

# **City of Gainesville**

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



## **Meeting Agenda**

**January 15, 2009**

**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 - 1:06 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****080588.****Interlocal Agreement with Alachua County for Traffic Management System Construction and Implementation Funds (B)**

**This item is a request authorizing the City Manager to execute an Interlocal Agreement between the City of Gainesville and Alachua County to accept the allocation for Traffic Management System Construction of \$2,528,425.60.**

*Explanation: The City of Gainesville was designated as the lead agency for the construction and implementation of the Traffic Management System. This project is county-wide and the City of Gainesville operates and maintains the traffic signal system county-wide either directly or via interlocal agreements. Since the City has been designated the lead agency, the various partners are providing their fair share of the funding to the City of Gainesville. Other partners providing funding are the Florida Department of Transportation, the University of Florida, and the City of Gainesville.*

*Fiscal Note: Upon execution, the City will receive \$2,528,425.60 from Alachua County as its fair share of the project cost.*

**RECOMMENDATION**

*Recommended Motion: The City Commission authorize the City Manager to execute the Interlocal Agreement.*

080588\_Agreement\_20080115.pdf

**080652.****Bid Award for a Materials Contract for the Depot Park Stormwater Lift Station (B)**

**This item requests the City Commission to award a materials contract for the Depot Park Stormwater Lift Station to ABS-USA and Beach Construction Co.**

*Explanation: The construction of a lift station at the Depot Park lift station was originally contemplated to occur in the context of an inclusive (materials and labor) construction contract. This Project is funded by a legislative grant and SMU funds. Due to recent economic conditions, the governor requested that all grant recipients with unspent funding to submit revised spending plans that would get the funding into the economy more rapidly. In response thereto, Public Works suggested, and the grant funding agency agreed, to advance procurement of most of the materials for the lift station. Delivery of the materials must be completed May 1, 2009 and the grant billing must be completed June 9, 2009.*

*As a result of the above, invitations to bid for materials only (pumps, piping and generator) were sent out within the last month, with a short response time due the lead time necessary to fabricate some of the materials.*

*On December 4, 2008, the City Purchasing Division received three bids for the materials for the Depot Park stormwater lift station. Each of the three firms submitting a bid did so with exceptions. Two firms (ABS USA and Nugent) submitted bids for the pumps only. The third bidder (Beach) submitted a bid for the piping and generator only. Together, ABS USA and Beach Construction Company submitted the lowest bids for the pumps and piping/generator respectively, and in combination will supply almost all of the materials needed to be purchased for the lift station.*

*Fiscal Note: The funds are available through the legislative grant (\$350,000) and the balance from Stormwater Management Utility Fund (SMUF) in a multi-year account.*

**RECOMMENDATION**

*The City Commission: 1) authorize the bid award to ABS-USA and Beach Construction Co. in the amount of \$249,986.54 and \$301,300.00, respectively, for the materials needed for the Depot Park Lift Station; and 2) authorize the City Manager or designee to execute the related purchase orders subject to approval as to form and legality by the City Attorney.*

080652\_Bid Tab\_20090115.pdf

**080685.****Surplus Property Sale (NB)**

**Staff recommends all items at Surplus Lot to be declared surplus and disposed of through contract methods.**

*Explanation:* Each year, there are approximately 2,500 surplus property items stored at the City's Surplus Lot located at the Public Works Compound on 39th Avenue. These surplus items consist of scrap materials, office equipment and furniture, construction equipment, vehicles, abandoned and unclaimed property and miscellaneous items. In an attempt to reduce storage costs and increase revenues, staff has recently implemented changes to the auction process. The method of disposing of surplus property is outlined in the City's Financial Services Procedure Manual. Typical disposal methods are: transfer to other City departments; public auction; sealed competitive bids; and donation to another governmental agency. The surplus property auctions are now being held monthly or bi-monthly at the auctioneer's site or through an online auction process. This process has increased the cash flow for the surplus process as well as reducing storage and personnel costs.

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

**RECOMMENDATION**

The City Commission declare all materials, equipment and vehicles stored at the Surplus Lot as surplus property and authorize the sale of such property for the time period covering FY 2009.

**080691.**

**Technology Purchase for Renovation of the Gainesville Police Department's Data Trac Room and new Joint Crime Analysis Center (B)**

**This item involves a request for the City Commission to authorize the selection of AVI SPL as the vendor to renovate the Police Data Trac Room**

*Explanation:* The current technology in the Data Trac room at GPD Headquarters needs to be upgraded. Originally designed and constructed in 2001, the technology has changed as advances in audio and video graphics have become superior to existing equipment and software configuration. The displaying of multiple data streams and numerous computer terminals cannot be accomplished simultaneously with existing software. As the role of Crime Analysis and Information Led Policing moves police management to a new era of directing limited resources, the need for such abilities is magnified.

Locating a vendor to supply these services and provide the critical expertise and design has been problematic. As to date, three different vendors have installed and attempted to implement a comprehensive audio/video configuration capable of handling multiple data sources, with the ability to project onto numerous screens. In all three instances the programs have failed to work as advertised and the original vendor was unable to correct the deficiency. GPD, after a lengthy search, located AVI SPL who had the required expertise to correct the deficiency and maintain the existing technology.

Research to upgrade the technology for Data Trac and Crime Analysis led staff

to contact AVI SPL. Staff visited several sites where AVI SPL had installed the technology desired by GPD in both the Data Trac and soon to be constructed Joint Crime Analysis Center. The configuration, technology and support were evident in a network operations center that would mirror the capabilities of what GPD desires to accomplish. The private company, much like GPD, had a different company install technology in a network operations center, only to have AVI SPL correct the problems as they arose.

AVI SPL has supplied a tentative proposal for GPD's Data Trac and the Joint Crime Analysis Center. Estimated cost for the GPD's Data Trac: \$90,000 and for the Joint Crime Analysis Center: \$106,000, for a total of \$196,000. Larry Abbott, Facilities Management Manager and Les Auerbach, Computer Services Director have reviewed and approved the proposal and are in agreement it would be in the City's best interest for AVI SPL to supply these services.

**Fiscal Note:** Funding for the project is provided from accounts 335-810-c310-5210-4120 (Data Trac) and 001-810-8161-638-6040-5210 (Joint Crime Analysis Center).

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) approve AVI SPL as the specified source vendor and waive the bid process; and 2) authorize staff to negotiate a contract with AVI SPL for the proposed services.*

080691\_AVIQuote\_20090115.pdf

**080693.**

**State LECFTF Funding for Corner Drug Store Interface Youth Program and Spotlight on Youth Campaign (B)**

**This item requests that the City Commission appropriate and expend funds from the State Law Enforcement Contraband Forfeiture Fund for the Corner Drug Store Interface Youth Program and Spotlight on Youth campaign**

**Explanation:** *The annual Spotlight on Youth fundraiser is a unique program that features talented youth throughout Gainesville/Alachua County and exhibits their artistic talents in one gala event held annually at the University Performing Arts Center. LECFTF of an amount not to exceed \$5,000 will be used to enhance services in the Interface Youth Program/Shelter Central for at-risk youth who are in the early stages of system penetration and may be diverted from incarceration. The facility is a twenty bed operation that provides short-term residential care to truants, runaways, and ungovernable youth. Tickets for under-privileged youth to attend the gala will be issued at no cost and credited as compliments of the Gainesville Police Department.*

**Fiscal Note:** *Funds in an amount not to exceed \$5,000 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 \$114,974.00.*

**RECOMMENDATION**

*The City Commission authorize the appropriation of*

*an amount not to exceed \$5,000 from the State Law Enforcement Contraband Forfeiture Trust Fund, for the Corner Drug Store Interface Youth Program and Spotlight on Youth campaign.*

*Alternative Recommendation A: The City Commission decline the appropriation and advise staff to not fund the request from the Corner Drug Store. There is no fiscal impact.*

080693\_SpotlightYouthInfo\_20090115.pdf

**080708.**

**First Amendment to the Agreement for Eligibility and Certification Determination, Client Travel Training and Disability Sensitivity Training Workshops (B)**

**This item is in response to a request from the Center for Independent Living (CIL) to the Regional Transit System (RTS) for a rate increase due to the excessive increase in paratransit certifications.**

*Explanation: RTS contracts with the CIL to determine ADA paratransit eligibility for the Gainesville disabled population. Having the CIL make these determinations allows for a disinterested third party to bring perspective to the process that could affect the applicant's eligibility for paratransit. The current Agreement that began on October 1, 2007 and ends on September 30, 2010, was negotiated as a flat monthly rate of \$6,100 per month to include several services, but was mainly based on the cost of ADA paratransit eligibility certifications. This cost was based on an average of approximately 100 ADA certifications per month previously at \$60 each for a monthly average of \$6,000.*

*Due to the Local Coordinating Boards policy to shift nursing home and rehabilitation center residents from the Transportation Disadvantaged (TD) sponsored trips to the ADA Paratransit trips, the CIL has been overwhelmed with a significant increase (approximately 50%) in ADA Paratransit applicants. This was done so that TD money could be utilized to allow residents living in unincorporated Gainesville and outlying communities in Alachua County access to transportation. As a result of this unexpected increase, CIL has asked RTS to consider a rate increase of \$1,200 per month bringing the monthly fee to \$7,300. In addition, if the CIL does not accomplish a minimum of 1000 ADA applications and 100 hours of Travel Training in FY 09, the CIL will repay the City of Gainesville \$79.09 for every application and every hour under the specified totals above.*

*Fiscal Note: Funds for this rate increase in the amount of \$87,600 are available in the FY09 RTS ADA operating budget.*

**RECOMMENDATION**

*Recommended Motion: The City Commission authorize the City Manager to execute the First Amendment to the Agreement for Eligibility and Certification Determination, Client Travel Training and Disability Sensitivity Training Workshops with the*

*Center for Independent Living (CIL), subject to approval by the City Attorney as to form and legality.*

080708\_Amendment Agreement\_20080115.pdf

## GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

### 080723.

#### **Contract for Classification Consulting Services (NB)**

**Staff recommends award of a contract for classification consulting services to Lopez & Associates, Inc.**

*Explanation: The City utilizes a fair and equitable selection process to ensure that competent and qualified employees are hired to perform work in all positions. Prudent and legally defensible human resource practices recognize that a detailed job analysis provides the basis for job classification and compensation. This analysis identifies the aptitudes desired for employees to possess (knowledge, skills and abilities) to be successful. This information helps to establish the basis for developing selection processes.*

*Dr. Felix Lopez, an industrial and organizational psychologist, has provided a high level of expertise on job audits and classification recommendations from the 2007 appeals, Staff Assistant and Analyst series and all IT positions and has developed validated key job functions, minimum requirements and selection factors for these positions. Based upon the excellent performance and positive results using Lopez and Associates as well as their unique knowledge of the City's classification process and positions, staff recommends a continuation of these services.*

*Fiscal Note: Funds for these services are available in the FY 2009 GRU budget and will be requested in future fiscal years, subject to final appropriation of funds for each year of the contract.*

#### **RECOMMENDATION**

*The City Commission: 1) authorize the General Manager, or his designee, to execute a three year contract with Lopez & Associates, Inc., a specified source, for classification consulting services for general government and Utility positions; and 2) issue purchase orders to Lopez & Associates, Inc. for these services in an amount not to exceed \$100,000 per year subject to final appropriation of funds for each year of the contract.*

### 080725.

#### **Construction Oversight of the Former Manufactured Gas Plant Remediation Project (NB)**

**Staff recommends approval of the final ranking of the engineering firms**



**and authorization to negotiate a contract in accordance with the Consultants Competitive Negotiations Act (CCNA) for engineering construction oversight of the former Manufactured Gas Plant Remediation Project.**

*Explanation:* GRU requires the services of a construction oversight firm to provide daily site observation and reporting of the Manufactured Gas Plant remediation field work which is scheduled to begin in late spring/early summer 2009.

*Utilities Purchasing issued a Request for Statement of Qualifications (RFSQ) to six engineering firms and posted the request on the web site. Five firms submitted Statements of Qualifications which were ranked in order of preference as follows:*

*Focus Environmental, Inc.  
Burns & McDonnell Engineering Co.  
Jones Edmunds & Associates, Inc.*

*In accordance with the CCNA, staff is recommending initiating contract negotiations with the top ranked firm. If staff is unable to negotiate an acceptable contract with the top ranked firm, it may initiate negotiations with the next firm in order of ranking.*

*Fiscal Note:* Funding for this request is included in the Utility Capital Improvements budget.

**RECOMMENDATION**

*The City Commission: 1) approve the ranking of engineering firms in the given order of preference for the engineering construction oversight of the former Manufactured Gas Plant Remediation Project; 2) authorize the General Manager, or his designee, to initiate contract negotiations with the top ranked firm in accordance with the CCNA; and 3) authorize the General Manager, or his designee, upon successful negotiations, to execute a contract with the top ranked firm, subject to approval of the City Attorney as to form and legality, in an amount not to exceed budgeted amounts for the project.*

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**080716.**

**EEOC Charge No. 510-2009-01275, FCHR No.: 200900515 EJ, Kim Berryman-Dages vs. City of Gainesville (B)**

*Explanation:* On December 24, 2008, the City of Gainesville received a Notice of Charge of Discrimination from the U.S. Equal Employment Opportunity Commission. Ms. Kim Berryman-Dages alleges that she has been discriminated and retaliated against based on her gender and age.

**RECOMMENDATION**

*The City Commission authorize the City Attorney to*



*represent the City in the case styled Kim Berryman-Dages vs. the City of Gainesville; EEOC Charge No.: 510-2009-01275 and FCHR No.: 200900515 EJ.*

080716\_Berryman-Dager Complaint\_20090115.pdf

## CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

### 080706.

#### City Commission Minutes (B)

##### RECOMMENDATION

*The City Commission approve the minutes of December 8, 9, 18, & 22, 2008, as circulated.*

080706\_wksp\_min\_20090115.pdf  
080706\_sb\_min\_20090115.pdf  
080706\_reg\_min\_20090115.pdf  
080706\_wkshop2\_min\_20090115.pdf

### 080722.

#### Special City Commission Meeting with St. Petersburg Mayor (NB)

##### RECOMMENDATION

*The City Commission schedule this special meeting for February 2, at 3:00 PM in City Hall Auditorium.*

## EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

## COMMITTEE REPORTS, CONSENT AGENDA ITEMS

## PUBLIC SAFETY COMMITTEE, CONSENT

### 080284.

#### Roam Towing - Allowing Booting on Private Property (B)

*Explanation: The Public Safety Committee made the recommendation at the October 16, 2008 City Commission Meeting to authorize the City Attorney's Office to draft an amendment and the Clerk of the Commission to advertise amendments to the Roam Towing Ordinance to allow tow companies to boot vehicles on private property charging only one fee.*

*At that meeting, the City Commission referred this item back to the Public Safety Committee to: 1) Work out the parameters regarding cost; 2) work out the process in general, including drafting an ordinance; and 3) bring back to the City Commission.*

*The Public Safety Committee continued the review of the proposed amendment at its December 15, 2008 meeting. The Committee incorporated the changes*

*requested by the City Commission and agreed the item was ready to go back to the City Commission.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission direct the City Attorney to draft and the Clerk of the Commission to advertise amendments to the Roam Towing Ordinance to allow tow companies to boot vehicles on private property.*

**Legislative History**

8/11/08	City Commission	Referred (7 - 0)	Public Safety Committee
10/16/08	City Commission	Referred (7 - 0)	Public Safety Committee
10/28/08	Public Safety Committee	Continued	
12/15/08	Public Safety Committee	Approved as Recommended	

080284\_LegistarHist\_20080924.pdf  
 080284\_PeerCitiesHist\_20080924.pdf  
 080284\_CurrentInfoLtr\_20080924.pdf  
 080284a\_TampaOrd\_20081016.pdf  
 080284b\_NoMiamiOrd\_20081016.pdf  
 080284c\_OrlandoOrd\_20081016.pdf  
 080284\_BootingEmail\_20081028.pdf  
 080284\_BootingOrdDraft\_20082808.pdf  
 080284\_BootingDraftOrd2\_20081215.pdf  
 080284\_BootingOrdSum\_20081215.pdf  
 080284\_BootingDraftOrd3\_20090115.pdf

**080636.**

**Towing Company Complaints - Referral to Public Safety Committee (NB)**

*Explanation: Commissioner Jack Donovan brought this issue up during Commission Comment at the November 20, 2008 City Commission Meeting in response to a letter from Dr. K. Rivers regarding a complaint against Ultimate Towing.*

*Commissioner Donovan has asked that the Public Safety Committee research the feasibility of requiring towing companies to have written permission from property owners before towing vehicles from their property and to go to call in towing.*

*The Public Safety Committee discussed this referral at its December 15, 2008 meeting. At that meeting it was determined that at this time the Committee doesn't see the need for requiring this recommended step; with the understanding by the community and the towing companies that the City would, under dire circumstances, consider call in towing.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission 1) take no action at this time on this referral; and 2) remove this referral from the Public Safety Committee's Referral List.*

Legislative History

11/20/08 City Commission Referred (5 - 0 - 2 Absent) Public Safety Committee  
12/15/08 Public Safety Discussed  
Committee  
080636\_RiversCompliant\_20081215.pdf

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT****080689.****Review of GRU Fuel/Coal Contracts (B)**

*Explanation: In accordance with our Annual Audit Plan, we have completed a Review of GRU Fuel/Coal Contracts. Our report, which includes a response from the General Manager for Utilities, is attached for your review.*

*We request that the Committee recommend the City Commission accept our report and the General Manager's response. Also, in accordance with City Commission Resolution 970187, Section 10, Responsibilities for Follow-up on Audits, we request that the Committee recommend the City Commission instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.*

**RECOMMENDATION**

*The City Commission: 1) Accept the City Auditor's report and response from the General Manager for Utilities; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.*

Legislative History

1/5/09 Audit, Finance and Recommended for Approval  
Legislative  
Committee  
080689\_Part 1\_20090105.pdf  
080689\_Part 2\_20090105.pdf

**080704.****Selection of External Auditors for General Government (B)**

*Explanation: Florida Statutes section 218.39 and Gainesville Code of Ordinances section 2-433 require the City Commission to employ an independent certified public accountant, not connected with the government of the City, to audit the accounts maintained and the financial statements prepared by the City for each fiscal year. The City's current contract for professional auditing services expires after completion of all reports associated with the financial audit for the fiscal year ending September 30, 2008.*

*On September 18, 2008, the City Commission authorized the issuance of a Request for Proposals (RFP) for professional auditing services utilizing the methodology and selection factors recommended by the Audit, Finance and*

*Legislative Committee. As a result, an RFP was publicly issued and provided to interested firms on September 25, 2008. Since City finances are segmented into two major areas, General Government and Gainesville Regional Utilities (GRU), the RFP provided an opportunity for firms to submit a proposal for the General Government segment, the GRU segment and/or both segments combined.*

*On November 13, 2008, the City received four responses to the General Government segment and three responses to the GRU segment. Each proposal contained a technical qualifications proposal and a separately sealed price proposal. The proposals were evaluated in accordance with criteria set forth in the RFP by staff members of the City Auditor's Office and the respective Finance Departments. Proposals were assigned a composite score on technical and written criteria, excluding the price proposal. Purchasing staff then opened the fee proposals and assigned points to each proposal with higher points given to the lowest submitted fee proposal. Qualified local businesses received an additional five percent of the total evaluation points in accordance with the City's Local Preference Ordinance.*

#### *General Government Segment*

*Based on the evaluated technical qualifications, written proposals and fees related to each proposal, we request that the Committee recommend the City Commission approve the following ranking of the proposals received for external auditing services, General Government segment:*

##### *Firm Name and Rank*

*Davis, Monk and Company - 1*

*Purvis, Gray and Company - 2*

*Crowe Horwath LLP - 3*

*James Moore and Company - 4*

*We also request that the Committee recommend the City Commission authorize the City Auditor to execute a professional services contract with the top-ranked firm for the General Government segment for a period of five years beginning with the fiscal year 2009 audit, with an option to renew for an additional three years, subject to approval of the City Attorney as to form and legality. If, for any reason, an agreement with the first-ranked proposer cannot be reached, the City Auditor will initiate negotiations with the second-ranked firm, continuing through the rankings until an agreement is reached or all proposals are rejected.*

#### *GRU Segment*

*For the GRU segment, we are requesting oral presentations from the three firms who submitted proposals. The oral presentations/interviews will enable us to obtain additional information regarding firm qualifications, approach to the project, ability to furnish the required services and proposed fees. These presentations are expected to take place in January 2009, and a recommended ranking of the firms will then be presented to the Audit, Finance and Legislative Committee.*

*Fiscal Note: The first-ranked firm for the General Government segment, Davis, Monk and Company, submitted a proposed first-year fee of \$88,500, which results in a small cost savings from the fiscal year 2008 fee of \$89,300. In addition, Davis, Monk and Company is the incumbent external auditor and has provided excellent service in prior years.*

*The term of the contract will be for five years, with an option to renew for an additional three years. The RFP was structured to allow for annual price adjustments beginning with the second year of the agreement, based on the Consumer Price Index for the Southern Region all urban consumers, with a five percent limit on any increase or decrease.*

**RECOMMENDATION**

*The Audit, Finance and Legislative Committee recommend the City Commission: 1) Approve the ranking of the proposals received for external auditing services, General Government segment; and 2) authorize the City Auditor to execute a professional services contract with the top-ranked firm for the General Government segment for a period of five years beginning with the fiscal year 2009 audit, with an option to renew for an additional three years, subject to approval of the City Attorney as to form and legality.*

**Legislative History**

1/5/09      Audit, Finance and      Recommended for Approval  
                  Legislative  
                  Committee

080704\_transmittal\_20090105.pdf

**080705.**

**External Quality Control Review of the City Auditor's Office for the period October 2005 through September 2008 (B)**

*Explanation: The City Auditor's Office conducts all audits in accordance with Government Auditing Standards, 2007 Revision, issued by the Comptroller General of the United States. These standards are broad statements of auditors' responsibilities and provide an overall framework for ensuring that auditors have the competence, integrity, objectivity and independence in planning, conducting and reporting on their work. In order to maintain compliance with Government Auditing Standards, the City Auditor's Office is required to undergo an external quality assurance review every three years.*

*The Association of Local Government Auditors (ALGA) has an established peer review program intended to assist member organizations in their efforts to comply with Government Auditing Standards. ALGA assigned Sheila Roberts, CPA, CIA, from the Orange County, Florida Comptroller's Office and Kim Taylor, CPA, from the City of Jacksonville, Florida Council Auditor's Office to conduct an external quality control review of the City Auditor's Office.*

*The review team began their work in November 2008, reviewing the operating*

policies and procedures of the City Auditor's Office and relevant background information. During the week of December 8th, 2008, the team conducted a site visit in Gainesville, examining the internal quality control system and a sample of audit reports, including the audit workpapers supporting the reports, issued by the City Auditor's Office. The primary objective of the examination was to determine whether audit work performed by the City Auditor's Office during the three year period from October 2005 through September 2008 complied with Government Auditing Standards issued by the Comptroller General of the United States.

#### *Conclusion*

*We are pleased to report the review team found that the City Auditor's system of internal quality control was suitably designed and provided reasonable assurance that Government Auditing Standards were followed in audit work performed. The team also concluded that the City Auditor's quality controls were working effectively and that audits were conducted in conformance with applicable standards during the period under review. The reviewers issued a companion letter with their report, offering several observations in which they believe the City Auditor's Office excels and providing a suggestion to enhance our demonstrated adherence to Government Auditing Standards, further strengthening the internal quality control system of the City Auditor's Office and increasing its value to the City of Gainesville. Both reports and a written response to their recommendation for improvement are attached.*

#### **RECOMMENDATION**

*The City Commission accept the External Quality Control Review report prepared by the Association of Local Government Auditors Review Team and the City Auditor's response.*

#### **Legislative History**

1/5/09      Audit, Finance and      Recommended for Approval  
Legislative  
Committee  
  
080705\_QC\_Review\_20090105.pdf

### **080702.**

#### **2010 Federal Legislative Agenda (B)**

*Explanation: Annually, the City Commission adopts a Federal Legislative Agenda for presentation to the Alachua County Legislative Delegation. The legislative agenda is a compilation of the city's priority needs for the upcoming Congressional Session and provides delegation members with comprehensive information in order for them to focus their efforts on specific legislative priorities.*

*The 2010 agenda includes five projects. Projects fall within the following categories: Downtown Revitalization Initiative, Energy Efficiency Initiative, Public Transportation Enhancement Initiative, Water Quality Initiative, and Education Initiative. Projects have been prioritized with assistance from the city's federal lobbyists. A non-appropriation initiative is also included*

*regarding the Cabot/Koppers Superfund site immediate measures and cleanup. Additionally, the Audit, Finance and Legislative Committee requested that staff research the possibility of federal support for a health care initiative utilizing the Shands at AGH site and energy efficiency assistance for renters, particularly those who are low-income.*

*Fiscal Note: Requesting \$31,100,000 in federal funds. If funds are not received the City will rely on other sources including local support.*

**RECOMMENDATION**

*The City Commission approve the 2010 Federal Legislative Agenda.*

**Legislative History**

1/5/09      Audit, Finance and      Recommended for Approval, as amended  
Legislative  
Committee

080702\_FederalAgenda\_20080105.pdf

080702\_FederalAgenda\_20090115.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**

**080701.**

**Summer Heat-Wave 2008 Final Report (NB)**

**Summer Heat-Wave 2008 is designed to provide a well-rounded summer recreational and educational program for at-risk youth that will include both middle and high school aged students.**

*Explanation: The City of Gainesville experienced several incidents of youth violence between late April to June 30, 2008. These incidents involved youth from rival communities and, in some instances, they involved factions of hybrid youth gangs. Citizens of Gainesville, civic organizations--such as the Black on Black Crime Task Force, and private groups--such as the Jennings group, the Gainesville Housing Authority and Neighborhood Watch organizations have collaborated with Gainesville Police Department, the City Parks, Recreation and Cultural Affairs Department and Alachua County to create an alternative activity for youth. Our focus was on youth who, primarily due to age and*



income, may not be eligible for already established summer enrichment camps. The strategy that was devised is a three-pronged model, which includes strategies to address the entire population (local communities and neighborhoods), with messages and programs aimed at preventing youth violence. The Summer Heat-Wave program provided life-skills training, recreational and social activities designed to engage the aforementioned population. This strategy is in concert with the Gainesville Police Department's goal of addressing youth violence through prevention, intervention and suppression of violent activity. In total, 1,842 youth participated in summer activities. The program provided approximately 149 participants with stipends to attend City of Gainesville Department of Parks, Recreation and Cultural Affairs Summer Day Camp programs; 193 youth participated in the basket ball program; 52 youth participated in the Girls to Young ladies program; and 1,500 youth attended the Operation Respect Yourself events. Alachua County has provided \$60,000 towards the program in summer 2009. The request is that the City of Gainesville fund the program at the level it provided for the summer 2008 programs.

**Fiscal Note:** Funding for the City of Gainesville's contribution consists of a request for \$9,000 to cover the cost of 150 RTS monthly bus passes for a three month period and an in-kind contribution consisting of the Gainesville Police Department providing security service for special events valued at \$9,000 and stipends for 150 program participants to attend a six week City of Gainesville Department of Parks, Recreation and Cultural Affairs Summer Day Camp program valued at \$36,900. Due to the moratorium on Commission Contingency Funds, staff requests that the \$9,000 for the RTS monthly bus passes be considered in June.

**RECOMMENDATION**

The City Commission 1) hear a final report from staff/Heat-Wave Committee on the 2008 Summer Heat-Wave program; 2) authorize the in-kind donations for the program for 2009; and 3) due to the moratorium on Commission Contingency Funds, delay consideration of committing \$9,000 in contingency funds for the 150 RTS monthly bus passes for a three month period until June when staff and the Commission will have a better sense of the City's financial condition.

**Alternative Recommendation A:**

The City Commission 1) hear a final report from staff/Heat-Wave Committee on the 2008 Summer Heat-Wave program; and 2) approve City Commission Contingency Funds in the amount of \$9,000 to cover the cost of 150 RTS monthly bus passes for a three month period and authorize the in-kind donations for this program for 2009.

**Alternative Recommendation B:**

The City Commission denies the request.

080701\_MOD-PPT\_20090115.PDF

080715.**Eastside Redevelopment Area Expansion, Study Area 3 (B)**

**The Study concludes that Study Area 3 does not meet the criteria contained in the statutory definition of blight. The City Commission can consider several options including further studies.**

*Explanation: In February of 2008, the City Commission allocated funds to study expanding the Eastside CRA Area to the west (See the attached map). The City retained WilsonMiller to conduct the study which has been completed and is now on file in the office of the Clerk of the Commission. WilsonMiller and staff will present the findings of the study (the Report) and additional information for the City Commission's consideration.*

*Florida Statutes indicate that there is a two part process to determine if blight exists in an area. The WilsonMiller Report indicates that Study Area 3 meets only one part of the process. The part of the process that Study Area 3 fails to meet requires that the area must contain a "substantial number of deteriorated or deteriorating structures . . ." In this case, the courts have interpreted "structures" to include both buildings and infrastructure such as roads. The WilsonMiller report does not identify any incidents of inadequate or deteriorating infrastructure within Study Area 3. Field observation of Study Area 3 shows that only one (or 12.5%) of the Study Area's eight buildings can be categorized as deteriorated or deteriorating. Therefore, Study Area 3 does not meet the criterion of containing a substantial number of deteriorated or deteriorating structures.*

*If the City Commission chooses to do so, it can recognize WilsonMiller as a specified source (based upon existing work and familiarity with Study Area 3) and authorize the City Manager to retain WilsonMiller to conduct a blight study of an expanded Study Area 3. That area may be more likely to meet the statutory criteria. Staff estimates that such a study costs up to \$10,000.*

*Fiscal Note: None, if the City Commission accepts the existing report from WilsonMiller. However, if the City Commission authorizes an additional study, the cost of that study is up to \$10,000.*

**RECOMMENDATION**

*The City Commission 1) accept a report from a consultant addressing blighted conditions in the proposed expansion area (Study Area 3); and 2) receive public input.*

*Alternative Recommendation A: 1) accept a report from a consultant addressing blighted conditions in the proposed expansion area (Study Area 3); 2) authorize staff to negotiate a contract with WilsonMiller to complete a study to determine whether or not slum or blight exists in the area to the north and west of Study Area 3, and including Study Area 3; and 3) authorize up to \$10,000 from City Commission Contingency Funds to complete the study.*

*Alternative Recommendation B: Authorize staff to return to the City Commission with a resolution finding blight in Study Area 3.*

080715\_Map Study Area 3\_20080115.pdf  
080715\_Area 3\_MOD\_PPT\_20080115.PDF

## GENERAL MANAGER FOR UTILITIES

### 080724.

#### **2007 GRU Annual Report Recognized for Excellence in Communications by American Public Power Association (NB)**

**The GRU 2007 Annual Report was recognized by the American Public Power Association as the Annual Report Contest winner with an Award of Excellence as the best annual report among public power utilities across the nation with revenues of \$200 - \$400 million.**

*Explanation: In October 2008, five public power utilities representing five different electric revenue categories earned awards from the American Public Power Association. The awards were presented at the association's Customer Connections Conference in Nashville Tennessee.*

*APPA conducts the annual report contest to encourage and recognize excellence in communications. Awards were judged based on annual report copy, design, financial data, creativity, graphics, organization, and communicating the utility's special story.*

*GRU has been recognized as the overall winner four times in the past eight years, with one second place finish. This is the second largest revenue category, competing with similar sized systems such as Pasadena Water and Power, Lincoln Electric system, Burbank Water and Power, Massachusetts Municipal Electric Company and Riverside Public Utilities.*

*Fiscal Note: There is no fiscal impact from this status report.*

#### **RECOMMENDATION**

*The City Commission acknowledge and recognize the Award of Excellence in the American Public Power Association's 2008 Annual Report Contest. The award was received by GRU for the 2007 Annual Report, "people/ideas," that is developed yearly to report to the bond rating agencies and bond holders on business performance for the period under review, explain the objectives, strategy and future direction of Gainesville Regional Utilities, and fulfill legal and regulatory requirements.*

080726.**Manufactured Gas Plant Remediation Update (B)**

**GRU is providing an update on the Manufactured Gas Plant remediation project and recommending authorization of certain actions regarding a contract for the remediation and funding of the project.**

*Explanation: In 1990, GRU purchased former Gainesville Gas Company (GGC) along with its assets and liabilities. In 1992, a Florida Department of Environmental Protection (FDEP) Consent Order was issued to the City to investigate and remediate the environmental impacts attributable to the Manufactured Gas Plant formerly operated by GGC. At present, GRU has finalized the Phase 1 remediation design, obtained the necessary agency approvals and is preparing a contract with Environmental Consulting & Technology, Inc. (ECT) as the specified source contractor.*

*On November 6, 2008, the City Commission approved the landfill disposal option in lieu of off-site thermal treatment of the soil, and FDEP granted a permit modification for this change in a letter dated December 11, 2008. GRU was also directed to pursue an expedited project approach for the Manufactured Gas Plant remediation which would require special FDEP funding approval. FDEP responded in a letter dated December 18, 2008 denying that request. In follow-up discussions, FDEP advised that GRU could begin work begin prior to the accumulation of the entire amount of the FDEP funding, however, by doing so, GRU would forfeit any of the remaining funding. Therefore, Staff now recommends waiting until all FDEP funding is accrued (an estimated 12 to 14 weeks) prior to beginning work.*

*Fiscal Note: This project is to be funded by the GRU-Gas Utility and by the FDEP's Petroleum Cleanup Preapproval Program. GRU's portion of the costs will be funded through the Cost Recovery Factor charged to all Gas System customers. The total cost of the project is estimated to be \$14,300,000. GRU's portion of the construction cost of is estimated to be \$10,800,000 assuming an additional \$3,500,000 funding is obtained from the FDEP Petroleum Cleanup Preapproval Program. If some portion of the FDEP funding is not obtained, then GRU's cost could be as much as the total estimated project cost of \$14,300,000.*

**RECOMMENDATION**

*The City Commission: 1) hear presentations from GRU Staff regarding the Manufactured Gas Plant project's expedited project approach and FDEP funding; 2) authorize the General Manager or his designee to execute a contract with Environmental Consulting & Technology, Inc., as a specified source contractor for the performance of the remediation, subject to approval by the City Attorney as to form and legality; 3) commit to funding any FDEP monetary shortfalls with regard to the Manufactured Gas Plant remediation; and 4) authorize staff to procure materials, equipment and services required for the project in accordance with Purchasing policies and procedures.*

080726\_presentation\_20090115.pdf

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

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

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**080721.**

**Commissioner Thomas Hawkins - Residential Subdivision Design (B)**

**RECOMMENDATION**

*The City Commission discuss the Rules Regulating Subdivision Form and take appropriate action.*

080721\_presentation\_20090115.pdf

**COMMISSION COMMENTS (if time available)**

**RECESS - 2:34 PM**

**RECONVENE - 4:03 PM**

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

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**080686.**

**Presentation of Executive Fire Officer Certificate to Timothy P. Hayes, Deputy Fire Chief (NB)**

**This item recommends recognition of Gainesville Fire Rescue Deputy Chief Timothy P. Hayes for his successful completion of the U.S. Fire Administration's Executive Fire Officer Program.**

*Explanation: The Executive Fire Officer Program (EFOP) is an initiative of the U.S. Fire Administration designed to provide senior fire officers with an education to: 1) transform fire and emergency services organizations from reactive to proactive;*

*emphasizing leadership development, prevention, and risk reduction; 2) lead fire and emergency services organizations in reflecting and developing the diversity of America's communities; 3) value research and increase its application to the profession; and 4) develop the habit of lifelong learning. The program is a diverse, executive-level curriculum, one course per year, for four years. It requires a commitment to complete four applied research projects. Each EFOP course and applied research project has been recommended by the American Council of Education to receive college-level credit. The courses include: Executive Development; Leading Community Risk Reduction; Executive Analysis of Fire Service Operations in Emergency Management; and Executive Leadership. In recognition of successful completion of the requisite courses of study and the applied research projects, the United States Fire Administration's National Fire Academy conferred the title of Executive Fire Officer (EFO) upon Timothy P. Hayes, Deputy Fire Chief, in June 2008. Deputy Chief Hayes joins Retired Chief Richard Williams, current Chief William Northcutt, Deputy Chief Gene Prince, Retired District Chief Don King, and Lt. Kim Berryman-Dages as the sixth member of Gainesville Fire Rescue to successfully complete this prestigious program.*

*Fiscal Note: There is no fiscal impact.*

**RECOMMENDATION**

*The Mayor and the Fire Chief present the EFO certificate to Deputy Chief Timothy P. Hayes.*

**080687.**

**Presentation of Certificate of Completion of the Harvard Program for Senior Executives in State and Local Government to Michael O. Randolph, Assistant Fire Chief (NB)**

**This item recommends recognition of Gainesville Fire Rescue Assistant Chief Michael O. Randolph for successful completion of the Harvard Program for Senior Executives in State and Local Government.**

*Explanation: The Harvard Fire Executive Fellowship Program is sponsored through a partnership between the International Association of Fire Chiefs (IAFC), the International Fire Service Training Association (IFSTA), the National Fire Protection Association (NFPA), and the Department of Homeland Security - U.S. Fire Administration. Each year, only eight senior fire executives are awarded fellowships to attend Harvard's annual Program for Senior Executives in State and Local Government after competing in a nationwide selection process. The 3-week program, which is conducted at the Kennedy School of Government on the Harvard campus in Cambridge, Massachusetts, provides training that helps officials assess the tasks they face in managing today's results-driven government agencies. The program provides an opportunity to develop new conceptual frameworks for addressing policy issues; explore the relationship between citizens and government; examine the ethical and professional responsibilities of leadership; and exchange ideas with experienced faculty and participants from diverse backgrounds. During the course, participants learn strategies for establishing meaningful, attainable organizational objectives. They investigate the process of developing and*

*evaluating policy alternatives and consider options for organizing and deploying resources, information, and services. Application is open to senior executives who have demonstrated significant accomplishments and have the potential to impact and initiate change. Assistant Chief Michael O. Randolph successfully completed the program in April 2008. Assistant Chief Randolph joins former award recipients from the City of Gainesville - Retired Fire Chief Richard Williams, GFR Lt. Kim Berryman-Dages, and Alachua County Sheriff Sadie Darnell, formerly of the Gainesville Police Department.*

*Fiscal Note: There is no fiscal impact.*

**RECOMMENDATION**

*The Mayor and the Fire Chief present the Harvard Program Certificate to Assistant Chief Michael O. Randolph.*

**080717.**

**School Crossing Guard Appreciation Day - January 15, 2009 (B)**

**RECOMMENDATION**

*Gainesville Police Department Executive Lieutenant for Patrol District 2 Anthony Ferrara and Police Service Technician Supervisor Ernestine Fletcher representing School Crossing Guards to accept the proclamation.*

080717\_CrossingGuard\_20090115.pdf

**080718.**

**Audubon Cooperative Sanctuary Day - January 15, 2009 (B)**

**RECOMMENDATION**

*Ironwood Audubon Certification Committee Chair Jan Weinbrech, Golf Course Superintendent Don Irby, and Golf Course Manager Bill Iwinski to accept the proclamation.*

080718\_AudobonDay\_20090115.pdf

**080719.**

**Arbor Day - January 16, 2009 (B)**

**RECOMMENDATION**

*City Beautification Board Arbor Day Chair Dorothy Field, Parks, Recreation and Cultural Affairs City Horticulturist Mark Siburt, and City Beautification Board Becky Howard to accept the proclamation.*

080719\_ArborDay\_20090115.pdf

**080720.**

**Non-Native Invasive Plant Awareness Week 2009 - January 26-30, 2009 (B)**



**RECOMMENDATION**

*Friends of Nature Parks President Penny Wilson  
Weber to accept the proclamation.*

080720\_PlantAwarenessWeek\_20090115.pdf

**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****080566.****SOLAR FEED-IN TARIFF (B)****Ordinance No. 0-08-88**

**AN ORDINANCE AMENDING CHAPTER 27, SECTION 27-21, DEFINITIONS, GAINESVILLE CODE OF ORDINANCES, PROVIDING DEFINITIONS; AMENDING APPENDIX A, SECTION UTILITIES (1) ELECTRICITY OF THE GAINESVILLE CODE OF ORDINANCES BY ADDING PROVISIONS FOR THE PURCHASE OF SOLAR GENERATED ENERGY THROUGH A STANDARD OFFER CONTRACT FOR ALL CLASSES; LIMITING NET METERING DISTRIBUTED RESOURCE(S) RATES FOR GENERAL SERVICE AND LARGE POWER CLASSES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE**

*Explanation: Following a Solar Workshop with the City Commission held on October 13, 2008, staff was directed to modify the existing renewable energy incentives offered by Gainesville Regional Utilities by adding the ability to directly purchase solar-generated energy by means of a standard, non-negotiated contracted rate (commonly known as a "feed in tariff").*

*This Standard Offer is extended to all interested and qualified parties, including both GRU customers and non-customers, and both residential and commercial classes. The Net-Metering credit currently available to all classes of customers will only be available to those non-residential customers who install their systems prior to March 1, 2009. The Net Metering provision will continue for residential customers.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance, to become effective March 1, 2009, as revised.*

**Legislative History**

11/20/08 City Commission Approved as Amended (5 - 0 - 2 Absent)

080566\_amendment\_20081120.pdf

080566\_draftordinance\_20090115.pdf

080566\_ordinance20090205.pdf

080605.**VOLUNTARY ANNEXATION - LAKES OF KANAPAHA (B)****Ordinance No. 0-08-84**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of Tax Parcel Numbers 06916-000-000, 06929-000-000, 06916-001-000, 06933-000-000, 06935-001-000 and 06917-000-000, generally located south of Tax Parcel 06819-010-000, west of SW 47th Street, north of SW Archer Road, and east of Lake Kanapaha and the City limits, as more specifically described in this Ordinance; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.**

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Thursday, September 18, 2007, at a regular City Commission meeting, the City Commission received and accepted the petitions for annexation, and determined that the petitions bore the signatures of the owners of the property that is the subject of this annexation. On October 16, 2008 and November 6, 2008, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act. The Urban Services Report contained a map detailing the annexation area.*

**ANNEXATION ORDINANCE**

*The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.*

*In the Ordinance, the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.*

*If adopted on first reading, the second and final reading of this ordinance will be February 5, 2009. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

080605\_Lakes of Kanapaha Annex\_20080115.pdf  
080605\_Lakes of Kanapaha Annex\_20090115.pdf  
080605\_MAP\_MOD\_PPT\_20080115.PDF

**080438.****REZONING - PRESTIGE LINCOLN MERCURY, INC.(B)****Ordinance No. 0-08-85, Petition No. 105ZON-08PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from "BUS: General business district" to "BA: Automotive-oriented business district"; located in the vicinity of 2120 and 2140 Northeast 2nd Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: This petition requests a change in zoning from BUS (General business district) to BA (Automotive-oriented business district) for two parcels, both owned by Prestige Lincoln Mercury, Inc.*

*The subject property consists of two parcels with a total area of 1.53 acres. Both parcels are located immediately to the east of the existing Prestige dealership at 2201 North Main Street, with approximately 330 feet of frontage on Northeast 2nd Street. Surrounding zoning designations include General business (BUS) to the north; Automotive-oriented business (BA) to the west and south; and Planned development (PD) and RMF-6 (Multiple-Family Medium Density Residential, 8-15 du/ac) to the east.*

*The major difference between the BUS and BA zoning is that the BUS zoning allows more general retail sales uses, whereas BA allows wholesale motor vehicle and motor vehicle parts and supplies, automotive dealers and gasoline service stations, and automotive repair, services and parking.*

*If approved, the requested zoning will encourage the redevelopment of these two parcels and allow the expansion of the adjacent auto dealership. Automotive-oriented zoning is found along the North Main Street corridor north of 16th Avenue, consistent with Future Land Use Policy 4.2.5. There are several businesses where the BA zoning extends through the block to NE 2nd Street, including the Wade Raulerson GMC dealership immediately to the south of the subject property.*

*Public notice was published in the Gainesville Sun on September 6, 2008. The Plan Board held a public hearing on September 22, 2008.*

**CITY ATTORNEY MEMORANDUM**

*The City Commission, at its meeting of November 6, 2008, approved Petition No. 105ZON-08PB and authorized the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance rezoning the property to "BA: Automotive-oriented business district."*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

Legislative History

11/6/08 City Commission Approved (Petition) (6 - 1)

080438\_petition\_20081106.pdf

080438A\_staff ppt\_20081106.PDF

080438B\_additional backup\_20081106.pdf

080438\_draftordinance\_20090115.pdf

**070941.****UNDERAGE PROHIBITION IN ALCOHOLIC BEVERAGE ESTABLISHMENTS (B)****Ordinance No. 0-07-121**

**An ordinance of the City of Gainesville, Florida, creating a new Article III of Chapter 4 of the Gainesville Code of Ordinances entitled "Underage Prohibition in Alcoholic Beverage Establishments" which restricts patronage of persons under 21 years of age in alcoholic beverage establishments under certain conditions; providing definitions; providing criteria for issuance of an Underage Prohibition Order; providing for an administrative hearing; providing exceptions; providing penalties; amending section 2-339 of the Code of Ordinances relating to the civil citation table of applicable codes and ordinances; providing for injunctive relief; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: At its meeting of February 25, 2008, the City Commission referred to the Public Safety Committee the issue of underage drinking in the City's Hospitality Districts. The Public Safety Committee in reviewing this issue found that Gainesville's Hospitality Districts (College Park and Downtown) contain many establishments which are bars. Some of the bars only allow patrons inside who are 21 or older while others admit patrons who are 18-20 and give them a different indicator (e.g. wristband or hand stamp) that identifies them as unable to purchase or consume alcohol on the premises.*

*Several initiatives through the City of Gainesville and the Community Redevelopment Agency (the Gainesville Responsible Hospitality Partnership) have focused on reducing the sale to and service of alcoholic beverages to underage patrons in these establishments. At the same time, the Gainesville Police Department and Gainesville Fire Rescue have found continued problems related to the safety and security of the hospitality districts with repeat offending establishments over time.*

*To address the problem, the Public Safety Committee recommended that an entertainment permit be created to be issued to bars requesting to admit patrons less than 21 years of age. After a trial period and notice to the bars, bars wishing to admit underage patrons would be required to have an entertainment permit. That entertainment permit would be granted based on objective measures related to public safety issues and would be subject to revocation based on underage drinking incidents occurring at the bar.*

*At its November 20, 2008 meeting the City Commission approved the creation*

*of entertainment permits for bars admitting patrons less than 21 years of age and directed the City Attorney to draft the ordinance. The City Attorney was also authorized to draft suggested changes to the dance hall ordinance to allow patrons less than 18 years of age entrance into bars for special events.*

*In preparing this ordinance, the Attorney's Office found that no changes were needed to the dance hall ordinance as those establishments are not permitted to serve, nor are patrons permitted to possess, alcoholic beverages. Additionally, the City Attorney's Office simplified the application of the ordinance for legal reasons that resulted in administrative and fiscal efficiencies. The ordinance does not require the ministerial issuance of an entertainment permit, and would operate to prohibit persons under the age of 21 from patronizing any Alcoholic Beverage Establishment after 9 p.m., when the establishment is the site of multiple Underage Drinking Incidents. This ordinance:*

- (1) Regulates the admission of persons under 21 into Alcoholic Beverage Establishments which permit consumption of alcoholic beverages on premises.*
- (2) Does not, at its passage, restrict admission of persons under 21 into Alcoholic Beverage Establishments.*
- (3) Provides that Alcoholic Beverage Establishments which are the site of specified numbers of Underage Drinking Incidents based on aggregate occupancy load shall, through issuance of an Underage Prohibition Order by the City Manager or his designee, be restricted from admitting persons under 21 into the establishment after 9:00 pm for specified periods of time ranging from 90 days to 365 days.*
- (4) Provides that to be subject to a Underage Prohibition Order, for any quarter period in any alcoholic beverage establishment with an maximum occupancy load of less than 201, the number of incidents must exceed 5; in any alcoholic beverage establishment with an maximum occupancy load of more than 201, the number of incidents must exceed 10.*
- (5) Provides exceptions to accommodate employees, service personnel, persons accompanied by parents or legal guardians and special events where alcoholic beverages are not sold, served and not otherwise available to the public.*
- (6) Gives the Alcoholic Beverage Establishments a right to request an administrative appeal before a hearing officer prior to the Underage Prohibition Order becoming effective.*
- (7) Provides for judicial review if the Alcoholic Beverage Establishment does not accept the administrative finding.*
- (8) Provides that Alcoholic Beverage Establishments subject to an Underage Prohibition Order must post signage at all public entrances advising of the restriction for the duration of the prohibition.*
- (9) Provides that Alcoholic Beverage Establishments which violate the Underage Prohibition Order are subject to Civil Citation which carries a \$500.00 penalty. Continued failure to comply with the Underage Prohibition Order may subject the Alcoholic Beverage Establishment owner/manager or other employees to arrest.*
- (10) Will be effective citywide.*

*This ordinance requires two readings. Should the Commission pass this ordinance on first reading, second and final reading will be held on February 5, 2009.*

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

2/25/08	City Commission	Referred (7 - 0)	Public Safety Committee
7/28/08	City Commission	Approved, as shown above	
10/28/08	Public Safety Committee	Approved as Recommended	
11/20/08	City Commission	Approved as Recommended (4 - 0 - 3 Absent)	
12/15/08	Public Safety Committee	Discussed	

070941c\_HospDistsArticleDrft\_20081028.pdf  
 070941b\_RespHospInstNotes\_20081215.pdf  
 070941c\_RespHospInstNotes\_20081215.pdf  
 070941d\_RespHospInstNotes\_20081215.pdf  
 070941\_UnderageProhibitioninABE\_20090115.pdf  
 070941aresphospinstnotes\_20081215.pdf  
 070941\_letter\_20090115.pdf  
 070941\_MOD\_PPT\_20090115.PDF  
 070941\_UnderageProhibitioninABE -2nd\_20090205.pdf  
 070941\_MOD\_GRAY\_MEM\_20090115.pdf  
 070941\_MOD\_ZELLER\_LET\_20090115.pdf

**ORDINANCES, 2ND READING- ROLL CALL REQUIRED****080198.****MOBILE HOME (MH) DISTRICT SETBACKS (B)****Ordinance No. 0-08-74; Petition No. 90TCH-08 PB**

**An ordinance of the City of Gainesville, Florida, amending the Land Development Code of the City of Gainesville relating to Residential low density districts (RMF-5, RC and MH); by amending Table 2 of section 30-52 to decrease setbacks for principal and accessory structures in the MH: 12 units/acre mobile home residential zoning district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*This petition requests a change to the text of the Land Development Code regarding setbacks for principal and accessory structures in the MH: 12 units/acre mobile home residential zoning district. In response to a request by a local builder who is redeveloping a property zoned MH, the new setbacks will increase the buildable area of individual lots by lowering the side and rear setbacks for principal and accessory structures. There is no change requested for the front setbacks, minimum lot size, or density.*

*This change will also bring setbacks in the MH district more in conformance with other zoning districts with similar minimum lot size and density requirements, such as Residential conservation (RC) and Alachua County's*

*Manufactured/mobile home park (RM) district.*

*Public notice was published in the Gainesville Sun on July 2, 2008. The Plan Board held a public hearing on July 17, 2008, and by a vote of 6-0 recommended the City Commission approve the petition. On September 2, 2008, the City Commission approved the Petition by a vote of 7-0.*

*CITY ATTORNEY MEMORANDUM*

*Should this ordinance pass on first reading, second and final reading will be held on Thursday, January 15, 2009.*

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

**Legislative History**

8/21/08              City Commission              Approved (Petition) (7 - 0)  
12/18/08              City Commission              Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

080198\_petition\_20080821.pdf

080198\_ordinance\_20090115.pdf

**080544.**

**REZONING - 300 BLOCK OF NE 39TH AVENUE (B)**

**Ordinance No. 0-08-83, Petition No. 119ZON-08PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from "BUS: General business district" to "BA: Automotive-oriented business district"; located in the vicinity of the 300 block of Northeast 39th Avenue, as more specifically described in this ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

***Explanation: STAFF MEMORANDUM***

*This petition requests a change in zoning from BUS (General business district) to BA (Automotive-oriented business district) for one parcel owned by Southeast Car Agency, Inc.*

*The subject property consists of one parcel adjacent to the existing Southeast Car Agency dealership, located on the north side of NE 39th Avenue just west of Main Street. Zoning on the surrounding properties includes Automotive-oriented business (BA) on the existing dealership to the west; Planned Development (PD) (Auto Town Center) to the north; and General business (BUS) zoning to the east and south.*

*The major difference between the BUS and BA zoning is that the BUS zoning allows more general retail sales uses, whereas BA allows wholesale motor vehicle and motor vehicle parts and supplies, automotive dealers and gasoline service stations, and automotive repair, services and parking.*

*If approved, the requested zoning will encourage the redevelopment of this*



*parcel and allow the expansion of the adjacent auto dealership. Automotive-oriented zoning is found along the North Main Street corridor north of 16th Avenue, consistent with Future Land Use Policy 4.2.5.*

*Public notice was published in the Gainesville Sun on October 7, 2008. The Plan Board held a public hearing on October 23, 2008.*

#### *CITY ATTORNEY MEMORANDUM*

*If the City Commission adopts this Ordinance on first reading on December 18, 2008, second and final reading will be held on January 15, 2009.*

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

#### **Legislative History**

12/18/08      City Commission      Approved (Petition) and Adopted on First Reading  
(Ordinance) (6 - 0 - 1 Absent)

080544\_staff petition\_20081218.pdf

080544 A\_staff ppt\_20081218.PDF

080544\_draft ordinance\_20081218.pdf

080544\_ordinance\_20090115.pdf

## **RESOLUTIONS- ROLL CALL REQUIRED**

### **080678.**

#### **Resolution Approving the Conditional Final Plat Weschester Cluster Subdivision Phase IV (B)**

**Conditional final plat review for 139 lots at Weschester Cluster Subdivision Phase IV (formerly Krystle Pines Cluster Subdivision), located in the 8200 block of NW 43rd Street (west side). Petition 122SUB-02DB.**

*Explanation: The Development Review Board considered a request to approve a design plat of the Krystle Pines Cluster Subdivision (currently referred to as Weschester Cluster Subdivision) at a public hearing held January 9, 2003. By a vote of 2 to 1, the Development Review Board approved Petition 122SUB-02DB, with staff conditions. On February 10, 2003 the City Commission approved the design plat and on January 26, 2004, the City Commission granted a six-month extension of time of the design plat approval to July 26, 2004 in accordance with Section 30-183(J)(2) of the Code of Ordinances. The commission allowed subsequent phases to be filed at six-month intervals. The design plat included 418 dwelling units on 215 acres, at a density of 1.9 dwelling units per acre to be completed in seven phases. The phasing schedule for implementation of the plat was later reconfigured to four phases; this being the last of the four phases.*

*The Weschester Cluster Subdivision Phase IV Conditional Final Plat includes construction of new streets representing the extension of the following streets currently existing in Phase I: NW 51st Drive, NW 51st Street, NW 52nd Street, NW 53rd Street, NW 53rd Terrace, NW 54th Street and NW 54th Terrace. Two east-west streets NW 82nd Place and NW 82nd Avenue will be constructed. The Weschester Cluster Subdivision Phase IV Conditional Final Plat contains 34.29*

acres, including 3.04 acres of wetlands and wetland buffers with a 50-foot wetland buffer surrounding all wetland areas. No portion of any platted lot includes wetlands or wetland buffer. The Phase IV Conditional Final plat contains only a small portion of the total cluster open space shown on the design plat for all phases of the Weschester Cluster Subdivision; the majority of the cluster open space is included in the Phase I portion of the subdivision. Additional cluster open space in the amount of 2.97 acres is included in the Phase III portion of the plat.

The conditional final plat is not recorded but is retained by the Clerk of the Commission until all infrastructure is completed and ready for acceptance by the city per Sec. 30-186(e). Additionally, all other phases of the Weschester Cluster Subdivision have been finalized and recorded.

A Certificate of Final Concurrence has been issued for all phases in accordance with a development agreement for concurrence between the subdivider and the City.

*Fiscal Note: None*

**RECOMMENDATION**

Planning Staff to City Commission--The City Commission adopt the following resolution: A Resolution approving the conditional final plat of "Weschester Cluster Subdivision Phase IV, bounded on the east, south and west by Phase I and located generally on the north side of NW 82nd Boulevard between NW 54th Terrace on the west and the west boundary of Phase I closest to NW 51st Drive; and providing an immediate effective date.

080678\_resolution\_20090115.pdf

080678\_final plat\_20090115.pdf

080678\_resolution\_20090115.pdf

**080709.**

**Resolution for a Local Agency Program (LAP) Agreement for Enhancements of the Depot Avenue Transportation Corridor Project (B)**

**This item is associated with a Resolution authorizing the City Manager to execute a supplemental Local Agency Program (LAP) Agreement (Supplemental Agreement No. 1) between the City of Gainesville and the Florida Department of Transportation for Enhancements of the Depot Avenue Transportation Corridor Project.**

*Explanation: The City of Gainesville is a Florida Department of Transportation (FDOT) Certified local agency. This certification allows the City to design, construct and receive reimbursement for FDOT funded projects when a specific Local Agency Program (LAP) agreement exists. The City is hereby requesting to supplement the original LAP Agreement in the amount of \$700,000 for design, dated October 31, 2006, with an additional \$3,603,396 for construction, increasing the LAP agreement total to \$4,303,396.*

*Fiscal Note: The supplemental LAP Agreement provides the City of Gainesville with an additional \$3,603,396 for construction costs of the Enhancements of the Depot Avenue Transportation Corridor Project. This increases the total LAP Agreement to \$4,303,396.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute a supplemental LAP Agreement (Supplemental Agreement No. 1) for the Enhancements of the Depot Avenue Transportation Corridor Project in the amount of \$4,303,396, subject to approval by the City Attorney as to form and legality.*

080709\_Resolution\_20080115.pdf

080709\_resolution\_20090115.pdf

**080712.**

**Eastside Redevelopment Area Expansion, Study Area 1 (B)**

**A resolution of the City Commission of the City of Gainesville, Florida, finding that the conditions in a certain area in the eastern portion of the City of Gainesville (Study Area 1) constitute blight, and that the rehabilitation, conservation, redevelopment, or combination thereof of such area is necessary in the interest of the public health, safety, morals or welfare of the residents of the City; and providing an immediate effective date.**

*Explanation: In February of 2008, the City Commission allocated funds to study expanding the Eastside CRA Area to the northeast (See the attached map). The City retained WilsonMiller to conduct the study which has been completed and is now on file in the office of the Clerk of the Commission. WilsonMiller and staff will present the findings of the study (the Report) and additional information for the City Commission's consideration.*

*The resolution finding blight is the first step necessary to expand the Eastside redevelopment area to include the subject property, which will allow the property to generate tax increment funds to assist in rehabilitating and redeveloping the area. Should a potential expansion of the Eastside Redevelopment Area move forward, it may also become important to consider the impact of new legislation affecting the funding structure for redevelopment trust funds. This legislation has come into effect since the last boundary modification to one of Gainesville's Redevelopment Area's, and a potential Eastside expansion would be the first local action impacted by these changes. As such, the City and the CRA may wish to engage the County in discussion related to potential funding structures and contributions to the redevelopment trust fund for any potential expansion areas to the Eastside Community Redevelopment Area (the funding structure for areas currently within the CRA would not be affected). An appropriate timeframe to consider any such discussions would occur if/when the CRA proposes Redevelopment Plan modifications that would expand the boundaries of the Redevelopment Area.*

*Florida Statutes indicate that there is a two part process to determine if blight*

*exists in an area. The first part of the process requires that the area must contain a "substantial number of deteriorated or deteriorating structures . . ." The WilsonMiller Report contains data indicating the presence of a substantial number of deteriorated or deteriorating structures within Study Area 1. Therefore, Study Area 1 meets the first test.*

*The second part of the process requires at least two of 14 factors listed in the Statute to be present within the study area. The WilsonMiller Report contains data indicating the presence of five of the 14 factors, including "Incidence of crime in the area higher than in the remainder of the municipality" and "Fire and emergency medical service calls to the area proportionately higher than in the remainder of the municipality." Therefore, Study Area 1 also meets the second test.*

*Fiscal Note: None*

**RECOMMENDATION**

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

*Alternative recommendation: do not adopt the proposed resolution.*

080712\_Resolution Area 1\_20080115.pdf  
080712\_Map Study Area 1\_20080115.pdf  
080712\_Area 1\_MOD\_PPT\_20080115.PDF  
080712\_resolution\_20090115.pdf

**080713.**

**Eastside Redevelopment Area Expansion, Study Area 2 (B)**

**A resolution of the City Commission of the City of Gainesville, Florida, finding that the conditions in a certain area in the eastern portion of the City of Gainesville (Study Area 2) constitute blight, and that the rehabilitation, conservation, redevelopment, or combination thereof of such area is necessary in the interest of the public health, safety, morals or welfare of the residents of the City; and providing an immediate effective date.**

*Explanation: In February of 2008, the City Commission allocated funds to study expanding the Eastside CRA Area to the southeast (See the attached map). The City retained WilsonMiller to conduct the study which has been completed and is now on file in the office of the Clerk of the Commission. WilsonMiller and staff will present the findings of the study (the Report) and additional information for the City Commission's consideration.*

*The resolution finding blight is the first step necessary to expand the Eastside*

redevelopment area to include the subject property, which will allow the property to generate tax increment funds to assist in rehabilitating and redeveloping the area. Should a potential expansion of the Eastside Redevelopment Area move forward, it may also become important to consider the impact of new legislation affecting the funding structure for redevelopment trust funds. This legislation has come into effect since the last boundary modification to one of Gainesville's Redevelopment Area's, and a potential Eastside expansion would be the first local action impacted by these changes. As such, the City and the CRA may wish to engage the County in discussion related to potential funding structures and contributions to the redevelopment trust fund for any potential expansion areas to the Eastside Community Redevelopment Area (the funding structure for areas currently within the CRA would not be affected). An appropriate timeframe to consider any such discussions would occur if/when the CRA proposes Redevelopment Plan modifications that would expand the boundaries of the Redevelopment Area.

Florida Statutes indicate that there is a two part process to determine if blight exists in an area. The first part of the process requires that the area must contain a "substantial number of deteriorated or deteriorating structures . . ." The WilsonMiller Report contains data indicating the presence of a substantial number of deteriorated or deteriorating structures within Study Area 2. Therefore, Study Area 2 meets the first test.

The second part of the process requires at least two of 14 factors listed in the Statute to be present within the study area. The WilsonMiller Report contains data indicating the presence of six of the 14 factors, including "Incidence of crime in the area higher than in the remainder of the municipality" and "Fire and emergency medical service calls to the area proportionately higher than in the remainder of the municipality." Therefore, Study Area 2 also meets the second test.

*Fiscal Note: None*

**RECOMMENDATION**

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

*Alternative recommendation: do not adopt the proposed resolution.*

080713\_Map Study Area 2\_20080115.pdf

080713\_Resolution Area 2\_20080115.pdf

080713\_Area 2\_MOD\_PPT\_20080115.PDF

080713\_resolution\_20090115.pdf

**Boundary Adjustment Act (B)**

**The Countywide Visioning and Planning Committee (CVPC) has requested support for the CVPC recommended changes to the Alachua County Boundary Adjustment Act (BAA).**

*NEW ITEM ADDED TO THE AGENDA JANUARY 14, 2008*

*Explanation: The Countywide Visioning and Planning Committee (CVPC) has completed a process of evaluating the Boundary Adjustment Act. There is agreement among the CVPC members that the Boundary Adjustment Act is an adequate vehicle for annexation in Alachua County and that the Act should be revised and brought up to date. The CVPC completed their analysis, which included input from municipalities, and development of recommended modifications to the Boundary Adjustment Act on October 30, 2008.*

*On behalf of the CVPC, County Commissioner and Chair of the CVPC, Rodney Long, and City of Alachua Mayor and BAA Taskforce Chair Jean Calderwood, presented the recommended changes to the BAA to the Legislative Delegation on December 4, 2008.*

*In order for the Legislative Delegation to move forward in introducing the amendment for the Boundary Adjustment Act pursuant to the Countywide Visioning and Planning Committee's recommended modifications, there must be consensus among the County and municipalities. The CVPC has asked that the County and each municipality conduct a public hearing on the proposed modifications to the BAA prior to the final recommendations being sent to the Legislative Delegation for a special act. The County held a final public hearing on January 13, 2009 for public input and to discuss the finalized recommended changes to the BAA.*

*On December 18th, City staff presented the proposed CVPC modifications to the City Commission. The Commission endorsed those changes with the exception of the additional 60 day waiting period added for annexation by referendum. Under the current BAA requirements, there is no required waiting period between the adoption of an urban services report and an annexation ordinance. However, the referendum may not be conducted any sooner than 90 days after the annexation ordinance is adopted.*

*Under the new proposed language, there would be an additional 60 day waiting period added between the adoption of the Urban Services Report and the adoption of the annexation ordinance when a municipality conducts an annexation by referendum.*

*Fiscal Note: None at this time*

**RECOMMENDATION**

*The City Commission: 1) hear a report from staff on the suggested changes to the BAA; 2) discuss any other possible changes to the BAA; and 3) adopt the proposed resolution and direct staff to convey that position to the CVPC.*

*Alternative Recommendation:*

*The City Commission: 1) hear a report from staff on possible changes to the BAA; 2) discuss any other possible changes to the BAA; and 3) not endorse changes to the BAA nor adopt the proposed resolution.*

080751\_Presentation\_20090205.pdf

080751a\_Resolution\_20090205.pdf

080751\_resolution\_20090115.pdf

## **PLAN BOARD PETITIONS**

## **DEVELOPMENT REVIEW BOARD PETITIONS**

## **SCHEDULED EVENING AGENDA ITEMS**

## **UNFINISHED BUSINESS**

## **COMMISSION COMMENT**

## **CITIZEN COMMENT (If time available)**

## **ADJOURNMENT - 9:31 PM.**