

City of Gainesville

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



Meeting Agenda

September 11, 2006

1:00 PM

City Hall Auditorium

City Commission

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

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

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

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

041219

First Amendment to Dumont Company, Inc. for Sodium Hypochlorite, Storage Vessels, and Containment (B)

This item involves a request for the City Commission to approve the amendment of the original contract with Dumont Company, Inc. to include Mickle Pool.

Explanation: The City Commission awarded a bid to the Dumont Company, Inc. on April 25, 2005 to provide sodium hypochlorite, storage vessels, and containment units at its two largest pools, H. Cherry Spurgeon and Dwight Hunter. The city recently changed Mickle pool from chlorine gas to a liquid chlorine delivery system.

An amendment is needed to include Mickle Pool in this contract. An additional delivery of approximately 10,000 gallons of Sodium Hypochlorite is needed, as well as a storage vessel and a containment tank, as stated in the original contract regarding the other two pools.

An amendment is also needed to increase the estimated gallons of use yearly for H. Cherry Spurgeon and Dwight Hunter pools to 25,000 from the 18,000 gallons in the original quote.

Fiscal Note: The total cost to amend this contract will be \$40,220. These funds are available within the Aquatics Division's materials and supplies budget.

RECOMMENDATION

Recommended Motion: The City Commission approve the contract amendment with Dumont Company.

Alternative Recommendation A: The City Commission deny the request to amend the contract.

Legislative History

4/25/05 City Commission Approved as Recommended (6 - 0 - 1 Absent)

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050348**Second/Final Extension of the Ironwood Grounds Maintenance Agreement (B)**

This item involves a request for the City Commission to approve the second one-year extension of the Ironwood Grounds Maintenance Agreement.

Explanation: The City's current first-extension with OneSource Landscape and Golf Services, Inc. for grounds maintenance at Ironwood Golf Course expires on September 30, 2006. The contract allows for two one-year extensions based on their satisfactory performance. OneSource Landscape and Golf Services, Inc. is not only experienced in Ironwood's course maintenance standards, but continues to work effectively with the City's golf course manager and staff as well.

Fiscal Note: This is the final year/second extension of the current contract. In FY 2006 the contract payment was \$486,342.28. For FY 2007 the amount will be \$505,794.93 based on a 4% CPI increase as allowed by the contract. Funds are available in the Ironwood Enterprise Fund.

RECOMMENDATION

Recommended Motion: The City Commission approve the second one-year extension to the contract with OneSource Landscape and Golf Services, Inc. for grounds maintenance at Ironwood Golf Course in the amount of \$505,794.93 for the period of October 1, 2006 through September 30, 2007.

Alternative Recommendation A: The City Commission decline the second one-year extension.

Legislative History

9/12/05 City Commission Approved as Recommended (4 - 0 - 3 Absent)

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060300.**Annexation of City-owned Water Reclamation Facility and Surrounding City-owned Parcels (B)**

This is the submission of a petition for voluntary annexation of City-owned land in the area of Kanapaha Lake and Gardens.

Explanation: The City owns 8 parcels of land totaling approximately 145 acres in the vicinity of SW 75th Street, SW 24th Avenue and SW Archer Road. This land is managed by GRU and is the location of the Kanapaha Water Reclamation Facility. The parcel numbers are 06909-000-000 (9.65 acres), a portion of 06837-000-000 (60.91 acres), 06842-001-000 (15 acres), 06844-000-001 (3.13 acres), a portion of 06845-000-000 (5 acres), 06846-000-000 (33.22 acres), 06847-000-000 (16.89 acres) and 06848-000-000 (2 acres). Staff has reviewed the requirements of the Boundary Adjustment Act. This area meets the requirements of the Act and is appropriate for annexation.

In order to annex these parcels into the City limits, the owner must submit a petition to the City of Gainesville for voluntary annexation. As the owner, the Mayor, on behalf of the City, must execute a petition for voluntary annexation.

Fiscal Note: The fiscal impact of this annexation will be addressed in the urban services report.

RECOMMENDATION

The City Commission: 1) authorize the Mayor, as agent for the City, to sign the petition for voluntary annexation; 2) receive the petition for annexation and make findings that it contains the signature of the property owner or authorized agent; 3) direct the City Manager to analyze the area; and 4) 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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060385.

Annexation of Parcel Number 06706-044-000 and Parcel Number 06706-045-000 (B)

This is the submission of petition for voluntary annexation in the area of SW 20th Avenue.

Explanation: Eugene Schroeder, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The properties are generally located south of the City Limits and SW 17th Place, west of vicinity of SW 34th Street, north of the vicinity of SW 20th Avenue and east of the SW 38th Terrace. Staff has determined that the petition bears the signature of the property owner or authorized agents. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation. The area is approximately half of an acre.

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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060386.

Annexation of Parcel Number 07240-001-008 (NB)

This is the submission of petition for voluntary annexation in the area of SW 41st Blvd.

Explanation: KC Inc., property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The properties are generally located south of the vicinity of Archer Road, west of vicinity of SW 41st Blvd., Interstate 75 and the City limits, north of the vicinity of Williston Road, and east of Tax Parcel 07240-000-000. 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 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.

060388.

Approval of Architect for Depot Gardens Houses in Porters (NB)

This item proposes to authorize the City Manager or his designee to negotiate a contract price and execute a contract with Karson and Associates, Inc to design the houses and the site layout for the Depot Gardens development.

Explanation: At the November 13, 2000 City Commission Meeting, the City Commission: 1) approved the acquisition of Southwest 8th Avenue (Tax parcel #13317-000-000); 2) approved the purchase price of \$45,000 plus closing costs to effect the sale; 3) authorized the City Manager or his designee to execute a Purchase and Sale Agreement and other relevant documents necessary to complete the acquisition of the property; 4) accepted the Special Warranty Deed

from Gene Robinson, as required to effect the conveyance of the property, subject to approval by the City Attorney as to form and legality; and 5) approved the Housing Division developing this property as affordable housing.

On May 22, 2006, the Purchasing Division issued a Request for Statement of Qualifications for Architectural Services from prospective bidders for the Depot Gardens development. Three firms attended the mandatory pre-bid meeting but only one firm responded. After reviewing the one bid submitted and meeting with the bidder, the evaluation team is recommending that the City negotiate a contract price and execute a contract with Karson and Associates, Inc to design houses, floor plans and the site for the Depot Gardens Development.

The development is intended to provide five houses of traditional Florida architecture, with houses facing Depot Avenue being tall, two-story structures of urban character and the others facing north being one-and-a-half or two stories. The development should be designed so as to be urban in character because of the urbanizing nature of the Depot Road corridor, but should create an appropriate transition on the north side of the site so as to fit into the context of the existing, established Porters neighborhood. This development has the opportunity to reinforce the design character of the Depot Avenue corridor, provide a well designed development that helps to stabilize and enhance the Porters neighborhood, and to provide housing for a mix of income levels (with three at market rate and two assisted, or two at market rate and three assisted).

Fiscal Note: The Housing Division's HOME budget has \$50,000 available to cover the cost of the services.

RECOMMENDATION

The City Commission authorize the City Manager or his designee to: 1) negotiate a contract price with Karson and Associates, Inc to design houses, floor plans and the site for the Depot Gardens development; and 2) execute a contract with Karson and Associates, Inc, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A:

The City Commission could choose to approve the recommendation and require that the house and site plans be presented to Commission at a later date.

060394.

Infill Housing (B)

This item proposes to build three single-family detached homes on scattered sites for resale to low-income first-time homebuyers.

Explanation: The Housing Division is proposing to build three single-family detached homes for resale to low-income first-time homebuyers on the following vacant lots: 2406 N.E. 6th Avenue, 2523 N.E. 3rd Place, and 338 S.W. 8th Avenue. The houses will be Cedar Grove model house plans with approximately 1400 square feet of heated and cooled space and two-car garages.

At the June 12, 2006 City Commission meeting, the City Commission approved the Amended Local Housing Assistance Plan for fiscal years 2005-2008, which included a New Construction Program Strategy for infill housing. The proposed new houses are consistent with this strategy.

Fiscal Note: Funds are available in the amount of \$350,000 in the Housing Division's FY2005-2006 HOME and SHIP budgets to cover the cost of construction.

RECOMMENDATION

The City Commission: 1) declare the properties located at 2406 N.E. 6th Avenue, 2523 N.E. 3rd Place, and 338 S.W. 8th Avenue as surplus properties; 2) authorize the Housing Division to construct three-bedroom, two-bath houses with two-car garages on vacant sites located at 2406 N.E. 6th Avenue, 2523 N.E. 3rd Place, and 338 S.W. 8th Avenue; 3) authorize the sale of the newly constructed homes at market value to eligible low-income homebuyers that will be identified at a future date; 4) authorize the Housing Division to provide the grants and/or subsidies required to make the purchase of the properties affordable for low-income homebuyers; 5) authorize the City Manager or designee to execute the required purchase and sale agreements, grant or subsidy agreements and any other certifications or assurances required to transfer ownership to the homebuyers that will be identified at a later date; 6) authorize the Mayor and Clerk of the Commission to execute the warranty deeds required to transfer titles to low-income homebuyers that will be identified at a later date; and 7) authorize the Housing Division to use standard program subsidies and purchase and sale documents to consummate the transactions, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission not approve the construction of the three affordable houses.

Alternative Recommendation B: The City Commission could choose to approve an amended recommendation that included construction of homes on some of the sites mentioned above.

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060404.

Application for Disability Retirement for Mark Nelson (B)

Retirement application for Mark Nelson, Maintenance Worker I with Public Works for 10.333 years has been under the care of physicians for several medical reasons.

Explanation: A meeting of the Disability Review Committee was conducted on Friday, August 18, 2006 to review the application for disability retirement of Mark Nelson. In reviewing the application and supporting information from his physician, it is the recommendation of the Disability Review Committee that the City Commission approve the application.

Mark Nelson, Maintenance Worker I with 10.333 years with Public Works Department, has been under the care of physicians for several medical reasons. Information provided to the Committee from his physician and from the City of Gainesville's third party administrator Health Direct Inc, states Mr. Nelson is totally disabled and wholly and continuously unable to perform any and every duty of his employment or of a position to which he may be assigned.

Fiscal Note: The current monthly salary, final average earnings of the employee's 36 highest consecutive months of earnings, and the estimated benefit for this employee has been determined as follow: current monthly salary - \$1,879.74; final average monthly earnings - \$1,850.69; final monthly benefit (without Social Security offset, if any determined at a later date) - \$740.28. These benefits would be retroactive to June 19, 2006 and will be paid from the Disability Pension Fund.

RECOMMENDATION *The City Commission approve the submitted application for disability for Mark Nelson, Maintenance Worker I, Public Works.*

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060406.

Award of Contract for Collection and Laboratory Technical and Professional Services to Jagers Enterprises DBA Elite Services (B)

This item involves a request for the City Commission to approve the selection of Jagers Enterprises DBA Elite Services as the provider for Collection and Clinical Laboratory Services.

Explanation: The City of Gainesville administers various pre-employment, random, and post accident drug testing programs. In addition to the drug testing programs, the City of Gainesville has offered low cost access to certain diagnostic testing to its employees and retirees through a contracted arrangement with an outside provider. Recently, the City initiated a competitive bid process to award the contract for Collection and Clinical Laboratory Technical and Professional Services. Through the Purchasing Division, the Request for Proposals (RFP) was distributed via Demand Star. In addition, each local laboratory was contacted notifying them of the RFP. The nature of this service requires that a local collection site is available for both, normal working hours and after hours for drug testing purposes. The City received two proposals, one of which did not address collection services.

The proposal, received from Jagers Enterprises DBA Elite Services, was reviewed by staff and determined to meet all the qualification specified in the RFP. In addition to meeting all the criteria in the RFP, the lab test pricing was approximately \$30,000 less than the pricing in the other proposal. Based on that review, staff recommends awarding the Contract to Jagers Enterprises DBA

Elite Services.

Fiscal Note: Funds of approximately \$70,000 have been included in the proposed Fiscal Year 2007 General Insurance Fund and Employee Health and Accident Benefits Fund operating budgets.

RECOMMENDATION

The City Commission authorize: 1) the Award of the Contract for Collection and Clinical Laboratory Technical and Professional Services to Jagers Enterprises DBA Elite Services for a period of three years beginning October 1, 2006; 2) the issuance of a Purchase Order in an amount sufficient to cover the applicable charges for collection and laboratory services; and, 3) the City Manager or designee to negotiate and execute, subject to the approval of the City Attorney as to form and legality, a contract with Jagers Enterprises DBA Elite Services.

Alternative Recommendation:

The Federal Transit Administration requires that random drug testing be conducted during all normal hours of operation. The Regional Transit System currently provides services until the early morning hours. In addition, the City's Drug Free Workplace Program's post-accident testing may also require after hour drug testing to fully comply with State Law and the City's collective bargaining agreements. The inability to comply with the above standards could put the City's FTA grants at risk and have an adverse effect on future Regional Transit Systems operating and capital grant funding. With this being the case, there is no alternative at this time. Staff spent considerable time attempting to find qualified local collection sites for this service. The current vendor cited the after hours drug testing requirement as the reason for not submitting a proposal during this recent process.

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060407.

Agreement Between the City of Gainesville and Center for Independent Living of North Central Florida (B)

This item involves a request to execute the Agreement with the Center for Independent Living of North Central Florida (CIL-NCF) to determine the eligibility of persons with disabilities to qualify for ADA Certification for the Regional Transit System (RTS) starting Sunday, October 1, 2006.

Explanation: Beginning October 1, 2006, RTS is requesting the approval to renew the existing contract with the CIL-NCF for a one-year period. CIL-NCF services for RTS will consist of re-certification or certification of ADA (Americans Disabilities Act) eligibility applicants, ADA paratransit eligibility determination, ADA field certifications and ride audits. Certification and re-certification of the ADA

eligibility contract will be \$35 per application, ADA paratransit eligibility determination at the cost of \$25 per application and ADA paratransit field certification at the cost of \$20 per application processed in the field. The Agreement allows for three additional one-year extensions.

Fiscal Note: Funding for this Agreement in the amount of \$47,280 is available in the RTS FY 2006 and FY 2007 operating budgets.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Agreement with the Center for Independent Living of North Central Florida, for the period of October 1, 2006 to September 30, 2007 for certification or re-certification of ADA eligibility applicants and ADA paratransit eligibility determinations; and 2) authorize the City Manager to execute any and all related documents.

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060408.

Final Adoption of the Transit Development Plan for FY 2007 (B)

This item involves a request that the City Commission adopt the RTS Transit Development Plan as submitted to the Florida Department of Transportation (FDOT) on June 30, 2006.

Explanation: The FDOT requires that a transit system update and submit a Transit Development Plan (TDP) each year by July 1 to maintain its eligibility for state transit block grant funds. The TDP outlines the development of transit in a community over a five-year period. The governing board of a transit system must adopt a TDP to maintain eligibility for FDOT transit block grant funding. The City Commission acts as the governing board for public transit in the Gainesville urban area.

Fiscal Note: During FY 2006, the City of Gainesville received \$1,258,011 in FDOT transit block grant funds.

RECOMMENDATION

Recommended Motion: The City Commission: 1) adopt the TDP for FY 2007-2011.

Alternative Recommendation A: The City Commission reject the motion to adopt the TDP. The resulting fiscal impact is the loss of the FDOT \$1,356,306 in block grant funds for FY 2007.

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060409.

Interlocal Agreement with the University of South Florida (B)

This item involves a request to authorize the City Manager to execute the Interlocal Agreement between the City of Gainesville and the University of South Florida Center for Urban Transportation Research for \$34,394 to

support RTS with technical assistance and expertise relative to a Florida Department of Transportation (FDOT) service development grant.

Fiscal Note: The total cost of the proposed scope of work is \$34,394. The research project funds are currently allocated in the RTS FY 2006 marketing budget. RTS can invoice 50% of the total CUTR research project costs against the FDOT FY 05/06 Service Development Funds Grant (F. P. No: 411177 4 84 01) and will receive the revenue from FDOT in FY06/07.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Interlocal Agreement with University of South Florida to provide Public Transit Service Development Technical Assistance for RTS; and 2) authorize the City Manager to execute any and all related documents.

Alternative Recommendation A: The City Commission: 1) deny authorization of the City Manager to execute the Interlocal Agreement with University of South Florida to provide Public Transit Service Development Technical Assistance for RTS. Failure to execute the Interlocal Agreement will result in the loss of the opportunity to invoice 50% of the total CUTR research project costs (approximately \$17,197) against and receive outstanding FDOT Service Development Grant Marketing Funds, and the loss of the benefit of a completed research project and technical report for the RTS Commuter Service Market and Development Plan.

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060424.

Agreement Between the School Board of Alachua County and the City of Gainesville for the School Resource Officer Program for the 2006/2007 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 an 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.

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 and training for the School Resource Officers program.

RECOMMENDATION

Recommended Motion: 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, 2006 to September 30, 2007, subject to approval by the City Attorney as to form and legality.

Alternative Recommended Motion A: 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.

Alternative Recommended Motion B: None

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060429.

EDUCC - Referral Status Review (B)

This item seeks City Commission approval of staff's recommendations regarding maintenance and removal of Economic Development University Community Committee (EDUCC) pending referrals.

Explanation: The EDUCC has a number of pending referrals that have either been acted on by the Committee itself, another City Committee or the City Commission in its entirety. These referrals are recommended for removal. Other referrals, particularly those focused on the Innovation Zone and related issues, are recommended to be maintained.

The EDUCC approved staff's recommendation as per attached back-up at its regularly scheduled meeting on August 17, 2006.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission: 1) approve staff's recommendation regarding EDUCC pending referrals.

Alternative Recommendation

The City Commission: 1) deny staff's recommendation

regarding EDUCC pending referrals.

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060460.

Bid Award - Traffic Signal Construction at NW 8th Avenue and NW 22nd Street (B)

This item involves a request for the City Commission to authorize the bid award to PAH Constructors, Inc., for the traffic signal construction project at N.W. 8th Avenue and N.W. 22nd Street in the amount of \$ 216,796.45.

Explanation: On July 31, 2006, the City Purchasing Division received bids for the traffic signal construction project at NW 8th Avenue and NW 22nd Street. Only one firm responded with a bid out of 13 plan holders. PAH Constructors, Inc. was the lowest responsive bidder in the amount of \$265,196.45.

The submitted bid exceeded available funding. Purchasing procedures allow for negotiations with the sole bidder to reduce the project bid. A revised scope of the work and bid has been negotiated. The revised bid is \$216,796.45

Fiscal Note: The funding for this project is available in the Public Works Department capital project account for NW 8th Avenue and 22nd Street. The contract amount for this project is \$216,796.45.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the bid award to PAH Constructors, Inc., for the traffic signal construction project at NW 8th Avenue and NW 22nd Street; and 2) authorize the City Manager to execute the contract and issue a purchase order not to exceed \$216,796.45.

Alternative Recommendation:

The City Commission deny the request for the bid award to PAH Constructors, Inc., and direct the City Manager to leave the traffic signal in its current state, without turn arrows.

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060461.

Pending Consent Order for the Old Landfill Project at Sweetwater Branch (B)

This item involves a request to the City Commission to authorize the City Manager to execute a Consent Order to be issued by the Florida Department of Environmental Protection for turbidity violations and sediment discharge from the project site for an estimated cost of \$200,000.

Explanation: A draft of the Consent Order cites the turbidity violations and sediment discharges occurring between February 25, 2005 and May 13, 2005 that were a result of the first contractor's activities on the project. The Consent Order lists \$63,390 as a penalty for the water quality violations and requires a Restoration

Action immediately downstream of the project site that will remove up to 400 cubic yards of the sediment from the stream. The costs are \$63,390 (for water quality violations) and \$136,610 (+/- for the restoration action) for an estimated total of up to \$200,000. In addition, there are numerous items within the Consent Order to ensure that the City performs the agreed upon activities in a timely manner.

The draft Consent Order is being presented for consideration because it is believed that the final Consent Order will be identical. If so, then execution of the Consent Order would be appropriate when it arrives in September.

Fiscal Note: Funds are available in the Solid Waste Enterprise Fund balance account 420-2710.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Consent Order for the Old Landfill Project (OGC File NO. 06-1782) upon receipt, provided it substantively conforms to the draft of the same; 2) authorize the City Manager to execute all related administrative duties enumerated within the Consent Order; and 3) authorize all necessary budget amendments, including the transfer of funds, from the Solid Waste Enterprise fund balance account to carry out the Consent Order.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

060455.

Reimbursement for Oversizing of Water and Wastewater Facilities at Town of Tioga Phases 12 & 13 (NB)

Town of Tioga Phases 12 & 13 provides an opportunity for beneficial oversizing of the water distribution system.

Explanation: Town of Tioga Phases 12 & 13 is a single family residential subdivision proposed 4 miles West of I-75 on Newberry Road. A wastewater gravity collection system and a potable water distribution system must be constructed to serve the development with domestic wastewater and potable water.

In order to properly serve adjacent undeveloped parcels, oversizing is required for a segment of water main. GRU's incremental cost for the developer to provide a larger water main segment is \$51,717.

Fiscal Note: Monies for this project are available in the FY 07 Water and Wastewater Capital Improvements Budget.

RECOMMENDATION

The City Commission authorizes reimbursement to the Developer of Town of Tioga Phases 12 & 13, Caribemar, Inc. for the oversizing of the water facilities in an amount not to exceed \$51,717.

060456.**Reimbursement for Oversizing of Water and Wastewater Facilities at Willow Oak Plantation (NB)****Willow Oak Plantation provides an opportunity for beneficial oversizing of the water distribution and wastewater collection systems.**

Explanation: Willow Oak Plantation is a single family residential subdivision proposed at SW 88th Street and SW 73rd Avenue. A wastewater gravity collection system and a potable water distribution system must be constructed to serve the development with domestic wastewater and potable water.

In order to properly serve adjacent undeveloped parcels and minimize the need for future lift stations that GRU would have to operate and maintain, increased depth of the gravity collection system is required. Also, water and wastewater stubouts will be provided to most efficiently serve undeveloped parcels. Additionally, opportunity exists to strengthen the water distribution system by oversizing a segment of water main. GRU's incremental cost to deepen the gravity wastewater system and stubout wastewater service is \$9,996. GRU's incremental cost for the developer to provide a larger water main segment and stubouts is \$19,479.

The recommended amount of \$29,475 includes all construction labor and materials associated with the water and wastewater system oversizing to satisfactorily complete the work.

Fiscal Note: Monies for this project are available in the FY 07 Water and Wastewater Capital Improvements Budget.

RECOMMENDATION

The City Commission authorizes reimbursement to Willow Oak Development, LLC, for the oversizing of the water and wastewater facilities in an amount not to exceed \$29,475.

060457.**An Ordinance Amending Chapters 27 and Appendix A of the Gainesville Code of Ordinance (B)**

Staff has conducted the required five year review of the industrial pretreatment program (IPP) and the local limits for discharging to the wastewater collection system. Changes to the existing ordinance are necessary to reflect the new local limits and to comply with regulatory requirements for administering the IPP. Staff is also taking this opportunity to correct a reference in the cross connection control ordinance.

Explanation: Every five years, the industrial pretreatment limits are re-evaluated as part of requirements set by Florida Department of Environmental Protection. The industrial pretreatment limits set the maximum allowable concentrations of

certain wastewater constituents that can be discharged to the wastewater collection system. These limits are important to reduce releases from the collection system, prevent upsets at the treatment plants, and protect the environment. A tabulation of the old limits and the proposed limits is attached for your information. The new limits are not anticipated to impact any existing customers.

Additionally, the City Code pertaining to the cross connection control program needs to be changed to reference the current section of the Florida Administrative Code that pertains to cross connection control. The cross connection control program is administered by GRU staff to protect the drinking water supply from hazards on the customer side of the meter.

Fiscal Note: There will be no fiscal impacts associated with these ordinance revisions.

RECOMMENDATION

The City Commission authorize the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance amending sections of Chapters 27 and Appendix A of the Gainesville Code of Ordinances as necessary to incorporate changes recommended by staff to the IPP and the cross connection control programs.

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060462.

Authority to Procure Goods and Services for Energy Conservation Programs (NB)

Staff is requesting authorization to procure goods and services required to implement new energy conservation programs.

Explanation: The City Commission approved energy conservation programs in the FY 2007 budget for the purpose of reducing energy use. Some of the programs included in this approval request are compact fluorescent lamps (CFLs), home energy audit kits, LED lighting and energy miser units for vending machines.

Staff is in the process of soliciting sources for goods and services needed to establish these programs. Due to the short time frame to procure and establish these initiatives, staff is requesting authority to purchase goods and services required to implement the new conservation programs. No single purchase will exceed \$100,000. All purchases will be procured in accordance with established purchasing policies and procedures. Purchases exceeding \$25,000 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: All Funds included in this request are included in the FY 2007 budget.

RECOMMENDATION

The City Commission: 1) authorize the Interim General Manager, or her designee to negotiate and execute such contracts as needed to procure goods and services required to implement new energy

conservation programs, subject to approval of the City Attorney as to form and legality, and 2) approve the issuance of purchase orders for the required goods and services to various vendors amounts not exceeding budgeted amounts for FY 2007.

CITY ATTORNEY, CONSENT AGENDA ITEMS

060428.

SEXUAL PREDATOR OFFENDER PARKS (B)

Explanation: When authorizing the addition of San Felasco County Park to the Sexual Predator ordinance at its June 12, 2006 regular meeting, the Commission inquired about the inclusion of other parks. Since that inquiry, the City Attorney's Office in coordination with the Police and Recreation and Parks Department have crystallized the criteria to be used in determining whether to request authority to add or remove a park from the list. Referrals to the Commission will be made when in staff's determination a park is one where children regularly congregate generally without adult supervision. Using the criteria, it is determined that Wacahoota Archery Range and Park should be removed from the list and Spring Hill Park and Woodlawn Park should be added to the list.

RECOMMENDATION

Authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Sec 17-32 of the City of Gainesville Code of Ordinances.

060447.

KEN ROBERTS VS. THE CITY OF GAINESVILLE; EEOC CHARGE NO. 510-2006-03395 (B)

Explanation: On August 22, 2006, the City of Gainesville received a Notice of Charge of Discrimination from the U.S. Equal Employment Opportunity Commission. Mr. Ken Roberts alleges discrimination due to his age after he was not offered the position of Firefighter for which he applied.

RECOMMENDATION

The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to represent the City in the case styled Ken Roberts vs. the City of Gainesville; EEOC Charge No.: 510-2006-03395.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

060442.**Resignation of Advisory Board/Committee Member Gloria Lopez (B)****RECOMMENDATION**

The City Commission accept the resignation of Gloria Lopez from the Citizens' Advisory Committee for Community Development effective August 18, 2006.

060448.**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of August 21, 2006 (2 Special Meetings); and August 28, 2006 (Regular Meeting); as circulated.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****REGIONAL UTILITIES COMMITTEE, CONSENT****031086****Utility Policies for Residential Grid-connected Solar Electric Systems, 031086 (NB)**

Explanation: On July 6, 2006 the Regional Utilities Committee received a presentation on the policies of Austin Energy, Sacramento Municipal Utility District and other Florida utilities to promote residential grid-connected solar electric systems.

Current solar electric system interconnection policies and procedures are designed to encourage our customers to interconnect solar electric systems with the electric distribution system and provide a standard contract that guarantees they can sell any excess electricity generated back to GRU. Nearly all of the electricity generated by the solar electric systems currently interconnected to the electric distribution system is used within the customer's facilities, which displaces energy that would otherwise be purchased from GRU. Staff reviewed Florida regulations; other utility policies and tariffs, and conducted phone interviews of other Florida utilities. Staff also contacted Austin Energy and the Sacramento Municipal Utility District to characterize the solar electric system interconnection policies and procedures of these utilities.

Staff proposals in the FY 2007 Budget include the impacts of fee elimination and a proposed PV rebate of \$1.50 per Watt, which in association with the \$4 State of Florida rebate, provides a \$5.50 per Watt incentive.

Fiscal Note: The impact of removing the application fee for these projects and the Photovoltaic rebates have been incorporated in the FY 2007 Budget

RECOMMENDATION

The City Commission: a) Eliminate the \$200 application fee for solar electric system interconnection, proposed in the FY 2007 Budget, and; b) Remove Item # 031086 - Utility Policies for Residential Grid-connected Solar Electric Systems from the Regional Utilities Committee (RUC) referral list

Legislative History

3/29/04	City Commission	Referred (7 - 0)	Regional Utilities Committee
3/3/05	Regional Utilities Committee	Discussed	
9/8/05	Regional Utilities Committee	Discussed	
11/10/05	Regional Utilities Committee	Discussed	
4/27/06	Regional Utilities Committee	Deferred	
6/8/06	Regional Utilities Committee	Continued	
7/6/06	Regional Utilities Committee	Recommended for Approval, as shown above	

2005 Photovoltaic Interconnection Survey Result Matrix.jpg

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****060309.****Gainesville Sports Organizing Committee Recognition of Gainesville Fire Rescue (NB)**

This item requests that the City Commission hear a presentation from the Gainesville Sports Organizing Committee to Gainesville Fire Rescue for their support of the 2006 Florida Firefighter Games.

Explanation: Since 1972, the Florida Firefighter Games, formerly known as the Florida Firefighter Olympics, have provided a forum for competition and team building

for all of Florida's certified full-time and retired career firefighters. The games are composed of over 50 individual and team events such as archery, biking, distance-running, power-lifting, rope climbing, softball, swimming, and track and field events. Each year, a different city is given the opportunity to host the games and Gainesville was chosen for 2006. The games provided six weeks of competition beginning in mid-April and lasting through the end of May. Gainesville Fire Rescue personnel successfully earned several gold medals for a variety of events. Locations for the different competitive events were distributed throughout the City of Gainesville and Alachua County and provided a significant economic benefit to the community. This award from the Gainesville Sports Organizing Committee expresses gratitude to Gainesville Fire Rescue for their supporting role in bringing this state-wide event to our community by providing hospitality, networking, and local resources.

Fiscal Note: None

RECOMMENDATION

The City Commission hear a presentation from the Gainesville Sports Organizing Committee to Gainesville Fire Rescue.

060431.

Creation of a Student Community Relations Advisory Board (B)

This is a request to authorize the City Attorney to draft an ordinance to create a Student Community Relations Advisory Board.

Explanation: Following meetings in May of 2006 with citizens Raymond Miller, Alan Rezaei, and Leadership General Government (LGG) VII member Daniel Jones, Jones assumed the task of presenting the idea of a Student Community Relations Advisory Board to the City Commission as his LGG individual project.

Throughout June and July of 2006, staff proposed language for such an ordinance and held meetings to discuss the idea and proposed language with the City Manager, Santa Fe Community College Student Senate, and the Assistant Dean of Students Director of Off-Campus Life, Nora Kilroy. On August 10, 2006, staff met with the University Park Neighborhood Association to present the idea and to gain feedback from residents. There is currently no advisory board solely charged with student issues.

Fiscal Note: None

RECOMMENDATION

The City Commission: authorize the City Attorney to use proposed language to draft and Clerk of the Commission to advertise an ordinance establishing a Student Community Relations Advisory Board.

Alternate Recommendation:

The City Commission take no action.

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060465.

Annexation of Parcel Numbers 05973-000-000, 07813-000-000, 07781-000-000, 05946-000-000, 05882-000-000 and 07777-000-000. (B)

This is the submission of petition for voluntary annexation in the area of NW Route 121 near Deerhaven Power Plant.

Explanation: Plum Creek Timberlands, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The properties are generally located south of the vicinity of Section - Township - Range 24-08-19 and 19-08-20, west of the vicinity of GRU well field, north of the City Limits and east of the vicinity of Deerhaven Power Plant. 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. This area meets the requirements of the Act and is appropriate for annexation. The properties are currently vacant. The area is approximately 1,334 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**060463.****Carbon Emissions Update (B)**

Staff has performed an inventory of carbon emissions and carbon intensities in the Gainesville Community and in City operations and compared them to overall patterns of carbon emissions in the United States. The City has already taken steps to generate carbon reductions and offsets, and plans to do more, as will be described. Staff also plans to register these savings and offsets through the DOE 1605 program in order to support voluntary greenhouse gas programs, potential grant funding, and in anticipation of future carbon constraint regulations.

Explanation: In 2002 the City of Gainesville joined the voluntary Cities for Climate Protection program (Resolution #002435), and Papa's Climate Challenge program. GRU staff performed an inventory of carbon emissions broken down by municipal function/activity such as water/wastewater and vehicle use. As a

part of these programs, an inventory was developed for the Gainesville Community as a whole for various sectors such as residential and commercial/industrial contributions and their relative portions of the total was compared to the averages for the United States.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission receive a presentation from staff on the current status of carbon emissions, and projections of impacts to carbon emissions from future carbon reduction programs, such as demand side management, energy conservation, solar rebates, possible renewable energy power supply options, and a variety of land management programs.

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CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC SAFETY COMMITTEE

060242

Roam Towing Safety Issues (B)

This is a Public Safety Committee report out on Roam Towing Safety Issues and provides several recommendations for the City Commission to consider.

Explanation: On July 10, 2006 the City Commission referred the issue of roam towing to the Public Safety Committee, specifically regarding: Safety issues (leaving people stranded late at night) and convenience (providing change, accepting credit/debit cards, checks, etc.). The Commission also requested a listing of tow companies and the number of complaints.

On August 17, 2006, the Public Safety Committee received a report from the Gainesville Police Department staff, which is included in the backup. This report provides 1) a listing of the tow companies the City (GPD) accepts contracts for Trespass Towing, 2) the number of complaints taken by GPD since February 2006 and their outcome, 3) civil warnings and citations issued to the tow companies by GPD since April 2006, and 4) sworn complaints for violations of Florida State Statutes filed by GPD against the tow companies.

As it regards safety concerns, staff reminded the Committee that on July 10,

2006 the City Commission approved the Public Safety Committee's recommendations to authorize the City Attorney to draft amendments to the Trespass Tow ordinance that included adding requirements for 1) registration of the tow company owner, operator and vehicle, 2) permitting of the wrecker operators and vehicles, 3) acceptance of credit cards as a form of payment, 4) photographing vehicles towed under the trespass tow contract, and 5) requirement to provide certain information to vehicle owners or authorized operators before picking up their towed vehicle. Staff believes that these amendments, approved by the City Commission, will enhance the safety of the citizen retrieving their vehicle.

The Public Safety Committee is also recommending several additional options that can make the experience less stressful for the citizens, including 1) recommending a requirement for the tow company to put its address on the sign, with a suggestion for the citizen to call the number before going to pick up the vehicle, 2) consider including directional maps to the tow company posted on the Roam Tow signs, and 3) publicizing parking information for citizens and students, encouraging them to remain alert to parking regulations and to inform them of safety measures.

In addition, the City Attorney presented information for the City Commission's consideration, based on a recent Federal Court ruling upholding a challenge to a Miami Beach ordinance. The City of Miami Beach's ordinance requires written instructions of a person on scene in order to tow a vehicle, and that no such instruction can be given in advance or by the mere posting of notice or terms of a contract. The City of Miami has a similar provision in its ordinance. The Public Safety Committee, while not recommending this option at this time, requested the City Attorney present this information to the City Commission for its information. The committee would suggest allowing time for the enhancement to the ordinance to take effect before considering this or other options.

RECOMMENDATION

The City Commission 1) accept the Public Safety Committee's report, 2) request the City Attorney to make additional amendments to the Trespass Tow ordinance to include a requirement for adding the address of the tow company on the Roam Tow signs and language recommending the citizen call first, 3) direct staff to include educational publicity through various methods on parking regulations, 4) hear a presentation by the City Attorney on an additional tool for enforcement of roam towing and take necessary action, and 5) remove this item from the Public Safety Committee referral list.

Legislative History

7/10/06	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
7/10/06	City Commission	Referred	City Manager
8/17/06	Public Safety Committee	Discussed	

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ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

COMMUNITY REDEVELOPMENT AGENCY

060340.

Southwest Fifth Avenue Triangle Public Art (NB)

In order for the Art in Public Places Trust (APPT) to move forward with issuing a Call to Artists and ultimately selecting a public art piece for the Southwest Fifth Avenue Triangle project funded by the Community Redevelopment Agency, the City Commission is asked to appoint three temporary members to the APPT.

Explanation: The Community Redevelopment Agency has allocated \$20,000 for public art and/or entry signage at the Southwest Fifth Avenue Triangle project, located at the intersection of Southwest Fifth Avenue and Thirteenth Street, and within the College Park/University Heights Redevelopment Area. The Southwest Fifth Avenue Triangle is owned in part by the City of Gainesville, and in part by the University of Florida. In order for the APPT to move forward with this project, up to three temporary members should be assigned to the Trust for this project. The APPT Trust Ordinance states "The commission with jurisdiction over the project may appoint up to three citizen experts for each project that is not associated with a particular building. All temporary members will have voting privileges only for the particular project for which they were designated or appointed and will serve on the trust only for the project for which they were designated or appointed". These temporary members should be citizens that best represent the College Park/University Heights neighborhood and neighboring community.

Fiscal Note: No fiscal impact at this time.

RECOMMENDATION

The City Commission appoint Kate Parmelee, Interim CRA Manager; Tom Rider, College Park/University Heights Redevelopment Advisory Board Member; and Harold Barrand, University of Florida Professor and Chair of the Preservation of Historic Buildings and Sites Committee, as temporary members to the Art in Public Places Trust.

MEMBERS OF THE CITY COMMISSION

060466.

Mayor Pegeen Hanrahan - Heart of Florida Prosperity Campaign (NB)

Explanation: The Heart of Florida Prosperity Campaign is a coalition of organizations focused on bringing a portion of the approximately \$8 million (2002) in unclaimed Earned Income Tax Credits to North Central Florida and to the people who have earned them. The Heart of Florida Prosperity Campaign

provides free electronic tax preparation to low to moderate income taxpayers. The Volunteer Income Tax Assistance (VITA) sites are open at convenient times and locations in and around Gainesville, Florida.

RECOMMENDATION

The City Commission hear a presentation from Odetta MacLeish-White regarding the Heart of Florida Prosperity Campaign and consider supporting this effort by approving any or all of the following recommendations:

- 1) encourage city employees to volunteer for training to prepare tax returns (accountants and attorney's receive continuing education credits for this training),*
- 2) provide VITA sites where available,*
- 3) utilize Channel 12 to publicize the availability of this service,*
- 4) donate or purchase computers to assist in this mission, and*
- 5) refer to Charter Officers for further recommendations.*

060467.

Mayor Pegeen Hanrahan - Economic Development University/Community Committee (EDUCC) Referral (NB)

RECOMMENDATION

The City Commission hear a presentation from Christian M. Newman, President for the Business Alliance of Greater Gainesville and refer the request for a joint community meeting with Michael Shuman, an attorney and economist, and keynote speaker for the Campus & Community Sustainability Conference, October 25-26, 2006, to the EDUCC. The community meeting would dove-tail into the regularly scheduled EDUCC meeting on October 26 and begin about 4pm followed by a light reception.

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

GIRL SCOUT TROOP 489

Toni Bass, Troop Leader

PROCLAMATIONS/SPECIAL RECOGNITIONS**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****060445.****PROPOSED MILLAGE RATE - FISCAL YEAR 2007 (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 2006-2007 FISCAL YEAR; ESTABLISHING A 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 Fiscal Year 2006-2007.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

MILLAGE PROPOSED.TXT

060446.**GENERAL GOVERNMENT BUDGET - FISCAL YEAR 2007 (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, 2006 AND ENDING SEPTEMBER 30, 2007; ADOPTING AN AMENDED TENTATIVE GENERAL OPERATING AND FINANCIAL PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The proposed tentative General Government Budget for Fiscal Year 2006-2007 as set forth in the Proposed Financial and Operating Plan - Budget by Funds is hereby submitted as prepared by the Office of Management and Budget.

The budget will be presented for further consideration at a public hearing to be held on September 25, 2006 in conjunction with the approval of a millage rate to fund said budget.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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060443.**GAINESVILLE REGIONAL UTILITIES BUDGET (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, 2006, AND ENDING SEPTEMBER 30, 2007; 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 which adopts a tentative budget for the City of Gainesville Regional Utilities for the fiscal year beginning October 1, 2006 and ending September 30, 2007, 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, 2006.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

060198.

VEHICLES FOR HIRE ORDINANCE (B)

Ordinance No. 0-06-92

An ordinance of the City of Gainesville amending Chapter 28 Vehicles for Hire by regulating taxi service within the City of Gainesville; amending Section 28-1 Occupational license required to reference municipal boundary; amending Section 28-2 definitions; amending Section 28-3 to make it unlawful for a company to engage in the vehicle for hire business without a franchise; making it unlawful to operate a vehicle for hire under the auspices of a company that does not have a valid franchise and amending the application process for franchise and franchise owner; creating a new Section 28-3.5 relating to service at the Gainesville Regional Airport and the setting of the rates and charges for airport decals; amending Section 28-4(g) to reference Gainesville Alachua County Regional Airport Rules and Regulations; amending Section 28-5 providing franchise duration, specifying annual report requirements and penalties; amending Section 28-6 by specifying time periods for franchise revocation; amending Section 28-8 by requiring unique franchise color scheme; permanently affixed signage, permanently affixed medallions and a lighted roof-top sign; creating a new Section 28-8.5 by providing vehicle for hire driver requirements; renaming Section 28-10; amending Section 28-11 related to insurance requirements; amending Section 28-12(e) relating to non-discrimination by adding sexual orientation; amending Section 28-14 by providing authority to the manager/designee to remove vehicles from

service for safety reasons and delineating specific equipment requirements; creating a new Section 28-14.5 related to equipment and safety requirements; amending Section 28-20 related to soliciting passengers by deleting the reference to railway and adding airport facility; amending Appendix A fees and charges related to vehicles for hire; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an effective date.

Explanation: On April 11, 2005 the City Commission authorized the City Attorney to draft amendments to the Vehicles for Hire Ordinance and directed staff to refine the permitting process and recommendations that had come from the Public Safety Committee discussions that began in August 2004. As a result of this referral from the City Commission, Gainesville Police Department staff worked with the legal department and other city departments in reviewing and updating the Vehicle for Hire ordinance.

On August 14, 2006 the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Section 28 and Appendix A of the Gainesville Code of Ordinances as recommended by the Public Safety Committee with the addition of sexual orientation to the non-discrimination section and to incorporate the changes into the permitting process, including education to the Vehicle for Hire owners and drivers.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/10/06	City Commission	Approved as Recommended (7 - 0)	
7/10/06	City Commission	Referred	Public Safety Committee
7/13/06	Public Safety Committee	Discussed	
8/14/06	City Commission	Approved as Recommended (7 - 0)	

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060347.

BUILDING PERMIT FEES (B)

Ordinance No. 0-06-78

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to fees; amending the Building and Building Regulation section of Appendix A by changing and increasing the fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting on August 28, 2006, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Appendix A of the Code of Ordinances relating to building and building regulation fees.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/28/06 City Commission Approved as Recommended (4 - 0 - 3 Absent)
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060383.**STORMWATER MANAGEMENT FEES (B)****Ordinance No. 0-06-79**

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to fees; amending the Stormwater Management section of Appendix A by increasing the fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date in accordance with the schedule provided herein.

Explanation: At its meeting on August 28, 2006, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the rates and fees for stormwater management utilities.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/28/06 City Commission Approved as Recommended (5 - 0 - 2 Absent)
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060433.**CHAPTER 27 AND APPENDIX A - UTILITY SERVICES (B)****Ordinance No. 0-06-89**

AN ORDINANCE AMENDING CHAPTER 27, ARTICLE 1, SUBSECTION 27-15(a) OF THE CODE OF ORDINANCES OF GAINESVILLE, FLORIDA RELATING TO SAME DAY AND AFTER HOURS INSTALLATION OR TURN-ON OF UTILITY SERVICES; AND AMENDING APPENDIX A, UTILITIES SECTION (7), SUBSECTION b. SERVICE CHARGES BY INCREASING CERTAIN ADDITIONAL CHARGES FOR SAME DAY OR AFTER HOURS INSTALLATION OR TURN-ON OF SERVICE; 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 Interim General Manager made a recommendation to increase same day service and after hours fees from \$20 to \$40, to recoup the increased personal and operating costs associated with this service.

The change will be effective October 1, 2006.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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060434.

APPENDIX A - WATER INSPECTION SERVICE FEES, METER INSTALLATION CHARGES, CUSTOMER SERVICE CHARGES (B)

Ordinance No. 0-06-90

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (3) WATER OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING CERTAIN WATER INSPECTION SERVICE FEES, METER INSTALLATION CHARGES, CUSTOMER SERVICE CHARGES, BASE RATES FOR SERVICE, AND WATER TRANSMISSION, DISTRIBUTION AND PLANT CONNECTION CHARGES AND INSPECTION 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: In the Proposed Budget for the Combined Utilities System, the Interim General Manager made a recommendation to increase water base rates, water connection charges and water inspection fees for residential and non-residential customers. Connection charges changes include increased charges for water transmission, distribution and plant connection fees

All changes will be effective October 1, 2006.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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060435.

APPENDIX A – WASTEWATER RATES, CUSTOMER SERVICE CHARGES (B)

Ordinance No. 0-06-91

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 INSPECTION 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: In the Proposed Budget for the Combined Utilities System, the Interim General Manager made a recommendation to increase wastewater base rates, customer charges, wastewater connection charges and wastewater inspection fees for residential and non-residential customers.

The changes will be effective October 1, 2006.

RECOMMENDATION*The City Commission adopt the proposed ordinance.*

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060436.**APPENDIX A – ELECTRIC BASE RATES AND CUSTOMER SERVICE CHARGES (B)****Ordinance No. 0-06-92**

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 RESIDENTIAL ELECTRIC RATE STRUCTURE; INCREASING STREET AND RENTAL LIGHTING RATES AND ADDING LIGHTING FIXTURES AND RATES; ELIMINATING THE BUSINESS PARTNER DISCOUNT; 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 Interim General Manager made a recommendation to increase electric base rates, and customer services charges, amend the residential electric rate structure to include a tier at 250 kWh. Street and rental light rate increases are proposed and Additional lighting fixture types and rates have been added.

All changes will be effective October 1, 2006.

RECOMMENDATION*The City Commission adopt the proposed ordinance.*

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED**060103.****SPECIAL REGULATIONS FOR OFF-STREET PARKING AND ESTABLISHING A RESIDENTIAL PARKING OVERLAY DISTRICT (B)****Ordinance No. 0-06-62; Petition 70TCH-06 PB**

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, Chapter 30; amending section 30-23 by defining the term “context area;” amending section 30-56, providing special regulations for off-street parking in the context area or any residential regulated parking overlay district; creating and adding a new section 30-56.1, providing for a new overlay district to be known as “Residential Parking Overlay District;” establishing the procedure and criteria for rezoning and imposing the overlay district; providing

administrative remedy; amending section 30-330, making conforming changes; amending the City of Gainesville Code of Ordinances, relating to fees; amending Appendix A, Land Development Code, section (2), Planning, by creating a fee for verifying signatures on a petition requesting imposition of a Residential Parking Overlay District; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

In 1997, the City Commission approved an ordinance regulating off-street parking on single-family zoned properties in an area commonly referred to as the University of Florida Context Area (Context Area). The ordinance was adopted because disorderly yard parking was having a negative impact on single-family neighborhoods near the University. The ordinance was updated in March 2004 to close loopholes and improve enforcement.

Major provisions of the parking regulations within the Context Area require driveway and parking area borders to be permanent, clearly defined, affixed to the ground, and a minimum size. The regulations also require the submittal of a parking plan when applying for a landlord permit, or if requested by the City.

The proposed ordinance expands where off-street parking is regulated, through changes to the Context Area and the establishment of a Residential Parking Overlay District.

The University of Florida has recently changed the boundaries of the Context Area to include some single-family zoned areas not previously included. The proposed ordinance applies the off-street parking regulations to those areas by specifically referencing the new, expanded Context Area.

The proposed ordinance also creates a Residential Parking Overlay District. Within the Residential Parking Overlay District, the same off-street parking regulations as applied in the Context Area would be imposed. The proposed ordinance allows any neighborhood that meets the minimum criteria for the Overlay District, to request that the City Commission apply the Overlay District to that neighborhood. The minimum criteria for establishing the Overlay District boundaries include the number of parcels, percentage of property owners in favor of being in the overlay district, and other factors. A standard petition form would be used to determine the number of property owners in favor of being in the overlay district. If a request met those minimum requirements, then the City Commission could consider the request through the standard rezoning process, including application forms, application fees, public notice and public hearings.

The Plan Board heard the petition and recommended that it be approved with the following three modifications:

** The minimum number of parcels in an overlay district shall be 25, rather than 50;*

** Parcel owners of 60%, rather than 67%, of the parcels within a proposed overlay district must sign the petition requesting the district; and*

* Change the word "and" to "or" in lines six and eight of page 18.

Staff has no objections to the modifications proposed by the Plan Board.

Public notice was published in the Gainesville Sun on May 31, 2006. The Plan Board held a public hearing June 15, 2006.

Fiscal Note: If enacted, the proposal would generate a significant amount of additional administrative work in the Code Enforcement and Planning Divisions, and possibly in the City Clerk's Office. Depending on how many Residential Parking Overlay Districts are approved by the City Commission, staff estimates that at least one additional code enforcement officer would be needed to manage the additional enforcement needs. Other tasks associated with the overlay districts include verifying names on petitions, processing applications, and mapping overlay districts.

CITY ATTORNEY MEMORANDUM

The City Commission approved Petition 70TCH-06 PB, with modifications, on July 24, 2006. This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, September 11, 2006.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

7/24/06	City Commission	Approved (Petition) with Plan Board Modifications (7 - 0)
8/28/06	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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060352.

AMENDMENT TO NOISE ORDINANCE (B)

Ordinance No. 0-06-75

An ordinance of the City of Gainesville, Florida, relating to noise; amending section 15-6 of the Code of Ordinances increasing the duration of warnings for all prohibited sounds; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing for penalties; and providing an immediate effective date.

Explanation: The City Commission at its meeting on July 10, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance extending the period of a warning for prohibited sounds from 90 days to 365 days. This amendment was recommended by the Community Development Committee and the Public Safety Committee.

This ordinance requires two public hearings. If the ordinance passes on first reading, second and final reading will be held on September 11, 2006.

RECOMMENDATION*The City Commission adopt the proposed ordinance.***Legislative History**

8/28/06 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

060336.**EASTSIDE COMMUNITY REDEVELOPMENT AREA (B)****Ordinance No. 0-06-80**

An ordinance of the City of Gainesville, Florida, amending Division 9 of Chapter 2 of the Code of Ordinances of the City of Gainesville relating to Community Redevelopment, amending Section 2-410.3 by expanding the boundaries of the Eastside Community Redevelopment Area; amending Section 2-415 relating to the trust fund for the Eastside Community Redevelopment Area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting on August 14, 2006, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance expanding the boundaries of the Eastside Community Redevelopment Area and setting the base taxable value for the expanded area.

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, September 11, 2006.

RECOMMENDATION*The City Commission adopt the proposed ordinance.***Legislative History**

8/14/06 City Commission Approved as Recommended (4 - 0 - 3 Absent)

8/28/06 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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050910.**PLANNED DEVELOPMENT AMENDMENT - KINGSWOOD COURT (B)****Ordinance No. 0-06-48, Petition No. 10PDA-06PB**

An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "Kingswood Court"; located at 5240 Northwest 8th Avenue; adopting an additional planned development report; and additional development plan maps; amending the conditions adopted by Ordinance No. 2989; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

The purpose of this petition is to amend the uses allowed in an existing planned development (PD). This PD was approved in 1984 and allowed for the development of the Kingswood Court residential townhouse community, located on the western portion of the PD. The eastern portion of the PD was the site of a day care center. This proposed amendment does not affect the Kingswood Court portion of the PD.

The existing ordinance allows child care (day care) services as a use in the four existing principle structures on the eastern portion of the PD. The proposed amendment would change the allowable uses within the existing buildings. As noted in the PD Plan Report and the layout maps included, the four existing buildings are shown as "A," "B," "C," and "D." Building "A" would return to its original use as a single-family dwelling. Buildings "B," "C," and "D" would add counseling services as well as some community services as allowable uses. The services would include counseling for married couples and couples planning for marriage, counseling for students and teenagers dealing with social and academic issues, and community service opportunities for high school and college students to work with the programs. None of the clients to be served will be in the criminal justice system. Child care services will continue to be allowed under the PD in Buildings "B", "C" and "D."

Public notice was published in the Gainesville Sun on January 31, 2006. Letters were mailed to surrounding property owners on February 1, 2006. The Plan Board held a public hearing February 16, 2006.

The City Commission at the meeting of August 28, 2006, continued the second reading of the ordinance to September 11, 2006.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

3/27/06	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
8/14/06	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
8/28/06	City Commission	Continued (2nd Reading) (5 - 0 - 2 Absent)
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RESOLUTIONS- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

060233

University House Planned Development Amendment (B)

Petition No 30PDA-06PB Quasi-Judicial. Causseaux & Ellington, Inc., Agent for University House. Planned Development Amendment to allow modifications to the approved Planned Development Layout Plan. Located in the 700 Block of Northwest 13th Street, east side.

Explanation: This is a request by the applicant to modify the approved Park Central Holdings

Planned Development for property located in the 700 block of Northwest 13th Street, east side. Map 1 shows the currently approved Planned Development Layout Plan and Map 2 shows the proposed Planned Development Layout Plan. The applicant has changed the name of the Planned Development project to University House. On July 12, 2004, the City Commission adopted Ordinance 030904, approving Petition 10PDV-04PB with a Planned Development Layout Plan and a Development Plan Report. The development was approved with a maximum of 225 dwelling units at a density of approximately 30 units per acre. It also included an option for development of 15,000 square feet of commercial use along Northwest 13th Street. The project subsequently received preliminary development plan approval on July 15, 2004, but has not obtained final development plan approval. A request to extend the Planned Development was considered and approved by the City Commission on June 26, 2006.

The requested modification includes surface parking within the interior of the development, shifting the location and configuration of building footprints, changing the access points off Northwest 12th Street, shifting the parking structure, defining development options for the areas north of Rattlesnake Creek Branch, changing the mix of bedrooms and increasing the number of bedrooms.

Staff addressed the criteria for approving a Planned Development and presented findings and recommendations as included in the Plan Board report. The Board and neighborhood representatives raised issues related to the proposed increase in the number of bedrooms from 492 to 583 and the associated increases in trip generation. The Board expressed support for the proposal to remove all development options from the areas north of the creek. The applicant expressed concerns about contributions to address traffic impacts of the development on Northwest 13th Street and sought clarification on conditions related to parking, conducting a traffic study and limitation on the bedroom mix. The Board reviewed those concerns and got clarification from staff.

The Plan Board heard the petition and recommended that it be approved, with staff conditions as modified by the petitioner and staff.

Public notice was published in the Gainesville Sun on May 3, 2005. Letters were mailed to surrounding property owners on May 4, 2005. The Plan Board held a public hearing May 19, 2005.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 30PDA-06 PB, with staff conditions as modified. Plan Board vote 5-0.

Staff to Plan Board - Approve, with staff conditions.

Alternative Recommendation A: The City Commission deny the petition.

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060412.**Amend Future Land Use from SF to PUD (B)**

Petition 75LUC-06 PB. Avid Engineering, agent for RAM Development Company. Amend the City of Gainesville 2000-2010 Future Land Use Map from SF (Single-family, up to 8 dwelling units per acre) to PUD (Planned Use District). Located at 5043 Northwest 43rd Street. Related to Petition 76PDV-06PB.

Explanation: This is a petition for a land use change from SF (Single-family, up to eight dwelling units per acre) to PUD (Planned Use District) on approximately 4.91 acres of land located at 5043 Northwest 43rd Street. This petition is submitted concurrently with a Planned Development (PD) rezoning application that proposes a commercial development and associated facilities. The land use change is intended to allow the requested mix of residential and nonresidential uses and unique design features otherwise not allowed in the underlying land use category. Staff has determined the proposed land use change is consistent with surrounding land uses. The City Plan Board heard the petition and addressed issues related to building placement in relation to Northwest 43rd Street.

The applicant proposed modifications to staff conditions related to landscape buffers. The Plan Board recommended approval.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing August 17, 2006.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 75LUC-06PB. Plan Board vote 4-0.

Staff to Plan Board - Approve

Alternative Recommendation A: The City Commission deny the petition.

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060413.**Rezone property to Planned Development (B)**

Petition 76PDV-06 PB Quasi-Judicial. Avid Engineering, agent for RAM Development Company. Rezone property from RSF-4 (Single-family residential district, 8 units per acre) to PD (Planned Development) for a commercial development. Located at 5043 Northwest 43rd Street. Related to 75LUC-06PB.

Explanation: This petition is a request to rezone approximately 4.91 acres from RSF-4

(Single-family residential district, eight dwelling units per acre) to PD (Planned Development) to allow for a commercial development and associated facilities located at 5043 Northwest 43rd Street. This rezoning will enable implementation of unique design criteria that will address size, scale, parking and other complexities best accomplished through a Planned Development.

The subject parcel was reviewed by the City Commission as a Planned Use District/Planned Development several years ago but was not approved. The current petition includes a smaller acreage, less intense development, a different range of uses and an option for multi-family residential. The City Plan Board heard the petition and addressed issues related to building placement in relationship to Northwest 43rd Street. The applicant proposed modifications to staff conditions related to access, signage and allowed uses. There were no neighborhood residents in attendance.

The City Plan Board recommended approval with modifications to staff conditions related to allowed uses, cross-access agreements, signage and clarification on square footage to mean gross floor areas, defined in the City of Gainesville Land Development Code.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing on August 17, 2006.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 76PDV-06PB. Plan Board vote 3-1.

Staff to Plan Board - Approve

Alternative Recommendation A: The City Commission deny the petition.

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DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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

