

City of Gainesville

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



Meeting Agenda - Final

August 1, 2013

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)

Commissioner Lauren Poe (At Large)

Commissioner Thomas Hawkins (At Large)

Commissioner Yvonne Hinson-Rawls (District 1)

Commissioner Todd Chase (District 2)

Commissioner Susan Bottcher (District 3)

Mayor-Commissioner Pro Tem Randy Wells (District 4)

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

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**

Prophet George Young

CONSENT AGENDA

Jo Beaty, Gabe Kaimowitz, Mac McEachern, Donald Sheppard and Nathan Skop spoke to matter.

CITY MANAGER, CONSENT AGENDA ITEMS

[130119.](#)

Annexation of City-owned Parcel North of Morningside Nature Center (B)

This is the submission of petition for voluntary annexation of city-owned property of Tax Parcel 10860-000-000, which is located North of Morningside Nature Center and east of Northeast Waldo Road.

Explanation: The City of Gainesville owns one parcel of land that is located north of Morningside Nature Center and east of Northeast Waldo Road. Tax Parcel 10860-000-000 is generally located south of Northeast 39th Avenue in the southwest quadrant of Tax Parcel 10862-000-000, west of the vicinity of Morningside Nature Center, north of East University Avenue and Tax Parcel 10861-000-000, and east of Northeast Waldo Road and the Cedar Grove Subdivision. 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 this parcel 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.

[130119_Morningside Petition_20130801.pdf](#)

[130119A_draft ordinance_20130815.pdf](#)

[130120.](#)

Annexation of City-owned Parcel South of Fred Cone Park (B)

This is the submission of petition for voluntary annexation of city-owned property that is a portion of Tax Parcel 16146-000-000, which is located south of Fred Cone Park on Southeast Hawthorne Road and in the vicinity of Southeast 27th Street.

Explanation: The City of Gainesville owns one parcel of land that is located along Southeast Hawthorne Road in the vicinity of Southeast 27th Street and Fred Cone Park. The portion of Tax Parcel 16146-000-000 is generally located south of East University Avenue and Fred Cone Park, west of Tax Parcel 16143-000-000, north of Southeast Hawthorne Road, and east of Southeast 24th Street and the Alachua County Sheriff's Office. 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 this parcel 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.

[130120_Fred Cone Petition_20130801.pdf](#)

[130120A_draft ordinance_20130815.pdf](#)

[130121.](#)

Annexation of City-owned Parcels Northeast of Gainesville Regional Utilities Deerhaven Generating Station (B)

This is the submission of petitions for voluntary annexation of city-owned property composed of Tax Parcels 05871-003-000 and 05871-002-000, both of which are located northeast of Gainesville Regional Utilities Deerhaven Generating Station along State Road 121.

Explanation: The City of Gainesville owns two parcels of land that are located northeast of Gainesville Regional Utilities Deerhaven Generating Station along State Road 121. Tax Parcel 05871-003-000 is generally located south of Northwest 142th Avenue and Tax Parcel 05871-000-000, west of State Road 121, north of Northwest 128th Lane, and east of Tax Parcel 05869-002-000. Tax Parcel 05871-002-000 is generally located south of Northwest 128th Lane, west of State Road 121 and Seminole Woods Subdivision, north of Tax Parcel 05882-004-000, and east of Tax Parcel 05878-004-001. 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.

[130121A_Deerhaven Petition_20130801.pdf](#)

[130121B_Deerhaven Petition_20130801.pdf](#)

[130121A_draft ordinance_20130815.pdf](#)

[130122.](#)

Authorization to draft amendments to the General Employees' Pension Plan and the Police Officers and Firefighters Consolidated Retirement Plan (NB)

Explanation: For federal tax compliance purposes, certain minor amendments are required to the General Employees' Pension Plan and the Police Officers and Firefighters Consolidated Retirement in order for the Plans to be considered qualified governmental retirement plans (i.e., to ensure that the Plans receive favorable tax treatment by the IRS). Chapter 2009-97, Laws of Florida (Senate Bill 538) also requires certain minor amendments to the Police Officers and Firefighters Consolidated Retirement in order for the Plan to be in compliance with Chapters 175 and 185, Florida Statutes.

In addition to these amendments required by law, City staff recommends a minor amendment to the General Employees' Pension Plan to provide the Board of this Plan (members of the City Commission sit as the Board) with broader investment authority. Currently, Section 2-527(w) of the Plan provides "[t]he [B]oard shall have full power to invest and reinvest all funds within its control and to make investment of all kinds except as otherwise provided by statute or ordinance." Under Florida Statute Section 112.661(5)(a), the investment of the assets of the Plan are subject to the limitations and conditions set forth in Florida Statute Section 215.47(1)-(6), (8), (9), (11) and (17), "unless otherwise authorized by law or ordinance." The proposed amendment to the Plan would expressly provide that investments of the Plan's funds are not subject to investment limitations and conditions set forth in Florida Statute Section 215.47, thereby authorizing the Board to invest funds in asset classes or allocations which may be otherwise restricted by Florida Statute Sections 112.661(5)(a) and 215.47.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise the proposed amendments to the General Employees' Pension Plan and the Police Officers and Firefighters Consolidated Retirement Plan.

[130124.](#)

Approval of the Regional Transit System (RTS) Title VI Program (B)

This item is a request to approve the RTS Title VI Program and its subsequent submission to the Federal Transit Administration (FTA) for final review and approval.

Explanation: Triennially, recipients of Federal Transit Administration (FTA) financial assistance must demonstrate that the appropriate governing entity has reviewed and approved their Title VI program. Title VI is a federal statute that provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The requirements for each recipient are dependent on whether they are a state entity, Metropolitan Planning Organization, or transit provider. RTS must meet the requirements of transit providers that are located in an Urbanized Area of less than 200,000 people.

The costs for the Title VI program are largely dependent on the extent to which RTS must provide translation services to the general public. Historically, this has been minimal and the most frequently requested language, Spanish, has been and can continue to be handled internally. Recent United States Census data, however, obligates RTS to provide similar services to Chinese individuals as well.

Fiscal Note: RTS estimates translation services at \$400 for printed material, \$75-\$150 for written/in-person translation services, and \$1.50 a minute for phone translation services. Funding for this program is available in the RTS FY13/14 operating budget.

RECOMMENDATION

The City Commission approve the Regional Transit System (RTS) Title VI program.

Alternative Recommendation

The City Commission continue to work with the City of Gainesville Equal Opportunity Office for an acceptable alternative program.

[130124_Program_20130801.pdf](#)

[130133.](#)

Service Agreement for an Open Data Portal and Performance Measurement Dashboard for the Government 2.0 Initiative (NB)

This item requests approval by the City Commission to authorize the City Manager to enter into a specified source contract with Socrata, Inc., for The Socrata Open Data Platform™ and GovStat™ to make data available through shared public datasets and display performance metrics using interactive dashboards.

Explanation: In an ongoing effort to provide transparency, participation, and

collaboration in government, City of Gainesville staff seeks to take an initial major step forward with the implementation of Government 2.0, as described in the City Commission's Strategic Initiative 4.2. This initiative was adopted in the FY2013 City Commission Strategic Plan to enhance service provisions and provide information to foster citizen engagement.

The draft agreement will provide a cloud-based, vendor-hosted offering delivered as a turnkey, configurable solution for The Socrata Open Data Platform™, the Socrata version of an open data portal, and GovStat™, the Socrata version of a performance measurement dashboard. The Socrata Open Data Platform™ will make City datasets available to the public in a variety of industry-standard formats and will provide accessible sorting, searching, filtering, and downloading capabilities for the development of web-based and mobile applications. GovStat™ will allow for the evaluation of the efficiency and effectiveness of City services through visualizations available on an external citizens dashboard and internal management dashboard.

Staff recommends a hosted solution to make data available to the public. Due to the cost of setting up servers, obtaining database licenses, and the significant resources required to initiate an in-house development and on-going maintenance, selecting a vendor with all of these components in place is imperative to provide this service.

After reviewing major municipal open data portals and performance measurement dashboards, staff found the following organizations contracted with Socrata using either a sole, single, or specified source justification. Staff's research included the City of Austin, Texas, the City of Dallas, Texas, the State of Washington, the City of Raleigh, North Carolina, the State of Missouri, the State of Illinois DOT, the City of South Bend, Indiana, San Mateo County, California, Wellington, Florida, and Cook County, Illinois.

While staff identified vendors outside of the United States offering a version of a data warehousing site, there are no known comparable vendors within the United States. This is comparable to the research identified by the above referenced government entities. While staff also identified multiple vendors of performance measurement dashboards, there were various limitations to each offering which would require specific customization to meet the needs of the City. Socrata is the only vendor offering a package of services which includes both the open data portal and performance measurement dashboard. Furthermore, staff found Socrata's offering to be unique in its live connection and data integration between both The Socrata Open Data Platform™ and GovStat™.

The draft agreement contracts with Socrata for its Software as a Service (SaaS) offering and includes data conversion and implementation, initial and ongoing training, website hosting, and user support services. Based upon staff research and communication, the contract amount of the draft agreement is comparable to other municipalities of similar size to

Gainesville. A three-year agreement would also be most effective due to the amount of staff resources that will be required for a successful implementation and launch.

Staff requests authorization to waive any bidding or competitive solicitation process and utilize the Socrata solution as a specified source for an open data portal and performance measurement dashboard.

Fiscal Note: Funds are available in General Government's Capital Improvement Plan e-Government Initiative budget to cover the full three-year service agreement totaling \$197,892.

RECOMMENDATION

The City Commission: 1) approve Socrata, Inc., to be a specified source for The Socrata Open Data Platform™ and GovStat™; and 2) authorize the City Manager, or his designee, to negotiate and execute a three-year service agreement with Socrata, Inc., subject to the approval of the City Attorney as to form and legality.

[130143.](#)

Scheduling of a Compensation Study Workshop (NB)

Explanation: This is a request for the City Commission to schedule a special workshop to discuss the Compensation Study conducted by Milliman, Inc.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission approve a workshop to discuss the Compensation Study on August 29, 2013, from 2:00 pm to 4:00 pm in City Hall, Room 16.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

[130150.](#)

General Engineering and Consultation Services (NB)

Staff recommends authorization to negotiate amendments to contracts for professional engineering and consulting services.

Explanation: On September 4, 2008, the City Commission approved a list of qualified firms and authorized GRU to initiate contract negotiations in accordance with the Consultants Competitive Negotiations Act (CCNA) with architectural, engineering and consultation firms as a result of a Request for Statement of Qualifications (RFSQ) for those services. After the initial establishment of 23 contracts, 12 additional contracts were authorized by the City Commission in 2009, 2011 and 2012 based on the potential need for their unique capabilities and experience. The

purpose of developing these contracts is to pre-establish terms and labor rates which are negotiated, approved and available to GRU when needed while complying with the state of Florida's qualifications-based CCNA bid requirements.

The terms of the current contracts include an option for a five-year extension. Labor rates may be adjusted annually based on negotiations and concurrence of GRU. Since the inception of the contracts, only 10% have had rate changes. Any proposed rate changes will be compared to the Consumer Price Index and other applicable indices and negotiated to ensure price competitiveness.

The scope of services includes engineering and specific consultation services which are used to supplement GRU's in-house design and professional staff in support of budget-approved Capital Improvement projects or other projects that may emerge, on a project specific basis. Selection of a firm is based on the firm's understanding of the project scope, specific expertise or ability to complete the project, and the project timeline and cost as reflected by proposed level of effort. For projects with a construction cost estimated to exceed one million dollars, a separate RFSQ will be issued using the list of firms under contract with GRU, requesting project specific submittals. The ranking of responding firms will be submitted to the City Commission for approval.

GRU intends to extend the term of contract with the following firms:

Affiliated Engineers SE Inc.

Mactec Engineering & Consulting, Inc.

Black & Veatch Corporation

Brame Architects

Brown & Cullen, Inc.

Burns & McDonnell Engineering Company Inc.

Causseaux Hewett & Walpole, Inc.

Camp Dresser & McKee, Inc.

CH2M Hill

Dyer, Riddle, Mills & Precourt, Inc.

Eng, Denman & Associates

Environmental Consulting & Technology Inc.

Flad Architects

George F. Young, Inc.

Golder Associates Inc.

Innovative Waste Consulting Services LLC

Intertek Aptek

Jordan Jones & Goulding, Inc.

Jones Edmunds & Associates, Inc

Power Grid Engineering, LLC

SAIC , Energy, Environment & Infrastructure, LLC (formerly RW Beck Inc.)

Suncoast Industrial Services Inc.

Webster Environmental Associates Inc.

Consideration of other professional engineering and consulting firms,

such as newly identified or other interested firms, will be handled through another RFSQ in the upcoming fiscal year. Staff will request approval from the City Commission for the qualified firms and authorization to negotiate contracts in accordance with CCNA at that time.

Fiscal Note: Funding for the projects for which design or consultation services as required have been budgeted in the proposed Capital Improvements Budgets of Utility departments requiring these services for FY 2014 and will be budgeted in future years as required.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute amendments to the contracts for professional engineering and consulting firms extending the term through September 30, 2018, in accordance with the Consultants Competitive Negotiations Act (CCNA) and subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders for these services, in amounts not to exceed budgeted amounts, subject to the final appropriation of funds for each year of the contract.

[130154.](#)

Florida Municipal Power Agency (FMPA) Costs and Expenses for Crystal River Unit 3 Negotiations (B)

Explanation: FMPA has thus far represented the City of Gainesville, d/b/a Gainesville Regional Utilities (GRU), as GRU's and other municipal joint owners and wholesale purchasers' agent in negotiations with Duke Energy Florida, Inc. ("Duke") concerning Duke's failed Crystal River Unit 3 ("CR3") plant. There are numerous complicated legal and technical issues involved in these negotiations, and despite this, the negotiations are moving in a productive direction and FMPA believes there is a possibility that it may be able to settle some or all of the potential claims against Duke.

Fiscal Note: Funds are available in GRU's FY 2013 budget.

RECOMMENDATION

The City Commission (1) authorize the General Manager, or his designee, to pay FMPA up to a total of \$110,000 for FMPA's efforts on GRU's behalf, inclusive of all amounts already incurred and paid by GRU for the CR3 negotiations with Duke; and (2) authorize the General Manager, or his designee, to execute the Authorization for Increased FMPA Costs and Expenses, agreeing to pay up to \$110,000 to FMPA on GRU's behalf.

[130154_ltr_20130801](#)

CITY ATTORNEY, CONSENT AGENDA ITEMS

[130155.](#)

EYE ASSOCIATES OF GAINESVILLE, LLC AND DEBORAH L. MARTINEZ, PETITIONERS IN RE: PETITION FOR EXPEDITED REVIEW OF ELECTRIC RATE STRUCTURE FOR GAINESVILLE REGIONAL UTILITIES; BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION, DOCKET NO. 130188-EM (B)

Explanation: On July 16, 2013, the City was provided a copy of a petition filed by Eye Associates of Gainesville, LLC and Deborah L. Martinez ("Petitioners") with the Florida Public Service Commission (the "PSC"). Petitioners allege they are commercial and residential customers receiving electric service from Gainesville Regional Utilities ("GRU"). Petitioners state they seek expedited review of the existing and proposed GRU electric rate structure to ensure that the electric rate structure is fair, just, and reasonable, non-discriminatory, allocates the recovery of costs appropriately between the customer classes, and allocates the recovery of costs equitably between members of a customer class. Petitioners request for expedited review is based upon the results of the cost of service study initiated by GRU for consideration by the Gainesville City Commission. On July 16, 2013, the City Commission began a review of the cost of service study and of proposed electric rate structure changes. If any change to the rate structure is approved by the City Commission at its budget hearings, the City Commission must adopt those changes by ordinance which requires additional public hearings. Any new rate structure approved by the Commission would not be effective until October 1, 2013.

Petitioners ask the PSC to take jurisdiction because Petitioners believe that the "Gainesville City Commission lacks the technical and utility regulatory expertise to independently determine whether the existing rate structure and the proposed rate structure addresses the cost of service and rate structure" changes identified by the consultants hired by the City. Petitioners request the PSC open a docket and issue a procedural order establishing a hearing schedule in furtherance of conducting an expedited review of the existing and proposed GRU electric rate structure. The PSC has opened a docket and Representative Keith Perry has filed correspondence in support of the Petitioners request. If the PSC were to exercise jurisdiction over Gainesville's new rate structure, the PSC will hold a public hearing where petitioners can present any evidence they believe relevant to the PSC's decision.

The PSC has discretionary jurisdiction over rate structure issues for municipal utilities. Pursuant to the Florida Administrative Procedures Act, the City will have only 20 days (from the date of assignment of the petition to a presiding officer) to file a motion to dismiss the petition. Because this is a highly specialized area of law, the City Attorney's Office sought special counsel with significant experience practicing electric utility law before the PSC. The City Attorney's Office located three such attorneys, requested quotes and selected Mr. May, as he has considerable recent and relevant experience and also submitted the

lowest quote.

. . . fiscal note

Funding for the special counsel representation will be paid from GRU budgeted funds

RECOMMENDATION

The City Commission authorize the City Attorney, assisted by special counsel, D. Bruce May, Jr. with Holland & Knight, to represent the City d/b/a Gainesville Regional Utilities in the administrative proceeding before the Florida Public Service Commission styled Eye Associates of Gainesville, LLC and Deborah L. Martinez, In re: Petition for Expedited Review of Electric Rate Structure for Gainesville Regional Utilities, PSC Docket No. 130188-EM

[130155A_Petition_20130801.pdf](#)

[130155B_Correspondence_20130801.pdf](#)

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[130142.](#)

Appointments to City Commission Advisory Boards and Committees

RECOMMENDATION

The City Commission appoint:

Gracy Castine to the CRA Downtown Redevelopment Advisory Board for a term to expire 6/7/16.

Brian Scarborough, Susan Crowley, and Racheal Johnson to the Gainesville/Alachua County Regional Airport Authority for a term to expire 7/31/16.

Kenneth Johnson to the Gainesville Enterprize Zone Development Agency for a term to expire 3/31/17.

Stanley Livengood to the Pension Review Committee for a term to expire 7/13/18.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT**PUBLIC SAFETY COMMITTEE, CONSENT****AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**[110489.](#)**Road Maintenance Costs Associated With Providing Residential Solid Waste Collection Services (B)**

Explanation: On August 18, 2011, the City Commission accepted the City Auditor's report related to a Review of Solid Waste Collection Fees and authorized the Audit, Finance and Legislative Committee to retain Issue #3 from the report, regarding Road Maintenance Costs, in committee for further discussion.

A copy of the audit report, which includes a response from the City Manager, is submitted as backup for this item. Issue #3 appears on page 8 of the report and includes a recommendation for management to evaluate the methodology established in 1993 to calculate road maintenance costs associated with providing residential solid waste collection services and determine if annual allocations should be changed to reflect current cost factors and inventory of residential streets. Attachment A at the end of the report includes a July 14, 2011 memo to the Mayor discussing the relevant history and provides an updated analysis regarding these costs.

On November 14, 2011, the Audit, Finance and Legislative Committee (AFLC) discussed this issue and requested staff to return with further information related to this program.

On November 26, 2012, the AFLC agreed to recommend that the City phase in over a three year period the total cost of roadway pavement management for the Solid Waste Program, beginning with Fiscal Year 2014. The Committee also recommended that management implement a process of periodically adjusting the solid waste rates after the 3 year transition to keep up with identified costs. The item was retained in Committee so that staff could provide additional information on the 3 year phase in for cost increases by can size.

On July 11, 2013, the AFLC discussed this issue and agreed with the previous conclusions of the AFLC from November, 2012. The three year transition will be funded through planned biennial rate increases proposed in the budget and through anticipated savings from extending the City's WCA contract.

RECOMMENDATION

The City Commission approve the phasing in over a three year period accounting for the total cost of roadway pavement management for the Solid

Waste Program beginning with Fiscal Year 2014.

Legislative History

11/14/11	Audit, Finance and Legislative Committee	Approved as shown above (See Motion)
11/26/12	Audit, Finance and Legislative Committee	Retained in Committee
7/11/13	Audit, Finance and Legislative Committee	Approved as Recommended

[110489 - Audit Report Issue #3 - Road Maintenance Costs - AFLC 11-26-12.pdf](#)

[110489 - Attachment A - Memo from Teresa Scott - Solid Waste Funding to Resi](#)

[110178-Review of Solid Waste Collection Fees - AFLC 11-14-11.pdf](#)

[Solid Waste Collection 5 YR Revenue Forecast plus Paving.pdf](#)

[110858.](#)

Solid Waste - Can Sizes and Fees (B)

Explanation: During the March 12, 2012 Special City Commission Meeting regarding Fiscal Year 2013 and 2014 budget discussions, Commissioner Bottcher requested that this item be referred to the Audit, Finance and Legislative Committee to discuss the methodology used to establish solid waste rates and to evaluate whether changes to the rate structure are warranted.

On November 26, 2012, Solid Waste Management gave a presentation on the solid waste rate structure and the relationship of can sizes to solid waste rates. The item was retained in Committee with a request for staff to review other cities of similar size and compare their fee schedule structures to that of the City of Gainesville and return with possible modified rates structures which provide greater incentives for customers to utilize smaller can sizes.

On July 11, 2013, the AFLC discussed this issue. Staff indicated that the planned biennial rate increases proposed in the budget would increase rate differentials between can sizes a small amount, but indicated they could not justify greater differences at this time.

RECOMMENDATION

The City Commission remove this item from the referral list.

Legislative History

3/12/12	City Commission	Referred to the Audit, Finance and Legislative Committee
11/26/12	Audit, Finance and Legislative Committee	Retained in Committee

7/11/13 Audit, Finance and Approved as Recommended
 Legislative
 Committee

[110858 Solid Waste Rate Structure-AFLC- 11-26-12.pdf](#)

[130101.](#)

**Fiscal Year 2013 Operating Funds Quarterly Monitoring Report -
 Quarter Ending March 31, 2013 (B)**

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

RECOMMENDATION *The City Commission receive the quarterly budget monitoring report for the quarter ended March 31, 2013.*

Legislative History

7/11/13 Audit, Finance and Approved as Recommended
 Legislative
 Committee

[130101 - GG- 2nd Quarterly Report FY2013.pdf](#)

[130102.](#)

Quarterly Financial Report - Gainesville Regional Utilities (B)

RECOMMENDATION *The City Commission receive the GRU Quarterly Financial Report as of March 31, 2013.*

Legislative History

7/11/13 Audit, Finance and Approved as Recommended
 Legislative
 Committee

[130102 - GRU 2013 Second Quarter Financials.pdf](#)

[090456.](#)

Payment Methods of City Fees and Licenses (B)

This item is to discuss the issue of traditional options of payment for City fees and licenses versus online payments and also includes Legistar Referral #100219.

Explanation: In an effort to implement the City Commission's goals related to E-Commerce and to prepare for declining resources, staff has implemented a number of on-line government services (E-Gov services), including payment of parking citations, business tax renewals, parking decals and landlord license renewals.

In order to realize to full benefit of implementing E-Gov services, mailed payments were not offered as an option to customers. The attachment illustrates a comparison of the staff effort required to process mailed payments, payments made in person and on-line/electronic payments.

The on-line payment only requires three steps from staff (four if by wire transfer). Payment by mail is much more labor-intensive than any other types of payments. Some customers have been reluctant to use the on-line process, while staff is struggling to keep up with the demand of offering payment methods that require a significant amount of effort to process with fewer resources and staff. Some have suggested implementing an additional fee for mailed payments to cover the cost of processing.

On July 11, 2013, the AFLC discussed this issue. Management noted that while online payments are definitely encouraged, in person and mailed payments are always accepted by the City.

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission remove the item from the Audit, Finance and Legislative Committee referral list.

Legislative History

9/17/09	City Commission	Referred to the Audit, Finance and Legislative Committee
11/30/09	Audit, Finance and Legislative Committee	Continued
3/29/10	Audit, Finance and Legislative Committee	Continued
6/29/10	Audit, Finance and Legislative Committee	Retained in Committee
4/4/11	Audit, Finance and Legislative Committee	Retained in Committee
7/11/13	Audit, Finance and Legislative Committee	Approved as Recommended

[090456 Payment Methods of Fees and Licenses 20091130.pdf](#)

[090456_methods of payment_20110404.PDF](#)

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA**ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****GENERAL MANAGER FOR UTILITIES**[120516.](#)**Net Metering Policy and Practice (B)**

Explanation: GRU maintains a net metering program that was most recently revised in 2009 as a requirement of the Public Utilities Regulatory Policy Act (PURPA). Under that program, customers with Solar Photovoltaic (PV) systems offset electric usage by generating their own power from the PV system and selling any power not needed on site back to GRU. In 2009 the program and the rates were developed to subsidize the high cost of solar PV and encourage solar PV growth. Since that time solar PV costs have come down significantly, some customers have oversized net metered systems and as retail rates increase, net metering costs increase, putting additional upward pressure on rates.

Staff represents that policies were developed and programs were implemented successfully to encourage competition and growth in the solar PV market. As designed, the markets have changed significantly and staff recommends adjusting the solar PV net metering programs to reduce the level of subsidization funded through the rate paid for energy not used by the solar PV customers and purchased by the utility, therefore reducing the upward rate pressures driven by the significant installed and expected growth of solar PV net metering systems.

This item was presented and discussed as part of referral item #120516 to the Regional Utilities Committee on February 19, 2013 and April 17, 2013. Chairman Poe subsequently asked staff to present a recommendation with alternatives to the full commission.

Fiscal Note: The GRU proposal for changes to the net metering program will provide savings to the utility and reduce the subsidy customers pay on the price paid per kilowatt hour for energy delivered to the system, resulting in decreased upward rate pressure. The alternate proposal will maintain approximately the same level of expense for the utility, the subsidy customers pay along with sustaining upward rate pressure.

RECOMMENDATION

The City Commission; 1) receive a presentation from staff; and 2) direct staff to draft an ordinance

modifying the net metering policy and practice that implements the staff recommendation or the staff alternative.

Legislative History

10/4/12 City Commission Referred to the Regional Utilities Committee

[#120516 Renewable Energy Presentation 2-19-13](#)

[RUC #120516 Solar Net Metering Presentation 4-17-13-Modified](#)

[120516_ppt_20130801](#)

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

[130095.](#)

Report of Small Business Enterprise Activity for the City of Gainesville (GG and GRU) (B)

Modified

Explanation: The Gainesville Charter mandates that the Equal Opportunity Director make an annual report pertaining to local minority business and local small business enterprise procurement programs.

RECOMMENDATION

The City Commission: hear a presentation from EO Director Cecil Howard on the SBPP and SBE 2012 spending reports; discuss and accept the reports.

Legislative History

7/9/13 Equal Opportunity Committee Deferred

[130095_PPT_20130801.pdf](#)

[130095_GRU Spend Rpt_20130801.pdf](#)

[130095_GG Spend Rpt_20130801.pdf](#)

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION**[130158.](#)**Commissioner Yvonne Hinson-Rawls - Update on City's Major Construction Projects (B)***Modified***RECOMMENDATION**

The City Commission: 1) hear a presentation from EO staff on the City's major construction projects; 2) discuss the capital projects that the EO Office is monitoring for compliance; and 3) take appropriate action.

[130158_PPT_20130801.pdf](#)[130158_Construction Rpt_20130801.pdf](#)[130173.](#)**Mayor Ed Braddy: GRU Spill (B)***Modified***RECOMMENDATION**

Hear a presentation from GRU staff.

[130173 ppt 20130801](#)**COMMISSION COMMENTS (if time available)****RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS**[130147.](#)**Ted Crom Day - August 10, 2013 (B)****RECOMMENDATION**

Ted Crom's Family Widow of Honree Wynona Crom and Sons of Honoree Ted Crom, Brady Crom and Gary Crom to accept the proclamation.

[130147_TedCrom_20130801.pdf](#)

[130166.](#)**National Night Out - August 10, 2013 (B)***Modified*RECOMMENDATION

Gainesville Police Department Crime Prevention Supervisor Sergeant Jamie Kurnick to accept the proclamation.

[130166_NightOut_20130801.pdf](#)**CITIZEN COMMENT (6:00pm)****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**[130100.](#)**SECOND AMENDMENT TO THE FY 2012-2013 GENERAL FINANCIAL AND OPERATING PLAN (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, 2012 and Ending September 30, 2013; Amending Resolution No. 120271 as Amended by Resolution No. 120758, by Making Certain Adjustments to the General Operating and Financial Plan Budget; and Providing an Immediate Effective Date.

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2012-2013 General Government budget those transactions and activities that were not anticipated during the budget process.

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

RECOMMENDATION

The City Commission adopt the proposed resolution.

Legislative History

7/11/13 Audit, Finance and Approved as Recommended
 Legislative
 Committee

[130100 - GG FY13-2ND-AMEND-BGT-RESOLUTION.docx](#)[130100 - Attachment A - GG-FY2013 Amendatory 2nd Quarter \(Revised Final\).r](#)[130100_2ndBudgetAmendment_20130801.pdf](#)

Clerk's Note: The City Commission waive the Rules to hear the item below after File #121102.

[130082.](#)

RESOLUTION AUTHORIZING THE CODE ENFORCEMENT BOARD TO CONDUCT QUASI-JUDICIAL HEARINGS (B)

Resolution No. 130082

A Resolution of the City of Gainesville authorizing the code enforcement board to conduct quasi-judicial hearings related to violations of the City of Gainesville Code of Ordinances and providing an immediate effective date.

Explanation: The city commission has approved an ordinance authorizing quasi-judicial hearings to be conducted by a special magistrate or the code enforcement board. The ordinance provides that the special magistrate and the code enforcement board shall not have simultaneous jurisdiction and the commission shall select, by resolution, which entity conducts the hearings.

Staff is in the process of issuing a Request for Proposals (RFP) for Code Enforcement Special Magistrate with an expectation that a Special Magistrate and a reserve Special Magistrate will be selected and implemented by October 1, 2013. Until such time as the Special Magistrate is prepared to assume the referenced duties and the commission authorizes same by Resolution, it is necessary that the authority to conduct quasi-judicial hearings remain with the code enforcement board.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

[130082_CEB to conduct quasi-judicial hearings_20130718.pdf](#)

ADOPTION READING - ROLL CALL REQUIRED

[120796.](#)

LAND USE CHANGE - SMALL SCALE - APPROXIMATELY 0.24 ACRES OF PROPERTY GENERALLY LOCATED IN THE VICINITY OF THE 3600 BLOCK OF SW 40TH BOULEVARD (B)

Ordinance No. 120796; Petition No. PB-12-167 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 0.24 acres of property generally located in the 3600 block of SW 40th Boulevard, as more specifically described in this ordinance, from

Alachua County Commercial to the City of Gainesville land use category of Business Industrial (BI); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition/ordinance is a small-scale future land use map amendment that changes the land use designation for approximately 0.24 acres of property (Tax Parcel No. 06800-008-000) from Alachua County Commercial to City of Gainesville Business Industrial (BI). The property is generally located at the 3600 block of SW 40th Boulevard, directly adjacent to the NW corner of the Target. The property is currently vacant and appears to provide access for maintenance of the stormwater facility located directly north and east of the site.

The subject property was originally part of the "Southwest Annexation" large-scale land use amendment that changed multiple properties from Alachua County to City of Gainesville land use designations on July 21, 2011 (Ordinance No. 100679). Although the property was originally intended for a land use category designation of BI, during the preparation of the ordinance maps for the City Commission hearing on May 5, 2011, the property was inadvertently mistaken for unimproved right-of-way and was not depicted with a future land use category.

This petition/ordinance corrects this error and designates the property with the BI land use as was previously intended. Staff has been in contact with the property owner and their agent regarding the proposed City-initiated action. A related rezoning petition/ordinance from Alachua County Highway oriented business services district (BH) to the City of Gainesville Business industrial district (BI) is also proposed to implement the Business Industrial land use (Ordinance No. 120797).

After public notice was published in the Gainesville Sun on January 8, 2013, the City Plan Board held a public hearing on January 24, 2013, and recommended approval of this petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan involves a use of 10 acres or fewer and qualifies as a small-scale development amendment. The City Commission may adopt small-scale development amendments with a single public hearing.

Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida

Statutes. If unchallenged, this amendment shall become effective 31 days after adoption.

RECOMMENDATION *The City Commission: (1) approve Petition PB-12-167 LUC and (2) adopt the proposed ordinance.*

[120796B Staff report 20130801.pdf](#)

[120796C Exh A1-A4 Maps 20130801.pdf](#)

[120796D Petition application 20130801.pdf](#)

[120796E Legal description 20130801.pdf](#)

[120796F CPB minutes 20130801.pdf](#)

[120796G staff ppt 20130801.pdf](#)

[120796A Draft Ordinance 20130801.pdf](#)

[120797.](#)

REZONING - APPROXIMATELY 0.24 ACRES OF PROPERTY GENERALLY LOCATED IN THE 3600 BLOCK OF SW 40TH BOULEVARD (B)

Ordinance No.120797; Petition PB-12-168 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 0.24 acres of property generally located in the 3600 block of SW 40th Boulevard, as more specifically described in this ordinance, from Alachua County Highway oriented business services district (BH) to City of Gainesville Business industrial district (BI); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This petition/ordinance rezones approximately 0.24 acres of property (Tax Parcel No. 06800-008-000) from Alachua County Highway oriented business services district (BH) to City of Gainesville Business industrial district (BI). The property is generally located at the 3600 block of SW 40th Boulevard, directly adjacent to the NW corner of the Target. The property is currently vacant and appears to provide access for maintenance of the stormwater facility located directly north and east of the site.

The subject property was originally part of the "Southwest Annexation" rezoning action that rezoned multiple properties from Alachua County to City of Gainesville zoning districts on August 4, 2011 (Ordinance No. 100678). Although the property was originally intended for BI zoning, during the preparation of the ordinance maps, the property was inadvertently mistaken for unimproved right-of-way and consequently did not receive the BI zoning.

The petition/ordinance corrects this error and rezones the property to BI as was previously intended. Staff has been in contact with the property owner and their agent regarding the proposed City-initiated action. A related small-scale land use amendment from Alachua County Commercial to City of Gainesville Business Industrial is also proposed (Ordinance No. 120796). This rezoning will be consistent with the City of Gainesville Comprehensive Plan when Ordinance No. 120796 becomes effective as provided therein.

After public notice was published in the Gainesville Sun on January 8, 2013, the City Plan Board held a public hearing on January 24, 2013, and recommended approval of this petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

Because this ordinance was initiated by the City of Gainesville and changes the zoning designation for a parcel or parcels of land involving less than 10 contiguous acres, the City Commission shall hold a public hearing and may, upon the conclusion of the hearing, immediately adopt the ordinance. This ordinance shall become effective immediately upon final adoption; however, the rezoning implemented by this ordinance shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 120796 becomes effective as provided therein.

RECOMMENDATION

The City Commission (1) approve Petition No. PB-12-168 ZON and (2) adopt the proposed ordinance.

[120797B_Staff report_20130801.pdf](#)

[120797C_Exh A-1_Aerial Map_20130801.pdf](#)

[120797D_Revised Exh A-2 Existing Zoning_20130801.pdf](#)

[120797E_Revised Exh A-3 Proposed Zoning_20130801.pdf](#)

[120797F_Petition application_20130801.pdf](#)

[120797G_Legal Description_20130801.pdf](#)

[120797H_CPB minutes_20130801.pdf](#)

[120797I_staff ppt_20130801.pdf](#)

[120797A_Draft Ordinance_20130801.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[121097.](#)

REZONING - PROPERTY GENERALLY LOCATED WEST OF NE 18TH STREET, SOUTH OF NE 6TH PLACE, EAST OF NE 17TH TERRACE, AND NORTH OF NE 5TH AVENUE (B)

Ordinance No. 121097; Petition No. PB-13-27 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville,

Florida, by rezoning approximately 3.47 acres of property generally located west of NE 18th Street, south of NE 6th Place, east of NE 17th Terrace, and north of NE 5th Avenue, as more specifically described in this ordinance, from Residential low density district (RMF-5) to Multiple-family medium density residential district (RMF-7); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This petition/ordinance rezones the 3.47-acre southern portion of a 7.41-acre parcel (Tax Parcel No. 10970-000-000) from Residential low density district (RMF-5) to Multiple-family medium density residential district (RMF-7). Related Ordinance No. 121096 amends the future land use category for the 3.47-acre area from Residential Low-Density (RL) to Residential Medium-Density (RM). The subject property consists of the southern portion of the Gardenia Gardens Apartments multi-family complex that is located on the south side of NE 8th Avenue and the west side of NE 18th Street and contains 100 U.S. Department of Housing and Urban Development (HUD) Project-Based Section 8 subsidized multi-family dwelling units.

Prior to the adoption of the 1991 City of Gainesville Comprehensive Plan, the entire 7.41-acre parcel was zoned RMF-7. Subsequent to the adoption of the 1991 City of Gainesville Comprehensive Plan, the 7.41-acre parcel received a split zoning of RMF-7 on the 3.94-acre northern portion and RMF-5 on the 3.47-acre southern portion. Planning staff could find no records regarding why this split occurred at that time. That change rendered the existing apartment buildings on the 3.47-acre southern portion non-conforming because the developed density exceeds the density limits allowable within the RMF-5 zoning district. Rezoning the 3.47-acre southern portion of the property to RMF-7 will remove the non-conformity status and create a unified zoning classification across the entire parcel that is consistent with the current developed density of the property. In addition, this change will assist in any future modifications to the property and enhance the ability of the development to obtain financing to provide affordable housing to Gainesville residents.

After public notice was published in the Gainesville Sun on April 9, 2013, the City Plan Board held a public hearing on April 25, 2013, and recommended approval of this petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings. This rezoning shall become effective when the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 121096 becomes effective as provided therein.

RECOMMENDATION

The City Commission adopt the proposed

ordinance.

Legislative History

7/18/13 City Commission Adopted on First Reading (Ordinance) and Approved the Recommendation

[121097A draft ordinance 20130718.pdf](#)

[121097B Revised Staff report 20130718.pdf](#)

[121097C Maps 20130718.pdf](#)

[121097D Comp Plan GOPs 20130718.pdf](#)

[121097E Revised CHW Justification Report 20130718.pdf](#)

[121097F Revised Petition Application 20130718.pdf](#)

[121097G CPB minutes 20130718.pdf](#)

[121097H staff ppt 20130718.pdf](#)

[121097 MOD PRES 12-0467 CC1 20130718.pdf](#)

[130098.](#)

VOLUNTARY ANNEXATION - URBAN SERVICES REPORT - WRH PROPERTIES (B)

Ordinance No. 130098

An ordinance of the City of Gainesville, Florida, adopting an Urban Services Report that sets forth plans to provide urban services to Tax Parcel Nos. 07240-030-000, 07240-001-010 and 07242-001-000, which are generally located south of SW Archer Road, west of Fred Bear Drive and I-75, north of SE Williston Road, and east of SW 62nd Avenue, upon voluntary annexation as petitioned for by the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: WRH Gainesville, LLC, submitted a petition to the City of Gainesville for the voluntary annexation of three parcels generally located south of SW Archer Road, west of Fred Bear Drive and I-75, north of SW Williston Road, and east of SW 62nd Avenue. The Alachua County Boundary Adjustment Act requires the adoption of an Urban Services Report ordinance setting forth plans to provide urban services to the annexation area prior to the adoption of an annexation ordinance. Consequently, this ordinance adopts the Urban Services Report for the three parcels owned by WRH Gainesville, LLC.

The City Commission on June 6, 2013, authorized the City Attorney to draft and the Clerk of the Commission to advertise this ordinance.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/18/13 City Commission Adopted on First Reading (Ordinance)

[130098A_draft ordinance_20130718.pdf](#)

[121102.](#)**SPECIAL MAGISTRATE FOR CODE ENFORCEMENT (B)**

Ordinance No. 121102

An ordinance of the City of Gainesville, Florida, amending the Gainesville Code of Ordinances by creating a special magistrate position as an alternative to the code enforcement board to enforce compliance with City Of Gainesville ordinances; amending Chapter 2, Article V, Division 8 , Code Enforcement Board to provide intent; provide minimum qualifications and requirements for appointment of special magistrates; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: CODE ENFORCEMENT STAFF REPORT

The Community Development Committee (CDC) discussed the Special Magistrate referral on May 24, 2011 and requested that staff provide additional information on the following items: cost of a Special Magistrate; framework and division of labor (if a hybrid model); timeliness of enforcement; transparency of LLP points removal; and the level of penalties that can be issued. On May 22, 2012, the CDC received a presentation from staff addressing the issues discussed at the May 24, 2011 CDC meeting and made a recommendation to the City Commission that a Special Magistrate be implemented in lieu of the Code Enforcement Board.

Authority for the city to establish a code enforcement board and/or special magistrate to consider violations of the code of ordinances is provided for by section 162.03(2), Florida Statutes:

(2) A charter county, a noncharter county, or a municipality may, by ordinance, adopt an alternate code enforcement system that gives code enforcement boards or special magistrates designated by the local governing body, or both, the authority to hold hearings and assess fines against violators of the respective county or municipal codes and ordinances. A special magistrate shall have the same status as an enforcement board under this chapter. References in this chapter to an

enforcement board, except in s. 162.05, shall include a special magistrate if the context permits.

Staff is in the process of issuing a Request for Proposals (RFP) for Code Enforcement Special Magistrate with an expectation that a Special Magistrate and a reserve Special Magistrate will be selected and implemented by October 1, 2013.

CITY ATTORNEY MEMORANDUM

At its regularly scheduled meeting on March 7, 2013, the City Commission authorized the Clerk of Commission to advertise and the City Attorney to draft an ordinance to implement the Special Magistrate process to enforce the city's code violations.

This draft ordinance retains the Code Enforcement Board, creates authority for a Special Magistrate and allows the City Commission to designate (by Resolution) which of the two would exercise powers from time to time.

This ordinance requires two readings.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

7/18/13 City Commission Adopted on First Reading (Ordinance)

[121102_special_magistrate_20130718.pdf](#)

PLAN BOARD PETITIONS

[130118.](#)

Amend the Magnolia Parke PD to add an additional drive-through lane for a financial institution. (B)

Petition PB-13-55 PDA. Causseaux, Hewett & Walpole, Inc., agent for HCA Federal Credit Union. Amend the Magnolia Parke Planned Development (PD) to add an additional drive-through lane for a financial institution. Located at 4720 NW 39th Avenue.

Fiscal Note: None.

RECOMMENDATION City Plan Board to City Commission - The City Commission approve Petition PB-13-55 PDA with the additional amendment that Section 4, Condition 13 be changed from "Pod "A" and "B" to "Pod "A" and or "B". Plan Board vote 5-0.

Staff to City Commission - The City Commission approve Petition PB-13-55 PDA as amended by the Plan Board.

Staff to the Plan Board - Approve Petition PB-13-55 PDA.

*Alternative Recommendation
Staff to City Commission - The City Commission deny Petition PB-13-55 PDA.*

[130118A staff report 20130801.pdf](#)

[130118B Exb A-1 rezoning packet 20130801 .pdf](#)

[130118C cpb minutes 20130801.pdf](#)

[130118D staff ppt 20130801.pdf](#)

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)