

City of Gainesville

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



Meeting Agenda

September 16, 2010

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Lauren Poe (District 2)

Commissioner Jack Donovan (District 3)

Commissioner Randy Wells (District 4)

Commissioner Thomas Hawkins (At Large)

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

100295.

Annexation of Parcel Number 07176-002-000 (B)

This is the submission of petition for voluntary annexation for the above referenced parcel number, which is located in the vicinity of Williston Road, the City limits, SW 50th Boulevard, and SW 29th Way.

Explanation: The Emory Group, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located south of Williston Road and the City limits, west of the City limits, north of the City limits and the vicinity of SW 50th Boulevard, and east of the vicinity of SW 289th Way. 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.

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.

1000295_Petition_20100916.pdf

100297.

Contract for State of Florida Lobbying Services (NB)

Explanation: Doug Bruce & Associates has provided the City with lobbying services since March 1, 2005. In that time, Mr. Bruce has provided the City of Gainesville with satisfactory service lobbying the State of Florida on behalf of the City. At this time it is necessary for the City of Gainesville to enter into a new contract agreement with Doug Bruce & Associates. The new contract will begin on October 1, 2010 and continue through September 30, 2011.

Fiscal Note: The contracted cost for State of Florida Lobbying Services is \$49,440 and funds are included in the current fiscal year budget. During the FY2011/12 budget process the City Commission directed General Government and Gainesville Regional Utilities to split the cost of the contract for State of Florida Lobbying Services. Each will pay \$24,720 annually.

RECOMMENDATION

The City Commission: 1) Approve the contract for State of Florida Lobbying Services provided by Doug Bruce & Associates; and 2) authorize the City Manager or designee and the GRU General Manager or designee to execute the contract as approved by the City Attorney as to form and legality.

100307.

Human Resources: Policy G-1, Policy and Procedure Promulgation (B)

Explanation: Policy G-1, Policy and Procedure Promulgation: This policy is being updated to more accurately reflect the current process. The intent of this policy has not changed.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission approve Policy G-1, Policy and Procedure Promulgation.

100307_G-1 Policy and Procedure Promulgation_20100916.PDF

100307A_G-1 Policy and Procedure Promulgation.PDF

100310.

Fifth Extension to the Contract for Professional Environmental Engineering Services for FY 2011 (B)

This item is a request to extend the Contract for Professional Environmental Engineering Services with Water & Air Research, Inc.

Explanation: The contract dated May 2, 2006, First Extension dated August 16, 2006, Second

Extension dated January 24, 2008, Third Extension dated August 19, 2008 and Fourth Extension dated October 1, 2009 with Water & Air Research, Inc. expires on September 30, 2010. This vendor has responded to the City's requests for services promptly and their services have been reliable and accurate.

The contract allows for five one-year extensions. This is the fifth request for an extension to each contract.

Fiscal Note: Funding sources will be identified as needed through the Public Works Department FY 2011 operating budget and the City's Capital Improvement Plan capital project accounts.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Fifth Extension to the contract with Water & Air Research, Inc. for Professional Environmental Engineering Services, extending the term of the contract from October 1, 2010 to September 30, 2011.

100310_Contract_20100916.pdf

100311.

Agreement for Collection of Fire Services Special Assessments (B)

This item is an agreement with the Alachua County Tax Collector to collect the non-ad valorem assessment for fire services as adopted by the City of Gainesville.

Explanation: On September 17, 2009, the City Commission adopted Resolution number 090404 expressing its intent to use the uniform method of notice, levy, collection and enforcement of a non-ad valorem assessment for fire services as authorized by Section 197.3632 Florida Statutes. On July 15, 2010, the City Commission adopted Resolution Number 100137.

Section 197-3632(2) Florida Statutes, provides that the City shall enter into written agreement with the Tax Collector for reimbursement of necessary administrative costs incurred in implementing the uniform method of collection. Under this agreement, the Tax Collector shall merge all rolls, prepare a collection roll, and prepare a combined notice (the tax notice) for both ad valorem taxes and the fire special assessment for the City. The City shall reimburse the Tax Collector for actual administrative costs for the collection and enforcement of the fire special assessment. These administrative costs include but are not limited to personnel, forms, supplies, data processing, computer equipment, postage and programming. The administrative costs to be charged by the Tax Collector shall be 2% of the special assessment for each property.

Fiscal Note: The estimated cost of this agreement at 2% of the Fire Special Assessment is \$97,740 and will be deducted from the revenues generated from the Fire Special Assessment.

RECOMMENDATION

The City Commission authorize the City Manager to execute the agreement and any related documents

including amendments and extensions, subject to approval of the City Attorney as to form and legality.

100311_Agreement_20100916.PDF

100319.

Award of Contract for Group Life Insurance to Standard Life Insurance Company as Proposed by Gallagher Benefits Services (B)

This item involves a request for the City Commission to approve the selection of Standard Life Insurance Company as the provider for Group Life Insurance Benefit.

Explanation: The City of Gainesville provides employer paid life insurance to all regular employees who work twenty (20) hours or more and all retirees. The benefit varies based on the employee's base salary. Most employees receive two times their annual base salary, up to a maximum benefit of \$50,000. For example, if an employee's base salary is equal to, or greater than \$25,000 per year, they will receive the maximum benefit of \$50,000.

The City issued a Request for Proposal (RFP) for Group Life Benefits in 2006 for a three year term, but was interested in rate guarantees beyond the initial three year term. As a result of this process, the City received twenty-six different options proposed by six different agents. The proposals were evaluated by staff based on the following criteria:

<i>Cost (Rate per \$1000 of benefit)</i>	<i>60%</i>
<i>Administrative Capabilities and Experience</i>	<i>20%</i>
<i>Financial Stability (AM Best rating)</i>	<i>20%</i>
<i>TOTAL</i>	<i>100%</i>

Using the above criteria, staff rated the proposal submitted by Standard Life Insurance Company through Gallagher Benefits Services as the lowest qualified proposal. The proposal of 12.2 cents per thousand was substantially less than any other proposal. The coverage offered is identical to the coverage currently provided and Standard Life Insurance Company agreed to cover all employees/retirees that are eligible whether actively at work or not. In addition, Standard Life Insurance Company has guaranteed the rate of 12.2 cents per thousand for three years and included a carrier option to extend the rate guarantee for and up to an additional two year period if the loss ratio was below 85%. Despite a negative loss history, the carrier has to extend the group life coverage for one additional year at .18/1000. This rate, while an increase, is still less than the second lowest quote received in the original RFP process. Given the negative loss data, the negotiated rate will still represent a rate that is 25% below the previous rates. To date, the total realized savings related to the group life has been approximately \$600,000 over the four year rate guarantee period. Accepting the carrier's offer for the additional year will bring the total reduction in the cost of this benefit to \$675,000. The negotiated rate represents the first increase in four fiscal years and reflective of the risk and demographic changes of the City's insured employees and retirees.

Fiscal Note: Funds of approximately \$250,000 have been included in the proposed Fiscal

Year 2010 Employee Health and Accident Benefits Fund operating budget.

RECOMMENDATION

The City Commission authorize: 1) to extend the contract for Group Life Insurance to Standard Life Insurance Company as proposed by Gallagher Benefit Services for one additional year beginning October 1, 2010; 2) the issuance of a Purchase Order in an amount sufficient to cover the applicable charges for Group Life Insurance; 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 Standard Life Insurance Company and Gallagher Benefits Services.

100319_Report 10_20100916.pdf

100319A_Report 4_20100916.pdf

100320.

2009 Actuarial Valuation Report for the City of Gainesville Consolidated Police Officers' and Firefighters' Retirement Plan (B)

This item involves the Consolidated Police Officers' and Firefighters' Retirement Plan actuarial valuation as of October 1, 2009.

Explanation: The Consolidated Police Officers' and Firefighters' Retirement Plan Actuarial Valuation Report presents a statement of the financial position of the Consolidated Police Officers' and Firefighters' Retirement Plan (the Plan) to the Board of Trustees for the Consolidated Police Officers' and Firefighters' Retirement Plan. The Board of Trustees for the Consolidated Police Officers' and Firefighters' Retirement Plan has approved the 2009 Actuarial Valuation Report, and it is now being submitted to the City Commission for approval of the City contribution rate. The actuarial valuation process assesses the fiscal status of the Plan and is used to determine the annual contribution to the Plan which is expressed as a percentage of the covered payroll of Plan members.

The 2009 Actuarial Valuation Report indicates that the Plan was 92% funded as of October 1, 2009, with an actuarial value of assets of \$174,013,284 and an actuarial accrued liability of \$189,206,289. The 2009 valuation recommends that the required employer contribution rate for the Consolidated Police Officers' and Firefighters' Retirement Plan for fiscal year 2011 will be 9.08% of payroll, up from 6.10% for fiscal year 2010.

Fiscal Note: The 2011 Fiscal Year Consolidated Police Officers' and Firefighters' Retirement Plan contribution rates presented in the 2009 Actuarial Valuation Report have been included in the 2011 Fiscal Year Budget. At 9.08% of payroll, Fiscal Year 2011 contributions are projected at approximately \$2,382,383.

RECOMMENDATION

Recommended Motion: The City Commission: 1) accept the 2009 Actuarial Valuation Report for the City of Gainesville Consolidated Police Officers' and Firefighters' Retirement Plan; and 2) approve the 2011 Fiscal Year Consolidated Police Officers' and Firefighters' Retirement Plan contribution rate of

9.08% presented in the 2009 Actuarial Valuation Report.

100320_2009 Val Report_20100916.pdf

100322.

Purchase of Golf Carts and Batteries (B)

This item requests that the City Commission approve the purchase of 20 electric golf carts, 4 new support vehicles and 55 battery sets for Ironwood Golf Course.

Explanation: Ironwood Golf Course has an existing fleet of 75 electric golf carts and 5 support vehicles (2 ranger carts, 2 beverage carts and 1 ball picker golf cart). This equipment has a life span of 5 years; currently it is in its 8th year of use, well exceeding its designated life span. Rather than deploying these carts for use by clients, Ironwood has been utilizing serviceable parts from the worst of the fleet to refurbish the rest of its fleet. With the advent of Ironwood's grand re-opening, Parks, Recreation and Cultural Affairs (PRCA) is requesting to replace/trade-in the 20 worst golf carts and refurbish the remaining 55 carts of the existing fleet with new batteries and cables. PRCA will also trade in the 2 existing ranger carts, 1 beverage cart and 1 ball picker and replace those with new vehicles. With the purchase of the additional carts and batteries this will make the fleet serviceable for the public to use when Ironwood reopens in late October.

PRCA is requesting to use EZ-GO as a specified source for this purchase, as their product is already in place. By purchasing the replacement and additional support vehicles by the same vendor and of the same model and same color as the existing fleet, Ironwood can maintain fleet consistency for maintenance purposes, permitting PRCA to centralize the Ironwood fleet with one vendor for warranty, parts and service issues.

Fiscal Note: Funding for this purchase is available in the Ironwood Surcharge Rollover Fund. This is a request to use a portion of that funding, in an amount not to exceed \$109,685.

RECOMMENDATION

The City Commission approve the purchase and issuance of a purchase order in an amount not to exceed \$109,685 to EZ-GO for the golf carts, support vehicles and battery sets for the Ironwood Golf Course fleet.

Alternative Recommendation

The City Commission deny the request for the purchase of the golf carts, support vehicles and battery sets for the Ironwood Golf Course fleet.

100322_Purchase Proposal_20100916.pdf

100341.

Contract for Federal Lobbying Services (NB)

Explanation: The City of Gainesville originally entered in a contract with Marilyn Berry Thompson through the law firm of Jordan Burt et.al. to provide federal lobbying services and related government liaison services in April 1992. In 2008 the contract was amended to indicate Ms Thompson and the Jordan Burt Federal Government Relations Team's move to MWW Group, Inc. Through the years, the contract has been renewed and currently involves both General Government as well as Gainesville Regional Utility lobbying services. The last contract extension, for which the City Commission waived the Purchasing rules, was approved in Fiscal Year 2008 and is scheduled to end September 30, 2010.

City staff is pleased with the services provided by Marilyn Berry Thompson (MBT) and her staff. Through the fifteen years of the contract, the City of Gainesville has secured over \$55 million in incremental federal support up to and through the FY 2010 Congressional appropriations and grant cycle. Based on previous performance, staff is recommending a new two-year contract.

Fiscal Note: Staff is proposing the City contract with MWW Group, Inc. for two years, FY 11 to FY 12. The fee for General Government for FY 11 and FY 12 will be \$113,000. The fee for Gainesville Regional Utilities (GRU) will be \$30,000 annually. The MWW Group, Inc. will continue to pay all expenses without reimbursement. Also, staff is recommending that the professional services by Marilyn Berry Thompson be considered as a specified source or non-competitive contract under the City's Purchasing Policies for the following reasons:

- * Extensive history with the City of Gainesville, requiring a new vendor an extensive learning curve relating to past legislative initiatives.*
- * Established relationships with existing elected officials and staff involved in legislative processes are already in place.*
- * Established track record and knowledge of the Washington legislative process, which has led to successful outcomes for the City of Gainesville.*
- * Firm's current activities is handling certain existing initiatives for the City of Gainesville and in researching new ones already authorized by staff and the City Commission. Such ongoing work could be adversely impacted if a change in vendors were to be made at this time.*

RECOMMENDATION

The City Commission authorize the City Manager and the General Manager for Utilities to enter into a contract for fiscal years 2011-2012 with Marilyn Berry Thompson to provide professional federal legislative lobbying and related government liaison grant services through MWW Group, Inc. at a fee of \$113,000 for FY 11 and FY 12 for General Government's portion of the services and \$30,000 annually for Gainesville Regional Utility's portion of the services.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

100328.**Contract Amendment for Electric Distribution Line Clearance (NB)**

Staff recommends extending the term of the contract with Asplundh Tree Expert Company for electric distribution line clearance.

Explanation: On November 26, 2007, the City Commission approved a three-year contract to Asplundh Tree Expert Company (Asplundh) for electric distribution line clearance, tree trimming, right-of-way maintenance, weed control and related work. The contract provides for a three-year extension of the contract upon mutual agreement of the parties and negotiation of the contract prices.

Energy Delivery requires line clearance, tree trimming, right-of-way maintenance, weed control and related services for approximately 600 distribution miles and 125 transmission pole miles. The utility's approach to line clearance and maintenance significantly reduces tree related electrical outages. The ultimate goal is to optimize system reliability, improve customer service and increase safety while cost-effectively maintaining the aesthetic qualities of tree cover in the service area.

Asplundh Tree Expert Company has been responsive in meeting the City's requirements, which includes assisting the City's Recreation and Parks Department and GRU with storm restoration efforts. The initial three-year term of the contract provided for annual price adjustments based on market conditions. Asplundh maintained pricing for labor and equipment for the initial three-year contract term. Asplundh has requested a 1.15% increase for labor and a .5% for equipment, which is in line with the CPI. The estimated annual cost of this contract is \$1,660,809 which may vary due to storm activity.

Fiscal Note: Funds for this request are included in the Operations and Maintenance and Capital Budgets for FY 2011, which is subject to final appropriation of funds for each year of the contract.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee to execute an amendment to the contract for an additional three-year term with Asplundh Tree Expert Company; and 2) approve the issuance of purchase orders in amounts not-to-exceed budgeted amounts for these services for each year of the contract, subject to the final appropriation of funds for each year of the contract.

CITY ATTORNEY, CONSENT AGENDA ITEMS**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****100333.****City Commission Minutes (B)**

RECOMMENDATION

The City Commission approve the minutes of August 19, 2010, as circulated.

100333_reg_aug.19,2010_20100916.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)**PROCLAMATIONS/SPECIAL RECOGNITIONS****100321.****Constitution Week - September 17-23, 2010 (B)**

RECOMMENDATION *Gainesville Daughters of the American Revolution
Regent Janet Zengel Messer to accept the
proclamation.*

100321_ContitutionWeek_20100916.pdf

100323.**Sons of the American Revolution Constitution Week - September 14-20,
2010 and Constitution Day - September 17, 2009 (B)**

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

100323_Proc_20100916.pdf

100329.**Omega Week - September 16-19, 2010 (B)**

RECOMMENDATION *Beta Pi and Omicron Zeta Chapters of Omega Psi Phi
Fraternity, Inc. to accept the proclamation.*

100329_OmegaWeek_20100916.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****100334.****MILLAGE RATE - FISCAL YEAR 2010 - 2011 (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 2010-2011
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 FY 2010 - 2011.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

Final Millage Rate Resolution - Sept 16 2010.pdf

100335.

GENERAL GOVERNMENT BUDGET - FISCAL YEAR 2010 - 2011 (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, 2010 AND ENDING SEPTEMBER 30, 2011; ADOPTING THE GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The proposed General Government Budget for Fiscal Year 2010 - 2011 as set forth in the Adopted Financial and Operating Plan Budget by Funds is hereby submitted as prepared by the Budget and Finance Department.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

100335Final General Government Budget_20100916.pdf

100202.

FINAL GRU BUDGET RESOLUTION FY 2011-2012 (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, 2010 and Ending September 30, 2011; 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: The proposed resolution adopts a final budget for the City of Gainesville Regional Utilities for the fiscal year beginning October 1, 2010 and ending September 30, 2011, 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.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

100202_GRU Final Budget_20100916.pdf

RESOLUTIONS- ROLL CALL REQUIRED

100275.

EASTSIDE CRA EXPANSION - BLIGHT FINDING (B)

Resolution No. 100275

A resolution of the City Commission of the City of Gainesville, Florida, finding that the conditions in a certain area adjacent to the existing Eastside Community Redevelopment Area of the City of Gainesville, as more specifically described in this Resolution, constitute blight, and that the rehabilitation, conservation, redevelopment, or combination thereof of such area is necessary in the interest of the public health, safety, morals or welfare of the residents of the City; and providing an immediate effective date.

Explanation: On August 6, 2009, the City Commission authorized a study to consider expanding the Eastside Redevelopment Area to the northeast. The City retained WilsonMiller to conduct the study which has been completed and is now on file in the office of the Clerk of the Commission. A map of the study area is included in the WilsonMiller Report.

In order to be eligible to be included in a community redevelopment area, State law requires a finding, supported by data and analysis that the property constitutes a "slum area" or a "blighted area". Florida Statutes set forth a two part test to determine if blight exists in an area. The first part requires that the area must contain a "substantial number of deteriorated or deteriorating structures..." The WilsonMiller Report contains data and analysis indicating the presence of a substantial number of deteriorated or deteriorating structures within the study area. Therefore, the study area meets the first test.

The second part requires at least 2 of 14 factors listed in the Statute to be present within the study area. The WilsonMiller Report contains data and analysis indicating the presence of 3 of the 14 factors, including "unsanitary or unsafe conditions", "incidence of crime in the area higher than in the remainder of the municipality" and "fire and emergency medical service calls to the area proportionately higher than in the remainder of the municipality." Therefore, the study area also meets the second test.

RECOMMENDATION

The City Commission 1) accept a report from the consultant addressing blighted conditions in the proposed Eastside expansion area; 2) receive public input; 3) adopt the proposed resolution; and 4) refer the report and the resolution to the Community Redevelopment Agency and recommend the CRA amend the Eastside Area Redevelopment Plan as appropriate.

100275_draft resolution_20100916.pdf

100275_Finding Necessity Report July 10_20100916.pdf

100275_CRA Exp PPT_20100916.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED**100152.****PERMITTED USES IN THE BT ZONING DISTRICT (B)****Ordinance No. 100152; Petition PB-10-61-TCH.**

An ordinance of the City of Gainesville, Florida, amending Section 30-63(c) (1) of the Land Development Code, by adding offices and clinics of doctors of medicine, dentists, doctors of osteopathy and other health practitioners (GN-801 through GN-804) as uses by right in the tourist-oriented business (BT) zoning district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The petition and ordinance amend Section 30-63(c)(1) of the City's Land Development Code to add the medical uses listed in Industry Group Numbers (GN) 801 through 804 of the Standard Industrial Classification Manual (SIC) as uses by right in the tourist-oriented business (BT) zoning district. These medical uses include offices and clinics of doctors of medicine and osteopathy (including freestanding emergency medical centers), dentists and other health practitioners.

The purpose of the BT zoning district is to accommodate businesses that primarily serve the needs of the traveling public by providing adequate and convenient commercial locations along major transportation arteries. The Land Development Code states that the best location for this district is adjacent to major intersections where development could effectively serve the needs of the community's residents and those of the traveling public without excessive strip development. Medical uses can be appropriate in BT districts because the roads in these locations are major transportation arteries. Also, the traveling public may need the services of a medical office or emergency center and the convenience of a BT location may be very helpful to a traveler seeking medical assistance.

Retail health clinics have been appearing in drug stores, grocery stores, big-box retail stores, and airports. These clinics may provide basic medical services such as treating minor injuries, vaccinations, and a small number of selective medical diagnoses and information. In addition, such clinics are often co-located with a pharmacy. The BT zoning district currently allows pharmacies (classified under MG-59) and every zoning district but BT that allows pharmacies also allows offices and clinics of doctors, dentists and other healthcare practitioners. There is a logical relationship between pharmacies and doctors offices and clinics.

Public notice of the petition was published in the Gainesville Sun on June 8, 2010. The City Plan Board held a public hearing on June 24, 2010, heard the petition and, by a vote of 5-1, recommended the City Commission approve the petition.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, October 7, 2010.

RECOMMENDATION

The City Commission (1) approve Petition

PB-10-61-TCH and (2) adopt the proposed ordinance.

100152_draft ordinance_20100916.pdf
100152-staff report_20100916.pdf
100152A_exhibit 1_20100916.pdf
100152B_exhibit 2_20100916.pdf
100152C_exhibit 3_20100916.pdf
100152D_staff ppt_20100916.PDF

090969.

CREDITED SERVICE FOR TEMPORARY EMPLOYMENT (B)

Ordinance No. 090969

An ordinance of the City of Gainesville, Florida, amending Division 5 of Article VII of Chapter 2 of the City of Gainesville Code of Ordinances relating to the City of Gainesville Employees Pension Plan; creating a subsection (n) of Section 2-523, to allow purchase of credited service attributable to certain temporary employment prior to regular employment; making conforming and administrative amendments; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting on March 18, 2010, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the General Employee's Pension Plan to include a Temporary Service Purchase Program. In general, this amendment allows a member of the Plan to purchase prior service as a temporary employee with the City of Gainesville provided that the member worked for at least six months continuous in a temporary status. In addition, the amendment requires the member to pay the full actuarial value of the service as determined by the Plan's actuary. The Plan amendment generally follows the same criteria previously approved for the purchase of military service under Section 2-523(k).

This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be October 7, 2010.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

090969_draft ordinance_20100916.pdf

100309.

VEHICLE TOWING AND BOOTING FEES (B)

Ordinance No. 100309

An ordinance of the City of Gainesville, Florida, amending Appendix A, Schedule of Fees, Rates and Charges by increasing fees and charges associated with booting/ immobilizing vehicles; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: On July 12, 2010, as part of the City's budget process, the City Commission

authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance increasing the existing fee for costs associated with removing vehicle boots.

Should the Commission approve the ordinance on first reading, second and final reading will be held on Thursday, October 7, 2010, which will be the effective date of the ordinance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

100309_DraftOrdinance_20100916.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

100023.

ELECTRIC GOLF CARTS (B)

Ordinance No. 100023; Petition No. PB-10-22TCH

An ordinance of the City of Gainesville, Florida, amending Section 30-23 of the Land Development Code of the City of Gainesville, by defining "electric golf cart"; amending Section 30-61(c) of the Land Development Code, by adding "Retail sales of electric golf carts" to the list of permitted uses by special use permit in the General Business District (BUS); creating and adding Section 30-119 to the Land Development Code, by adding "Retail sales of electric golf carts" to the list of specially regulated uses and imposing conditions on the use; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This Petition and Ordinance will allow sales of electric golf carts in the General Business (BUS) zoning district, but only by special use permit as a specially regulated use. Currently automotive and other vehicle sales (which staff interprets to include golf carts) are classified under MG 55 - Automotive Dealers and Gasoline Service Stations, a use that is not permitted in the BUS district.

The Petitioner is seeking this amendment to the land development code in order that a retail store that sells batteries of all types (permitted by right in the BUS district as an IN533 - Auto and Home Supply Store) can also sell a limited number of electric golf carts.

This amendment defines electric golf carts to exclude low-speed vehicles (which can look similar to golf carts) that can be registered and legally operated on Florida streets where the posted speed is 35 miles per hour or less. This exclusion is in accord with the Petitioner's request to limit the proposed use to the sale of electric golf carts. The specificity of the proposed definition also serves to prohibit the sales of other off-street vehicles, including but not limited to gas or electric-powered ATVs (all-terrain vehicles) or motor scooters in the

BUS district. It is a stated concern of the Petitioner and it is a concern of staff that the proposed use be very specifically defined so that the addition of electric golf cart sales as a use by special use permit does not open the BUS district to other motor vehicle sales. Staff believes that the proposed definition sufficiently addresses this concern.

Requiring the proposed use to be a specially regulated use with conditions will further restrict the sales of electric golf carts in the BUS district, and signal the City's intent to limit the expansion of motor vehicle sales outside of the BA (Business automotive), BI (Business industrial), and I-1 (Limited industrial) districts where they are currently permitted by right. Requirements pertaining to the outdoor storage and display of electric golf carts and landscaping and buffering are needed, and were developed by staff, supported by the Petitioner, and recommended by the Plan Board.

Public notice was published in the Gainesville Sun on April 4, 2010. On April 22, 2010, the City Plan Board heard the Petition and, by a vote of 6-0, approved the Petition with amendments to the landscaping requirements.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/2/10 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (7 - 0)

100023_draft ordinance_20100902.pdf
100023_staff report_20100902.pdf
100023A_proposed text changes_20100902.pdf
100023B_application and related info_20100902.pdf
100023C_100422 cpb minutes_20100902.pdf
100023D_staff ppt_20100902.PDF

100244.

HARDSHIP ASSISTANCE PROGRAM (B)

Ordinance No. 100244

An Ordinance of the City of Gainesville, Florida, relating to the Fire Services Special Assessment; creating Section 11-39.1 by establishing a Hardship Assistance Program; authorizing the City Manager to establish guidelines and administer the Program; providing a severability clause; providing directions to the codifier; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of July 15, 2010, authorized the City Attorney's Office to draft an ordinance by establishing a Hardship Assistance Program. The program is established to assist low income residential homeowners whose home ownership is at risk as a result of the fire services special assessment. The City Manager will establish the guidelines for and administer the Hardship Assistance Program.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/2/10 City Commission Adopted on First Reading (Ordinance) (7 - 0)
 100244_Hardship Assistance Program_20100902.pdf

100097.**DEVELOPMENT ORDER AND BUILDING PERMIT EXTENSIONS (B)****Ordinance No. 100097**

An Ordinance of the City of Gainesville, Florida, establishing administrative procedures, fees, requirements and limitations to carry out the development order and building permit extensions authorized by Senate Bill 1752, now known as Chapter Law No. 2010-147, Laws of Florida; providing a severability clause; and providing an immediate effective date.

Explanation: On May 28, 2010, the Governor signed Senate Bill 1752 (now Chapter 2010-147, Laws of Florida) commonly referred to as the "Jobs Bill" into law ("SB 1752"). While SB 1752 covers many diverse economic development issues, this ordinance is limited to the section of SB 1752 that provides for another 2-year extension to local permits, in addition to the extension granted by 2009's Senate Bill 360 ("SB 360"). Under SB 1752, holders of permits with an expiration date of September 1, 2008 through January 1, 2012, have until December 31, 2010, to extend and renew their permits for a period of 2 years from its current date of expiration.

On July 1, 2010, the City Commission, by a vote of 6-0, directed the City Attorney to prepare an ordinance to establish procedures and fees to provide clarity in the processing, administration and documentation of the SB 1752 permit extensions, just as the City did with SB 360 last year. In addition, as the litigation challenging SB 360 is still pending, this ordinance attempts to address the effect of subsequent invalidation of SB 1752 and/or SB 360, particularly for projects that receive both extensions.

Should the City Commission pass this ordinance on first reading, second and final reading will be held on September 16, 2010.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

7/1/10 City Commission Approved as Recommended (6 - 0 - 1 Absent)
 9/2/10 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

100097_Ch 2010-147 Laws of Florida_20100701.pdf
 100097_draftordinance_20100902.pdf

100162.**ELECTRIC RATES AND CHARGES (B)****ORDINANCE NO. 100162**

**AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA,
 AMENDING APPENDIX A, SECTION UTILITIES (1) ELECTRICITY
 OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING**

ELECTRIC BASE RATES AND CUSTOMER SERVICE CHARGES; ADDING AND REMOVING PUBLIC STREETLIGHT AND RENTAL LIGHTING TYPES; CREATING A PROVISION FOR UNAPPROVED POLES AND LIGHTING FIXTURES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase electric base rates and customer service charges.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2010.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/2/10 City Commission Adopted on First Reading (Ordinance) and Approved the Recommendation (6 - 0 - 1 Absent)

100162_electric base rate ordinance_20100902.pdf

100104.

FEED-IN TARIFF RATES AND CHARGES B)

ORDINANCE NO. 100104

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING APPENDIX A, SECTION UTILITIES (1) ELECTRICITY SUBSECTION i. OF THE GAINESVILLE CODE OF ORDINANCES BY DEFINING CLASSES OF FEED-IN TARIFF (FIT) SOLAR PHOTOVOLTAIC DISTRIBUTED RESOURCES (SPDR); AMENDING THE RATE SCHEDULE FOR FIT SPDR; AMENDING CUSTOMER CHARGES FOR FIT SPDR; ESTABLISHING PROCESSING FEES FOR FIT SPDR; ESTABLISHING CAPACITY RESERVATION FEES FOR FIT SPDR; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: In the July 1, 2010 City Commission meeting, staff recommended to create classes, update the rate schedule, update customer charges, create processing fees, and create capacity reservation fees for feed-in tariff solar-powered distributed resources.

The changes will be applied to bills rendered after 12:01 A.M., October 1, 2010.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/1/10 City Commission Approved as Recommended (6 - 0 - 1 Absent)
 9/2/10 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
 100104_solarfeedtariff_20100701.pdf
 100104_feed-in tariff ordinance_20100902.pdf

100163.**WATER SERVICE RATES AND CHARGES (B)****ORDINANCE NO. 100163**

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING APPENDIX A, SECTION UTILITIES (3) WATER, OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING CUSTOMER SERVICE CHARGES; INCREASING INSPECTION FEES AND TAPPING CHARGES; INCREASING METER INSTALLATION CHARGES; INCREASING BASE RATES FOR WATER SERVICE; DECREASING THE UNIVERSITY OF FLORIDA BASE RATE FOR WATER SERVICE; INCREASING WATER TRANSMISSION, DISTRIBUTION AND PLANT CONNECTION CHARGES; INCREASING STANDBY FIRE SPRINKLER LINE CHARGES; INCREASING INSTALLATION, REMOVAL, AND DEPOSIT FEES FOR TEMPORARY SERVICE AND FIRE HYDRANT METERS; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase water base rates and customer service charges, connection, tapping, inspection, and standby sprinkler line fees.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2010.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/2/10 City Commission Adopted on First Reading (Ordinance) (7 - 0)
 100163_water service rate ordinance_20100902.pdf

100164.**WASTEWATER RATES AND CHARGES (B)****ORDINANCE NO. 100164**

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING APPENDIX A, SECTION UTILITIES (4) SEWERAGE OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING WASTEWATER BASE RATES; INCREASING CONNECTION AND INSPECTION CHARGES; ADDING CLARIFYING LANGUAGE FOR METERED WASTEWATER SERVICE; REMOVING

TACACHALE-SPECIFIC RATES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase wastewater base rates and connection, tapping, and inspection fees.

Tacachale has agreed to move from customer specific wastewater rates to retail wastewater rates.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2010.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/2/10 City Commission Adopted on First Reading (Ordinance) (7 - 0)
100164_wastewater rate ordinance_20100902.pdf

100165.

NATURAL GAS RATES AND CHARGES (B)

ORDINANCE NO. 100165

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, 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 IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.

Explanation: 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.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2010.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/2/10 City Commission Adopted on First Reading (Ordinance) (7 - 0)
100165_natural gas rate ordinance_20100902.pdf

100223.

STORMWATER MANAGEMENT UTILITY FEES (B)

Ordinance No. 100223

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 immediate effective date in accordance with the schedule provided herein.

Explanation: As part of its budget process, 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

If approved on first reading, the second and final reading will be September 16, 2010. The new rate will be effective October 1, 2010.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/2/10 City Commission Adopted on First Reading (Ordinance) (7 - 0)

100223_Draft_Ordinance_20100902.pdf

PLAN BOARD PETITIONS**DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****COMMISSION COMMENT****CITIZEN COMMENT (If time available)****ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**