

City of Gainesville

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



Meeting Agenda

September 24, 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

070433.

City of Gainesville Police Officers' and Firefighters' Consolidated Retirement Plan Actuarial Valuation Report as of October 1, 2006 (B)

Explanation: Buck Consultants has provided an actuarial valuation report for the City of Gainesville Police Officers' and Firefighters' Consolidated Retirement Plan as of October 1, 2006. This report provides the funding status of the Plan as of October 1, 2006 as well as the required contribution rates payable in the 2007/2008 fiscal year under Chapters 112, 175, and 185 of the Florida Statutes.

Fiscal Note: The required City contribution rate moves from 6.13% of payroll for the 2006/2007 fiscal year to 5.85% of projected payroll for the 2007/2008 fiscal year.

RECOMMENDATION

The City Commission receive the actuarial valuation report for the City of Gainesville Police Officers' and Firefighters' Consolidated Retirement Plan as of October 1, 2006.

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070435.

Airport Industrial Park (AIP) Purchase and Sale Agreement (B)

Roger Leslie of Realty Partnership Interests has submitted a Purchase and Sale Agreement contract for the purchase of AIP Lot #6.

Explanation: In May, 2007, the Economic Development Department was contacted by Roger Leslie of Realty Partnership Interests regarding the availability of land resources in the City of Gainesville Airport Industrial Park. Mr. Leslie, in coordination with a local development group, is attempting to structure a development opportunity for Owens & Minor, Inc. a medical and surgical supply chain solutions company.

Owens & Minor, Inc. is the nation's leading distributor of name brand medical and surgical supplies and is a Fortune 500 company headquartered in Richmond, Virginia. The firm serves more than 4,000 acute-care hospital concerns nationwide including Shands Medical Center. For four successive years, Owens & Minor, Inc. has been ranked by Information Week magazine as number one in the health care sector regarding the provision of innovative information services for its customers. The company's annualized sales for 2007 will approach 7 billion dollars.

The contract is contingent upon the Buyer entering into a pre-construction lease with Owens & Minor Medical, Inc. for the development and occupancy of a 150,000 square foot distribution facility within 90 days of the effective date with subsequent extensions if the Buyer is showing good faith and viable negotiations on the subject property.

The initial facility will contain approximately 75,000 square feet with 9,000 square feet of finished office and technology space. The budget for the initial development is approximately \$8 million dollars. Currently, the firm does have a component of its operation located on Waldo Road immediately north of the Airport Industrial Park and this would represent an expansion of the firm's operations within the City of Gainesville.

The proposed purchase price on the AIP Lot #6 is \$295,750 for 8.45 acres, m.o.l. of land in the park platted as Lot #6. This proposed purchase price is in line with an appraisal performed on the property in late June 2007 establishing a value of \$287,000 or \$34,000 per acre. The AIP Lot # 6 is one of the few remaining platted and vacant pieces of property remaining in the Airport Industrial Park.

Fiscal Note: Per prior agreement with the Gainesville Alachua County Regional Airport Authority (GACRAA), the proceeds of the closing on Lot #6 will be forwarded to the Airport Authority. There will be no reimbursement to GACRAA per the established agreement as the proposed purchase price represents a market value as established by appraisal. This item is scheduled to be heard by GACRAA for concurrence on September 27, 2007.

RECOMMENDATION

The City Commission: 1) approve the attached Purchase and Sale Agreement contract for the purchase of Lot #6 in the Airport Industrial Park.

Alternative Recommendation

The City Commission: 1) deny the attached Purchase and Sale Agreement contract for the purchase of Lot #6 in the Airport Industrial Park.

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070436.

Interlocal Agreement with Alachua County (B)

This item is a request that the City Commission approve an Interlocal Agreement with Alachua County to Operate the Teen Zone After-School Program at Kanapaha Middle School.

Explanation: At the September 13, 2004, City Commission meeting, the Commission approved an Interlocal Agreement between the City and Alachua County to operate an after-school program, Teen Zone, at Kanapaha Middle School. The interlocal agreement indicated that the County would provide funding and the City would administer the program. The initial agreement stated that the City would operate the program in FY 05 and FY 06 for \$50,000 per year. At the December 13, 2004, City Commission meeting, the Commission approved an amendment to the Interlocal Agreement to increase the amount of funding from \$50,000 to \$75,000 for FY 05 and FY 06.

At the July 10, 2006, City Commission meeting, the Commission approved a new Interlocal Agreement for the FY 07 Kanapaha Teen Zone Program. The County would provide \$75,000 and the City would continue to administer the program. This current interlocal agreement expires on September 30, 2007.

At the August 16, 2007, County Commission meeting, the Commission voted to continue operating the Kanapaha Teen Zone Program. At the August 21, 2007, County Commission meeting, the Commission voted to provide \$75,000 to fund the Program for FY 08.

Since the current Interlocal Agreement expires on September 30, 2007, the County would like to enter into a new, one-year Interlocal Agreement with the City to administer the Kanapaha Teen Zone Program for FY 08 (October 1, 2007-September 30, 2008).

Fiscal Note: Alachua County has committed funds in the amount of \$75,000 for FY 2008 to operate the Teen Zone program at Kanapaha Middle School.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or designee to negotiate all documents and contracts relating to the FY 08 Interlocal Agreement for funding of the Teen Zone After-School Program at Kanapaha Middle School; and 2) authorize the City Manager to execute all documents and contracts relating to the program, after review by the City Attorney as to form and legality.

Alternate Recommendation A: The City Commission decline to enter into the Interlocal Agreement.

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070437.**First Amendment to Interlocal Agreement between Alachua County and the City of Gainesville Regarding Proceeds of Local Option Gas Tax (B)**

This item involves a request for the City Commission to approve the proposal by Alachua County for a First Amendment to Interlocal Agreement between Alachua County and the City of Gainesville Regarding Proceeds of Local Option Gas Tax to provide a percentage distribution for the uses in which Alachua County will expend their portion of the revenue.

Explanation: On May 22, 2007, the Interlocal Agreement between Alachua County and the City of Gainesville regarding the proceeds of the local option gas tax was executed. The agreement outlines the distribution of the proceeds of the local option gas tax among Alachua County and all the municipalities within Alachua County. The agreement also outlines the use of gas tax revenues being distributed to Alachua County. The agreement specifically states that the funds will be used "only for unpaved road alternative surface treatments, bicycle pedestrian facilities, resurfacing and reconstruction projects, and roadway safety improvements." The County is requesting that the agreement be amended to include a distribution breakdown of County revenues for each of these uses such that 10% of the funds will be used for bicycle pedestrian facilities; 15% for unpaved road alternative surface treatments; and 75% will be for resurfacing/reconstruction projects, in the following order of priority: NW 16th & 23 Avenues, SW 63rd Blvd. & SW 62nd Avenue, NW County Road 235, NW 43rd Street, and NW County Road 231.

Fiscal Note: Funding in the amount of \$200 for administrative costs is available in the Public Works FY 07 operating budget.

RECOMMENDATION

The City Commission: 1) approve the First Amendment to Interlocal Agreement; and 2) authorize the City Manager to execute the First Amendment to Interlocal Agreement.

Alternative Recommendation: The City Commission deny the First Amendment to the Interlocal Agreement and direct staff to communicate back to Alachua County.

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070438.**Bid Award - Annual Contract for Citywide Sidewalk Construction/Replacement Services for FY 2007/2008 (B)**

This item involves a request for the City Commission to authorize the bid award to JoyTech Construction, Inc., for the annual contract for sidewalk construction/replacement services for FY 2007/2008.

Explanation: On July 27, 2007, the Purchasing Division solicited bids for the Annual Contract for Citywide Sidewalk Construction/Replacement. Two (2) firms

responded with bids. JoyTech Construction, Inc., was the lowest responsible, responsive bidder.

Current funding for new sidewalks dictates the Public Works Department needs to contract for additional labor, equipment and materials in order to attain program goals. To address this need, an annual services bid was prepared to invite quality construction firms to submit proposals for the needed sidewalks. The proposals were received on August 21, 2007.

Fiscal Note: The bid tabulation amount was an estimated projection of the total cost for annual sidewalk construction to complete all phases of the program; however, only \$150,000 is available in FY 2008 for sidewalk construction projects. The Department will utilize the full \$150,000 available funding for FY 2008 and will work to identify and secure the additional funding when necessary. Funding in the amount of \$150,000 is identified and will be available in the adopted Public Works Department, Solid Waste Division FY 2008 operating budget, TCEA funds, and selected capital project accounts.

RECOMMENDATION

The City Commission: 1) approve the bid award to JoyTech Construction, Inc., for Annual Sidewalk Construction/Replacement Services for FY 2007/2008; and 2) authorize the City Manager to execute an annual services contract with JoyTech Construction, Inc.

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070439.

Bid Award - Paratransit Related Services for ADA Paratransit Passengers (B)

This item involves a request for the City Commission to authorize the bid award to Transitional Living of North Central Florida doing business as Center for Independent Living of North Central Florida (CIL-NCF) for Paratransit Related Services including ADA (Americans with Disabilities) Eligibility/Certification of persons with disabilities, Travel Training said individuals, and Sensitivity Training for Regional Transit System (RTS) staff in the amount of \$73,200.

Explanation: On June 14, 2007 the City Purchasing Division solicited proposals (Request for Proposals #RTSX060366-PJ) for Paratransit Related Services including the certification or re-certification of ADA eligibility applicants, ADA Paratransit Eligibility Determination, ADA Field Certifications, Travel Training and Sensitivity Training for RTS bus operators and supervisory staff. On July 18, 2007 Purchasing received one proposal. RTS Staff negotiated a contract for services with Transitional Living of North Central Florida doing business as Center for Independent Living of North Central Florida (CIL-NCF).

RTS is requesting the approval to establish a contract with the CIL-NCF for a three-year period, beginning October 1, 2007, with two one year extensions, subject to funding and written consent of both parties. CIL-NCF will provide services as described in RFP #RTSX060366-PJ. The services will be provided

for a flat fee of \$6,100.00 per month. Federal law prohibits capacity constraints on certification of ADA eligible individuals. This requirement made budgeting for these necessary services very difficult. Previous monthly billing for these services fluctuated, but continued to increase with several months exceeding \$7000.00. By locking in a fixed rate the City will have more control of the costs while still providing the federally mandated services for the disabled community. CIL-NCF benefits by having a guaranteed funding source to continue its programs which aid the disabled community and reduce work load of having to track and account for the individual services provided.

Fiscal Note: Funding for this contract in the amount of \$73,200 is available in the RTS FY08 operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the bid award to Transitional Living of North Central Florida doing business as Center for Independent Living of North Central Florida for the Paratransit Related Services as outlined in RFP #RTSX060366-PJ; and 2) authorize the City Manager to execute the contract and issue a purchase order in an amount not to exceed \$73,200.

Alternative Recommendation: The City Commission deny authorization for the City Manager to execute the contract with the Transitional Living of North Central Florida doing business as Center for Independent Living of North Central Florida for the Paratransit Related Services as outlined in RFP #RTSX060366-PJ and direct the City Manager to issue a new RFP for said services. The resulting impact is that the City of Gainesville would be without a contract to provide federally mandated services thus requiring the services to be provided by RTS adding significantly more administrative cost. Not providing the required services would put RTS in violation of Federal ADA requirements and jeopardize Federal funding for the fixed route and paratransit services.

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070440.

Extension to the Agreement between the City of Gainesville and MV Transportation, Inc. (B)

This item involves a request for a one-year extension to the Agreement with MV Transportation, Inc. to provide ADA Paratransit Service.

Explanation: The City is required by federal regulations to provide ADA paratransit services. The City entered into an Agreement with MV Transportation, Inc. (MV) to provide this service on September 29, 2006. This Agreement expires on September 30, 2007 with an option for the City to extend the Agreement one additional year. The extension will be effective October 1, 2007 through

September 30, 2008.

If the City were to choose not to execute the Extension to the Agreement with MV, the City would be without an ADA paratransit service provider requiring RTS to provide the service at a substantial cost increase, or be in violation of federal ADA requirements. This would jeopardize federal funding for the fixed route and paratransit services.

Fiscal Note: The estimated annual expenditure for ADA paratransit service of \$736,800 is available in the RTS FY 08 Operating budget.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Extension of the Agreement with MV Transportation, Inc. for the period of October 1, 2007 through September 30, 2008, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission decline the authorization for the City Manager to execute the Extension to the Agreement with MV Transportation, Inc. for ADA paratransit service.

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070446.

Interlocal Agreement with the School Board of Alachua County (B)

This item involves an agreement with the School Board of Alachua County for the use of School Board Facilities for the Teen Zone After-School Programs.

Explanation: In January, 2005, the City Commission authorized the City to enter into an Interlocal Agreement with the School Board of Alachua County to use School Board middle-school facilities to operate the Teen Zone After-School Programs. The original Interlocal Agreement has expired, and the City and School Board desire to enter into a new one-year agreement to use the facilities to operate the Teen Zone programs in FY 08. The new Interlocal Agreement will detail the terms and conditions of such use of Westwood Middle School, Ft. Clarke Middle School, and Kanapaha Middle School.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) authorize the City Manager or designee to negotiate all documents and contracts relating to the Interlocal Agreement with the School Board of Alachua County regarding the use of school facilities for the Teen Zone After-School programs; and 2) authorize the City Manager or designee to execute all documents and contracts relating to the programs, after review by the City Attorney as to form and legality.

Alternate Recommendation A: The City Commission decline to enter into the Interlocal .

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070453.

Surplus Property Sale (B)

Staff recommends establishing a contract with Weeks Auction Company for monthly or bi-monthly auction services and declaring items at the Surplus Lot to be surplus.

Explanation: Yearly, there are approximately 2,500 surplus property items stored at the City's Surplus Lot located at the Public Works Compound on 39th Avenue. These surplus items consist of scrap materials, office equipment and furniture, construction equipment, vehicles, abandoned and unclaimed property and miscellaneous items. In the past, the City has held an annual auction to dispose of these items. In an attempt to reduce storage costs and increase revenues staff has recently implemented changes to the auction process. The surplus property auctions are now being held monthly or bi-monthly at the auctioneer's site. This process has increased the cash flow for the surplus process as well as reduced storage and personnel costs.

On July 27, 2007, the General Government Purchasing Division solicited Request for Proposal (RFP) on Demand Star for off-site auction services. Purchasing received one response. Finance Department, Regional Transit and General Services Department staff reviewed the RFP and recommend awarding a contract to Weeks Auction Company, Inc.

The contract covers a three (3) year period and provides for two (2) additional one-year extensions. The vendor is required to conduct a monthly or bi-monthly auction at their site.

Fiscal Note: The City expects to generate revenues in excess of \$250,000 annually as a result of monthly or bi-monthly auctions. At the \$250,000 level the cost to the City would be \$20,000 based on the 8% bid rate.

RECOMMENDATION

The City Commission: 1) declares all materials, equipment and vehicles stored at the Surplus Lot as surplus property and authorize the sale of such property for the time period covering FY07 & FY08; 2) award the contract for auctioneer services to Weeks Auction Company, Inc. at the commission rate of 8% of gross auction proceeds; and 3) authorize the City Manager or designee to negotiate and execute a three-year contract with two one-year extensions, subject to the approval of the City Attorney as to form and legality.

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070461.**Annexation of Parcel Numbers 06736-000-000 and 06727-001-000 (B)**

This is the submission of petition for voluntary annexation for the above referenced parcel numbers, which are located in the vicinity of SW 20th Avenue, SW 38th Terrace, SW 24th Avenue and SW 39th Drive.

Explanation: Apartments at Brighton Park, LLP and Apartments at Kensington North, LLP, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located south of the vicinity of SW 20th Avenue, west of SW 38th Terrace, north of SW 24th Avenue, and east of SW 39th Drive. 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 7.71 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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070462.**Annexation of Florida Department of Transportation (FDOT) Retention Pond Located on SW 33rd Place (B)**

This is the submission of petition for voluntary annexation for the above referenced property, which is located on SW 33rd Place, in the vicinity of Windmeadows Boulevard, SW Archer Road and SW 42nd Street.

Explanation: Florida Department of Transportation, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located south of SW 33rd Place, west of the vicinity of Windmeadows Boulevard and SW 37th Boulevard, north of the vicinity of SW Archer Road, and east of SW 42nd Street. 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 1.5 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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070463.**Annexation of Tax Parcel 06810-004-000 (B)**

This is the submission of petition for voluntary annexation for the above referenced property, which is located on SW 24th Avenue, in the vicinity of SW 34th Street, Windmeadows Boulevard, and SW 43rd Street.

Explanation: Florida Department of Transportation, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located south of SW 24th Avenue, west of the vicinity of SW 34th Street, north of the vicinity of Windmeadows Boulevard, and east of the vicinity of SW 43rd Street. 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 3.77 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.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**070486.****Murphree Water Treatment Plant (MWTP) Filter Expansion and Upgrade (B)**

Staff recommends awarding a contract to Beach Construction Company, Inc. for construction services for the MWTP Filter Expansion and Upgrade.

Explanation: W/WW Systems has a Capital Improvements Program to fund various improvement projects at the Murphree WTP. Upon completion, this project will enhance the reliability, redundancy, and treatment capacity of the filtration treatment system. The project includes constructing two new filters (Filters No. 5 and No. 6) to increase filtration capacity. The two new filters will be constructed similar to the existing Filters No. 1 through No. 4 and will include a new pipe gallery, clearwell, influent channel, and an elevated walkway to connect the existing filter structure to the new filter structure. In addition, rehabilitation work will be performed on existing Filters No. 1, No. 2, No. 3, and No. 4 which will modify the filter media and instrumentation and electrical systems to enhance reliability and replace components that have reached their useful service life. This rehabilitation will include replacement of the filter sweep piping, construction of new baffle walls in the inlet channels to improve hydraulics, and repair minor cracks in concrete to existing filters. Invitations to bid for the Murphree WTP Filter Expansion and Upgrade project were sent by Utilities Purchasing to six companies that perform this type of work, with all attending a mandatory pre-bid meeting. Three bids were received with Beach Construction Company, Inc. submitting the lowest, responsive bid. A tabulation of the bids received is attached for your information. The recommendation includes authorization for 10 percent in contingencies for staff to procure other materials, equipment and services as required to complete the project. Any additional purchases will be made in accordance with the Purchasing policies.

Fiscal Note: Funding for this work is in the Water/Wastewater FY 2008 budget and will be requested in FY 2009 and 2010.

RECOMMENDATION

The City Commission 1) authorize the General Manager, or her designee, to execute a contract with Beach Construction Company, Inc. to perform construction services for the MWTP Filter Expansion and Upgrade Project, subject to approval of the City Attorney as to form and legality, and 2) approve the issuance of a purchase order to Beach Construction Company, Inc. in an amount not to exceed \$5,467,000, and 3) authorize staff to procure services, equipment and materials, as required, to complete the project as budgeted.

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CITY ATTORNEY, CONSENT AGENDA ITEMS

070448.

CORRECTION OF SCRIVENER'S ERROR (URBAN SERVICES REPORT) (NB)

Correction of Scrivener's Error in Ordinance No. 070130 relating to the Urban Services Report for properties owned by Townhomes at Westwood, LLC and T. Lane Properties; by inserting tax parcel number 06687-004-000 in the title of the ordinance and adding the same parcel

number to Section 1 of the ordinance.

Explanation: On August 27, 2007, the City Commission, at its regular meeting, adopted Ordinance No. 070130 that adopted the Urban Services Report for properties owned by Townhomes at Westwood, LLC and T. Lane Properties. The ordinance contained a scrivener's error that can only be corrected by ordinance. Tax parcel number 06687-004-000 will be added to the title of the ordinance and will be referenced in the body of the ordinance. The ordinance proposed to be drafted will be limited to a correction of this error. The actual adopted Urban Services Report that was attached to the ordinance is correct as adopted and needs no amendment.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

070485.

October 15 Special Meeting (NB)

RECOMMENDATION

The City Commission re-schedule the October 15 special meeting to November 5, 2007 at 6:00 PM.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

060548.

University Park Neighborhood - Heritage Neighborhood Designation (B)

The City Commission referred to the Community Development Committee the issue of Heritage Neighborhood Designation for the University Park Neighborhood. The Committee has discussed the referral, and recommends that the City Commission instruct staff to process a land development code amendment to establish the Heritage Overlay District.

Explanation: Heritage Districts are overlay districts that use special regulations to protect, conserve, and generally stabilize single-family residential neighborhoods with special architectural features. The Future Land Use, Housing, and Urban Design Elements of the Comprehensive Plan contain policies calling for the study and adoption, as needed, of Heritage Neighborhoods.

On September 25, 2006, the City Commission referred this issue to the

Community Development Committee. Planning and legal staff researched Heritage Districts in other cities around the state and the nation, and met with the University Park Neighborhood Association Board of Directors. The Community Development Committee discussed Heritage Districts on November 14, 2006; January 23, 2007; and June 19, 2007.

Typically, a city adopts an enabling ordinance that establishes a Heritage District designation, describes what is or can be regulated within a Heritage District, and describes procedures and criteria for applying the district to a particular area. This process is similar to the recently enacted Residential Parking Overlay District. An example, from Lexington, Kentucky, of Heritage District enabling regulations is provided as back up for this agenda item. In this case, the Community Development Committee recommends that the City Commission begin the process by instructing staff to process a land development code amendment to establish the Heritage Overlay District.

Fiscal Note: None

RECOMMENDATION

Community Development Committee to the City Commission: 1) the City Commission adopt an ordinance establishing a heritage neighborhood designation, and initiate a petition to the City Plan Board; and 2) remove this item from the Community Development Committee referral list.

City Manager to the City Commission: 1) initiate to the City Plan Board a petition amending the land development code to establish the Heritage Overlay District; and 2) remove this item from the Community Development Committee referral list.

Legislative History

9/25/06	City Commission	Referred (7 - 0)	Community Development Committee
11/14/06	Community Development Committee	Approved as Recommended	
1/23/07	Community Development Committee	Approved as Recommended	
4/10/07	Community Development Committee	Continued	
6/19/07	Community Development Committee	Approved as Recommended	

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- 060548_20070122.pdf
- 060548_200704101770.pdf

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

070367.**2008 State Legislative Agenda (B)**

Explanation: Annually, the City Commission adopts a State Legislative Agenda for presentation to the Alachua County Legislative Delegation. The Legislative Agenda is a compilation of the City of Gainesville's priority appropriation requests and policy initiatives for the upcoming State of Florida Legislative Session. It provides delegation members with comprehensive information in order for them to focus their efforts on specific legislative priorities and initiatives related to the City of Gainesville.

On August 30, 2007, the Audit, Finance and Legislative Committee approved five appropriation requests and four tier one policy initiatives as the City's 2008 State Legislative Agenda. These appropriation requests and initiatives have been prioritized with assistance from the City of Gainesville's state legislative lobbyist, Doug Bruce of Doug Bruce and Associates. The tier two policy initiatives included in the Legislative Agenda are not prioritized.

Fiscal Note: The 2008 State Legislative Agenda includes five appropriation requests for a total of \$4,775,000. If the appropriation requests are not fulfilled, the City will rely on other sources including local support.

RECOMMENDATION

The City Commission review and approve the proposed 2008 State Legislative Agenda as recommended by the Audit, Finance and Legislative Committee.

Legislative History

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

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REGIONAL UTILITIES COMMITTEE, CONSENT**070035.****GEAC Recommendation for Carbon Footprint Assessment Tool (NB)**

Explanation: At the January 16, 2007 meeting GEAC received a presentation for Mark Van Soestbergen regarding a carbon footprint assessment tool. This tool would be accessed online and allow users to determine their carbon footprint and view graphic representations of their impact. It would also allow for comparisons between different size, and type of users. A more in depth explanatory document will be provided as back-up.

Fiscal Note: There is a one time fiscal impact of \$10,000.00

RECOMMENDATION

The City Commission to provide \$10,000.00 in funding for a carbon footprint assessment tool as proposed by Mark Van Soestbergen of the International Carbon

*Bank and Exchange Inc.*Legislative History

5/14/07	City Commission	Referred (6 - 0 - 1 Absent)	Regional Utilities Committee
7/10/07	Regional Utilities Committee	Discussed	
9/11/07	Regional Utilities Committee	Approved as shown above (See Motion)	

EQUAL OPPORTUNITY COMMITTEE, CONSENT**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****070321.****Bethel Garage (NB)**

Explanation: The Bethel Garage is an historic building located at the intersection of SE 1st Street and SE 1st Avenue, directly adjacent to the Downtown Plaza. The building currently houses ticketing operations related to the RTS transfer station that is also located at the Plaza. However, as RTS is scheduled to move into its new facility this fall, all RTS activities at the Plaza, including those housed in the Bethel Station, will vacate the Plaza area. The CRA is therefore examining the redevelopment potential of the Bethel Station. Staff does not envision altering the external appearance of this historic building, but is exploring the potential for new activities (for example, a small café and eating area) that could be housed at this site. With thoughtful redevelopment, the Bethel Station provides a great opportunity to enhance and benefit from other Downtown amenities, such as the Plaza and the soon-to-be-built Downtown Hampton Inn.

RECOMMENDATION

CRA to the City Commission: 1) Allow the CRA to be the lead organization in the development of future uses for the Bethel Station.

Legislative History

8/20/07	Community Redevelopment Agency	Approved as Recommended (5 - 0 - 2 Absent)
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END OF CONSENT AGENDA**ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES**

070308.**Redevelopment Plan Amendments for the Inclusion of Green Building Concepts in the Downtown Expansion Redevelopment Area (B)**

Explanation: On February 19th, 2007, the CRA requested the advisory boards consider incorporating language related to green buildings and energy efficiency into the Downtown Expansion Redevelopment Area Plan, if that language was not already present. Environmentally friendly construction, or "green building" as it is often called, aims to achieve sustainability by incorporating principles, techniques, and materials that conserve natural resources and improve environmental quality throughout a building's entire life-cycle. Inclusion of these concepts in the Redevelopment Plan is necessary in order to authorize green building and/or energy efficiency requirements for CRA projects, whether supported through investment or tax increment recapture. It was determined that the Downtown Redevelopment Plan lacked language addressing green buildings. DRAB approved the concept at the March 28, 2007 meeting. At those times, the advisory board asked staff to incorporate language in the districts' Redevelopment Plan such that green building concepts, energy efficiency, resource conservation, and LEED (or equivalent) certification are well supported in the document. Staff subsequently drafted proposed language supporting green buildings to be included in both the Downtown Redevelopment Plan.

The amendments to the Downtown Plan are located in the "Redevelopment Plan & Implementation" section of the document. This section describes the overall goals for Downtown and includes lists of specific objectives for the various subsections of the Redevelopment Area (which are identified as the Central Business District, Transitional Industrial Areas, Commercial Corridors, and Downtown Neighborhoods). Language supporting green building practices and energy efficiency has been incorporated into both the district-wide general goals, and the more specific subsection objectives described above. A copy of the revised "Redevelopment Plan & Implementation" chapter of the Downtown Redevelopment Plan is attached as backup; additions to the text related to green building concepts are highlighted.

The proposed changes to the plan was approved by the CRA on July 16, 2007. The next step in this process is for the City Commission to adopt the proposed resolution (attached as backup) to amend the Redevelopment Plan.

Fiscal Note: None

RECOMMENDATION

CRA to the City Commission - The City Commission hold a public hearing at 1:00 PM, continue the public hearing until after 6:00 PM and adopt the proposed resolution.

CLERK'S NOTE: It is anticipated the CCOM will waive the Rules to hear this item at this time.

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070492. Redevelopment Plan Amendments for the Inclusion of Green Building Concepts in the College Park/University Heights Redevelopment Area (B)

Explanation: On February 19th, 2007, the CRA requested the advisory boards consider incorporating language related to green buildings and energy efficiency into the College Park/University Heights Redevelopment Area Plan, if that language was not already present. Environmentally friendly construction, or "green building" as it is often called, aims to achieve sustainability by incorporating principles, techniques, and materials that conserve natural resources and improve environmental quality throughout a building's entire life-cycle. Inclusion of these concepts in the Redevelopment Plan is necessary in order to authorize green building and/or energy efficiency requirements for CRA projects, whether supported through investment or tax increment recapture. It was determined that the College Park/University Heights Redevelopment Plan lacked language addressing green buildings. CPUH approved this concept at the March 7, 2007 meeting. At that time, the advisory board asked staff to incorporate language in the districts' Redevelopment Plan such that green building concepts, energy efficiency, resource conservation, and LEED (or equivalent) certification are well supported in each document. Staff subsequently drafted proposed language supporting green buildings to be included in the College Park/University Heights Redevelopment Plan.

The amendments to the College Park/University Heights Plan are located in the "Redevelopment Objectives and Initiative" section of the document. Language supporting green building practices and energy efficiency has been incorporated into district-wide general goals. A copy of the revised "Redevelopment Plan & Implementation" chapter of the College Park/University Heights Redevelopment Plan is attached as backup; additions to the text related to green building concepts are highlighted.

The proposed changes to the plan was approved by the CRA on July 16, 2007. The next step in this process is for the City Commission to adopt the proposed resolution (attached as backup) to amend the Redevelopment Plan.

Fiscal Note: None

RECOMMENDATION

CRA to the City Commission - The City Commission hold a public hearing at 1:00 PM, continue the public hearing until after 6:00 PM and adopt the proposed resolution.

CLERK'S NOTE: It is anticipated the CCOM will waive the Rules to hear this item at this time.

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CLERK OF THE COMMISSION

070432. City Commission Referral Lists (B)

RECOMMENDATION

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

Legislative History

9/10/07 City Commission Continued

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CITY MANAGER**070445.****Airport Firefighting Services Reimbursement (B)**

This item recommends that the City Commission hear a presentation from Fire Chief William K. Northcutt on proposed changes to the Agreement for services between the City and the Gainesville Alachua County Regional Airport Authority (GACRAA).

Explanation: The City has provided airport firefighting services to the GACRAA through contractual agreements since 1987. The current agreement, effective January 1, 2004, provides for automatic renewals and includes a provision of 365 days for either party to terminate the agreement. In 1998 the GACRAA requested that the City provide only one firefighter due to the reduction in size of aircraft serving the airport. Due to the complexity of aircraft fires, the number of potential impacted casualties, and safety to fire rescue personnel, the City would be unable to adequately provide protection to the community with only one staff member. It has been the position of the City that a minimum of two personnel are required to staff the airport fire station. An agreement was reached where the City would determine the number of assigned staff which changed the total cost reimbursement system to a negotiated fixed amount. The City has continued to be responsible for any additional costs of maintaining both firefighting personnel. In FY07, the additional cost to the City of providing airport firefighting services is projected at \$162,142.90. As a result of budget adjustments for FY08 and possible reductions in tax revenue in FY09, City staff was directed to evaluate potential budget decrements and revenue enhancements. One proposed revenue enhancement was for the City to require total cost reimbursement from GACRAA for firefighting services. Should negotiations with GACRAA staff not be successful, management would recommend the cancellation of this agreement and no longer provide services for aircraft firefighting.

Fiscal Note: The projected additional cost to the City to continue providing airport firefighting services in FY09 with no change to the agreement is \$204,892.06.

RECOMMENDATION

The City Commission 1) hear a presentation from Fire Chief William K. Northcutt on funding airport firefighting services; 2) authorize the City Manager to give notice by October 1, 2007 to the GACRAA of an intent to cancel the contract on 10/1/08 with the intent to immediately enter into negotiations on cost; 3)

authorize the City Manager to allow GACRAA to extend the current contract into FY09 for up to five months at full cost recovery to be exercised at GACRAA's option .

Alternative Recommendation A: The City Commission not hear the presentation from Chief Northcutt.

Alternative Recommendation B: The City Commission hear the presentation from Chief Northcutt and not authorize the City Manager to give notice to the GACRAA.

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GENERAL MANAGER FOR UTILITIES

070487.

Florida's Electrical Reserve Margins (NB)

A review of the extraordinary efforts required to assure adequate electric system power supplies over the Labor Day weekend provides useful insight about the state-wide operational issues affecting our electrical supply plans.

Explanation: Deerhaven 2 had an unscheduled outage over the Labor Day weekend, resulting in a situation where our projected loads were greater than our available supply. The Energy Authority's ("TEA") ability to obtaining replacement power for us was made more difficult due to constraints on the natural gas supply into Florida and the lack of available firm electric transmission. TEA's experiences dealing with several systems around the state at that time provide valuable insight into emerging operational trends and issues. These include the implications of cancelled generation units, transmission capacity, changes in weather, gas pipeline capacity, and events in regions outside of Florida. TEA is a municipally owned and operated power marketing agency representing roughly 25,000 megawatts ("MW") of generation assets across the USA. Gainesville is one of the six equity owners of TEA.

Fiscal Note: Not Applicable

RECOMMENDATION

The City Commission receive a presentation from The Energy Authority reviewing the status of generation and transmission capacity in Florida preceding and during the Labor Day weekend with a discussion of emerging operational trends and issues.

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

070500.

Mayor Pegeen Hanrahan - Roam Towing (NB)

RECOMMENDATION

The City Commission hear comments from representatives of University of Florida Student Government.

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

070488.

Gainesville Lodge #41 Free & Accepted Masons Day - Saturday, October 6, 2007 (B)

RECOMMENDATION

Gainesville Lodge #41 Past Master Ray M. Davis, Jr. to accept the proclamation.

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070489.

National 4-H Week - October 7-13, 2007 (B)

RECOMMENDATION

Alachua County 4-H Council President Amber Yarborough, Vice President Tiffany Banner, Treasurer Victoria Banner, and Extension Agent Ernest Terry to accept the proclamation.

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

PUBLIC HEARINGS

070442.

MILLAGE RATE RESOLUTION - 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; ADOPTING THE FINAL MILLAGE RATE; DIRECTING THE TRANSMITTAL OF CERTIFIED COPIES; AUTHORIZING A SPECIFIED ADJUSTMENT TO THE FINAL MILLAGE RATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

RECOMMENDATION

The City Commission adopt the proposed resolution.

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070443.

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 THE GENERAL OPERATING AND FINANCIAL PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The General Government Budget for Fiscal Year 2007-2008 as set forth in the Financial and Operating Plan - Budget by Funds is hereby submitted as prepared by the Office of Management and Budget.

RECOMMENDATION

The City Commission adopt the proposed resolution.

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070396.

**GAINESVILLE REGIONAL UTILITIES BUDGET - FISCAL YEAR
2007-2008 (B)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE FINAL 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 FINAL 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: Background:

The proposed resolution adopts a final 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.*

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

070455.

TOWING - FELONY CONVICTIONS (B)

Ordinance No. 0-07-83

An ordinance of the City of Gainesville amending Chapter 14.5, Article III, Section 14.5-27 to provide a time frame for disqualifying felony convictions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: We have conferred with City management and they have concurred with this amendment.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

The City Commission at its meeting on September 10, 2007, authorized the City Attorney to prepare and the

Clerk of the Commission to advertise an ordinance to allow convicted felons to obtain the driver permit under certain conditions. This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be October 8, 2007.

Legislative History

9/10/07 City Commission Referred (6 - 0 - 1 Absent) City Attorney
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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

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)
9/10/07	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 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)
9/10/07	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 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.*

Legislative History

9/10/07 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
070328_200709101300.pdf

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.***Legislative History**

9/10/07 City Commission Adopted on First Reading, as revised (Ordinance) (6 - 0
- 1 Absent)

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.***Legislative History**

9/10/07 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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.*

Legislative History

9/10/07 City Commission Adopted on First Reading (Ordinance) (4 - 2 - 1 Absent)
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.*

Legislative History

9/10/07 City Commission Adopted on First Reading (Ordinance) (5 - 1 - 1 Absent)
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.

Legislative History

9/10/07 City Commission Adopted on First Reading (Ordinance) (5 - 1 - 1 Absent)
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.*

Legislative History

9/10/07 City Commission Adopted on First Reading, as amended (Ordinance) (5 - 1 - 1 Absent)

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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.*

Legislative History

9/10/07 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

070379_200709101300.pdf

RESOLUTIONS- ROLL CALL REQUIRED

070441. Resolution for a Joint Participation Agreement - State Block Grant Funds for RTS Operating Assistance for FY 2007-2008 (B)

This item involves adoption of a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and Florida Department of Transportation (FDOT) to accept the allocation for Gainesville of \$1,361,840 from the State Block Grant Funds for FY 2007-2008.

Explanation: FDOT allocates state block grant funds for public transit systems each year. The allocations are based on a three-part formula that includes population, ridership, and vehicle miles operated. For FY 2007-2008, the allocation for Gainesville is \$1,361,840, an increase of \$5,534 from FY 2006-2007.

FDOT requires the governing board of each public transit system authorizing the acceptance of these funds adopt a resolution.

Fiscal Note: The Operating Assistance Joint Participation Agreement requires 50% match. Funds in the amount of \$1,361,840 for this match are available in the FY 2007-2008 RTS operating budget.

RECOMMENDATION *The City Commission adopt the Resolution.*

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PLAN BOARD PETITIONS

060497. Electronic Signs (B)

Petition 139TCH-06PB. City Plan Board. Amend the City of Gainesville Land Development Code to add electronic signs to list of prohibited signs (includes digital and LED signs) and add Definition of Electronic Signs.

Explanation: This issue has been the subject of several public meetings. The City Plan Board held a public hearing on this petition on October 19, 2006. On December 7, 2006, staff held a public workshop regarding electronic signs. The Plan Board held additional public hearings on January 30, 2007 and on March 15, 2007.

Public Notice was published in the Gainesville Sun on February 28, 2007. The Plan Board held a public hearing March 15, 2007. The Plan Board discussed the petition, heard public comments, and recommended that electronic signs be prohibited.

The City Commission held a public hearing regarding electronic signs on April 23, 2007. At that meeting, the Commission voted to adopt a moratorium on electronic signs. This moratorium will expire on October 23, 2007. The Commission also directed staff to work with stakeholders to seek compromise and consensus regarding the regulation of electronic signs.

Planning Division staff held a workshop with stakeholders from the Chamber of Commerce and representatives of the sign industry on July 12, 2007. A follow up meeting was held with Chamber of Commerce staff on September 17, 2007.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission prohibit electronic signs (including time & temperature devices), that an "electronic signs" definition be added to the land development code, that the "animated signs" definition be amended, that existing electronic signs be amortized, and that the "changing message device" definition be deleted. Plan Board vote 5-0.

Staff to City Commission - Allow electronic signs conditionally with a restricted sign size.

Legislative History

4/23/07 City Commission Approved, as shown above - See Motion(s)

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070447.

Petition 28LUC-07 PB. David Coffey, P.A., agent for Plum Creek Timberlands, LP (B)

Amend the City of Gainesville 2000-2010 Future Land Use Map from Alachua County Rural/Agricultural and City of Gainesville A (Agriculture) to City of Gainesville PUD (Planned Use District), SF (Single-family, up to 8 units per acre) and CON (Conservation) on approximately 1,754 acres.

Explanation: The 1,754-acre subject property is in the northwest portion of Gainesville. All except approximately 460 acres in the southern part of the subject property were annexed into the city on February 12, 2007. The property is north of NW 53rd Avenue, is largely split by State Road 121 (which, south of NW 53rd Avenue, is NW 34th Street). It is bounded to the southwest by NW 13th Street (US 441).

Adjacent to the west of the subject property is the Deerhaven Power Plant operated by Gainesville Regional Utilities. Most of the property adjacent to the east and west of the subject property is undeveloped or pine plantation (silviculture). The subject property is currently used for silviculture operations and both the subject property and surrounding areas are rural in character.

One of the most noteworthy features of the property is that at least a third of the

subject property is wetland, and the fact that it contains both important environmental features and the headwaters for three creek systems/basins.

The applicant proposes to establish City land use designations for this recently-annexed property. Those designations would be SF (Single-Family, up to 8 dwelling units per acre), CON (Conservation, up to one dwelling unit per five acres), and PUD (Planned Use District). Currently, these properties carry an Alachua County land use designation of Rural/Agriculture (allowing up to one dwelling unit per five acres).

The proposed PUD designation, if approved, will establish the land use for what the applicant proposes to be a future, mixed-use development consisting of up to 100,000 square feet of non-residential uses, of which 80,000 square feet could be retail uses. The PUD designations would apply to approximately 5 percent of the 1,754 acres (approximately 90 acres), and consist of two semi-centrally located clusters flanking SR 121. Approximately 34 percent of the 1,754 acres is proposed for Conservation land use (approximately 600 acres), and approximately 61 percent of the 1,754 acres would be designated Single-Family Residential (approximately 1,070 acres).

The applicant has proposed to add a new policy into the Future Land Use Element of the Gainesville Comprehensive Plan that would, within this project area, prohibit the construction of residential units within parcels designated Conservation (the City normally allows up to one single-family residential unit per five acres in the Conservation zoning district). The policy would also require that future development of the parcels designated single-family residential land use could not occur until the parcel is given a Planned Development zoning designation (which requires, among other things, that an ordinance be adopted describing development parameters for the parcel). Finally, the policy would lower the maximum single-family residential density allowed in the project area from 8 dwelling units per acre to 1.5 dwelling units per acre.

The applicant proposes to place conservation easements over important environmental features found within the project area to ensure their permanent protection. The location of these easements has not yet been determined. The applicant expects those determinations to be made at the development plan review stage.

A maximum of 540 residential dwelling units are proposed for the roughly 90 acres of proposed PUD land use on the subject property. The consultant for the applicant states that another 1,253 single-family residences are projected for the proposed single-family land use on the subject property, for a total of 1,793 residential units for the subject property at build-out. Should the applicant-proposed maximum density of 1.5 dwelling units per acre be adopted for the approximately 1,070 acres of proposed single-family land use on the subject property, the maximum number of single-family residences that can be built would be 1,605 residences (for a total of 2,145 residences), rather than the 1,253 projected by the consultant. Note, however, that the wetness of the subject property will, in all likelihood, result in a build-out of residences closer

to the number projected by the consultant rather than the maximum allowable.

State Road 121 is the arterial serving the Plum Creek development. Based on the lowest traffic estimates that were provided by the applicant (which subtracts out a substantial number of trips for floodplain/wetlands on the site), the SR 121 road segment can only handle about a quarter of the total trips for the development and meet concurrency. The current capacity of SR 121 is 7,286 average daily trips. The initial traffic study provided by the applicant is estimated (the low estimate) to generate 23,096 average daily trips at build-out. One of the most significant problems with the application for this petition, from the point of view of City staff, is that a full traffic study has not been provided for the land use amendment.

The Florida Department of Transportation (FDOT) and Alachua County also had several problems with the information submitted by the applicant for the proposed development, and the impacts that would result.

The subject property, before annexation into the city, was designated a Strategic Ecosystem by Alachua County. There are two strategic ecosystems found on the subject property and identified by Alachua County: Buck Bay east of State Road 121 and Hague Flatwoods west of 121. These ecosystems are valuable not because they are pristine, but because they are a major headwaters area within the county.

To mitigate the impacts of the school-age population that will be generated by future development of the subject property, the Alachua County School Board has requested that the petitioner work with the school district to: dedicate an appropriate elementary school site (25 acres +/-) within the development; explore innovative techniques for financing/construction of an elementary school; and establish a proportionate share mitigation plan to enhance the middle and high school capacities within the planning sectors.

The Plan Board discussed the petition, heard public comments, expressed serious concerns about environmental issues, traffic, schools, fiscal and sprawl impacts, and recommended that the requested land use changes be denied.

Public Notice was published in the Gainesville Sun on August 1, 2007. The Plan Board held a public hearing August 16, 2007.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission: The City Commission deny Petition 28LUC-07 PB. Plan Board vote 6-0.

Staff to City Commission: Approve Petition 28LUC-07 PB as recommended by staff, subject to approval of proposed Future Land Use Element Policy 4.3.4.

Alternative Recommendation -Deny Petition 28LUC-07 PB.

Staff to Plan Board - Approve Petition 28LUC-07 PB.

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DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

070490.

Appeal of Historic Preservation Board Certificate of Appropriateness (B)

Appeal of the approval by Historic Preservation Board of Certificate of Appropriateness with the condition that no part of the buildings exceeds three stories. The proposal includes replacing the historic structures with structures ranging in height from three to four stories, and the Demolition of 1102 Southwest 6th Avenue, 1116 Southwest 6th Avenue, and the garage behind 1101 Southwest 5th Avenue. (B)

Explanation: The subject property is located within the University Heights-South Historic District, along the north side of Southwest 6th Avenue, between Southwest 10th and 12th Streets. This property is approximately two-thirds of an acre in size, and is zoned RH-2, Residential High Density (8-100 dwelling units per acre). Additionally, the site is located within the University Heights Special Area Plan area.

On July 16, 2007 the City Commission heard the applicant's appeal of the Historic Preservation Board's June 12, 2007, denial of Petition 36COA-07 HPB. That petition was a request for a Certificate of Appropriateness (COA) that includes the construction of a three- to four-story multiple-family structure containing approximately 23 units and 63 bedrooms; the demolition of contributing accessory structures; and the demolition of a non-contributing principal structure.

The primary reason cited by the Historic Preservation Board (HPB) for denying the application was the height, mass and proportions of the proposed structure. The HPB indicated that they felt that a four story high structure on the subject Property was incompatible with the surrounding area, which predominantly consists of one- and two-story buildings. Primarily for those reasons, the HPB determined that the proposal is inconsistent with the City's guidelines, and therefore, voted 8 to 0 to deny the COA.

At the July 16, 2007, City Commission hearing the City Manager offered the applicant the opportunity to work with City staff to resolve the issues related to the Board's denial of the petition. The applicant accepted the offer and the City Commission voted to continue the appeal hearing until August 24, 2007. The

applicant and staff met on July 31, followed by subsequent meetings which resulted in a plan to lower the structures along S.W. 6th Avenue to two and three stories and lower the building behind 1114 S.W. 6th Avenue to three stories because the height is visible from S.W. 12th Street.

At its August 27, 2007 meeting, the City Commission approved the recommendation of the applicant and staff to further continue the appeal until such time as the issue is sent back to a regularly scheduled Historic Preservation Board meeting for further consideration. The applicant submitted the revised plan to the Historic Preservation Board. On September 4, 2007, the Historic Preservation Board reviewed the revised plan and heard a presentation by staff that recommended approval with conditions. The Board voted 5-2 to grant a certificate of appropriateness for the revised plan with staff conditions and one additional condition that no buildings exceed three stories. On September 6, 2007, the applicant filed notice of appeal of the approval and filed an amended notice on September 12, 2007, to clearly state the grounds of the appeal "because the condition limiting the number of stories is unreasonable, arbitrary, capricious and beyond the HPB's delegated authority."

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) hear the appeal of the September 4, 2007 decision of the Historic Preservation Board; and 2) affirm, amend, or reverse the historic preservation board's decision of September 4, 2007.

Historic Preservation Board to City Commission-affirm the Historic Preservation Board's decision of September 4, 2007.

Staff to Historic Preservation Board-Approve the COA with conditions as described in the staff report.

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Appeal of Denial by Historic Preservation Board of Certificate of Appropriateness for Demolition of 1102 Southwest 6th Avenue, 1116 Southwest 6th Avenue, and the garage behind 1101 Southwest 5th Avenue. The proposal includes replacing the historic structures with structures ranging in height from three to four stories. (NB)

Explanation: The applicant has appealed the Historic Preservation Board's June 12, 2007, denial of Petition 36COA-07 HPB. That petition is a request for a Certificate of Appropriateness (COA) that includes the construction of a three- to four-story multiple-family structure containing approximately 23 units and 63 bedrooms; the demolition of contributing accessory structures; and the demolition of a non-contributing principal structure.

The subject property is located within the University Heights-South Historic District, along the north side of Southwest 6th Avenue, between Southwest 10th and 12th Streets. This property is approximately two-thirds of an acre in size, and is zoned RH-2, Residential High Density (8-100 dwelling units per acre). Additionally, the site is located with the University Heights Special Area Plan area.

At the July 9, 2007 City Commission meeting, staff will discuss the evolution of this proposal. At that meeting staff will provide details related to previous development proposals and recommendations for the subject property.

The primary reason cited by the Historic Preservation Board (HPB) for denying the application is the height, mass and proportions of the proposed structure. The HPB indicated that they felt that a four story high structure on the subject Property was incompatible with the surrounding area, which predominantly consists of one- and two-story buildings. Primarily for those reasons, the HPB determined that the proposal is inconsistent with the City's guidelines, and therefore, voted 8 to 0 to deny the COA.

RECOMMENDATION

The City Commission: 1) hear the appeal of the June 12 denial of the Historic Preservation Board and 2) affirm, amend, or reverse the Historic Preservation Board's decision.

A. 1) hear the appeal; and 2) affirm, amend, or reverse the historic preservation board's decision of June 12, 2007.

*Historic Preservation Board to City
Commission-affirm the Historic Preservation Board's decision*

Staff to Historic Preservation Board-Approve the COA with conditions

Legislative History

7/9/07	City Commission	Continued (6 - 0 - 1 Absent)
7/16/07	City Commission	Continued (7 - 0)
8/27/07	City Commission	Approved as shown above (See Motion) (6 - 0 - 1 Absent)

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070481.**PROPOSED SETTLEMENT IN FIRE OF GOD MINISTRIES, INC. V. CITY OF GAINESVILLE (CASE NO.: 1:06-CV-188-SPM-AK - U.S. DISTRICT COURT) (B)**

Explanation: In September 26, 2006, the Mayor was served with a Summons and Complaint by Fire of God Ministries, Inc., alleging that the City applied its land development code in an unequal and discriminatory manner by requiring Plaintiff to apply for a Special Use Permit. The Plaintiff asked the Court to enjoin the City from requiring it to obtain a special use permit and to declare the City in violation of the Religious Land Use and Institutionalized Persons Act (RLUIPA), the First Amendment and Equal Protection laws. The Plaintiff later added counts requesting damages.

The City and Fire of God attended a court ordered mediation. After the City issued a zoning compliance permit so as to comply with RLUIPA, the parties negotiated a settlement whereby Fire of God Ministries, Inc. agreed to conditions associated with its use of the property, the same type of conditions that Fire of God Ministries, Inc. would have to comply with had they obtained a special use permit. The City agreed to pay Fire of God Ministries, Inc. certain attorney fees and costs in the case in the amount of \$30,000.00 and to waive and/or reimburse other costs in the amount of approximately \$560.00. It is the recommendation of the City Manager, outside counsel, and the City Attorney's Office that the case be settled as described above.

RECOMMENDATION

The City Commission 1) approve the terms of the settlement agreement; 2) authorize the City Attorney and/or outside counsel to settle the claim of Fire of God Ministries, Inc. on behalf of the City.

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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)