk of the Commission's office. After September 10, 2007, a copy of the Agreement will be on file in the Neighborhood Improvement Department.)

Alternative Recommendation A:

The City Commission could choose to not approve the recommendation and require St. Frances House, Inc to locate funding from another source to undertake this project.

070373.**Full Grounds Keeping and Maintenance of Ironwood Golf Course Bid Award (B)**

This item is a request that the City Commission accept a bid for grounds keeping and maintenance of Ironwood Golf Course.

Explanation: The contract for full grounds keeping and maintenance of Ironwood Golf Course expires on October 1, 2007. The Purchasing Division sent out a Request for Proposals (RFP) and a panel reviewed the submitted proposals using the following criteria: cost, contractors experience in maintaining municipal golf courses, responsiveness to the RFP, qualifications, and the company's financial stability. Based on these items, OneSource Landscape and Golf Services, Inc. was ranked first with a bid of \$505,800. The term of the contract is for three years, with the option for two one-year extensions, subject to funding and written consent of both parties. The three-year term will expire on September 30, 2010. The contract allows for an increase in price in the second and third year of the agreement, based on the original bid price of \$505,800, plus the Consumer Price Index (CPI). However, the increase would never exceed 3% per year. Should the City choose to exercise its option to extend the contract for the fourth and fifth year, these prices will need to be negotiated with the contractor.

Fiscal Note: Funds in the amount of \$505,800 have been set-aside for this purpose in the FY 2008 Golf Course budget.

RECOMMENDATION

The City Commission: approve proposal award for the full grounds keeping services to OneSource Landscape and Golf Services, Inc.; 2) authorize the City Manager to execute a contract with OneSource Landscape and Golf Services, Inc.; and 3) approve the issuance of a purchase order in a not to exceed amount of \$505,800.

Alternative Recommendation A: The City Commission award the contract for the full grounds keeping services to ValleyCrest Golf Course Maintenance, and approve the issuance of a purchase order in the amount of \$668,061.

Alternative Recommendation B: The City Commission reject the current bids and request that a new Request for Proposals (RFP) be issued.

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070397.**Increase Demolition Purchase Order with Florida Concrete Recycling, Inc. (NB)**

This item is to request the City Commission approve the increase of the demolition purchase order to pay for the demolition of five houses before

September 30, 2007.

Explanation: At its September 26, 2005 meeting, the City Commission approved a contract with Florida Concrete Recycling, Inc. to provide administrative abatement of dangerous buildings through demolitions. Since then, there have been two successful extensions of the contract. As of October 1, 2006, Code Enforcement has demolished nine houses totaling \$39,475. Code Enforcement requests that the purchase order be increased by \$30,000 to cover the expenses of five additional demolitions between now and September 30, 2007.

Fiscal Note: A budget transfer of \$30,000 from Personnel Services has been transferred to the demolition budget to cover the amount of the pending demolitions.

RECOMMENDATION

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

070400.**Annexation of Parcels 06810-001-006 and 06810-001-015 (Compass Bank) (B)**

This is the submission of petition for voluntary annexation for parcels owned by Compass Bank, which are located in the vicinity of Windmeadows Boulevard, SW 34th Street, SW Archer Road and the vicinity of SW 35th Boulevard.

Explanation: Compass Bank, (aka Gainesville State Bank) property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The properties are generally located south of Windmeadows Boulevard, west of SW 34th Street, north of Archer Road, and east of Tax Parcels 06810-001-025 and 06810-001-014. 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 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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070412.**Annexation of Parcel Number 06800-017-000 (B)**

This is the submission of petition for voluntary annexation for the above referenced parcel number, which are located in the vicinity of SW 42nd Street, the vicinity of SW 40th Boulevard, and Interstate 75.

Explanation: Southwest Self Storage, Inc., property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located south of Tax Parcel 06810-001-003, west of SW 42nd Street, north of the vicinity of SW 40th Boulevard, and east of Interstate 75. 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 4.13 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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070413.**Annexation of Parcel Number 06800-024-000 (B)**

This is the submission of petition for voluntary annexation for the above referenced parcel number, which are located in the vicinity of SW 42nd Street, the vicinity of SW 40th Boulevard, and Interstate 75.

Explanation: Southwest Business Park, Inc., property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located south of Tax Parcel 06810-001-003, west of SW 42nd Street, north of the vicinity of SW 40th Boulevard, and east of Interstate 75. 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 2.5 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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070414.**Annexation of a Portion of Parcel Number 07240-000-000 (B)**

This is the submission of petition for voluntary annexation for the above referenced parcel number, which is located in the vicinity of SW Archer Road, Interstate 75, SW Williston Road, and SW 63rd Boulevard.

Explanation: Prairie View Trust, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located south of the vicinity of Archer Road and Interstate 75, west of Interstate 75, north of Williston Road, and east of SW 62nd Avenue and the vicinity of SW 63rd Boulevard. 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 387 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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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**070426.****Purchases for Energy Conservation Programs (NB)**

Staff requests authorizing the General Manager to purchase goods and/or

services necessary for establishing or modifying FY 2008 energy conservation programs which do not to exceed \$100,000.

Explanation: On September 11, 2006, the City Commission authorized the General Manager to purchase goods and services for energy conservation measures approved in the FY 2007 budget in amounts not exceeding \$100,000. The purpose of the request was to facilitate the implementation of energy conservation measures by obtaining approval for all projects for the fiscal year. The approval enabled staff to expedite establishing energy conservation programs that would require prior City Commission approval. All purchases were made in accordance within established policies and procedures.

The City Commission approved the continuation of energy conservation programs in the FY 2008 budget for the purpose of continuing the reduction of energy and demand. In order to implement and maintain conservation programs with flexibility to meet customer needs, staff requests authorizing the General Manager, or her designee to approve these programs without additional City Commission approval. No single purchase will exceed \$100,000 and all purchases will be procured in accordance with established purchasing policies and procedures. Purchases exceeding \$50,000 will be included on the monthly purchases reported to the City Commission. Staff will request City Commission approval for any purchase exceeding \$100,000.

Fiscal Note: Funds for this request are included in the Utilities Budget for FY 2008.

RECOMMENDATION

The City Commission: 1) Waive the requirement for City Commission approval for budgeted FY 2008 energy conservation programs which do not exceed \$100,000; 2) Authorize the General Manager, or her designee, to negotiate and execute contracts for budgeted FY 2008 energy conservation programs which do not exceed \$100,000 in accordance with established Purchasing policies and procedures, subject to approval of the City Attorney as to form and legality; and 3) Approve the issuance of purchase orders for required goods and services to various vendors for these programs, in amounts not exceeding \$100,000 for FY 2008.

070427.

Amendment to Tree Trimming Contract (NB)

Staff recommends an amendment to extend the contract with Asplundh Tree Expert Company for a period not to exceed 90 days.

Explanation: A contract with Asplundh Tree Expert Company was approved by the City Commission with the final extension approved on March 26, 2007 extending the term through September 30, 2007. This contract provides vegetation management services to the electric transmission and distribution systems according to approved arboricultural standards as well as storm restoration efforts as required.

An Invitation to Bid to establish a new contract for tree trimming services has been sent to prospective bidders. However, staff is concerned with the possibility of transitioning to a new contract for these services during hurricane season when the need for these services can become vital to restoring power to utility customers. Staff recommends extending the current contract for a period not to exceed 90 days, pending the establishment of a new contract. This will allow sufficient time to hold a kick off meeting under the new contract to discuss the work schedule and requirements, address safety concerns and establish goals prior to work commencement.

Asplundh Tree Expert Company has agreed to extend the same pricing to the Utility for 90 days.

Fiscal Note: Funds for this request are included in the Operations and Maintenance and Capital Budgets for FY 2008.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or her designee, to execute an amendment to extend the contract with Asplundh Tree Expert Company for a period not to exceed 90 days, subject to approval by the City Attorney as to form and legality; and 2) approve the issuance of a change order to Asplundh Tree Expert Company in an amount not to exceed \$360,000.

070428.

GRU Customer Bulletin (B)

Staff recommends award of contract for printing the GRU Customer Bulletin.

Explanation: The GRU Customer Bulletin, which is mailed with every customer's bill, reaches approximately 100,000 households and businesses each month and is one of the most important and successful tools used by GRU to communicate with its customers. Information regarding GRU products and services, safety tips, energy and water conservation measures including rebates, vital and/or legally required information and community news is included in the bulletin. An Invitation to Bid for printing the GRU Customer Bulletin was sent by Utilities Purchasing to 23 prospective bidders. Seven bid responses were received, including four no bids. A tabulation of the bids received is attached for your information.

Bids were evaluated based on price, delivery time, equipment list, references and samples.

Fiscal Note: Funds for these services have been included in the Communications Department's Budget for FY 2008 and will be requested in FY 2009 subject to the final appropriation of funds.

RECOMMENDATION

The City Commission authorize the General Manager, or her designee, to 1) execute a two year contract with Beechler Waters, Inc. for printing the GRU Customer Bulletin and 2) issue a purchase order to Beechler

Waters, Inc. for these services in an amount not to exceed \$83,430 per year, subject to the final appropriation of funds.

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070429.

Authority to make changes to Chapter 27, City of Gainesville Code of Ordinances (NB)

Minor changes are needed to Chapter 27, City of Gainesville Code of Ordinances, to reflect revised practices brought about by the implementation of the new SAP Customer Care System in April 2007.

Explanation: The manner in which the SAP software accomplishes the billing function is different than the previous billing system. Rather than change the software at a higher cost, staff has revised its processes and procedures. To accurately reflect procedures and the sequence of charges, staff recommends that minor changes to Chapter 27, City of Gainesville Code of Ordinances be made: 1) Combined fees for service reconnection were replaced with reconnection fees for each service. 2) With a customer-based data model and system, the classification of "accounts" is no longer required. The provision and fee specified in the ordinance needs to be stricken. 3) No fee is charged for a customer reading his/her own meter. The fee needs to be stricken from the ordinance. 4) Two (2) service charges are generally referenced in the ordinance as cost recovery charges; yet, in practice, the charges are standardized fees.

Fiscal Note: There is no fiscal impact to any proposed changes

RECOMMENDATION

The City Commission authorize the City Attorney to draft and Clerk of the Commission to advertise, ordinances relating to minor changes to in Chapter 27, City of Gainesville Code of Ordinances.

CITY ATTORNEY, CONSENT AGENDA ITEMS

070405.

Allstate Insurance Company a/s/o Linda S. Luetjen vs. City of Gainesville, a political subdivision of the State of Florida and Misty Thomas, jointly and severally; Eighth Judicial Circuit, Court Case No. 2007-SC-4072 B)

Explanation: On August 22, 2007, a Notice to Appear for Pre-Trial Conference/Mediation and Complaint was delivered to the City's Risk Management Department. Allstate Insurance Company alleges that on September 25, 2004, a vehicle owned by Plaintiff's insured and a RTS vehicle driven by then City employee Misty Thomas collided. Allstate Insurance Company seeks money damages. (There was a previous lawsuit involving the same parties and facts in Case No. 01-06-SC464 which was dismissed by the Court due to Plaintiff's failure to

appear for Pre-Trial Conference.)

RECOMMENDATION

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville and former City employee, Misty Thomas, in the case Allstate Insurance Company a/s/o Linda S. Luetjen vs. City of Gainesville, a political subdivision of the State of Florida and Misty Thomas, jointly and severally; Eighth Judicial Circuit, Court Case No. 2007-SC-4072

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070406.

Martin Cleveland Vinson and Mary Vinson, his wife vs. City of Gainesville and Karen Ruff Kilpatrick; Eighth Judicial Circuit, Court Case No. 2007-CA-1743 (B)

Explanation: On August 24, 2007, the City was served with a Summons and Complaint filed by Attorney Ronald D. Surrency on behalf of Martin and Mary Vinson in the Circuit Court. The Vinson's allege that, On April 29, 2003, he was a driver of a vehicle involved in an automobile accident with a City vehicle driven by then City employee Karen Ruff Kilpatrick. They claim that Mr. Vinson sustained bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expenses for hospitalization, medical and nursing care, loss of earnings and ability to earn money and aggravation of a previously existing condition. Mrs. Vinson claims that due to the alleged injuries of her husband, she has been deprived of society, companionship, and consortium, assistance and services in and about their home and will continue to be deprived thereof in the future and has incurred and will continue to incur medical expenses for future treatment of Mr. Vinson. The Vinson's seek money damages and attorney's fees.

RECOMMENDATION

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville and former City employee Karen Ruff Kilpatrick in the case Martin Cleveland Vinson and Mary Vinson, his wife vs. City of Gainesville and Karen Ruff Kilpatrick; Eighth Judicial Circuit, Court Case No. 2007-CA-1743

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070418.

EEOC CHARGE NO. 510-2007-02665 JOSEPH M. WEEKS VS. THE CITY OF GAINESVILLE (B)

Explanation: On August 23, 2007, the City of Gainesville received a Notice of Charge of Discrimination from the U.S. Equal Employment Opportunity Commission. Mr. Joseph M. Weeks alleges retaliation and harassment for the filing of an EEOC complaint and being a witness in another EEOC Charge.

RECOMMENDATION

The City Commission authorize the City Attorney, to represent the City in the case styled Joseph M. Weeks vs. the City of Gainesville; EEOC Charge No.: 510-2007-02665.

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060016.**FINAL ADMINISTRATIVE ORDER - PETITION NO. 42ZON-06PB (B)**

Explanation: The City Commission, at its meeting of August 23, 2007, announced its oral order in the matter of amending the City of Gainesville Land Development Code by overlaying the Significant Ecological Communities District on approximately 787 acres of property zoned AGR (Agriculture district), I-1 (Limited industrial district), I-2 (General industrial district), and RSF-1 (3.5 units/acre single-family residential district), (Legistar No.060016). At the conclusion of the hearing, the City Commission voted to approve the petition. City Commission Rules require the decision to be embodied in a written order. Copies of the proposed order were submitted to the Petitioner and affected parties.

RECOMMENDATION

The City Commission authorize the Mayor and Clerk of the Commission to execute the Final Administrative Order.

Legislative History

6/25/07	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
7/9/07	City Commission	Continued (6 - 0 - 1 Absent)
8/23/07	City Commission	Approved (Petition), as amended (4 - 2 - 1 Absent)

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**070415.****Fire Assessment Meeting (NB)****RECOMMENDATION**

The City Commission schedule a special meeting on September 17, 2007, at 6:00 PM to discuss Fire

Assessment.

070416.**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of the August 23, 2007 (Special Meeting); and the August 27, 2007 (Regular Meeting); as circulated.

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070420.**Resignation of Regional Transit System Advisory Board Member Gail Sasnett-Stauffer (B)****RECOMMENDATION**

The City Commission accept the resignation of Gail Sasnett-Stauffer from the Regional Transit System Advisory Board effective immediately with appreciation for her service.

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070421.**Resignation of Bicycle/Pedestrian Advisory Board Member Member Richard D. Browning (B)****RECOMMENDATION**

The City Commission accept the resignation of Richard D. Browning from the Bicycle/Pedestrian Advisory Board Member effective immediately with appreciation for his service.

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070422.**Resignation of Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan Member Edward LaCombe (B)****RECOMMENDATION**

The City Commission accept the resignation of Edward LaCombe from the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan effective immediately with appreciation for his service.

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

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE,
CONSENT****PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT****PUBLIC SAFETY COMMITTEE, CONSENT****070299.****Federal LECFTF Funding for the Mounted Patrol Unit (B)**

Explanation: On October 13, 1997, the City Commission approved the formation of the Gainesville Police Department two member Mounted Patrol Unit and authorized funding through the LECFTF. On January 12, 1998, the City Commission authorized the expansion of the unit to include a third member.

The funding request of \$49,851 is to cover the operating expenses of the unit for FY 2007-2008. The total operating cost includes funding for maintenance of the Mounted Patrol Unit Facilities, veterinary services, horse feed, supplies, and training.

A complete breakdown of the funding request is included in the backup.

The Public Safety Committee discussed this funding at its August 16, 2007 meeting. The Committee approved the funding for this item to proceed to the City Commission.

Fiscal Note: Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice, "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies". The balance in the account is \$1,122,434.00 inclusive of items still pending

RECOMMENDATION

The City Commission approve the appropriation of \$49,851 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Mounted Unit.

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070302.**Legal Office Expenses from Federal Law Enforcement Contraband
Forfeiture Trust Fund for FY 2007-2008 (NB)**

Explanation: The requested funding is needed to cover the Gainesville Police Department's Legal Office expenses related to case filing fees, research, publication requirements, and storage fees for seized property for FY 2007-2008.

The Public Safety Committee discussed this funding at its August 16, 2007 meeting. The Committee approved the funding for this item to proceed to the City Commission.

Fiscal Note: The \$15,000 expenses are necessary for the processing of forfeiture cases. Funds are currently available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per F.S. 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." The balance in the account is \$1,122,434.00.

RECOMMENDATION

The City Commission authorize the Gainesville Police Department to appropriate \$15,000 from the Federal Law Enforcement Contraband Forfeiture Fund into line item to be determined by OMB.

Alternative Recommendation A:

The City Commission appropriate funds from the General Fund for these expenses. The fiscal impact is \$15,000.

Alternative Recommendation B:

None

070303.

Federal LECFTF Funding for Purchase of Paraben Device Seizure Software (B)

This item requests that the Public Safety Committee appropriate and expend an amount not to exceed \$2,500.00 from the Federal Law Enforcement Contraband Forfeiture Fund for the purchase of Paraben Device Seizure Software.

Explanation: The ever increasing use of portable data devices for everyday use and/or criminal activity has placed Law Enforcement behind the technology curve once again. The need for a forensic tool that analyzes and retrieves data from a cell phone or a Personal Data Assistant has presently become a necessity of utmost importance to Law Enforcement. The Paraben Device Seizure Software is a comprehensive tool for forensic acquisition, analysis and reporting handheld device data from cell phones and Personal Data Assistants. The software manages full data dumps in a forensically sound manner where the data is not corrupted by accident or intentionally. The software recovers data via a data cable, Bluetooth and IrDA technologies. The software supports hundreds of cell phone and PDA models. Paraben can also add support from manufacturers for unsupported devices. Paraben is a leader in handheld digital forensics and used by Law Enforcement Agencies worldwide.

The Public Safety Committee discussed this funding at its August 16, 2007 meeting and agreed the purchase should include special cables necessary to run this software and a multi-year contract to provide updates to the software. The Committee approved the funding for this item to proceed to the City Commission.

Fiscal Note: Funds will be appropriated in an amount not to exceed \$2,500. Funds for this project are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Enforcement Agencies." Available balance is \$1,122,434.00.

RECOMMENDATION

The Public Safety Committee recommends that the City Commission authorize the appropriation of an amount not to exceed \$2,500 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the purchase of the Paraben Device Seizure Software.

070303_200709101300.pdf

070305.

Federal Law Enforcement Contraband Forfeiture Trust Fund Funding for Joint Aviation Unit (B)

Explanation: On July 8, 1996, the City Commission approved the Inter-Agency Agreement for a Joint Aviation Unit between the Alachua County Sheriff's Office (ACSO) and the City of Gainesville's Police Department. The agreement allows for each agency to share the cost of the aviation hangar and office located at the Gainesville Regional Airport and the ACSO maintenance technician's salary. Total estimated operating costs for FY08 are \$89,854.50. Estimated cost for the City's half of the hangar/office and maintenance technician's salary is \$46,604.50. In addition, this request includes costs for normal operating expenses for GPD's helicopter of \$43,250.00. These costs are for fuel, aircraft parts, required maintenance inspections, mandatory flight training for pilots, on-going training for flight officers, and FAA physicals.

The Public Safety Committee discussed the funding for this item at its August 16, 2007 meeting. The Committee approved the funding for this item to proceed to the City Commission.

Fiscal Note: Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." The balance in this account is \$1,122,434.00

RECOMMENDATION

The City Commission approve the appropriation of \$89,854.50 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Joint Aviation Unit.

070305_200708161600.pdf

070306.

Federal Law Enforcement Contraband Forfeiture Trust Fund Funding for GPD Helicopter Upgrade (B)

Explanation: GPD participates in the Joint Aviation Unit with the Alachua County Sheriff's Office (ACSO) and has operated a military surplus 1968 Hughes OH-6 helicopter for the past twelve (12) years. Replacement parts needed to keep this helicopter operational are now obsolete and anticipated maintenance costs through 2011 are projected to exceed \$175,000. Based on recommendations from the Joint Aviation Unit Maintenance Technician, GPD's contract flight trainer Scott Lunsford, and projected maintenance costs, GPD requested and received a military surplus 1970 Bell OH-58 helicopter in July 2006. This helicopter is the same type operated by ACSO, which will standardize the helicopter fleet for the Joint Aviation Unit and simplify maintenance and training.

The Bell OH-58 helicopter will require a replacement C-20 engine at a cost of \$99,600.00. It will also require maintenance and equipment upgrades with a projected cost of \$128,127.99, for a total of \$227,727.99 before this helicopter can be used operationally. The maintenance work will include overhauling the transmission, mast assembly and main rotor, and the equipment upgrades will include painting, avionics and installation of law enforcement radios and equipment.

In July 2007, the 1968 Hughes OH-6 helicopter was sold for \$156,526.51. Coastal Helicopters, Inc. (the suggested vendor for the OH-58 helicopter upgrade) will give GPD a \$40,000.00 credit for eight (8) used C-18 helicopter engines. This model of helicopter engine cannot be used in GPD's Bell OH-58 helicopter. The engines have little or no commercial value since their useful flight-hour life has been expended. With the \$40,000.00 credit applied to the cost of the new engine, maintenance and upgrades for the 1970 Bell OH-58 helicopter, the actual cost to place this helicopter into operation will be \$187,727.99. The net cost to the City after the sale of the Hughes OH-6 helicopter is \$31,201.48. The replacement of the Hughes OH-6 helicopter with the Bell OH-58 model will standardize the helicopter fleet for the Joint Aviation Unit and will also standardize maintenance and training.

Vendor Source Selection: Coastal Helicopters, Inc. specializes in the maintenance, upgrade and repair of military surplus helicopters, specifically the Bell OH-58. This company is an FAA certified repair station for airframe, powerplant, and accessory work. Coastal Helicopters, Inc. has an established record with the Alachua County Sheriff's Office in providing maintenance and service for their helicopters in the Joint Aviation Unit. Coastal Helicopters, Inc. provides high quality work on military surplus helicopters for law enforcement agencies throughout the Southeast United States and Caribbean. Therefore, staff is requesting commission approval to contract with Coastal Helicopters, Inc. as the specified source for this work.

The Public Safety Committee discussed the funding for this item at its August 16, 2007 meeting. The Committee approved the funding for this item to proceed to the City Commission.

Fiscal Note: Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of

Federally Forfeited Property for State and Local Law Enforcement Agencies."
The balance in this account is \$1,122,434.00.

RECOMMENDATION

The City Commission approve the appropriation of \$187,727.99 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the upgrade of GPD Bell OH-58 helicopter and authorize the use of Coastal Helicopters, Inc. as the specified source for the maintenance, upgrade and engine replacement work.

070306_200708161600.pdf

070307.**Provide Matching Funds from the City of Gainesville State Forfeiture Account to Pay the City of Gainesville's Portion to the Juvenile Assessment Center (JAC) to Acquire the LiveScan Fingerprinting System (B)**

This item requests the City Commission's authorization for payment of \$5,726.30 to the Juvenile Assessment Center.

Explanation: This funding is to provide matching funds for a grant awarded to the Juvenile Assessment Center (JAC) to acquire the latest state of the art AFIS Livescan fingerprinting system which has direct access to FCIC and NCIC. The previous system the Juvenile Assessment Center used became obsolete and curtailed JACs' booking capabilities. The City of Gainesville's portion would include a match plus the cost of a printer. The Alachua County Sheriff's office has contributed \$5,726.30 for this match. GPD has utilized this facility to refer or drop off approximately 900 juveniles per year and JAC books the incoming juveniles for GPD.

The Public Safety Committee discussed the funding for this item at its August 16, 2007 meeting. The Committee approved the funding for this item to proceed to the City Commission.

Fiscal Note: Funds are currently available in the State Law Enforcement Contraband Forfeiture Trust Fund account is allowable under F.S. 932.7055(4) (a). The balance of the account is \$55,476.00.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to provide the matching funds of \$5,726.30 to the Juvenile Assessment Center.

Alternative Recommendation A: The City Commission authorize partial funding.

Alternative Recommendation B: The City Commission deny funding.

070307_200708161600 (1).pdf

070307_200708161600 (2).pdf

070309.**Federal Law Enforcement Contraband Forfeiture Trust Fund (LECFTF)
Funding for Black on Black Crime Task Force (NB)**

This item requests that the City Commission appropriate and expend funds from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the Black on Black Crime Task Force for miscellaneous mutual projects at the Reichert House.

Explanation: The Reichert House, a collaborative effort by the Gainesville Police Department and the Black on Black Crime Task Force, was founded in 1987. The program was established to provide an after-school, mentoring program for high-risk teenage boys who have the greatest likelihood of becoming part of the criminal justice system. The Program moved into a new facility constructed by the Black on Black Crime Task Force, who in turn, deeded the facility to the City of Gainesville.

The Black on Black Crime Task Force continues to be a driving force in the Reichert House facility by participating in maintenance and upkeep of the facility, as well as providing a number of mentors. Funds from this request will be used by the Black on Black Crime Task Force to offset their cost of assisting with the maintenance and upkeep of the facility and miscellaneous projects.

The Public Safety Committee discussed the funding for this item at its August 16, 2007 meeting. The Committee approved this funding request to proceed to the City Commission.

Fiscal Note: Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund, as allowed under Federal 21 U.S.C. § 881. The current balance of the Federal Law Enforcement Contraband Forfeiture Trust Fund is \$1,122,434.00.

RECOMMENDATION

The City Commission authorize the appropriation of \$5,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the Black on Black Crime Task Force to offset their cost of assisting with the maintenance of the facility.

Alternative Recommendation A: The City Commission declines the appropriation and directs staff to seek alternative maintenance options and not implement new programs designed to curb youth violence. There is no fiscal impact.

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**070364.****Performance Measures for Highway and Road Maintenance (B)**

Explanation: In accordance with our Annual Audit Plan, we have completed a Review of Performance Measures for Highway and Road Maintenance. Our report, which includes a response from the City Manager, is attached for your review.

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

RECOMMENDATION

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

Legislative History

8/30/07 Audit, Finance and Recommended for Approval
 Legislative
 Committee
070364_20070830.pdf

070402.

Fiscal Year 2007 Operating Funds Quarterly Monitoring Report - Quarter Ending June 30, 2007 (B)

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

RECOMMENDATION

The City Commission receive the quarterly budget monitoring report for the quarter ended June 30, 2007.

Legislative History

8/30/07 Audit, Finance and Recommended for Approval
 Legislative
 Committee
070402_20070830.pdf

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES**CLERK OF THE COMMISSION****070452. November 12, 2007 Meeting (NB)****RECOMMENDATION**

The City Commission select an option for meeting:

- 1) Cancel meeting*
- 2) Move meeting to Tuesday, November 13, 2007*
- 3) Move meeting to Monday, November 19, 2007 and cancel November CRA meeting*
- 4) Move meeting to Monday, November 19, 2007 at 6:00 PM*
- 5) Move meeting to Monday, November 5, 2007.*

070432.**City Commission Referral Lists (B)****RECOMMENDATION**

The City Commission review the attached Referral Lists and take appropriate action.

070432_20070910.pdf
070432A_20070910.pdf

CITY MANAGER**070313.****Update on the Raising 'Canes Program (B)**

This item involves a presentation to the City Commission on the status of Raising Canes, the City's program adopting Gainesville High School.

Explanation: On December 11, 2006, the City Commission approved the Partnership for Student Success with the Alachua County School Board. A component of this partnership is Raising 'Canes, the City's program adopting Gainesville High School.

This presentation will update the City Commission on the activities of the Raising 'Canes program and the plans for the 2007-08 School Year.

Fiscal Note: There is no fiscal impact to the City.

RECOMMENDATION

Hear a presentation on the status of the Raising 'Canes program.

070313_200709101300.pdf

070359.**Southeast Gainesville Renaissance Initiative Planning/Financial Presentation (B)**

This item relates to a presentation that will be given by Wilson Miller, Inc., the consultants hired to prepare a master/financial plan for the Southeast Gainesville Renaissance Initiative (SEGRI) area.

Explanation: At the March 27, 2006 City Commission meeting, the City Commission approved funding up to \$200,000 from the bond funds for a master planning and financial consultant for the SEGRI area, and authorized staff to issue a request for proposals for a master planning and financial consultant for the SEGRI project, rank the proposals and return to the City Commission with a recommendation of a top-ranked consultant or consultants.

On August 22, 2006, the Purchasing Division issued a Request for Statement of Qualifications for a planning/financial consultant to prepare a master plan for the SEGRI area. Four firms attended the pre-bid meeting and four firms responded. After reviewing the four bids submitted, and meeting with two of the bidders on November 3, 2006 and the remaining two bidders on November 7, 2006, the evaluation team ranked the highest firm to be: Wilson Miller, Inc. A contract was then signed with the firm.

In March 2007, the project had a kickoff meeting and began working with neighbors and stakeholders in the SEGRI plan area. Community participation meetings were held on April 18, 2007, June 23, 2007, July 11, 2007 and August 30, 2007.

After receiving excellent feedback from the community, six redevelopment sites were selected to conduct a full financial and planning analysis. The presentation given by Wilson Miller, Inc., lead consultant, with assistance from the Community Redevelopment Agency Manager as the City's project manager, will include the findings and next steps for SEGRI.

Fiscal Note: None at this time

RECOMMENDATION

The City Commission hear presentation from Wilson Miller, Inc. and staff

070359_200709101300.pdf

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

070401.**ADA Expo (NB)**

Explanation: On July 26, 2007, the Office of Equal Opportunity celebrated the 17th anniversary of the signing of the American Disability Act into law by holding an Expo at the Sidney Lanier Anchor School. This office, in partnership with the Alachua County Office of Equal Opportunity, the Alachua County Public Schools and the Center for Independent Living hosted more than 200 citizens for the event. Vendors displayed the latest adaptive devices and provided information for citizens with disabilities while a panel of speakers discussed relevant issues.

RECOMMENDATION

The City Commission: 1) hear a brief presentation detailing the event.

COMMITTEE REPORTS (PULLED FROM CONSENT)**EQUAL OPPORTUNITY COMMITTEE****051225.****Gender Identity and Expression (B)**

Explanation: On April 3, 2006, the City Commission referred to the Equal Opportunity Committee the issue of including gender identity and expression in the City's Anti-Discrimination Ordinance. The Committee discussed this item several times to include a proposal/solutions that would include emotional and psychological impacts, and issues related to prohibition against discrimination on the basis of gender identity and expression in facilities such as restrooms, shower rooms, bath houses, and similar facilities which are normally sex segregated by their nature private. The Committee heard much discussion from staff and citizens. After discussion of these issues, the Equal Opportunity Committee recommended taking this item to the full City Commission.

RECOMMENDATION

The City Commission: 1) hear a presentation on including gender identity and expression in the City's Anti-discrimination Ordinance; and 2) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance adding gender identity to the list of protected classes against whom discrimination in employment, public accommodation, housing practices, and credit opportunities is prohibited by Chapter 8 of the Gainesville Code of Ordinances. Gender identity would be defined as "An inner sense of being a specific gender, or the expression of a gender identity by verbal statement, appearance, or mannerisms, or other gender-related characteristics of an individual with or without regard to the individual's designated sex at birth."; and 3) remove this item from

the referral list.

Legislative History

4/3/06	City Commission	Referred	Equal Opportunity Committee
5/1/06	Equal Opportunity Committee	Discussed	
6/5/06	Equal Opportunity Committee	Discussed	
7/20/06	Equal Opportunity Committee	Discussed	
10/10/06	Equal Opportunity Committee	Discussed	
1/18/07	Equal Opportunity Committee	Discussed	
3/14/07	Equal Opportunity Committee	Discussed	
6/26/07	Equal Opportunity Committee	Continued	
7/25/07	Equal Opportunity Committee	Approved as Recommended	
8/15/07	Equal Opportunity Committee	Approved as Recommended	

051225_20070910.pdf

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 3: 45 PM

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

GAINESVILLE CHAPTER SONS OF THE AMERICAN REVOLUTION

Ray M. Davis, Jr. - Past President, Gainesville Chapter Sons of the American Revolution (formal dress uniform of an Officer of the Line New Hampshire Regiment, 1776)

Robert "Bob" Reeves (dress of a Navy Captain representing John Paul Jones)

PROCLAMATIONS/SPECIAL RECOGNITIONS**070423.****Sons of the American Revolution Constitution Week - September 17-23, 2007 (B)****RECOMMENDATION**

Gainesville Chapter Sons of the American Revolution Past President Ray M. Davis, Jr. to accept the proclamation.

070423_200709101300.pdf

CITIZEN COMMENT (6:00pm)**PUBLIC HEARINGS****070381.****PROPOSED MILLAGE RATE - FISCAL YEAR 2007-2008 (B)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO THE LEVY OF GENERAL MUNICIPAL PURPOSE AD VALOREM TAXES FOR THE 2007-2008 FISCAL YEAR; ESTABLISHING PROPOSED MILLAGE RATE; SETTING A PUBLIC HEARING; PROVIDING FOR THE PUBLICATION OF NOTICE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The City Commission is required by Florida Law to adopt a final millage rate to fund the budget for FY 2007-2008.

RECOMMENDATION

The City Commission adopt the proposed resolution.

070381_200709101300.pdf

070382.**GENERAL GOVERNMENT BUDGET - FISCAL YEAR 2007-2008 (B)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; ADOPTING

**AN AMENDED TENTATIVE GENERAL GOVERNMENT FINANCIAL
AND OPERATING PLAN BUDGET; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE.**

Explanation: The proposed tentative General Government Budget for Fiscal Year 2007-2008 as set forth in the Adopted Financial and Operating Plan - Budget by Funds is hereby submitted as prepared by the Office of Management and Budget (O.M.B.).

The Budget will be presented for further consideration at a public hearing to be held on September 26, 2005 in conjunction with the approval of a millage rate to fund said budget.

RECOMMENDATION

The City Commission adopt the proposed resolution.

070382_200709101300.pdf

070395.

GAINESVILLE REGIONAL UTILITIES (B)

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
GAINESVILLE, FLORIDA, RELATING TO THE TENTATIVE
BUDGET FOR THE CITY OF GAINESVILLE REGIONAL UTILITIES
FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND
ENDING SEPTEMBER 30, 2008; PROJECTING REVENUES AND
ADOPTING A TENTATIVE BUDGET TO PAY FOR PERSONAL
SERVICES EXPENSES, OPERATING AND MAINTENANCE
EXPENSES AND OTHER EXPENSES, FOR CAPITAL OUTLAY, AND
FOR DEBT SERVICE REQUIREMENTS; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE.**

Explanation: The proposed resolution adopts a tentative budget for the City of Gainesville Regional Utilities for the fiscal year beginning October 1, 2007 and ending September 30, 2008, to pay for personal services expenses, operating and maintenance expenses and other expenses, for capital outlay and for debt service requirements is submitted for adoption by the City Commission.

All changes will be effective October 1, 2007.

RECOMMENDATION

The City Commission adopt the proposed resolution.

070395_200709101300.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

070372.

VARIOUS FEES, RATES AND CHARGES (B)

Ordinance No. 0-07-59

**An ordinance of the City of Gainesville, Florida, amending Appendix A,
Schedule of Fees, Rates and Charges by increasing fees and charges for**

Adult Performance Establishments, Escort Services, and Escort Licenses; Alcoholic Beverage Bottle Club Licenses; Cable Franchises; Cemeteries; Controlled Vehicular Parking Area Decals/Permits; Fire/Rescue Alarm Fees, Charges and Inspections; Home Occupation Permits; Land Development Code Petitions, Applications and Development Fees; Annual Spring Arts Festival Permits and Fees; Burglar Alarm Operators, Systems and Fees; Roam Towing Fees; Secondhand Goods Dealers; Permits for use of and work in Streets, Sidewalks and Other Public Places; Business Tax Receipts; Traffic and Motor Vehicles Parking Violations and Delinquent Fees; Vehicles for Hire Franchise Fees and Permits; and Vending Booth and Itinerant Permit Fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: FINANCE DEPARTMENT STAFF REPORT

On July 26, 2007, the City Commission adopted Resolution No. 070229, to approve the Proposed Tentative General Government Financial and Operating Plan, and authorized the City Attorney to draft and the Clerk of the Commission to advertise certain ordinances increasing certain existing fees and charges and creating new fees and charges.

CITY ATTORNEY MEMORANDUM

This ordinance increases certain existing fees and charges. There are additional new fees and charges authorized by the City Commission as part of the adoption of the Proposed Tentative General Government Financial and Operating Plan that are under review by this office and may require additional ordinances to be brought before the City Commission.

This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be September 24, 2007.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

070372_200709101300.pdf

070374.

LARGE ELECTRIC POWER CUSTOMERS (B)

Ordinance No. 0-07-65

AN ORDINANCE AMENDING CHAPTER 27, SECTION 27-21, DEFINITIONS, OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING THE DEFINITION OF LARGE POWER; 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: Background:

The definition of large power service allows customers reaching a demand of

1,000 kilowatts in a month during the previous 12 months to receive the large power service rate. The rate class definition is being modified to more appropriately define large power customers. The proposed definition requires customers to have a 12-month rolling average demand of 1,000 kW rather than just reaching a demand of 1,000 kilowatts in the previous 12 months.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2007.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

070374_200709101300.pdf

070375.

ELECTRIC BASE RATES AND CUSTOMER SERVICE CHARGES (B)

Ordinance No. 0-07-66

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (1) ELECTRICITY OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING ELECTRIC BASE RATES AND CUSTOMER SERVICE CHARGES; AMENDING STREET AND RENTAL LIGHTING RATES AND ADDING LIGHTING FIXTURES AND RATES; AMENDING SUBSECTION i. TO PROVIDE A DISTRIBUTED RESOURCES CREDIT RATE; 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: Background:

In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase electric base rates and customer services charges. Obsolete lighting fixture types and rates have been deleted.

Customers with distributed resources, such as photovoltaic systems, were credited for generation at a rate determined by their contract with the utility. A distributed resources credit rate has been established to clearly define this rate outside of contractual agreements.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2007.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

070375_200709101300.pdf

070376.

NATURAL GAS BASE RATES AND CUSTOMER SERVICE CHARGES (B)

Ordinance No. 0-07-67

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (5)

NATURAL GAS OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING NATURAL GAS BASE RATES AND CUSTOMER SERVICE 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: Background:

In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase natural gas base rates and customer service charges for residential and non-residential customers.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2007.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

070376_200709101300.pdf

070377.

WASTEWATER RATES, CUSTOMER SERVICE CHARGES, CONNECTION CHARGES, AND INDUSTRIAL PERMIT APPLICATION FEES (B)

Ordinance No. 0-07-68

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (4) SEWERAGE OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING WASTEWATER RATES, CUSTOMER SERVICE CHARGES, CONNECTION CHARGES, AND INDUSTRIAL PERMIT APPLICATION FEES; 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: Background:

In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase wastewater base rates, customer charges, and wastewater connection charges for residential and non-residential customers. The Industrial Permit Application fee has not been revised in several years and will be brought to a cost-based level.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2007.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

070377_200709101300.pdf

070378.

METER INSTALLATION CHARGES, CUSTOMER SERVICE

CHARGES, BASE RATES FOR SERVICE, AND WATER TRANSMISSION, DISTRIBUTION AND PLANT CONNECTION CHARGES (B)

Ordinance No. 0-07-69

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (3) WATER, OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING METER INSTALLATION CHARGES, CUSTOMER SERVICE CHARGES, BASE RATES FOR SERVICE, AND WATER TRANSMISSION, DISTRIBUTION AND PLANT CONNECTION 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: Background:

In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase water base rates, customer charges, and water connection charges for residential and non-residential customers. Connection charge changes include increased charges for water transmission, distribution and plant connection fees.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2007.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

070378_20070910.pdf

070379.

PURCHASED NATURAL GAS ADJUSTMENT (B)

Ordinance No. 0-07-70

AN ORDINANCE AMENDING CHAPTER 27, SECTION 27-273, PURCHASED GAS ADJUSTMENT, OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING THE HANDLING OF THE TRUE-UP CORRECTION FACTOR; 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: Background:

The purchased gas adjustment is revised monthly based on actual and projected fuel costs and natural gas sales. Any over or under collections are adjusted with a six-month seasonal true up. In times of dynamic fuel prices, this true up methodology may cause large imbalances that aren't returned to customers until the following year. This proposed revision would allow staff to modify this true up on a monthly basis as needed to mitigate large over and under collections. The formula for calculating the purchased gas adjustment will remain otherwise unchanged.

The changes will be applied to bills rendered after 12:01 A.M., October 1, 2007.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

070379_200709101300.pdf

070242.

URBAN SERVICES REPORT (CITY-OWNED & STATE OF FLORIDA TREEO CENTER) (B)

Ordinance No. 0-07-72

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 owned by the City of Gainesville and the State of Florida, comprised of Tax Parcels 06837-001-000, a portion of 06845-000-000, and a portion of 06837-000-000, generally located south of the vicinity of SW 20th Avenue, west of the City limits and SW 63rd Boulevard, north of the City limits and SW 41st Place, and east of the City limits and the vicinity of SW 75th Street, the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Act, 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.

It is common practice for the City to annex city-owned property as soon as possible once it meets the requirements for annexation.

If adopted on first reading, this ordinance shall be heard on second reading on September 24, 2007. After final adoption by the City Commission, a copy of this Report will be provided to the owner of the property that is the subject of this annexation and a copy will be filed with the Alachua County Board of County Commissioners.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/13/07 City Commission Approved as Recommended (4 - 0 - 3 Absent)

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070244.

VEHICLES FOR HIRE (B)

Ordinance No. 0-07-71

An ordinance of the City of Gainesville, Florida, amending Chapter 28 Vehicles for Hire by providing organizational cohesiveness and adding clarity; amending Section 28-3 by providing a checklist for the application process for franchise and franchisee; amending Sections 28-8 and 28-8.5 by moving language related to medallion registration and placement to Section 28-8 and reorganizing disqualifying convictions; amending Section 28-11 to reference minimum statutory liability insurance requirements; amending Section 28-21 to reference inspection of Vehicle for Hire franchise; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

Explanation: The City Commission at its August 13, 2007 meeting, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance clarifying provisions of the "Vehicle for Hire" ordinance. These changes are clarifications, not substantive changes and if approved, will be in place prior to

the next Vehicle for Hire registration cycle, which begins October 1, 2007. None of the changes affect the provisions relating to the airport.

This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be September 24, 2007.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/13/07 City Commission Approved as Recommended (4 - 0 - 3 Absent)

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070257.

SOLID WASTE NON-AD VALOREM TAX ASSESSMENT (B)

Ordinance No. 0-07-63

An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in a non-ad valorem assessment for a municipal service benefit unit created by Alachua County for collection, disposal, recycling and management of solid waste; providing conditions for the consent; providing that the consent is for a two-year period; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PUBLIC WORKS DEPARTMENT STAFF REPORT

On December 12, 2006, the Alachua County Board of County Commissioners adopted Resolution 06-142, to provide notice of intent to utilize the uniform method of collecting non-ad valorem assessments for the 2007-2008 fiscal year, including collection of non-ad valorem assessments for collection, disposal, recycling and management of solid waste in the entire county. Passage of an ordinance is necessary to provide consent for all land within the City of Gainesville to be included in the portion of the non-ad valorem assessment that covers the cost of the Waste Alternatives, Environmental Protection programs and a portion of the Rural Collection Center program. On August 13, 2007, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance consenting to the inclusion of the City in the County's solid waste non-ad valorem assessment.

CITY ATTORNEY MEMORANDUM

If approved on first reading, the second and final reading will be September 24, 2007. The effective date of this ordinance is October 1, 2007.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/13/07 City Commission Approved as Recommended (4 - 0 - 3 Absent)

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070328.**MOTOR VEHICLE PARKING FEES (B)****Ordinance No. 0-07-61**

An ordinance of the City of Gainesville, Florida, amending Section 26-46 of the City of Gainesville Code of Ordinances, subsection (d), relating to motor vehicle owner's liability for illegal parking and fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: FINANCE DEPARTMENT STAFF REPORT

On July 26, 2007, the City Commission adopted Resolution No. 070229, to approve the Proposed Tentative General Government Financial and Operating Plan, and authorized the City Attorney to draft and the Clerk of the Commission to advertise certain ordinances increasing certain fees and charges. This ordinance changes the time period in which administrative and delinquency fees are due to be paid. The actual fee will be adopted by Ordinance No. 070229.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be September 24, 2007.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED**070058.****URBAN SERVICES REPORT OF CITY-OWNED PROPERTY -
ADJACENT TO LAKE KANAPAH (B)****Ordinance No. 0-07-50**

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 owned by the City of Gainesville and comprised of Tax Parcels 06909-001-001, 06909-001-002, 06909-001-003, 06909-001-004, 06909-001-005, and 06909-001-006, generally located south of the City Limits and Tax Parcel 06909-000-000, west of Tax Parcels 06911-025-000 and 06911-026-000, north of SW 46th Place and east of Tax Parcel 06909-002-000; 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.

It is common practice for the City to annex city-owned property as soon as possible once it meets the requirements for annexation.

If adopted on first reading, this ordinance shall be heard on second reading on September 10, 2007. 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**

6/11/07 City Commission Approved as Recommended (5 - 0 - 2 Absent)
8/27/07 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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070128.

**URBAN SERVICES REPORT FOR PROPERTIES OWNED BY GAIN
DEVELOP INDUSTRIAL, L.L.C., AND THE CITY OF GAINESVILLE
LOCATED IN THE VICINITY OF THE AIRPORT INDUSTRIAL PARK
AND NE WALDO ROAD (B)**

Ordinance No. 0-07-55

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 Parcels 07872-009-000, 07872-003-001, 07872-014-002, and 07872-014-003, generally located south of the vicinity of NE 63rd Avenue, west of the vicinity of the L. Brown Solid Waste Transfer Station, north of the City Limits and the vicinity of NE 54th Place, and east of NE Waldo Road, the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Act, 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.

If adopted on first reading, this ordinance shall be heard on second reading on September 10, 2007. 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

6/25/07	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
8/27/07	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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RESOLUTIONS- ROLL CALL REQUIRED

050613.

Final Plat of Lincoln Park Subdivision (B)

**Petition 120SUB-05DB, Dynan Group, Inc., agent for Edix Investments.
 Final Plat review of Lincoln Park Subdivision, 16 lots on 4.8 acres more-or-less. Located in the vicinity of Southeast 9th Avenue and Southeast 11th Street (State Road 331/Williston Road), east side. Zoned: RSF-3 (single-family residential, 5.8 du/acre).**

Explanation: The City Development Review Board considered a request to approve a design plat of Lincoln Park Subdivision at a public hearing held September 8, 2005. By a vote of 4-0, the Development Review Board approved Petition

120SUB-05DB with staff conditions. The City Commission approved Petition 120SUB-05DB, by a vote of 7-0 on November 28, 2005. On November 27, 2006, the City Commission approved a six month extension to submit their petition to the City for final plat review.

The petitioner is proposing to create 16 lots on 4.8 acres more-or-less of RSF-3 zoned property having an allowable residential density of 5.8 dwelling units per acre or 27 lots. The density being proposed, with 16 lots, is 2.7 dwelling units per acre. The property in question was, for many years, the site for the City of Gainesville's Lincoln Pool. The pool and site were located between Lincoln Middle School and Williams' Elementary School.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) adopt the Resolution that approves the final plat of Lincoln Park Subdivision; and 2) authorizes the City Manager or designee to execute the Surety Agreement.

Development Review Board to City Commission - The City Commission approve Petition 120SUB-05DB. Authorize the Mayor to execute the Lincoln Park Subdivision final plat and authorize execution of the Surety Agreement.

Alternate Recommendation A: The City Commission deny Petition 120SUB-05DB.

Alternate Recommendation B: The City Commission continue Petition 120SUB-05DB to allow the petitioner to redesign the layout of the subdivision.

Staff to Development Review Board - The Design Plat is approvable with conditions.

Legislative History

11/28/05 City Commission Approved (Petition) with Staff Conditions (7 - 0)

11/27/06 City Commission Approved as Recommended (7 - 0)

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070419.

Qualified Target Industry (QTI) Refund Resolution - Ignition Entertainment, Limited (B)

This item seeks City Commission approval for a Qualified Target Initiative (QTI) contribution for the prospective location of a gaming software development firm within the City of Gainesville.

Explanation: Ignition Entertainment, Ltd., a firm specializing in the development of computer generated gaming software, is considering Gainesville as a location for its principle design/development studio in the United States. The firm was formed in 2002 and has major design and development studios in London and Tokyo as well as sales offices in Chicago and Los Angeles. The firm is a subsidiary of UTV Entertainment, a major media conglomerate in India. The firm appears to be attracted to the area primarily due to its abundance of intellectual capital and potential labor reserves.

The Qualified Target Industry (QTI) incentive is a tool available to Florida communities to encourage quality job growth in targeted, high value added businesses. Pre-approved applicants creating jobs in Florida receive refunds on the various taxes they pay including corporate income, sales, ad-valorem, insurance premium and certain other taxes.

Eligible QTI applicants must pay an average annual wage that is at least 115 percent of the State Metropolitan Statistical Area (SMSA). In order to participate, the applicant must apply to Enterprise Florida prior to making a decision to locate in Florida. The local community normally provides a resolution from the City and/or County Commission recommending the applicant for the incentive and provides a match equal to 20% of the total tax refund.

With respect to Ignition Entertainment, Ltd. specifically, the company is expected to create 70 new jobs phased in over three years at an average wage of approximately \$45,006 or 150% of the Alachua County average. It is reported that the firm is expecting a gross annual payroll of \$2.8 million dollars and will make a capital investment of approximately \$650,000 dollars.

The Gainesville Area Chamber of Commerce, City of Gainesville and Alachua County are partnering on this effort to attract Ignition Entertainment, Ltd. to the Gainesville area. The enactment of this QTI resolution is seen as a community investment in the growth potential of Ignition Entertainment, Ltd. over a period of years and represents a potential addition of capital investment and jobs in the City's established Innovation Zone.

The proposed resolution stipulates that the City of Gainesville will participate through provision of 50% of the local contribution (with Alachua County providing the remaining 50%) of the total refund or \$49,000 spread over FY 08, FY 09 and FY 10 and FY 11 consistent with Ignition Entertainment, Ltd.'s phased plan to add seventy jobs in the area.

Fiscal Note: There is no specific line item for funding of this request. However, the Council for Economic Outreach (CEO) has requested that the City Commission consider utilizing funding that has been established within the context of the existing performance agreement between the CEO and the City of Gainesville for development of the City's Innovation Zone. This performance agreement is to be funded by prior City Commission Resolution 040522 transferring \$100,000 from Gainesville Regional Utilities to the Economic Development Fund. The funding for the Ignition Entertainment, Ltd. contribution would come from the this adopted Resolution.

It has been indicated to staff as mentioned that Alachua County has indicated a willingness to consider providing 50% of the 20% required local match and will be meeting to consider this request on September 11, 2007.

RECOMMENDATION

The City Commission: 1) authorize the Mayor to execute the QTI Resolution regarding Ignition Entertainment, Limited upon action similar action taken by Alachua County; 2) direct the City Manager to forward the executed QTI Resolution to Enterprise Florida.

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070407.**DUAL NAME - NW 19TH LANE AS CHRISTOPHER NEIBERGER LANE (B)**

A resolution of the City Commission of the City of Gainesville, Florida, to designate and dual-name N.W. 19th Lane as "Christopher Neiberger Lane."

Explanation: On August 27, 2007, the City Commission authorized the City Attorney to prepare a resolution to designate and dual-name N.W. 19th Lane as Christopher Neiberger Lane.

RECOMMENDATION

The City Commission adopt the proposed resolution.

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070277.**DUAL NAME - NW 5TH AVENUE AS DR. AARON YOUNG AVENUE (B)**

A resolution of the City Commission of the City of Gainesville, Florida, to designate and dual-name N.W. 5th Avenue as "Dr. Aaron Young Avenue."

Explanation: On August 27, 2007, the City Commission authorized the City Attorney to prepare a resolution to designate and dual-name N.W. 5th Avenue as Dr. Aaron Young Avenue.

RECOMMENDATION

The City Commission adopt the proposed resolution.

Legislative History

8/13/07 City Commission Withdrawn

8/27/07 City Commission Approved as Recommended (7 - 0)

070277_200709101300.pdf

070380.**EVERGREEN CEMETERY - FEE INCREASES (B)**

A resolution of the City Commission of the City of Gainesville, Florida, amending fees for grave spaces and services at Evergreen Cemetery; and providing an effective date.

Explanation: PARKS, RECREATION AND CULTURAL AFFAIRS DEPARTMENT
MEMORANDUM

As part of the budget process, on July 26, 2007, the City Commission authorized increasing certain user fees by 5%, with the new amounts to be effective October 1, 2007. Section 7-9 of the Code of Ordinances provides that the rates for spaces and services at Evergreen Cemetery will be adopted by Resolution of the City Commission.

CITY ATTORNEY MEMORANDUM

This Resolution increases certain existing fees and charges. These increased fees are authorized by the City Commission as part of the adoption of the Proposed Tentative General Government Financial and Operating Plan that is under review by this office.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

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070424.

A Resolution approving the final plat of "Abbingdon Oaks, Phase I, a Cluster Subdivision", located in the vicinity of N.W. 39th Avenue and N.W. 26th Terrace; accepting the dedication of the public rights-of-way, easements and other dedicated portions as shown on the plat; providing directions to the Clerk of the Commission; and providing an immediate effective date.

Explanation: STAFF REPORT

The Development Review Board considered a request to approve a design plat of the Abbingdon Oaks Cluster Subdivision, at a public hearing held on November 14th 2002. By a vote of 4 - 0, the Development Review board approved Petition 83SUB-02DB Phase I with staff conditions. On December 9th 2002, the City Commission approved the design plat. The design plat included 31 lots on 10.3 acres. On June 14th 2004, the City Commission approved Conditional Plat for Phase I consisting of 16 lots.

The Abbingdon Oaks Phase I Cluster subdivision begins at the intersection of Northwest 26th Terrace and Northwest 39th Avenue and extends northwards to the northern boundary of the parcel. The conversion of Phase I Conditional Plat to Final Plat consists of 7.604 acres. The subdivision will contain 16 single-family lots and 1.5 acres of cluster open space and conservation easement. The cluster open space is wetland and wetland buffers. A fifty-foot wetland buffer is provided around all wetland areas. No portion of any platted lot is included in wetland or wetland buffer areas. Wetland mitigation is proposed for 0.604 acres of wetland that is currently within the unpaved road. The phase I portion being converted to Final Plat contains all of the cluster

open space and all of the stormwater management areas shown on the approved design plat for both phases of Abbington Oaks Cluster Subdivision.

The owner of the proposed subdivision experienced unforeseen delays in the completion of the subdivision improvements. The Code of Ordinances and the Resolution adopting the conditional final plat required the subdivision improvements to be completed within two years, or August 26, 2006 and June 14, 2006 for Phases I and II. The owner of the proposed subdivision has now completed all subdivision improvements as required by the City, and City staff recommends the approval of this final plat.

RECOMMENDATION

Planning Staff to City Commission - The City Commission adopt the proposed resolution.

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070425.

Abbington Oaks, Phase II, Final Plat Approval

A Resolution approving the final plat of "Abbington Oaks, Phase II, a Cluster Subdivision", located in the vicinity of N.W. 26th Drive and N.W. 41st Avenue; accepting the dedication of the public rights-of-way and easements, as shown on the plat; providing directions to the Clerk of the Commission; and providing an immediate effective date.

Explanation: STAFF REPORT

The Development Review Board considered a request to approve a design plat of the Abbington Oaks Cluster Subdivision, at a public hearing held on November 14th 2002. By a vote of 4 - 0, the Development Review board approved Petition 83SUB-02DB Phase I with staff conditions. On December 9th 2002, the City Commission approved the design plat. The design plat included 31 lots on 10.3 acres. On June 14th 2004, the City Commission approved Conditional Plat for Phase II consisting of 15 lots.

The Abbington Oaks Phase II Cluster subdivision conversion of Phase II Conditional Plat to Final Plat consists of 15 single-family lots on approximately 2.725 acres. The Phase II portion is on the north side of the subject property and is accessible only through the Phase I Plat. The Final plat of Abbington Oaks Phase II cluster Subdivision must be approved concurrently or after Phase I is approved and recorded. The Phase I portion of the subdivision contains all of the cluster open space and all of the stormwater management facilities for the entire subdivision.

The owner of the proposed subdivision experienced unforeseen delays in the completion of the subdivision improvements. The Code of Ordinances and the Resolution adopting the conditional final plat required the subdivision improvements to be completed within two years, or August 26, 2006 and June 14, 2006 for Phases I and II. The owner of the proposed subdivision has now completed all subdivision improvements as required by the City, and City staff recommends the approval of this final plat.

RECOMMENDATION

Planning Staff to City Commission: The City Commission adopt the proposed resolution.

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070403.

Third Amendment to the FY 2007 General Government Financial and Operating Plan (B)

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2007 General Government budget those transactions and activities that were not anticipated during the budget process.

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

RECOMMENDATION

The City Commission: 1) Adopt the third amendment to the Fiscal Year 2007 General Government Financial and Operating Plan Budget; and 2) adopt the proposed resolution.

Legislative History

8/30/07 Audit, Finance and Recommended for Approval
 Legislative
 Committee

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PLAN BOARD PETITIONS

070213.

Amend Existing Sam's Club Planned Development - (Quasi-Judicial) (B)

Petition 4PDA-07 PB, CPH, agent for Wal-Mart Stores, Inc. Request to amend an existing Planned Development to allow for a building expansion of an additional 25,857 square feet and a gasoline fueling station at the existing Sam's Club. Located at 2801 Northwest 13th Street. (Quasi-Judicial)

Explanation: This petition is a request to amend the existing Sam's Club Planned Development to allow for a 25,857 square foot building addition and a gasoline fueling station at the Sam's Club store located at 2801 Northwest 13th Street. The existing development is located on approximately 22.02 acres and contains a single building that is a total of 116,141 square feet. The original Planned Development was adopted in 1989 and has since been amended in 1998 to expand the existing building and modify parking and traffic circulation.

This proposal to expand the existing Sam's Club building will create a new sales floor, a four-bay tire mounting area (T.M.A.) and a liquor sales area within the store. The building expansion extends to the south, into a portion of the existing parking lot. Minor additions to the west and east will provide a new vestibule on the front of the building and a small office addition to the rear of the building, respectively. The new total square footage of the Sam's Club building

will be approximately 141,998 square feet.

The initial application for this Planned Development amendment included a request for the future construction of a twelve fueling position gas station. Staff recommended that the request for a fueling station be reviewed through a separate process that will include the Transportation Concurrency Exception Area (TCEA) Special Use Permit process, and the Wellfield Protection Special Use Permit process. Additionally, the future gas fueling station will have to meet all applicable requirements of the City of Gainesville Land Development Code, such as Article VI, Requirements for Specially Regulated Uses. The applicant based on this information decided to delay their request for the gasoline fueling station. Staff in an attempt to clarify that the existing planned development allowed gas fueling stations proposed conditions 2 and 3, to outline the process of approval. The Plan Board reviewed the gasoline fueling station issue and deleted both conditions and voted to prohibit gas stations on the site.

Another issue raised by the opponents of the petition was that the Sam's property is required to comply with the central corridor overlay district, because the property has 85 feet of frontage along US 441. The 85 feet of frontage functions as the entrance driveway to the Sam's development. It has been staff's interpretation that development more than 250 feet from the regulated corridor is outside the overlay affected area. This interpretation and policy decision has facilitated the redevelopment of Verde Plaza (Old Pic-n-Save) and the Lowe's (old Kmart) along this corridor.

The City Plan Board heard the petition and recommended approval with modified conditions. The major difference between the Plan Board's recommendation and City staff is the Plan Board chose to prohibit gasoline service stations as a permitted use in this Planned Development.

Public notice was published in the Gainesville Sun on April 3, 2007. Letters were mailed to surrounding property owners on April 4, 2007. The Plan Board held a public hearing April 19, 2007.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 4PDA-07 PB with Plan Board modifications that gas stations be prohibited as an allowable use, restrict loading dock operating hours to 6:00 AM to 10:00 PM, construct and improve screening walls, and allow the Plan Board to review the final development plan. Plan Board vote 5-0.

Staff to Plan Board - Approve with conditions that would allow the gasoline fueling station through the development review process.

Alternative Recommendation A: The City Commission deny Petition 4PDA-07 PB.

Legislative History

8/13/07 City Commission Withdrawn

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DEVELOPMENT REVIEW BOARD PETITIONS**SCHEDULED EVENING AGENDA ITEMS****070417.****Advertisement for General Manager for Utilities Selection Process (B)****The City Commission review the public advertisement for the General Manager for Utilities Position.**

Explanation: On August 27, 2007, the City Commission agreed to continue the selection process for the General Manager position with a target interview date set for December 2007. The Commission also agreed that the process would include public advertisement of the position in appropriate national publications. Staff was directed to work with Mycoff & Associates to develop an advertisement including the qualifications desired and a salary range for the City Commission to review and approve.

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission approve the advertisement and accompanying salary range.

Alternative Recommendation A:

The City Commission discuss the advertisement and accompanying salary range and take action as appropriate.

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070430.**Excellence in Leadership Group Project (B)**

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

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

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

RECOMMENDATION

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

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UNFINISHED BUSINESS**COMMISSION COMMENT****CITIZEN COMMENT (If time available)**

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