

# City of Gainesville

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



## **Meeting Agenda**

**November 20, 2008**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Jack Donovan (District 3)  
Commissioner Thomas Hawkins (At Large)  
Commissioner Jeanna Mastrodicasa (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Lauren Poe (District 2)  
Commissioner Craig Lowe (District 4)*

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

**CALL TO ORDER - 1:03 PM****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****080542.****Gainesville Police Department Gainesville Police Beat Show (B)**

**This item requests the City Commission to approve \$17,500 expenditure from State Law Enforcement Contraband Forfeiture Trust Fund for funding for the Gainesville Police Beat Show**

*Explanation: The Gainesville Police Department is requesting that \$17,500 from the State Law Enforcement Contraband Forfeiture Trust Fund for the Production of the Gainesville Police Beat Show. The Gainesville Police Department television show "Police Beat" is dedicated to educating the Gainesville community about crime trends as well as crime prevention with the goal of lowering victimization within our community.*

*The Gainesville Police Department was recently awarded \$31,281 from the Edward Byrne Memorial Justice Assistance Grant (agenda item 080117). The addition of the requested \$17,500 will allow the show to be produced for one year (12 episodes).*

*Fiscal Note: Funds in the amount of \$17,500 for this project are available in the State Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." Available balance is \$35,000.*

**RECOMMENDATION**

*The City Commission approve the appropriation of \$17,500 from the State Law Enforcement Contraband*

*Forfeiture Trust Fund for the Police Beat Show.*

*Alternative Recommendation A: The City Commission authorize partial funding.*

*Alternative Recommendation B: The City Commission deny funding.*

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**080543.**

**Contract Agreement for Gainesville Police Department - Request for Purchase Order to Sungard OSSI (B)**

**This item requests the City Commission to authorize the issuance of a Purchase Order to renew GPD's contract with Sungard OSSI for the annual maintenance fees and licenses.**

*Explanation: Sungard OSSI is the manufacturer of GPD's Records Management System used throughout the Department. With the renewal of the contract the department will maintain total integration of its current records management system data and also the integrity of their Master Name Data Base.*

*Fiscal Note: Funds in an amount not to exceed \$144,000.00 for this expenditure are available from the department's general funds, account number 001 810 8148 5210 4220.*

**RECOMMENDATION**

*The City Commission authorize the City Manager to execute a Purchase Order to Sungard OSSI, a specified source, in an amount not to exceed \$144,000.00 for the payment of this contract.*

*Alternative Recommendation A: The City Commission authorize less than \$144,000.00 for the contract renewal with the understanding that this will drastically limit the police department's ability to manage its Records Management Database.*

*Alternative Recommendation B: The City Commission deny funding.*

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**080547.**

**Selection of Symetra Life Insurance Company as the Carrier for the City's Group Health Plan Specific Stop-Loss Insurance (B)**

**This item involves the selection as Symetra Life Ins. Co. to provide the City's Group Health Plan with Specific Stop-Loss Insurance for claims in excess of \$160,000.**

*Explanation: The City of Gainesville purchases specific stop-loss insurance to protect the*

*City's Group Health Plan. Specific stop-loss insurance is a risk-financing tool used to transfer the risk of catastrophic health claims to a third party, in this case an insurer. Under a stop-loss arrangement, the City's Group Health Plan would be responsible to pay for a claim until it reaches a set dollar amount called the attachment point. Once the claim exceeds the attachment point, the insurer will reimburse the Group Health Plan for all costs paid above that attachment point.*

*The City initiated an RFP last year for this insurance product that allowed for the City to renew with Symetra, as proposed by Gallagher Benefit Services based upon acceptability of cost, coverage, service, provider stability, and market conditions. Symetra has provided the City with its renewal terms. The terms include: increasing the current rate by five percent, maintaining the attachment point to \$160,000 and maintaining the maximum lifetime benefit to \$4.85 million per member. These renewal terms will cover the City's entire exposure on catastrophic claims. Considering the current loss ratio is at 139% and claims paid in excess of the attachment point of in excess of \$335,000 and medical trends projected in the six to eight percent range, the Symetra renewal as proposed by Gallagher Benefits Services appears to be in the best interest of the City and its Group Health Plan.*

*The other key component on the Symetra product is the retro-spective premium option. A retro-spective premium acts as a gain/loss sharing program between the insured and the carrier. This option allows the City to pay a lower premium up front and only requires additional premium (up to the cap) if certain loss ratios are obtained. The City has taken advantage of this arrangement for the last six years and the result of this unique premium option saved the Group Health Plan approximately \$145,000 in premiums compared to the maximum premium. When compared with the next lowest alternative from the previous bid process, the retro-spective premium arrangement will net the Group Health Plan approximately \$300,000. The additional cost of \$300,000 would equate to an additional premium increase in our Health Plan of 1.0 percent.*

*In addition, the City negotiated removal of all commissions from the premiums and agreed to a fixed fee of \$30,000 for the placement and servicing of this policy. The negotiated fee is approximately \$24,000 lower than the commission customarily paid on these products. Gallagher Benefits Services has agreed to continue the fee arrangement as negotiated.*

**Fiscal Note:** *Funds in the amount of \$400,000 for this insurance have been budgeted in the Employee Health and Accident Benefits (EHAB) Fund and the cost of this coverage is included in the 2009 health insurance rates.*

**RECOMMENDATION**

*The City Commission: 1) authorize the renewal of Symetra Life Insurance Company as the carrier for specific stop-loss insurance for plan year 2008; 2) authorize issuance of a purchase order in an amount sufficient to cover applicable charges for specific stop-loss to Symetra Life Insurance Company; 3) authorize Gallagher Benefits Services as the agent; and 4) authorize the City Manager or his designee to negotiate and execute the necessary documents*

*required to complete the transaction, subject to approval from the City Attorney as to form and legality.*

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## GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

### 080563.

#### **State Road 329 (Main Street) Reconstruction (NB)**

**Staff recommends executing two Utility Work by Highway Contractor Agreements with Florida Department of Transportation for State Road 329 (Main Street) reconstruction.**

*Explanation: Florida Department of Transportation (FDOT) will be resurfacing and reconstructing State Road 329 (Main Street) from Depot Avenue to Northwest Eighth Avenue converting a four-lane roadway to two lanes with center turn lane, bike lanes, on street parking, and mast arms at the signalized intersections. FDOT will also be installing a new storm water collection system as part of the roadway reconstruction. Planning and design have occurred for 10 or more years on this project with a number of design options considered, and with a range of requirements for utility relocation. Prior to the current design iteration, the design completed in 2003 by FDOT would have allowed GRU to salvage some portion of the gravity sewer instead of a total relocation/rebuild as currently required.*

*An environmental assessment of the reconstruction corridor was completed in October 2008 by a consultant to FDOT. The assessment found contamination from multiple chlorinated solvent and petroleum plumes present beneath the project corridor from Depot Avenue to Southwest Third Avenue. FDOT proposes that GRU be responsible for incremental remediation costs associated with relocation of GRU facilities. Water/Wastewater Systems is responsible for water and wastewater facility relocation work associated with the roadway improvements. The water system work will include a new 16-inch ductile iron water main from Depot Avenue to University Avenue, including new water services and fire hydrants. The wastewater system work will include a new 12-inch PVC gravity sewer main from Depot Avenue to Southwest First Avenue, including new service laterals. Based on the final design of the utility relocation and remediation costs, the project is more costly than anticipated and budgeted.*

*As currently designed, water/wastewater utility relocation is estimated to be \$1,590,000 with contingencies and FDOT Administrative Charges, and contamination remediation will not exceed \$475,000, for a total relocation expense not to exceed \$2,065,000. GRU must pay FDOT for its portion of the work by April 2009, the project will be bid in June 2009, and any adjustments will be based on actual pricing obtained. Due to maintenance of traffic, remediation, scheduling, and restoration issues, GRU believes the proposed agreement with FDOT is the most efficient and cost-effective means to complete this project.*

*Fiscal Note: Funding for this work will span two or more fiscal years. Adequate funds are included in the FY09 budget for expenditures anticipated in FY09. Additional capital funding will be requested as part of the FY 2010 budget process. GRU has approximately \$2,200,000 budgeted for relocations associated with roadwork in the FY09 through FY14 budget window. Based on currently information, this amount will have to be increased by approximately \$1,050,000 during next year's budget process.*

**RECOMMENDATION**

*The City Commission 1) authorize the General Manager, or his designee, to execute two Utility Work by Highway Contractor agreements with Florida Department of Transportation to include the water and wastewater utility relocation work in the road reconstruction project, subject to approval of the City Attorney as to form and legality, and 2) approve payment to Florida Department of Transportation in an amount not to exceed \$2,065,000 for utility reconstruction, and 3) authorize staff to procure services, equipment and materials in accordance with established purchasing policies, as required, to complete the project as budgeted.*

**080564.**

**Contract for Temporary Personnel Services (B)**

**Staff recommends award of a contract with Career Center, Inc. d/b/a Temp Force for temporary personnel services.**

*Explanation: City Departments require temporary personnel services for various job duties on an as-needed basis due to job vacancies, extended absences, special project requirements, etc. A contract for temporary personnel services provides required staffing to support City departments under these circumstances.*

*The Bid Specifications require that the temporary personnel contractor be capable of providing qualified staffing for various job classifications. Bidders provided a rate for an "all inclusive multiplier" which is the amount applied to the hourly rate set by the City for the job classification. The wage rate added to the multiplier represents the billing rate paid to the Contractor. For the first three years of the contract, the Contractor is required to maintain the "all inclusive multiplier" percentage rate.*

*Invitations to Bid were sent to eleven (11) prospective bidders. Seven bids were received. Companies were evaluated based on several criteria including the multiplier, business references, experience, qualifications, applicants' screening process, certifications and recruitment policy. Career Center, Inc. d/b/a Temp Force, a state certified, minority-owned, local business submitted the best evaluated bid. A tabulation of the evaluation results is attached for your reference.*

*Fiscal Note: Funds for these services have been included in the FY 2009 budgets and will be*

*requested in subsequent year budgets.*

**RECOMMENDATION**

*The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a five year contract with Career Center, Inc. d/b/a Temp Force for temporary personnel services for City departments, 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 exceeding budgeted amounts for each fiscal year, pending final appropriation of funds for each fiscal year.*

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**080567.**

**Change Order for Technology Consulting Services (NB)**

**Staff recommends approval of a change order to the amendment to the contract with Deloitte Consulting LLP (Deloitte) for support services for the Customer Care System.**

*Explanation: The City Commission approved a contract to Deloitte Consulting LLP to implement a new Customer Information System on September 29, 2005. An amendment to the contract was approved by the City Commission on August 13, 2007 to provide support services for the project, now referred to as the Customer Care System (CCS) in the amount of \$855,000. Required services included handling technical and functional issues such as defect analysis, knowledge transfer and implementation of system modifications and corrections. This effort was scheduled to be completed August 27, 2008. During the support period, the internal IT support staff for CCS had been not only dealing with support issues, but reporting issues as well. There were five critical reports that were identified that needed to be addressed for operational and audit issues. This additional work required some of the staff assigned solely to CCS support to be redirected to CCS reporting issues. This caused a delay in reaching the level of knowledge and experience required to fully support CCS.*

*The existing operational support work load of the CCS support staff is heavy which causes limited ability to address future enhancement projects and necessary system upgrades. In addition, sporadic CCS production emergencies are requiring a level of expertise that exceeds the current IT experience. At the same time, the support staff has experienced two retirements that have added additional workload during vacancies and will continue to do so until new employees are on-board and familiarized with SAP.*

*By retaining additional support services for CCS, several benefits will be gained. Expenditures will be less for a year long contract in comparison to a pay as you go arrangement. The CCS support staff will have senior level guidance and knowledge transfer which will lend to the reduction of outstanding CCS issues and enhancements. The staff will be able to gain a self sufficiency level needed to support the organization on CCS. In addition, the*

*support services will help bridge a support gap during the training and education period of new hires.*

*Change orders were processed within the 10% tolerance amount for additional support services which extended the service through October 31, 2008. An additional change order for \$23,200 was initiated to cover services through November 30, 2008 to ensure the continuation of these required services while staff assessed future support needs, explored and weighed all options. This change order was necessary to allow staff to examine support issues comprehensively prior to making any solution recommendation and will be reported on the November purchase report. Additional expenditures are requested to gain a senior level of CCS support services in a not to exceed amount of \$301,000 and will extend the term of the amendment through October 2009. These expenditures were included in the fiscal year 2009 budget.*

*Fiscal Note: Funds for this effort have been included in the FY 2009 and the proposed FY 2010 budget.*

**RECOMMENDATION**

*The City Commission authorize the General Manager, or his designee, to execute a change order to the amendment for support services for the Customer Care System in an amount not to exceed \$301,000 (new not to exceed amount \$1,262,584), subject to the approval of the City Attorney as to form and legality.*

## **CITY ATTORNEY, CONSENT AGENDA ITEMS**

**080530.**

**GEORGE H. TEDFORD vs. CITY OF GAINESVILLE; CIRCUIT COURT OF FLORIDA'S EIGHTH JUDICIAL CIRCUIT, IN AND FOR ALACHUA COUNTY, FLORIDA; CASE NO. 01-08-CA-5171 (B)**

*Explanation: On February 16, 2006, the City of Gainesville Code Enforcement Board ("Board") issued an Order in Code Enforcement Board case number CEB2006-077. The Board found violations of certain sections of the City of Gainesville Code of Ordinances at property owned by Mr. Tedford located at 412 N.W. 3rd Avenue, Gainesville, Florida, and assessed a fine of \$250.00 per day for each and every day the violations continued. On April 18, 2008, the City of Gainesville filed suit against Mr. Tedford in the Circuit Court of Florida's Eighth Judicial Circuit, in and for Alachua County, Florida, in case number 01-08-CA-001760, seeking to enforce the lien arising from Code Enforcement Board case number CEB2006-077, and to foreclose on the property located at 412 N.W. 3rd Avenue, Gainesville, Florida. On September 8, 2008, the Circuit Court of Florida's Eighth Judicial Circuit, in and for Alachua County, Florida, in case number 01-08-CA-001760, issued a Summary Final Judgment of Foreclosure in favor the City of Gainesville in the amount of \$97,181.32, and instructed the Clerk of the Circuit Court of Alachua County to sell the property located at 412 N.W. 3rd Avenue, Gainesville, Florida at public sale on Thursday, October 30, 2008.*



*On October 14, 2008, the City of Gainesville was served with a Summons and Amended Complaint for Declaratory Judgment filed by Mr. Tedford in case number 01-08-CA-5171 in the Circuit Court of Florida's Eighth Judicial Circuit, in and for Alachua County, Florida. Mr. Tedford now claims that the subject property is part of his homestead, and seeks constitutional protection of the property from forced sale. Mr. Tedford did not allege that the subject property was his homestead at any time during the code enforcement actions, or to the Circuit Court in case number 01-08-CA-001760. Mr. Tedford is seeking emergency injunctive relief and costs.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City in the case styled George H. Tedford vs. City of Gainesville; Circuit Court of Florida's Eighth Judicial Circuit, in and for Alachua County, Florida; Case No. 01-08-CA-5171.*

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**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****080577.****City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of November 6, 2008 (Regular Meeting); and November 10, 2008 (Workshop); as circulated.*

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**080572.****City Commission Meetings/Workshops (B)**

*Explanation: December 1, 3:00 PM - Joint Meeting with County (Wild Spaces/Public Places)*

*December 8 - 1:00 PM - Sexual Oriented Businesses Consultant Workshop*

*December 9 - 3:00 PM - School Board Joint Meeting (Topics of Mutual Concern)*

*December 22 - 1:30 PM - Creekside at Beville Run Workshop*

*January 12 - 1:00 PM - Equal Opportunity Meeting*

*January 29 - 1:00 PM - Gainesville Regional Utilities Strategic Vision Meeting*

*February 9 - 1:00 PM - City Manager Strategic Vision Meeting*

*March 9 - 1:00 PM - Cabot-Koppers Meeting*

**RECOMMENDATION**

*The City Commission schedule meetings as shown above.*

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**080582.**

**Advisory Board/Committee Appointments to the Art in Public Places Trust (NB)**

**RECOMMENDATION**

*The City Commission appoint Ellen M. West for vacancy to expire September 30, 2010, and re-appoint Laura NeSmith for term to expire September 30, 2011 on the Art in Public Places Trust.*

*Commissioner Donovan: NeSmith and West  
Commissioner Hawkins: NeSmith and West  
Commissioner Henry: NeSmith and West  
Commissioner Lowe: NeSmith and West  
Commissioner Mastrodicasa: NeSmith and West  
Commissioner Poe: NeSmith and West  
Mayor Hanrahan: NeSmith and West*

**080583.**

**Advisory Board/Committee Appointments to the Board of Adjustment (NB)**

**RECOMMENDATION**

*The City Commission re-appoint Laura E. Dukes and James D. Harnsberger to the Board of Adjustment for terms to expire November 1, 2011.*

*Commissioner Donovan: Dukes and Harnsberger  
Commissioner Hawkins: Dukes and Harnsberger  
Commissioner Henry: Dukes and Harnsberger  
Commissioner Lowe: Dukes and Harnsberger  
Commissioner Mastrodicasa: Dukes and Harnsberger  
Commissioner Poe: Dukes and Harnsberger  
Mayor Hanrahan: Dukes and Harnsberger*

**080584.**

**Advisory Board/Committee Appointments to the Bicycle/Pedestrian Advisory Board (NB)**

**RECOMMENDATION**

*The City Commission appoint Andrew P. Gill for term to expire December 31, 2011 and Jeff Wade for a vacancy to expire December 31, 2009 on the Bicycle/Pedestrian Advisory Board.*

*Commissioner Donovan: Gill and Wade  
Commissioner Hawkins: Gailey and Wade*

*Commissioner Henry: Gailey and Wade  
Commissioner Lowe: Gill and Wade  
Commissioner Mastrodicasa: Gailey and Gill  
Commissioner Poe: Gill and Wade  
Mayor Hanrahan: Gill and Wade*

**080585.****Advisory Board/Committee Appointments to the Citizens' Advisory Committee for Community Development (NB)****RECOMMENDATION**

*The City Commission appoint David D. Dry and Sheryl A. Wetzel and re-appoint Frank C. Bracco to the Citizens' Advisory Committee for Community Development for terms to expire November 1, 2011.*

*Commissioner Donovan: Bracco, Dry, and Wetzel  
Commissioner Hawkins: Bracco, Dry, and Wetzel  
Commissioner Henry: Bracco, Dry, and Wetzel  
Commissioner Lowe: Bracco, Dry, and Wetzel  
Commissioner Mastrodicasa: Bracco, Dry, and Wetzel  
Commissioner Poe: Bracco, Dry, and Wetzel  
Mayor Hanrahan: Bracco, Dry, and Wetzel*

**080590.****Advisory Board/Committee Appointment to the Development Review Board (NB)****RECOMMENDATION**

*The City Commission re-appoint Taylor T. Brown to the Development Review Board for term to expire November 1, 2011.*

*Commissioner Donovan: Brown  
Commissioner Hawkins: Brown  
Commissioner Henry: Brown  
Commissioner Lowe: Brown  
Commissioner Mastrodicasa: Brown  
Commissioner: Poe Brown  
Mayor Hanrahan: Brown*

**080591.****Advisory Board/Committee Appointments to the Gainesville/Alachua County Cultural Affairs Board (NB)****RECOMMENDATION**

*The City Commission appoint Sheallah A. Palmer,*

*and Parker G. Van Hart for terms to expire September 30, 2010 on the Gainesville/Alachua County Cultural Affairs Board.*

*Commissioner Donovan: Palmer and Van Hart  
Commissioner Hawkins: Palmer and Van Hart  
Commissioner Henry: Palmer and Van Hart  
Commissioner Lowe: Palmer and Van Hart  
Commissioner Mastrodicasa: Palmer and Van Hart  
Commissioner Poe: Palmer and Van Hart  
Mayor Hanrahan: Palmer and Van Hart*

**080593.**

**Advisory Board/Committee Appointments to the Gainesville Energy Advisory Committee (NB)**

**RECOMMENDATION**

*The City Commission appoint William T. Hammond for a term to expire September 30, 2010, appoint Cynthia C. Kan for vacancy to expire September 30, 2009, appoint Lance W. Legel for a vacancy to expire September 30, 2009 on the Gainesville Energy Advisory Committee.*

*Commissioner Donovan: Hammond, Kan and Legel  
Commissioner Hawkins: Hammond, Kan and Legel  
Commissioner Henry: Hammond, Kan and Legel  
Commissioner Lowe: Hammond, Kan and Legel  
Commissioner Mastrodicasa: Hammond, Kan and Legel  
Commissioner Poe: Hammond, Kan and Legel  
Mayor Hanrahan: Hammond, Kan and Legel*

**080594.**

**Advisory Board/Committee Appointment to the Historic Preservation Board (NB)**

**RECOMMENDATION**

*The City Commission re-appoint William E. Warinner and appoint Jennifer M. Wolfe to the Historic Preservation Board for terms to expire June 1, 2011.*

*Commissioner Donovan: Warinner and Wolfe  
Commissioner Hawkins: Volk and Warinner  
Commissioner Henry: Warinner and Wolfe  
Commissioner Lowe: Warinner and Wolfe  
Commissioner Mastrodicasa: Warinner and Wolfe  
Commissioner: Poe Warinner and Wolfe  
Mayor Hanrahan: Volk and Warinner*

**080595.****Advisory Board/Committee Appointment to the Pension Review Committee (NB)****RECOMMENDATION**

*The City Commission re-appoint Karl C. Ashley to the Pension Review Committee for a term to expire June 2013.*

*Commissioner Donovan: Ashley*

*Commissioner Hawkins: Ashley*

*Commissioner Henry: Ashley*

*Commissioner Lowe: Ashley*

*Commissioner Mastrodicasa: Ashley*

*Commissioner: Poe Ashley*

*Mayor Hanrahan: Ashley*

**080596.****Advisory Board/Committee Appointments to the Student Community Relations Advisory Board (NB)****RECOMMENDATION**

*The City Commission appoint Kristin Mamula-Student Member and Thomas D. Rider-Non-Student Member to the Student Community Relations Advisory Board to expire February 26, 2010.*

*Commissioner Donovan: Mamula and Rider*

*Commissioner Hawkins: Mamula and Rider*

*Commissioner Henry: Mamula and Rider*

*Commissioner Lowe: Mamula and Rider*

*Commissioner Mastrodicasa: Mamula and Rider*

*Commissioner Poe: Mamula and Rider*

*Mayor Hanrahan: Mamula and Rider*

**080597.****Advisory Board/Committee Appointments to the City Plan Board (B)****RECOMMENDATION**

*The City Commission appoint Adrian S. Taylor and re-appoint Jack M. Walls for terms to expire November 1, 2011, and appoint Christopher E. Dawson to a vacancy to expire November 1, 2009 to the City Plan Board.*

*Commissioner Donovan: Richter, Taylor and Walls*

*Commissioner Hawkins: Dawson, Taylor and Walls*

*Commissioner Henry: Gilbert, Taylor and Walls*  
*Commissioner Lowe: Dawson, Taylor and Walls*  
*Commissioner Mastrodicasa: Dawson, Gilbert and Taylor*  
*Commissioner Poe: Dawson, Hintze and Taylor*  
*Mayor Hanrahan: Hintze, Taylor and Walls*

## **EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

## **RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT**

## **PUBLIC SAFETY COMMITTEE, CONSENT**

### **070941.**

#### **Hospitality Districts (B)**

*Explanation: At its October 28, 2008 meeting the Public Safety Committee discussed a proposal from Gainesville Fire Rescue to strengthen enforcement and penalties for life safety violations in public assemblies serving alcohol. This effort is geared towards bars and clubs in hospitality districts but as proposed would apply to similar types of establishments anywhere within the City. This proposal is consistent with the Hospitality District proposals recommended by the Public Safety Committee.*

*The Public Safety Committee's recommended amendments to the Public Assemblies Serving Alcohol - Life Safety Ordinance (Article V, Section 10) that would strengthen penalties of the fire codes and the capability of issuing civil citations. In addition, because GPD officers are on the streets every night, whereas GFR inspectors are not it may also be possible for police officers to exercise limited enforcement authority for clear violations creating an immediate risk to public safety. GFR and the City Attorney's Office are exploring this option. The proposed recommendations include definitions of words, terms and phrases in the Article; training for crowd managers of public assembly occupancies; blocked or locked exits; fire protection systems; promoters utilizing public assemblies; overcrowding in public assemblies; and the enforcement of the public assembly ordinance.*

*Fiscal Note: None.*

#### **RECOMMENDATION**

*The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise amendments to the Public Assemblies Serving Alcohol-Life Safety Ordinance incorporating the changes proposed for Article V, Section 10.*

Legislative History

2/25/08 City Commission Referred (7 - 0) Public Safety Committee  
7/28/08 City Commission Approved, as shown above  
070941c\_HospDistsArticleDrft\_20081028.pdf

**080456.****Bike Taxi Referral to the Public Safety Committee (B)**

*Explanation: This item was brought up at the October 2, 2008 City Commission meeting by citizen Sarah Poll. The Public Safety Committee discussed this referral at its October 28, 2008 meeting with regard to bike taxi safety on game days and business tax issues.*

*The bike taxis operating in Gainesville are not local businesses and generally come from Orlando and Ocala. These taxis have come to Gainesville on home football game days and for other large events for the past two years. Most services appear to work for donations or tips. GPD officers have worked with the companies informally regarding safety issues, but the attempts have not been successful. A concern is that they are using bike lanes, however the lanes are four feet wide and the bike taxis exceed that width. Additionally the bike taxis are not equipped with proper lighting and safety features. GPD staff researched other Florida cities that regulate bike taxis and believe that Orlando's ordinance is a suitable model for Gainesville, if the City decides to regulate the bike taxis.*

*City Finance Department staff suggests that the City could specify bike taxis under the Vehicle for Hire Ordinance and define them as a vehicle. They would then be subject to the business tax as are other vehicle for hire operators.*

*Fiscal Note: None at this time.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise amendments to the Vehicle for Hire ordinance incorporating the changes proposed to regulate bike taxis and to pattern the amendment after the Orlando ordinance regulating them.*

Legislative History

10/2/08 City Commission Referred (6 - 0 - 1 Absent) Public Safety Committee  
080456a\_OrlandoBikeHireOrd\_20081028.pdf  
080456b\_OrlandoBikeHireCode\_20081028.pdf

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT****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****080540.****Florida Public Transportation Association Outstanding Public Transportation System Achievement Award and Award of Excellence for the Transit Athlete Program Received by Regional Transit System (B)**

**This item involves a request for the City Commission to accept the Florida Public Transportation Association (FPTA) Outstanding Public Transportation System Achievement Award and Award of Excellence for the Transit Athlete Program for the Regional Transit System (RTS).**

*Explanation: FPTA recently awarded RTS the annual Outstanding Public Transportation System Achievement award to recognize public transportation system achievement in efficiency and effectiveness.*

*RTS competed against several other transit agencies in the state for this distinguished honor. The award was given based on a wide array of both qualitative and quantitative data, including ridership, revenue, safety, operations, maintenance, marketing and community relations.*

*RTS also received a marketing award of excellence in Internal Employee Communications for its Transit Athlete Program. The wellness program was developed through an interdepartmental effort by Risk Management and non-management RTS employees in order to help promote a healthy lifestyle among RTS employees.*

*Fiscal Note: There is no fiscal impact associated with this item.*

**RECOMMENDATION**

*The City Commission accept the Florida Public Transportation Association Outstanding Public Transportation System Achievement Award and Award of Excellence for the Transit Athlete Program.*

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080540b\_Photo\_20081120..pdf

**080549.****City of Gainesville Airport Noise Zone Standards (B)**



**Review and information regarding appropriate noise levels in the vicinity of the Gainesville Regional Airport.**

*Explanation: On October 16, 2008, the City Commission directed staff to present information regarding appropriate noise levels in the vicinity of the Gainesville Regional Airport. This information was to be presented in two contexts including: 1) broadly in relationship to public health and safety; and, 2) more narrowly, with respect to recent noise analysis conducted by the Gainesville Regional Airport and with respect to proposed development proximate to the Airport.*

*In an effort to structure this discussion, City staff's Airport Noise Consultant will provide information regarding the broad issue of appropriate noise levels proximate to Airports and best practices regarding their regulation. The Gainesville Regional Airport's noise consultant will provide a review of the components of the FAA Part 150 Study and the generation of the specific Part 150 Noise Exposure Maps (NEM's).*

*City staff will provide a review to the Commission of the Airport Hazard Zoning regulations as they currently exist in Appendix F of the City of Gainesville's Land Development Code. As the Commission may recall, a schedule (attached in back-up) was reviewed by the City Commission outlining a process for updating the Airport Hazard Zoning regulations should the City Commission wish to proceed in that direction.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: (1) hear a presentation from the City's Airport Noise consultant and Gainesville Regional Airport's consultant regarding Airport noise issues broadly and within the context of the recently completed Phase I - Part 150 study; (2) hear a presentation from staff on the City's Airport Hazard Zoning Regulations and the process moving to adopt any revisions to the City's Airport Hazard Zoning Regulations.*

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080549C\_TimeTable\_20081120.pdf  
080549B\_AirportPPt\_20081120.pdf

**GENERAL MANAGER FOR UTILITIES****080566.****Amendment to the Gainesville Code of Ordinances to Implement a Solar Feed-In-Tariff (B)**

**This item is regarding the implementation of a solar feed-in-tariff.**

*Explanation: On October 13, 2008, staff gave a presentation to the City Commission regarding Solar Feed-In-Tariff during the Solar Workshop.*

*During the presentation, staff discussed that the operation of Gainesville*

*Regional Utilities' (GRU) solar photovoltaic (PV) rebate and net metering program has revealed a number of the technical, institutional, and financial shortcomings of the current program. Throughout Europe, and in particular Germany, a completely different approach, called the "Feed In Tariff" (FIT) has proven very successful in overcoming most of these shortcomings. Analysis of a number of Feed In Tariff designs applicable to Gainesville have been evaluated and have been found to not only overcome the shortcomings of the existing solar PV incentive program, but to substantially improve the rate of return for those investing in such systems. The Commission received the results of this study, which included a conceptual FIT program design during staff presentation.*

*Staff received a favorable response from the City Commission, community members and solar contractors who attended the meeting. As a result, staff has developed a Solar Energy Standard Offer Contract and is proposing amendment of the City of Gainesville Code of Ordinances to include language that allows a Feed-In-Tariff to be offered by Gainesville Regional Utilities.*

*Fiscal Note: It is impossible to predict the extent to which the proposed FIT program will accelerate the deployment of PV systems. If PV systems are accelerated to result in an average of 1,000 kilowatts of PV capacity installed per year over the next 20 years, the effects on the average cost of electricity will be 0.24 cents per kilowatt after accounting for the fuel that will be replaced. If the price of electricity increases 3.0% per year over the next 20 years, this will represent about a 1% increase of the total price per kWh, over and above the cost without the proposed program while contributing to 11% of the GRU's energy efficiency goals.*

**RECOMMENDATION**

*The City Commission direct the City Attorney to draft and the Clerk to advertise the ordinance to adopt the recommended payments under the Feed-In-Tariff.*

080566\_amendment\_20081120.pdf

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE**

**070790.**

**Land Conservation and Acquisition Program (B)**

**This involves a request for the City Commission to accept the draft priority list of the Land Conservation and Acquisition Program as approved by the Recreation, Cultural Affairs and Public Works Committee.**

*Explanation: This item was referred to the Recreation, Cultural Affairs and Public Works Committee at the January 14, 2008, City Commission meeting for review and recommendation to the Commission as a whole. The item was initiated by the City Commission Goals for FY 07. Under the Goal Infrastructure, a Tier One Objective is "Complete capital projects at parks - improve programs; develop land conservation and acquisition program (for biodiversity and passive recreation)". With this goal in mind, the City Commission approved \$400,000 to be budgeted each year beginning in FY 07 for land acquisition purposes and directed staff to identify undeveloped land within or near the City of Gainesville that could provide habitat for wildlife and plants, protect creeks and wetlands and that could provide passive recreational opportunities for the public.*

*The Recreation, Cultural Affairs and Public Works Committee heard this item on August 14, 2008, and September 11, 2008, and received a final presentation from the Nature Operations staff with input from Alachua Conservation Trust and Alachua County Forever on October 9, 2008. Following discussion, the Committee voted in favor of pursuing acquisition of recommended conservation lands as prioritized. The Committee also recommended that staff continue to evaluate and update the priority list as new areas are annexed into the City of Gainesville.*

*Fiscal Note: \$200,000 was allocated in the 2007 budget and \$425,000 was allocated in the 2008 and 2009 budget for a Land Conservation and Acquisition Program. Additional funds for land acquisition will be available from the half-cent sales tax. A City land buying program would be viewed favorably by potential partners, and better enable the City of Gainesville to protect more land by leveraging funds from local and state land acquisition programs.*

**RECOMMENDATION**

*The City Commission: 1) accept the priority list for the Land Conservation and Acquisition Program; and 2) authorize the City Manager or designee to work with City staff, Alachua County Forever and Alachua Conservation Trust to negotiate with landowners for acquisition to include the possibility of obtaining grants for matching funds.*

*Alternative Recommendation: The City Commission not accept the Land Conservation and Acquisition Program priority list and direct staff to reevaluate undeveloped lands within or near the City of Gainesville that could provide habitat for wildlife and plants, protect creeks and wetlands and that could provide passive recreational opportunities for the public.*

**Legislative History**

1/14/08	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
1/14/08	City Commission	Referred	Recreation, Cultural Affairs and Public Works Committee

8/14/08      Recreation,  
Cultural Affairs  
and Public Works  
Committee      Discussed

9/11/08      Recreation,  
Cultural Affairs  
and Public Works  
Committee      Continued

10/9/08      Recreation,  
Cultural Affairs  
and Public Works  
Committee      Approved

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070790b\_20080114130.pdf

070790\_CORRESPONDENCE\_20081120.pdf

070790\_MAP\_20081120.pdf

## **ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

## **OUTSIDE AGENCIES**

## **MEMBERS OF THE CITY COMMISSION**

## **COMMISSION COMMENTS (if time available)**

## **RECESS - 5:25 PM**

## **RECONVENE - 5:55 PM**

## **PLEDGE OF ALLEGIANCE (5:30pm)**

## **PROCLAMATIONS/SPECIAL RECOGNITIONS**

### **080569.**

#### **Mary Hausch Day - November 20, 2008 (B)**

**RECOMMENDATION**      *Mary Hausch to accept the proclamation.*

080569\_MaryHauschDay\_20081120.pdf

### **080570.**

#### **Rhonda Wilson Day - November 20, 2008 (B)**

**RECOMMENDATION**      *Rhonda Wilson to accept the proclamation.*

080570\_RhondaWilsonDay\_20081120.pdf

**080571.****Prematurity Awareness Day - November 20, 2008 (B)****RECOMMENDATION**

*March of Dimes Staff and Volunteers to accept the proclamation.*

080571\_PrematurityAwarenessDay\_20081120.pdf

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

**PUBLIC HEARINGS****ADOPTION READING-ROLL CALL REQUIRED****080546.****COMPREHENSIVE PLAN AMENDMENT - 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS (B)****Ordinance No. 0-08-73; Petition No. 34CPA-08 PB**

**An ordinance of the City of Gainesville, Florida, amending the Capital Improvements Element of the City of Gainesville 2000-2010**

**Comprehensive Plan by creating and adding two new policies related to proportionate fair-share contributions and financial feasibility and by adopting the annual update of the 5-Year Schedule of Capital Improvements; 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*

*Under State law, each local government must submit a financially feasible comprehensive plan by December 1, 2008. This is accomplished by updating the 5-Year Schedule of Capital Improvements to show how level of service (LOS) deficiencies will be corrected and to identify the funding sources for financing the capital projects needed.*

*This petition is an annual update of the City's Capital Improvement Element (CIE) and 5-Year Schedule of Capital Improvements in conformance with the provisions of State law. The CIE contains information about projects and/or facilities that are needed to: correct existing deficiencies in levels of service (LOS); maintain existing LOS, or deal with projected LOS deficiencies that will occur during the 5-year planning period. For this update, the planning period is FYs 2007/2008 - 2011/2012.*

*The capital improvements discussed in the CIE and 5-Year Schedule are only related to levels of service adopted in the Comprehensive Plan. Capital improvements are defined as: land, non-structural improvements to land, and structures (including the costs for design, permitting, construction, furnishings*

*and equipment) with a unit cost of \$25,000 or more. The improvement shall have an expected life of at least 2 years.*

*This petition also contains two new policies (Policies 1.1.11 and 1.1.12), mandated by recent changes in state law, to make the City's CIE consistent with the proportionate fair-share requirements (proportionate fair-share can serve as a funding source for capital improvements) and to ensure financial feasibility.*

*The CIE and 5-Year Schedule of Improvements must also be consistent with the City's Comprehensive Plan. After review of the projects listed in the 5-Year Schedule, Planning Staff finds that the proposed 5-Year Schedule is consistent with the Comprehensive Plan.*

*The City Plan Board heard and recommended approval of this item in April, 2008, prior to the adoption of the City's current fiscal year budget. In order to incorporate the changes resulting from the budget process, Planning staff recommends the adoption of a revised 5-Year Schedule of Capital Improvements (Revised Attachment 1 is appended to the draft ordinance). The physical locations of the capital improvement projects are depicted on Map 6 (appended to this cover memo as Revised Attachment 2). This map is not adopted as part of the ordinance, but will be incorporated into the data and analysis for the Capital Improvements Element.*

*At the time of agenda item preparation, the results of the referendum for a two-year, 1/2 percent Local Government Infrastructure Surtax (Wild Spaces and Public Places) are unknown. Staff recommends that if the referendum passes, the resulting funding sources and capital projects be incorporated in the next update of the 5-Year Schedule of Capital Improvements.*

#### *CITY ATTORNEY MEMORANDUM*

*On April 17, 2008, the Plan Board, by a vote of 7-0, recommended the City Commission approve the petition, and the Planning and Development Services Department has requested the City Attorney's Office to prepare the appropriate ordinance amending the Capital Improvements Element of the City of Gainesville 2000-2010 Comprehensive Plan.*

*Florida Statutes set forth the procedure for adoption of an annual update and amendment to the Capital Improvements Element of the Comprehensive Plan. Section 163.3177(3)(b)(2), F.S., requires only a single adoption hearing for this amendment. In addition, pursuant to §163.3187(1)(f), F.S., this amendment may be made at a date other than the two times per year limitation on comprehensive plan amendments when necessary to coincide with the adoption of the City's budget and capital improvements program.*

*The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration*

*Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.*

**RECOMMENDATION**

*The City Commission (1) approve Petition No. 34CPA-08 PB, and (2) adopt the proposed ordinance.*

080546\_5-year schedule CIE\_20081120.pdf

080546\_staff petition\_20081120.pdf

080546A\_staff ppt\_20081120.PDF

080546\_ordinance\_20081120.pdf

## **ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

### **080214.**

#### **PROPORTIONATE FAIR-SHARE (B)**

##### **Ordinance No. 0-08-68; Petition No. 88TCH-08 PB**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code relating to Proportionate Fair-Share for transportation concurrency, by amending sections 30-38 and 30-39 to: be consistent with state law by providing additional findings, providing for multi-modal and system-wide transportation improvement projects, limiting developer's responsibility with respect to transportation backlogs; by correcting scrivener's errors; and by revising the transit cost calculation; by amending section 30-40 to correct a scrivener's error; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: PLANNING AND DEVELOPMENT DEPARTMENT SERVICES STAFF REPORT*

*Per the requirements of State law, the City adopted a Proportionate Fair-Share ordinance in 2006. In 2007, House Bill 7203 amended some of the State requirements concerning Proportionate Fair-Share. The City delayed updating the Proportionate Fair-Share section of the Land Development Code because the Florida Department of Transportation (FDOT) was expected to release an updated model ordinance that reflected the HB 7203 amendments. Unfortunately, FDOT never released the updated model ordinance due to budget and time constraints.*

*City staff then noted that several proposed bills in the 2008 legislative session might create changes to the Proportionate Fair-Share regulations. Staff awaited the outcome of the 2008 legislative session to make Land Development Code changes. None of those bills passed during the 2008 session. As a result, it is timely that the City now updates its Proportionate Fair-Share regulations to properly reflect current State law.*

*The major changes noted in HB 7203 that impact Proportionate Fair-Share are as follows.*

*1. State law now specifically states that proportionate fair-share mitigation improvements may address one or more modes of travel. This is a shift in*

*emphasis from the prior focus, which was on road widening or new road construction. This direct recognition of multi-modal projects as being eligible for proportionate fair-share mitigation is an important tool for the City. The revisions proposed in this petition reflect this shift in available projects eligible for fair-share contributions.*

*2. The revised law also limits the developer's responsibility for fair-share mitigation to mitigating the development's impacts on the transportation system, and it clearly adds that the developer is not responsible for the additional cost of reducing or eliminating transportation backlogs.*

*3. Proportionate Fair-Share funding of any modifications that significantly benefit the impacted transportation system satisfies transportation concurrency requirements as a mitigation of the development's impact on the overall transportation system even if other impacted facilities continue to fail.*

*In addition, when staff reviewed the City's existing Proportionate Fair-Share regulations, several scriveners' errors were discovered that are being corrected or clarified in this ordinance.*

*Finally, after the Plan Board and City Commission public hearings on the petition, staff received new information about how transit assessment area costs are calculated in other communities and what the recommendations are from FDOT. Transit assessment area costs can and should include both capital and operating costs. And, a different time period for assessment cost can be included for existing transit routes with average to high ridership versus new routes that have to be established. The assessment cost time period for new routes should be longer than for existing routes. This new aspect has been incorporated into this proposed ordinance.*

*At its meeting on July 17, 2008, the City Plan Board, by a vote of 6-0, recommended the City Commission approve the Petition. The City Commission, at its meeting of September 2, 2008 approved the Petition by a vote of 6-0.*

#### *CITY ATTORNEY MEMORANDUM*

*Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 4, 2008.*

#### **RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

#### **Legislative History**

8/21/08 City Commission Approved (Petition) (6 - 0 - 1 Absent)

080214\_petition\_20080821.pdf

080214A\_staff ppt\_20080821.pdf

080214\_propfairshare\_20081120.pdf

080214A\_staff ppt\_20081120.PDF

**080515.**

#### **ELECTRONIC SIGNATURES AND ELECTRONIC TRANSACTIONS (B)**



**Ordinance No. 0-08-81**

**An ordinance of the City of Gainesville, Florida, relating to Electronic Signatures and Documents; creating and adding Sections 2-439 and 2-440 to the Code of Ordinances; authorizing the use of electronic signatures and electronic transactions and records; providing directions to the codifier, providing a severability clause, providing a repealing clause and providing an immediate effective date.**

*Explanation: In 1996, the legislature of the State of Florida adopted F.S. §668.01, known as the Electronic Signature Act, and F.S. §668.50, known as the Uniform Electronic Transactions Act. These laws were enacted to facilitate economic development and expedite governmental services, reduce costs associated with manual transactions, and demonstrate the validity of electronic signatures. The Act authorizes local governments to send, accept, and rely on electronic records and signatures.*

*The City of Gainesville can benefit from the use of these electronic signatures and records to facilitate the conduct of its business in appropriate transactions. This ordinance does not require use of electronic signatures, records, and transactions. However, when electronic means are used, the City intends to treat an electronic signature, record, or transaction as having the same force and effect as if obtained by traditional means. This ordinance allows the Charter Offices to adopt rules and regulations relating to the use of electronic signatures, records, and electronic transactions.*

*This ordinance requires two hearings. Should the City Commission pass this ordinance on first reading, second and final reading will be held on Thursday, December 4, 2008.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

11/6/08 City Commission Approved as Recommended (7 - 0)

080515\_draft ordinance\_20081120.pdf

**ORDINANCES, 2ND READING- ROLL CALL REQUIRED****080015.****REZONING -REGIONAL TRANSIT SYSTEM OPERATIONS AND MAINTENANCE FACILITY (B)****Ordinance No. 0-08-46, Petition No. 20PSZ-08PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas from the zoning category of "I-2: General industrial district" to "PS: Public services and operations district," as more specifically described in this Ordinance; to permit the Gainesville Regional Transit System Operations and Maintenance Facility Public Services Zoning Report; allowing the uses permitted by right as more specifically described in this ordinance, with the approval of a preliminary development plan; located in**

**the vicinity of 100 Southeast 10th Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF MEMORANDUM*

*The RTS Operations and Maintenance Facility site consists of 10.3 (MOL) acres. The adoption of this petition will apply PS (Public services and operations district) zoning to the entire site in place of the existing split zoning. The land use districts on the site will remain PF (Public Facilities) and IND (Industrial). PS zoning is allowed in both land use districts under Section 30-46 of the City Land Development Code.*

*The purpose of this petition is to adopt uniform development regulations that are consistent with the intended use of the RTS Operations and Maintenance Facility site, and that are compatible with the surrounding land use. This petition will also help establish consistency between the regulation of existing development and future development proposed under the related Petition 13SPA-08PB.*

*The principal uses proposed for the RTS Operations and Maintenance Facility site are classified under Major Group (MG) 91 "Executive, Legislative, and General Government, Except Finance" and IN 4111 "Local and Suburban Transit" of the Standard Industrial Classification (SIC) manual, 1987 Edition. They include activities normally conducted at the RTS facility, such as dispatch operations; fleet parking; fueling operations; employee training; organizational administration; and employee parking. Any use customarily incidental to any permitted principal use is also proposed as an allowable use. Both principal and accessory uses are identified in Section 30-75 of the City Land Development Code as permitted uses by right in the PS zoning district.*

*Also submitted for consideration are an associated Public Services Zoning Report and a preliminary development plan. The preliminary development plan provides only a portion of the information required in Article VII of the City Land Development Code for preliminary approval, since more detailed information is required for the related Petition 13SPA-08PB. This related petition involves a preliminary and final development plan for the construction of a one-story modular office building and other related site improvements at the RTS facility.*

*Public notice was published in the Gainesville Sun on April 30, 2008. Letters were mailed to surrounding property owners on April 30, 2008.*

*The City Plan Board considered Petition 20PSZ-08PB with the associated Public Services Zoning Report and preliminary development plan at a public hearing held May 15, 2008. By a vote of 7 - 0, the City Plan Board approved the petition with staff conditions.*

#### *CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of June 23, 2008, authorized the City Attorney to draft and the Clerk of the Commission to advertise the proposed*

*ordinance rezoning the property.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

6/9/08	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
6/23/08	City Commission	Approved (Petition) with Staff Conditions (6 - 0 - 1 Absent)
11/6/08	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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080015A-1\_200806091300.pdf  
080015A-2\_200806091300.pdf  
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080015C\_200806091300.pdf  
080015D\_200806091300.pdf  
080015E\_200806091300.pdf  
080015F\_200806091300.pdf  
080015G\_200806091300.pdf  
080015\_draft ordinance\_20081106.pdf  
080015Ordinance\_20081120.pdf

**080439.**

**REGISTERED DOMESTIC PARTNER (B)**

**Ordinance No. 0-08-62**

**An ordinance of the City of Gainesville, Florida, amending Article VII of Chapter 2 of the Code of Ordinances, relating to Employee Benefits, amending Section 2-526(j), Benefits, Annuity Options; amending Section 2-530(a), Miscellaneous, Limitations of assignment; amending Section 2-530(b), Miscellaneous, Payments to legally incompetent; amending Section 2-606(c), Miscellaneous, Payments to legally incompetent; amending Chapter 7 of the Code of Ordinances, relating to Cemeteries, amending Section 7-18(m), Installations, foundations, vaults, memorials, mausoleums; amending Chapter 13 of the Code of Ordinances, relating to the Housing and Commercial Building Codes, amending Section 13-19, Definitions, by creating and adding the definition of registered domestic partner and amending the definition of rooming house; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: On May 20, 2008, The Equal Opportunity Committee recommended making changes to the Code, as described below, to provide benefits to and recognition of Registered Domestic Partners, said changes to occur after the Registered Domestic Partner provision of the Code had been amended to prevent close relatives from becoming Registered Domestic Partners. The Registered Domestic Partner code provision was so amended in September 2008.*

*At its meeting of October 16, 2008, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapters 2, 7, and 13 of the City of Gainesville Code of Ordinances to include references to Registered Domestic Partners for certain pension*

*benefits, allowing multiple family names on cemetery memorials, and to add registered domestic partners to listed relationships in building code provisions related to rooming houses.*

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

**Legislative History**

10/16/08      City Commission      Approved as Recommended (7 - 0)

11/6/08      City Commission      Adopted on First Reading (Ordinance) (7 - 0)

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080439\_ordinance\_20081120.pdf

## **RESOLUTIONS- ROLL CALL REQUIRED**

### **080538.                      Resolution and Temporary Construction Easement Request from Florida Department of Transportation (B)**

**This item involves the request from Florida Department of Transportation (FDOT) for a Resolution and Temporary Construction Easement, located at the northwest corner of Tax Parcel 15691-000-000 and a portion of the Southeast 13 Road right of way.**

*Explanation: FDOT plans renovations to Main Street from Northwest 8th Avenue, south to Depot Avenue in the spring/summer of 2009. Vacant property is needed as a staging area to store equipment and materials to assist the renovations. The City owns Tax Parcel 15691-000-000, consisting of approximately 45 acres, which is utilized for the Waste Water Treatment facility. A portion of the parcel in the northwest corner, referred to as "The Old Pole Yard," is not in use at this time. Approximately one and one-half acres would suit FDOT for a staging area. FDOT policy requires staging areas to be contiguous to FDOT right of way. To meet this requirement the easement area will be extended over the public right of way of Southeast 13th Road to South Main Street, a State road. FDOT has agreed to test the soil prior to any activities to establish current soil conditions. At the end of the one year term of the easement, FDOT will retest the soil and perform any required cleanup and restore the property to its prior condition.*

*Fiscal Note: Funding in the amount of \$100 for administrative costs is available in the Public Works FY09 operating budget.*

**RECOMMENDATION**            *Recommended Motion: The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute, and the Clerk to attest, the Temporary Construction Easement for the purpose of a staging area for equipment and materials, located on approximately one and one-half acre in the northwest corner of Tax Parcel 15691-000-000, extending over the right of way of Southeast 13th Road, subject to approval by the City Attorney as to form and legality.*

080538b\_Map\_20081204.pdf  
080538a\_Resolution\_20081204.pdf  
080538c\_Temp Easement\_20081204.pdf

**080539.****Resolution for the Regional Transit System FY 2009 Program of Projects (POP) and FY 2006-2007 Performance Measures (B)**

**This item is a Resolution authorizing the filing of an application with the Federal Transit Administration (FTA) and Florida Department of Transportation (FDOT).**

*Explanation: In order to remain eligible for state and federal funding, the Regional Transit System is required annually to submit a Program of Projects to the FTA and a budget application for Capital and Operating projects to the FDOT after seeking public comment. A public hearing was held October 29, 2008, and there were no comments from the public. On October 21, 2008, Performance Measures for FY2006-2007 were published in the Gainesville Sun, as required by the FTA.*

*Fiscal Note: The costs for the Program of Projects in the amount of \$15,689,650 are included in the Transportation Improvement Program (TIP) approved by the MTPO.*

**RECOMMENDATION**

*The City Commission: 1) adopt the Resolution; and 2) approve the Program of Projects for FY 2009.*

080539a\_NoticePublicHearing\_20081120.pdf  
080539b\_Resolution\_20081120.pdf  
080539\_resolution\_20081120.pdf

**080551.**

**A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, annexation referendum held November 4, 2008, and providing an immediate effective date. (B)**

*Explanation: On November 4, 2008, a referendum was held. The Report of the Board of Canvassers for the City of Gainesville, showing the referendum for annexation passed, is adopted by this resolution of the City Commission.*

**RECOMMENDATION**

*The City Commission adopt the proposed resolution.*

080551\_resolution\_20081120.pdf  
080551\_certofresults\_20081120.pdf  
080551\_resolution\_20081120.pdf

**PLAN BOARD PETITIONS****DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

**ADJOURNMENT - 7:17 PM**