

City of Gainesville

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



Meeting Agenda

February 25, 2008

1:00 PM

City Hall Auditorium

City Commission

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

CALL TO ORDER

AGENDA STATEMENT

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

040823.

Contract for State of Florida Lobbying Services (B)

Explanation: Doug Bruce & Associates has provided the City with lobbying services since March 1, 2005. In that time, Mr. Bruce has provided the City of Gainesville with satisfactory service lobbying the State of Florida on behalf of the City. At this time it is necessary for the City of Gainesville to enter into a new contract agreement with Doug Bruce & Associates. The new contract will begin on March 1, 2008 and continue through February 6, 2009 with an option for a one year extension.

Fiscal Note: The contracted cost for State of Florida Lobbying Services is \$48,000 and is included in the FY08 budget.

RECOMMENDATION

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

Legislative History

1/10/05	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
4/10/06	City Commission	Approved as Recommended (4 - 0 - 3 Absent)
3/12/07	City Commission	Approved as Recommended (5 - 0 - 2 Absent)

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070903.**Grant Application for Environmental Assessment and Cleanup Assistance (B)**

This item involves a grant application to the Florida Department of Environmental Protection (FDEP) for Site Specific Activity (SSA) financial assistance to address a low-risk environmental impact on the Depot Park site.

Explanation: In May 2005 Environmental Consulting and Technology, Inc. (ECT), the City's engineering consultant on the Depot Park project, completed an environmental assessment that discovered arsenic contamination at the site in the old rail bed. The contamination is the residual associated with the old rail spurs and not with the petroleum and coal tar remediation being conducted by GRU. Hence, the arsenic remediation is the responsibility of General Government due to indemnification clauses contained in sales agreement with CSX for the property.

The US Environmental Protection Agency (EPA) established the SSA program to assist with environmental assessments, development of cleanup options, and limited clean up of low risk contamination. The EPA funds are passed through the FDEP to the grant recipients. The maximum funding amount for eligible sites is \$200,000. It is estimated that the second assessment and cleanup, if required, may cost approximately \$200,000. If the grant is awarded, the FDEP will use its designated contractor to complete the assessments and possibly cleanup, if deemed necessary.

Staff has evaluated the project against the grant eligibility criteria and concluded that the project is eligible to compete for funding. An application and letters of support will be prepared for submittal.

Fiscal Note: Funding in the amount of \$200 for administrative costs is available in the Public Works Fiscal Year 2008 operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to submit the application to FDEP for the SSA grant assistance, and; 2) authorize the City Manager to execute the grant agreement and other grant related documents.

Alternative Recommendation: The City Commission decline applying for the SSA grant assistance. Declining this application will result in a fiscal impact

up to \$200,000 which might be forfeited and result in the City having to bear the entire cost to address the contamination on the site.

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070905.

Fourteenth Amendment to the Contract for Professional Consulting Services for the East Gainesville Sprout Project (B)

This item involves a request for the City Commission to approve additional services and compensation for consulting services for the East Gainesville Sprout Project in the amount of \$545,750.

Explanation: This amendment is for additional work by Environmental Consulting and Technology, Inc., related to the "Depot Park" project for the Phase I - Remediation, site analyses, development plans and specifications and other services for Phase 2 remediation and construction. This amendment is necessary to adjust the budget for professional services to include work completed to date and allow for completion of a variety of tasks. The Cost Distribution Table between the City's General Government (COG) and Gainesville Regional Utility's Gas Department (GRU) presents the individual tasks, the budget adjustments, each funding source share, and is accompanied by justification statements for each task. Additional information locates for the area for arsenic remediation and presents the scope of services for Depot Avenue - Segment 3 design from South Main Street to the 600 block of Depot Avenue.

Fiscal Note: The additional services are to split between GRU-Gas Utility and the COG in the amounts of \$292,193 and \$253,557, respectively. Funding for the coal tar remediation is included in the Gas Acquisition Cleanup within the Capital Improvement Plan budget for FY2006. This is funded through the Cost Recovery Factor charged to all Gas System customers. The COG share in the amount of \$253,557 is broken down as follows: Funds in the amount of \$56,796 for the Stormwater work are available in the State Revolving Fund loan for the Depot Ave - Segment 3; funds in the amount of \$82,051 are available in the existing Local Agency Program Agreement (LAPA); and funds in the amount of \$114,710 for the engineering services portion of the arsenic remediation are available for use from the General Fund Bond, account 328-800-R213-5410.

RECOMMENDATION

Recommended Motion: The City Commission: 1) accept the additional work described for the project; 2) authorize the City Manager to execute the Fourteenth Amendment to the contract for Professional Consulting Services for the East Gainesville Sprout Project, subject to approval by the City Attorney as to form and legality; and 3) authorize the City Manager to issue a modified purchase order in the amount not to exceed \$3,105,613, which represents the total for professional services included

to date.

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070910

Interlocal Agreement for Supplemental Shelter and Services (B)

This item approves an interlocal agreement with Alachua County for the receipt of additional funds for supplemental (cold weather) shelter and services.

Explanation: On December 10, 2007, the City Commission approved the award of \$25,000 in City funds to be divided equally between St. Francis House and the Alachua County Housing Authority for the provision of supplemental (cold weather) shelter and services for the homeless during the 2007-08 winter months. These agencies were selected as a result of a competitive request for proposals process. The City Commission also authorized the City Manager to contact Alachua County about providing additional funding for this purpose. In response to the City Manager's inquiry, the Alachua County Commission approved additional funding of up to \$25,000 at a special meeting on January 16, 2008. The County Commission approved this funding with the provision that it be used only after the City's \$25,000 was expended.

The attached interlocal agreement approves the transfer of \$25,000 from Alachua County to be used by the City as stipulated by the Alachua County Commission. In turn, the contracts with St. Francis House and the Alachua County Housing Authority will be increased to allow expending up to \$25,000. Expenditures will depend on the extent of cold weather during the remaining winter time period (through March 31, 2008).

Fiscal Note: The City Commission previously approved \$25,000 in the FY 2008 General Fund budget for the provision of supplemental shelter and services for the homeless. An additional amount, up to \$25,000, will be transferred to the City from Alachua County for this purpose.

RECOMMENDATION

The City Commission: 1) approve the interlocal agreement with Alachua County for the transfer of up to \$25,000 for the provision of supplemental (cold weather) shelter and services; and 2) authorize the City Manager to modify contracts with St. Francis House and the Alachua County Housing Authority to fund additional supplemental shelter and services for the homeless with funding up to \$25,000 each.

Alternative Recommendation A: The City Commission decline the additional funding from Alachua County for the provision of supplemental shelter and services.

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070911.

FY 2008 HOME Community Housing Development Organization Funding

(NB)

The purpose of this item is to approve additional HOME Community Housing Development Organization funding in the amount of \$28,032 for the Neighborhood Housing & Development Corporation.

Explanation: On July 26, 2007, the City Commission approved the allocation of Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds for various local programs, including programs administered by nonprofit community organizations. At the time, the City had not received sufficient requests for the HOME "Community Housing Development Organization" (CHDO) funding category. The HOME Program requires that a minimum of 15% of the base grant received by a grantee must be allocated for qualified CHDO projects. In the case of the City's FY 2008 HOME grant, we needed to allocate at least \$128,032 for CHDO projects. Since only \$100,000 could be allocated at the time, due to a lack of qualified proposals, \$28,032 was held in reserve to be readvertised.

Staff readvertised the additional \$28,032 in October 2007, and received a single proposal from the Neighborhood Housing & Development Corporation (NHDC). NHDC proposed to use these funds to expand its homeownership program, currently funded at \$100,000, that involves building or substantially rehabilitating homes in the Gainesville city limits to be sold to income-eligible homebuyers. The additional funds will assist one or two houses. Staff has determined that this is a CHDO-eligible activity and that NHDC qualifies as a CHDO under the HOME program.

To date, NHDC has used \$34,605 from its original \$100,000 FY 2008 HOME CHDO allocation to complete one new home in the North Point at Ironwood subdivision and purchase a house on NE 15 Street to be rehabilitated. Both houses will be sold to income-eligible families.

The NHDC proposal was submitted to the Citizens Advisory Committee for Community Development (CACCD) for review on January 15, 2008. The CACCD concurred with staff's recommendation and recommended to the City Commission that the additional \$28,032 be awarded to NHDC.

Fiscal Note: Undesignated funds for this purpose are available in the FY 2008 HOME program (Fund 104) budget.

RECOMMENDATION

The City Commission: 1) award an additional \$28,032 in HOME Community Housing Development Organization funds to the Neighborhood Housing & Development Corporation; and 2) authorize the City Manager to amend the FY 2008 subrecipient agreement between the City of Gainesville and Neighborhood Housing and Development Corporation to include these additional funds.

Alternative Recommendation A: The City Commission defer action on allocating the HOME Community Housing Development Organization funds.

070939.**Public Safety Interoperable Communications (PSIC) Grant Program (NB)**

Explanation: The Public Safety Interoperable Communications Grant Program will provide funding to States and Territories to enable and enhance public safety agencies' interoperable communications capabilities. The PSIC Grant Program is a one-time formula-based, matching grant program intended to enhance interoperable communications with respect to voice, data, and/or video signals. PSIC provides public safety agencies with the opportunity to achieve meaningful and measurable improvements to the state of public safety communications interoperability through the full and efficient use of all telecommunications resources. The Florida Division of Emergency Management acts as the State Administrative Agency for the application for, approval of, contracting for and monitoring of these funds.

The City's funding request will be part of a regional application that will be reviewed and prioritized by the Jacksonville Regional Domestic Security Task Force and the Statewide Interoperable Communications Committee will prioritize all projects approved at the regional level for inclusion into the investment justifications that are part of the State of Florida's application. The City of Gainesville will request portable radios that will replace current out of date units: Gainesville Fire Rescue - 19 and Gainesville Public Works - 3. The total cost for the portable radios is \$89,672 and a 20% cash match of \$17,934.40 is required. Additionally, the Northeast Florida Regional Council, which the City of Gainesville is included in, will be submitting an application for a regional interoperability project. The intent of this project is to establish a common framework of radio communications infrastructure throughout all 13 counties in Region 3. Region 3 contains one UASI jurisdiction (Duval County/Jacksonville), and multiple significant state universities and college locations. The proposed system is intended to be utilized by all public safety response state holders in all 13 counties throughout Region 3 and beyond. This includes municipal, county, tribal, state and federal entities. This technology would allow for interoperable communications by any public safety agency in the United States with P25 700-800 Mhz capable communications equipment. The objective of this framework is to promote interoperable communications across all public safety disciplines using technology following the Standards Based Shared System element of the Safecom Interoperable Continuum. The required match of \$108,000 for this project will be paid through in-kind services by leasing tower space and providing system maintenance. The \$108,000 is an Alachua Countywide match and the City of Gainesville will only be responsible for a portion.

Fiscal Note: The required 20% cash match required is \$17,934.40. Gainesville Fire Rescue's required match is \$15,488.80 and will be paid from GFR's materials and supplies budget; and Gainesville Public Works required match is \$2,445.60 and will be paid from the Public Works operating budget. The required match for the regional interoperability project will be paid through in-kind services including leasing of tower space and providing system maintenance.

RECOMMENDATION

The City Commission: 1) approve the request to apply for PSIC funding for portable radios and the City of Gainesville's participation in the regional interoperability project; and 2) authorize the City Manager to execute any grant related documents following review by the City Attorney as to form and legality.

070946.**Prioritization of 2009 Federal Appropriation Requests (B)**

Explanation: Annually, the City of Gainesville drafts a Federal Legislative Agenda outlining the City's appropriation requests and policy initiatives that require the attention of the Federal Government and the City's Federal Legislative Delegation. The City Commission approved the 2009 Federal Legislative Agenda on January 28, 2008. As part of the appropriation process, City staff formally submits appropriation request documents to each member of the City's Federal Legislative Delegation. Delegation members have requested that the City of Gainesville prioritize each of its appropriation requests included in the 2009 Federal Legislative Agenda. Attached is a list prioritizing the City's federal appropriation requests drafted by staff with input from the City's federal consultants. This priority list will also be utilized in the completion of appropriation request documents required by Senator Bill Nelson, Senator Mel Martinez, Representative Corrine Brown, and Representative Cliff Stearns.

Fiscal Note: None at this time

RECOMMENDATION

The City Commission approve the prioritization of the City of Gainesville's federal appropriation requests as drafted by staff.

Alternative Recommendation

The City Commission reprioritize the attached list of federal appropriation requests and direct staff to utilize the revised list in the federal appropriation request process.

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070962.**Quit-Claim Deed onto the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (B)**

This item involves the authorization for the Mayor to execute a Quit-Claim Deed onto the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

Explanation: Tallahassee Title Insurance Group, LLC, is the title firm issuing title insurance for the 6th Street Rail Trail to the Board of Trustees of the Internal

Improvement Trust Fund of the State of Florida. The underwriter for the firm has determined the City of Gainesville may have a claim of title to a portion of the trail, dating back to the late 1800's. Although four surveyors have stated the City of Gainesville has no claim or encroachments, the underwriter is requesting a Quit-Claim Deed be executed on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, clearing any claim. The legal description contained in the Quit-Claim Deed is for the entire 6th Street Rail Trail and has been verified by the City' surveyor.

Fiscal Note: There is no fiscal impact by the granting of authorization.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the Mayor to execute and the Clerk to attest the Quit-Claim Deed onto the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, subject to approval by the City Attorney as to form and legality

Alternative Recommendation A: Deny the request either delaying or canceling the conveyance of the 6th Street Rail Trail onto the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

070942.

Purchase of timber rights at Deerhaven Generating Station (B)

Staff recommends that the timber rights for the City of Gainesville property adjacent to the Deerhaven Generating Station be purchased from Plum Creek Timberlands L. P.

Explanation: Several pieces of property adjacent to the Deerhaven Generating Station were acquired between 2001 and 2003. The property was annexed into the Gainesville City limits in 2007. Parcel A was purchased in 2001 and is 1153 acres. Two parcels were purchased in 2002 adding 1124 acres to the site. In 2003 a 40.8 acre piece was purchased and 10 acres were exchanged with the Florida Department of Transportation in 2005.

The property that was purchased from Plum Creek Timberlands L. P. in 2001 and 2002 did not include the timber rights. A lease for hunting, that has been restricted to bows only since annexation into Gainesville, also exists with the timber ownership. In the summer of 2006 staff recommended the purchase of the timber rights be included in the FY 2007 budget, primarily due to pending litigation with the Property Appraiser regarding the taxable status of portions of the site. Since the economics favored paying the taxes rather than purchasing the timber rights, the City Commission chose not to purchase the timber rights at that time.

Subsequently, staff is now processing the amendment to incorporate the parcels

into the City of Gainesville Comprehensive Plan in March. The balance of the Deerhaven site is zoned Public Facilities and Conservation; staff believes that these are also the appropriate designations for the newer purchases in order to maintain flexibility for all uses consistent with future power plant operations. Timber operations, while allowed in Alachua County Agricultural land use and zoning categories, are not allowed within either of those designations. The basis used by the court to establish the ad valorem tax liability, was the use of the land by a private entity. . The purchase will remove any future tax liability and also address access, security and ongoing operations at the Deerhaven site. The formula for the calculation of the value of the timber rights is prescribed in the original contract. In a report prepared by Natural Resource Planning Services, Inc. in May, 2006, the timber was valued at that time at \$1,703,056 which is a \$758.26 per acre price for 2246 acres. It is anticipated that this report was prepared recently enough to provide an accurate estimate of cost. A complete review of timber stands will be necessary to complete the purchase.

Fiscal Note: It is possible that staff will be able to structure a payment plan for the timber rights such that minimal payments will be due until the FY09 budget. If that is not the case, there is occasionally a cumulative under spend in capital projects across the utility such that funds for this purchase will be available in FY08.

RECOMMENDATION

The City Commission: authorize the General Manager or her designee to negotiate and execute a contract for the purchase of timber rights from Plum Creek Timberlands L. P.

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070943.

Engineering Services for Paynes Prairie Sheetflow Restoration (B)

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 engineer design services for the Paynes Prairie Sheetflow Restoration Project.

Explanation: The Conceptual Project Plan for Paynes Prairie Sheetflow Restoration will provide necessary water quality improvements under the Total Maximum Daily Load (TMDL) regulatory program. The project was approved by the City Commission on April 9, 2007 and staff was directed to begin the consultant selection process.

Utilities Purchasing issued a Request for Statement of Qualifications (RFSQ) to eighteen engineering firms and posted the request on the web site. Two firms submitted Statements of Qualifications. Reasons given by other firms for not submitting proposals were work load, scheduling, and insufficient in-house expertise. Both submittals received were ranked after evaluation in compliance with the CCNA.

Consultant Ranking:

1. Jones Edmunds and Associates, Inc.
2. Causseaux, Hewett, and Walpole, 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 negotiate with the next firm

Fiscal Note: Funding for this request is included in the Water/Wastewater Capital Improvements budget and within the Public Works Stormwater Capital Improvements budget through a Cost Share Agreement between the St. Johns River Water Management District and the City of Gainesville.

RECOMMENDATION

The City Commission: 1) approve the ranking of engineering firms in the given order of preference for the engineering design of the Paynes Prairie Sheetflow Restoration Project; 2) authorize the General Manager, or her designee, to initiate contract negotiations in accordance with the CCNA; and 3) authorize the General Manager, or her designee, upon successful negotiations, to execute a contract subject to approval of the City Attorney as to form and legality, in an amount not to exceed budgeted amounts for the project.

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070944.

Amendment to Agreement for Janitorial Services (NB)

Staff recommends extending the term of the contracts with Warjon, Inc. d/b/a Coverall and C&S Building Maintenance for janitorial services for various GRU facilities.

Explanation: Janitorial service is required at various GRU facilities. The service is necessary in offices, restrooms, and other designated areas as determined by the requirements of each facility. Such services include but not limited to trash pick-up, general dusting, sweeping, mopping, carpet and floor cleaning. This contract covers four GRU facilities located in the 5th Avenue compound, including GRU Administration Building and the Springhills Service Center located in 3805 N.W. 97th Blvd. Coverall and C&S Building Maintenance were approved by the City Commission on March 12, 2007 to provide janitorial services through March 31, 2008. The agreements provide for four one-year extensions upon mutual agreement of the parties and negotiation of the contract prices. Coverall has offered to maintain the contract prices for the extension period while C&S Building Maintenance is requesting a 3% increase. Staff has been very pleased with the services provided through this agreement and recommends extending the contract for a year to provide janitorial services.

Fiscal Note: Funds for these services have been included in the proposed FY 2008 budget and will be requested in the FY2009 budget.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or her designee, to execute one-year amendments to the contracts with Coverall and C & S Building Maintenance for janitorial services at GRU facilities, subject to the approval of the City Attorney as to form and legality, and 2) approve the issuance of

purchase orders to Coverall and C&S Building Maintenance in amounts not exceeding \$122,000 and \$77,000 respectively, subject to the final appropriation of funds for FY2009.

070965.**Refunding of 2002A and 2002B Bonds, Termination of Interest Rate Swap (NB)**

Explanation: In 2002, the City issued the 2002A Bonds as variable rate debt in order to refund a prior bond issue. At the same time, the City issued the 2002B Bonds as variable rate debt in order to finance certain of the Utility's capital projects. In anticipation of the issuance of the 2002A Bonds and in order to "lock-in" the debt service savings resulting from the refunding, the City entered into a floating-to-fixed interest rate swap with Merrill Lynch Capital Services, Inc., effectively fixing the rate of interest on the 2002A Bonds at 4.10%. In conjunction with our Financial Advisor, Public Financial Management, Utility staff continuously monitors opportunities to optimize our debt structure and to refund outstanding debt. Both the 2002A and 2002B Bonds are variable rate debt, and their interest rates are reset to current market levels every 35 days. With long-term interest rates still at historically low levels, we can refinance (refund) these Bonds with new fixed rate debt and lock in these low interest rates for our ratepayers.

Since the interest rate on the 2002B Bonds has not been synthetically fixed, those Bonds can simply be refunded, in effect replacing variable rate debt with fixed rate debt. In the case of the 2002A Bonds, however, the associated interest rate swap must first be terminated. At the time of termination, the City will either pay or receive a termination payment. The payment or receipt will serve to increase or decrease the size of the refunding bond issue and will, in effect, preserve the debt service savings realized through the issuance of the 2002A Bonds.

Utility staff and our Financial Advisor recommend that the issuance of the new refunding bonds be accomplished through a negotiated sale of those bonds. It is recommended that J.P. Morgan Securities Inc. serve as the sole Underwriter for the refunding bonds. JPMorgan has provided value to the Utility in the form of solid recommendations for financing opportunities and familiarity with the issues being refunded. They have been very active in monitoring this opportunity for the Utility, providing frequent market updates.

The Clerk of the Commission, the General Manager or other Authorized Officers of the City (as defined in the Utilities Bond Resolution) may be required to take certain other actions and hire certain other professionals to proceed with these transactions. Therefore, we recommend that these officials be authorized to take such other actions as may be necessary or desirable to proceed with the transactions in accordance with this City Commission authorization.

Fiscal Note: *The Utility can continue to take advantage of historically low interest rates and replace existing variable rate debt with fixed rate debt. This will help hold down future debt service costs.*

RECOMMENDATION

The City Commission:

1. Authorize the refunding of the Variable Rate Subordinated Utilities System Revenue Bonds, 2002 Series A (the "2002A Bonds") and the Variable Rate Subordinated Utilities System Revenue Bonds, 2002 Series B (the "2002B Bonds") through the issuance of fixed rate senior lien bonds; 2. Authorize the termination of a floating-to-fixed interest rate swap entered into with Merrill Lynch Capital Services, Inc. in connection with the issuance of the 2002A Bonds; 3. Approve the selection of J.P. Morgan Securities Inc. as sole Underwriter for the refunding bonds referenced in 1 above; and 4. Authorize the Clerk of the Commission, the General Manager and other Authorized Officers to execute such documents as may be necessary to proceed with the transactions authorized in 1 and 2 above, subject to approval of the Office of the City Attorney as to form and legality, and to take such other actions as may be necessary or advisable to proceed with these transactions in accordance with this City Commission authorization.

CITY ATTORNEY, CONSENT AGENDA ITEMS

070925.

EEOC CHARGE NO. 846-2008-08649, PARIS OWENS VS. CITY OF GAINESVILLE (B)

Explanation: On February 8, 2008, the City of Gainesville received a Notice of Charge of Discrimination from the U.S. Equal Employment Opportunity Commission. Ms. Paris Owens alleges that she was discriminated against based on her sex.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Paris Owens vs. the City of Gainesville; EEOC Charge No.: 846-2008-08649.

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070929.

EEOC CHARGE NO. 846-2008-15144, MEGAN GRANT VS. CITY OF GAINESVILLE (B)

Explanation: On February 12, 2008, the City of Gainesville received a Notice of Charge of Discrimination from the U.S. Equal Employment Opportunity Commission. Ms. Megan Grant alleges that she was discriminated against based on her sex.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Megan Grant vs.

*the City of Gainesville; EEOC Charge No.:
846-2008-15144.*

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070927

Building 32606, Inc. a Florida Corporation vs. City of Gainesville, a Florida Municipal Corporation; Alachua County Circuit Court; Case No.: 01-08-CA-264. (B)

Explanation: On January 29, 2008, the City of Gainesville was served with a summons and complaint. The Plaintiff alleges that the City refused to issue the Plaintiff a building permit to construct a masonry wall on property that it has sole and exclusive right to use and possess per a lease agreement. The Plaintiff is requesting that the Court declare the Plaintiff the "virtual owner" of the leased strip and order the City to issue a building permit.

RECOMMENDATION

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City in the case styled Building 32606, Inc. a Florida Corporation vs. City of Gainesville, a Florida municipal corporation; Alachua County Circuit Court; Case No.: 01-08-CA-264.

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070936.

Building 32606, Inc. a Florida Corporation and Star Garage Corporation, a Florida Corporation vs. First Street Lodging, LLC, a South Carolina limited liability company, and City of Gainesville, a Florida municipal corporation; Alachua County Circuit Court; Case No.: 01-08-CA-438 (B)

Explanation: On February 6, 2008, the City of Gainesville was served with a summons and complaint. The Plaintiff alleges that its sole and exclusive right to use and possess a leased strip adjacent to its building has been violated. The Plaintiff is requesting that the Court void the building permit issued to First Street Lodging by the City and enjoin First Street Lodging from trespassing on the leased strip.

RECOMMENDATION

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City in the case styled Building 32606, Inc. a Florida Corporation and Star Garage Corporation, a Florida Corporation vs. First Street Lodging, LLC, a South Carolina limited liability company, and City of Gainesville, a Florida municipal corporation; Case No.: 01-08-CA-438

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070930.

CLAIM AGAINST AIG INSURANCE COMPANY (B)

Explanation: In September 2004, Watson Construction Company provided the City notice of its intent to pursue a claim for damages against the City as a result of a moratorium the City enacted in 2001. The City immediately put National American Fire Insurance Company of Pittsburgh (AIG) on notice of Watson's intent to sue and request for damages.

In April, 2005, Watson filed a Second Amended Complaint alleging four civil rights counts, two counts of "takings" and a state tort count. The City forwarded the complaint to AIG and requested coverage under the City's policy with AIG. AIG denied coverage on several occasions.

On January 8, 2007, the City Attorney's office received authorization from the City Commission to retain special insurance counsel to file suit against AIG for wrongfully denying insurance coverage to the City. Prior to the filing of a lawsuit, the parties mediated the claim that resulted in a settlement agreement. The parties negotiated the settlement of \$575,000. This amount reflects the approximate amount of money AIG would have paid in the defense of this case. It is the recommendation of outside counsel, the City Attorney's office and the Risk Management Department that the case be settled as described above.

RECOMMENDATION *The City Commission 1) approve the terms of the settlement agreement that awards the City payment of a claim against AIG Insurance Company; and 2) authorize the City Attorney to settle the claim on behalf of the City.*

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070935.

CHARTER OFFICERS AMENDED EMPLOYMENT CONTRACTS (B)

Explanation: At its meeting of January 14, 2008, the City Commission directed staff to explore mechanisms to provide for life insurance coverage for all Charter Officers similar to that provided in Mr. Hunzinger's Employment Agreement (2x's salary up to \$250,000). The City Attorney's Office was authorized to prepare amendments to the Employment Agreements for other Charter Officers to effectuate this. Because of some differences (now and in the future) may exist depending on the individual Charter Officer's circumstance, a flexible approach is recommended. The proposed amendment would authorize an attempt to reach the coverage (2x's salary up to \$250,000 total, minus the \$100,000 is already provided under the group plan) by spending what it would cost if that amount of excess coverage for that Charter Officer could be obtained under the voluntary supplemental term life plan the City offers. If some combination of the City's group (presently \$100,000 for Charter Officers), personal, and the City's voluntary supplemental life gets to that amount of additional coverage before that cost is exceeded that is all that will be paid for; if not, whatever amount of coverage can be procured for that cost is all the City will pay for.

The proposed amendment to the City Auditor's contract is attached as an

example. The amendments to the City Attorney, City Manager, City Clerk and Equal Opportunity Director would be effectively identical.

RECOMMENDATION *The City Commission (1) approve the amendments of the employment contracts of the City Auditor, City Attorney, City Clerk, City Manager and Equal Opportunity Director, as set forth in the attached Amendment to Employment Agreements, and (2) authorize the Mayor to execute the attached Amended Employment Agreements on behalf of the City of Gainesville and the Clerk to attest thereto.*

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

070931.

City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of February 5, 2008; February 11, 2008; and February 18, 2008, as circulated.*

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070947.

Resignation of City Beautification Board Member Vivian Filer (B)

RECOMMENDATION *The City Commission accept the resignation of Vivian Filer from the City Beautification Board effective immediately and extends its appreciation for her services.*

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070948.

Resignation of City Beautification Board Member Beth Jordan (B)

RECOMMENDATION *The City Commission accept the resignation of Beth Jordan from the City Beautification Board effective immediately and extends its appreciation for her services.*

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070949.

Resignation of Gainesville Enterprise Zone Development Agency Member Carol A. Villemaire (B)

RECOMMENDATION

The City Commission accept the resignation of Carol A. Villemaire from the Gainesville Enterprise Zone Development Agency effective immediately and extends its appreciation for her services.

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070967.**Special Meetings (B)****RECOMMENDATION**

The City Commission schedule special meetings as follows:

April 7 - 6:00 PM

May 29 - 2:00 PM

June 16 - 6:00 PM

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**070913.****Report of Small Business Enterprise Activity for the City of Gainesville (General Government and Gainesville Regional Utilities) (B)**

Explanation: In accordance with the City's Charter, Article III, Section 3.08(2), this is a report of the City of Gainesville's activities pertaining to its Small Business Enterprise programs for Fiscal Year 2007. General Government's data is compiled by the Economic Development Department and indicates a total of \$3,774,575 with businesses in its Small Business Procurement Program and excludes VISA spending. GRU's data is compiled by their Purchasing Department and it indicates that their Small Business spending totaled \$23,115,765 including VISA expenditures.

Fiscal Note: None

RECOMMENDATION

The City Commission accept the reports.

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COMMITTEE REPORTS, CONSENT AGENDA ITEMS**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES**

CLERK OF THE COMMISSION**CITY MANAGER****070224.****Staff Review of APD's Preliminary Blight Findings Report for the Expansion of the CRA's Eastside District (B)**

Explanation: Asset Property Disposition, Inc. (APD) was commissioned by Mr. Robert Simensky, developer of the proposed Hatchet Creek Planned Unit Development next to the Gainesville Regional Airport, to conduct a Blight Findings Report for the Waldo Road Corridor, including the project site, as part of Mr. Simensky's request to expand the Eastside Community Redevelopment District. APD's report was presented to the Community Redevelopment Agency (CRA) on July 16, 2007. After that presentation, the CRA approved a motion requesting that the City Commission ask staff to review the study and report staff's findings to the City Commission.

On November 19, 2007, the City Commission approved a motion referring APD's report to Planning and Development Services staff for review and recommendations.

In the attached memorandum, staff analyzes whether or not APD's report documents that the study area meets the statutory definition of Slum Area or Blight Area. Staff from Public Works, Codes Enforcement, GPD, Building, Planning, Neighborhood Planning, Housing, and Community Development Block Grant coordinated in developing the memorandum. A City Commission finding that the study area meets the State's definition of Slum Area or Blight Area is necessary to include the study area in the Eastside CRA district.

State law (Section 163.355, F.S.) says that to expand a CRA district, a city must adopt a resolution finding that the proposed expansion area meets the State of Florida's statutory definition of Slum Area or Blighted Area. The APD report indicates that the subject property meets the criteria for Blighted Area.

The State definition of Blighted Area contains two parts, both of which must be present for an area to meet the definition. The first part is the first paragraph of Section 163.340 (8), F.S., which states that:

"Blighted Area" means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:

The second part of the State definition of Blighted Area is the statute's list of 14 factors (F.S. 163.340(8) (a-n)) that follow the first part. Those factors are listed below:

- (a) *Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;*
- (b) *Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;*
- (c) *Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;*
- (d) *Unsanitary or unsafe conditions;*
- (e) *Deterioration of site or other improvements;*
- (f) *Inadequate and outdated building density patterns;*
- (g) *Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;*
- (h) *Tax or special assessment delinquency exceeding the fair value of the land;*
- (i) *Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;*
- (j) *Incidence of crime in the area higher than in the remainder of the county or municipality;*
- (k) *Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;*
- (l) *A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;*
- (m) *Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area;
or*
- (n) *Governmentally owned property with adverse environmental conditions caused by a public or private entity.*

The APD Report identified factors (a), (c), (e), and (f) as being present in the study area. Staff analysis, however, determined that, as submitted, APD's Blight Findings Report fails to document the presence of those factors in the study area. Staff analysis also determined that the report failed to document that the first part of the State definition of Blighted Area was present in the study area.

The report cites, but does not document, some incidents of blight in the area near the existing CRA district boundary.

Preliminary staff research indicates that an alternative expansion area would have a significantly higher chance of satisfying the statutory criteria for the definition of blight. That area, shown on the attached map, extends from the current district boundary at Northeast 16th Avenue, to the City-owned property approximately 450 feet north of 39th Avenue, and is generally located west of Waldo Road, within one or two blocks of Waldo Road. The only land east of Waldo Road that is proposed to be included in the alternative expansion area is the Alachua County Fairgrounds.

The City Commission, essentially has two options: 1) consider and study expanding the Eastside CRA District; or 2) do not consider expanding the Eastside CRA District. Staff recommends the alternative expansion area be considered for the study area.

A new expansion study provides an opportunity for the City Commission to consider other areas for CRA districts. If the Commission wishes to expand other areas, staff recommends that the City Commission identify the areas and add the areas to the study.

Fiscal Note: No general funds are budgeted for this project at this time. According to State law, the CRA must limit its activities and expenditures to items that benefit properties within its boundaries. For that reason, the CRA cannot fund a boundary expansion study.

RECOMMENDATION

Staff to City Commission: 1) Accept staff's review of APD's Blight Findings Report; 2) Hear a brief presentation by Staff; 3) Authorize the City Manager or Designee to develop a Request for Proposals, and authorize \$20,000 from City Contingency funds to hire a private firm to complete a study to determine whether or not slum or blight exists in the alternative expansion area, or other areas deemed appropriate by the City Commission.

Alternative Recommendation A: Accept staff's review of APD's Blight Findings Report; 2) Hear a brief presentation by staff; and 3) Instruct staff that no further action is warranted at this time.

Legislative History

7/16/07	Community Redevelopment Agency	Approved as shown above (See Motion) (5 - 0 - 2 Absent)	
9/17/07	Community Redevelopment Agency	Approved as Recommended (6 - 0 - 1 Absent)	
11/19/07	City Commission	Approved as Recommended and Referred (7 - 0)	Planning and Development Services Staff

070224_20070716_Waldo Road Draft Blight Findings 7.02.07.pdf
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070868.**Request for City Commission Contingency Funds from University of Florida (UF) Black Student Union - Blackout Weekend 2008 (B)****This is a request for City Commission Contingency Funds from the University of Florida Black Student Union for Blackout Weekend.**

Explanation: The UF Black Student Union in hosting Blackout Weekend 2008 on March 28-29, 2008. A donation from the City of Gainesville will help to enhance the overall awareness among the Gainesville population in regards to blatant and underlying issues in the minority arena. This event serves to uplift our future leaders - high school and college students; and to raise awareness on issues such as economic empowerment, health, voting, education, leadership development and more. A detailed event budget is attached. Funds will be used as needed to offset event costs with a majority of the \$8,000 being used to fund the High School Band Competition portion of the event.

The City Commission heard a presentation on 02/11/08 and directed staff to identify areas where in-kind services could be offered and bring back the information on 02/25/08.

Fiscal Note: The UF Black Student Union is requesting a total of \$8,000 from the City Commission Contingency Fund. The Fund balance as of January 28, 2008 was \$94,939.

RECOMMENDATION

The City Commission: 1) receive a report from staff; and 2) take action as appropriate.

Legislative History

2/11/08 City Commission Referred (6 - 0 - 1 Absent) City Manager

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070926.**The City Commission Strategic Planning Workshop Results (B)****This item addresses the outcome of the City Commission's Strategic Planning workshop to update the Goals and Objectives for FY 2009 and FY 2010. The Workshop was held on December 3, 2007.**

Explanation: The City Commission held a Goal Setting Workshop on December 3, 2007. Ms. Marilyn Crotty, Director of the Florida Institute of Government at the University of Central Florida facilitated the session and prepared a summary report

At the Retreat, the City Commission discussed the previous goals and objectives that were adopted for FY 2008. They agreed that the existing eight goals are still relevant and should be maintained. The Commission indicated that work on existing, priority objectives should continue into FY 2009 and FY 2010. During the afternoon session of the Retreat, the Commission proposed additional objectives for FY 2009 and FY 2010.

In the weeks following the Retreat, staff compiled all of the existing and proposed objectives and organized them into four categories: proposed objectives, on-going objectives, completed objectives and proposed staff assignments.

The City Commission was then asked to prioritize the proposed objectives, which included previous objectives that needed to be reconsidered and new objectives that were proposed at the Retreat.

Fiscal Note: Any fiscal impacts will be addressed during the budget hearings for FY 09 and FY 10.

RECOMMENDATION

The City Commission: 1) receive the summary report prepared by Ms. Crotty, the proposed staff assignments, and the completed objectives for FY 2008; and 2) adopt the proposed objectives and on-going objectives for FY 2009 and FY 2010.

Alternative Recommendation:

The City Commission: 1) receive the summary report prepared by Ms. Crotty, the proposed staff assignments, and the completed objectives for FY 2008; 2) discuss the proposed objectives and on-going objectives and make any agreed upon changes; and 3) adopt the proposed objectives and on-going objectives for FY 2009 and FY 2010.

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070973.

The Countywide Visioning and Planning Committee (B)

This item involves a request from the newly re-instituted Countywide Visioning and Planning Committee (CVPC) for input from the Gainesville City Commission on: 1) CVPC recommended changes to the Countywide Conceptual Plan and 2) the City's position on the Boundary Adjustment Act.

Explanation: Alachua County organized the first meeting of the newly re-instituted Countywide Visioning and Planning Committee held on January 24, 2008. Commissioners Craig Lowe and Scherwin Henry serve as Gainesville's

representatives on the Committee. County Commission Chairman Rodney J. Long was elected by Committee members as CVPC Chairman. The Committee reviewed the Conceptual Plan and agreed upon recommended changes. Each jurisdiction was asked to take the recommended changes to their respective Commissions for review and endorsement. The Conceptual Plan is attached with recommended additions underlined .

Each jurisdiction was also asked to provide a letter to Chairman Rodney J. Long with their position on the Boundary Adjustment Act (BAA) conveying if the jurisdiction: 1) would like to keep the BAA, 2) would like to keep the BAA with modifications and 3) would like to eliminate the BAA. Information on the BAA is being finalized for Commission discussion and consideration.

Fiscal Note: There is no fiscal impact to the City.

RECOMMENDATION

The City Commission: 1) endorse changes to the Conceptual Plan recommended by the CVPC and 2) provide guidance on the Commission's position on the BAA that can be conveyed to the CVPC.

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GENERAL MANAGER FOR UTILITIES

070945.

Community Weatherization Coalition (CWC) (B)

Last Spring GRU initiated a community discussion to provide basic weatherization services to low income customers. The discussions included representatives from non-profit organizations, the Action Network, religious organizations, businesses, the University of Florida and various city and county agencies.

Explanation: Low income households typically spend a disproportionate amount of their income on energy bills. Energy usage in many of these homes can be greatly reduced through energy efficiency education and the installation of basic weatherization measures such as weatherstripping, caulking, additional insulation, and others. The CWC will provide training and resources to a group of community volunteers to provide these services. The goal of the CWC is to complete 100 homes this year and expand the service next year. Through grants and contributions from CWC supporters, Rebuild Gainesville, Inc will coordinate purchasing weatherization materials, tools, and the insurance necessary to support the effort. GRU will help fund the first year of the program and provide training assistance for volunteers.

Fiscal Note: \$35,000 (or up to \$350 per house completed) from the Conservation Services FY '08 budget.

RECOMMENDATION

The City Commission hear a presentation from Wendell Porter, the chair of the CWC, regarding efforts to provide energy efficiency surveys and weatherization services for low income households.

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CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

COMMUNITY REDEVELOPMENT AGENCY

070466.

Northwest Fifth Avenue Historic Structure Survey Project (B)

Explanation: In May 2006, the Florida Department of State awarded the Gainesville Community Redevelopment Agency a Historic Preservation matching grant from the General Revenue Fund administered by the Division of Historical Resources. The original agreement of the Historic Preservation Grant award was a \$10,000 grant to conduct a Historic Structure Survey of the Northwest Fifth Avenue Neighborhood in Gainesville, Florida and to prepare Individual Nominations and a District Nomination for both the Florida Master Site File and the National Register of Historic Places. After considerable deliberation, the Individual Nominations and District Nomination were deleted from the project. Staff then drafted a request for proposals for the Northwest 5th Avenue Survey Report and contracted with Environmental Services Inc. to conduct the Historic Structure Survey of the Northwest Fifth Avenue Neighborhood, meeting the requirements of Chapter 1A-46.001 Florida Administrative Code.

The purpose of the Northwest 5th Avenue Historic Survey and assessments was due in part to the Model Block Project which was a partnership with the National Historic Trust, Fannie Mae, and the City of Gainesville Community Development Block Grant. One of the recommendations from the National Historic Trust was to conduct a historic survey of the Northwest 5th Avenue area within the Fifth Avenue/Pleasant Street Redevelopment Area.

The Consultant recommendations of the Northwest 5th Avenue Historic Structure Survey are that copies of the Report and Florida Master Site Files should be distributed at the Alachua County Historical Commission, the University of Florida George F. Smathers Library, and the Gainesville branch of the Alachua County Library. Community awareness of local historic architecture and historic places can be handled through a continuing education program, initiating a building plaque program that identifies historic buildings,

and the continuation of a marker program. Staff should also review the individual properties suggested for listing in the National Register of Historic Places.

The City Commission reviewed the CRA's request to refer the inventory of structures eligible on the National Register of Historic Places to the Historic Preservation Board. As part of this request, Commissioner Mastrodicasa moved to tentatively exempt the property owned by Mr. Pearce from the list of eligible structures. Staff contacted Sharyn Heiland, Historic Preservation Grants Specialist with the Bureau of Historic Preservation, who stated that, "we do not need the property owner's permission to include them in a survey or have their property documented in the site file. You would however need their permission, if the property is individually nominated or is part of a district that is nominated to the National Register. If the City has a list of potentially eligible properties that are being considered for nomination, derive from the survey, the City could simply eliminate the properties in question without having to revise the original inventory or survey report, i.e. those properties would never be included in a nomination. Staff concurs with the opinion of Sharyn Heiland, Historic Preservation Grants Specialist with the Bureau of Historic Preservation. The Historic Structure Survey should remain as written.

Note: The City Commission had previously been provided with a CD at their September 17, 2007 meeting.

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission forward the Northwest 5th Avenue Historic Structure Survey to the Historic Preservation Board. Staff is also requesting that two property owners whose structures are listed in the Historic Structure Survey prepared by Consultant Jennifer Nash of Environmental Services Inc, not be considered as part of the recommendation process of the Historic Preservation Board. Owner Nidal Boughannam and Aref Boughannam whose property is located at 907 Northwest 4th Place, Gainesville, Florida, and Mr. Robert Pearce, owner of 912 Northwest 3rd Avenue Gainesville, Florida.

Legislative History

9/17/07	Community Redevelopment Agency	Approved as Recommended (6 - 0 - 1 Absent)
10/22/07	City Commission	Approved as shown above (See Motion) (7 - 0)

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MEMBERS OF THE CITY COMMISSION

070933.**ANNUAL PERFORMANCE, SALARY, AND BENEFITS REVIEW FOR THE CITY ATTORNEY (NB)**

Explanation: As required by the City Attorney's Employment Agreement, the City Commission conduct the annual performance, salary, and benefits review.

RECOMMENDATION

The City Commission review the performance, salary and benefits of the City Attorney and make appropriate changes, as provided in the City Attorney's Employment Agreement.

070940.**Annual Performance, Salary and Benefits Review for the City Auditor (B)**

Explanation: As part of an ongoing effort to assist the Charter Officers to continuously improve performance, the City Commission provides feedback on the performance of each Charter Officer annually. In preparation for this year's review, the City Auditor provided an assessment of his performance over the past year and met individually with each member of the City Commission.

RECOMMENDATION

The City Commission review the performance, salary and benefits of the City Auditor and make appropriate changes, as provided in the City Auditor's Employment Agreement.

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070831.**Annual Performance, Salary, and Benefits Review for the City Manager (B)**

Explanation: Russ Blackburn began service as the Gainesville City Manager on September 6, 2005. As part of an ongoing effort to assist the Charter Officers to continuously improve performance, the City Commission provides feedback on the performance of each Charter Officer annually.

The City Commission has requested that each Charter Officer prepare a self assessment, and that the self assessment and comparable compensation be provided to the City Commission.

In preparation for this year's performance review, the City Manager provided to the City Commission an assessment of the past year, highlighting administrative and leadership accomplishments. In addition, individual meetings were scheduled with each Commissioner to allow the Commissioners the opportunity to discuss their observations, concerns, and suggestions on a one-on-one basis, if appropriate. The annual performance review provides an opportunity for the Commission to provide feedback and suggestions of past and future performance issues, and to adjust, if appropriate, the compensation and

benefits of the Charter Officer, as warranted.

Fiscal Note: Funding for salary increases are included in the FY 08 budget.

RECOMMENDATION

The City Commission review the salary and benefits of the City Manager and make any changes deemed appropriate.

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070941.

Commissioner Mastrodicasa - Hospitality Districts (B)

RECOMMENDATION

The City Commission discuss Hospitality Districts and refer issue(s) to the Public Safety Committee as appropriate.

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COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

070950.

John Rollins Day - 2007 Albert "Ray" Massey Citizen Volunteer Award Recipient (B)

RECOMMENDATION

2007 Albert "Ray" Massey Citizen Volunteer Award Recipient and City of Gainesville Employee John Rollins to accept the proclamation.

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070966.

The National Entrepreneurship Week (B)

RECOMMENDATION

The Buchholz DECA Academy of Entrepreneurship Group to accept the proclamation.

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

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

070776.

AMENDMENT TO LAND DEVELOPMENT CODE - SIGN REGULATIONS (B)

Ordinance No. 0-07-87

An ordinance of the City of Gainesville, Florida, amending the Sign Regulations of the Land Development Code; amending § 30-315 by adding an objective; amending § 30-316 providing conditions when signs are allowed on public property and rights-of-way without a permit; amending prohibited signs and signs that are exempt; allowing signs on hospital grounds under certain conditions; allowing flags or insignia under certain conditions; allowing substitution of non-commercial messages for commercial messages; providing clarification; amending § 30-317 relating to regulations and conditions for temporary signs; amending § 30-318 by revising the conditions and restrictions relating to permanent identification signs and structures for non-residential uses in residential districts and adding regulations for flags and flagpoles; repealing § 30-319 relating to restrictions on political signs; repealing § 30-320 relating to time and temperature devices; amending § 30-322 providing when permits are required; amending § 30-323 by adopting procedures for the processing of permits and appeals; amending § 30-326 by authorizing the removal of unauthorized signs in the right-of-way; adding section 30-327 relating to severability; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

The sign code is being revised to comply with recent court rulings and to avoid any legal challenges. To review the code, staff hired a consultant attorney with expertise in this area of the law to review and propose revisions. The proposed revisions to the code did not change the size or height of the signs. The most significant changes are as follows:

- 1. Businesses will be allowed to have a temporary sign during special sales and promotional events, where none were allowed before;*
- 2. Hospitals will be allowed to have additional signage for the identification of emergency room locations;*
- 3. Public and private development will be allowed to have decorative vertical pole banners; and*
- 4. Revisions that will regulate both public and private signs similarly on a content neutral basis.*

The City Plan Board reviewed the proposed changes and recommended approval with a 6-1 vote. The Plan Board also recommended that the size of

flags be limited. Some Board members were concerned that various commercial uses were using very large flags as signage, and that the size of a flag should be based on some standard. The consultant attorney provided staff with information about the "typical" size of flags based on the height of the flagpole from ushistory.org. This information is associated with the Independence Hall Association in Philadelphia and in particular the Betsy Ross house. Currently the code has no limitation on the size and number of government flags that can be displayed. Given the Plan Board's recommendation, staff used the information provided by the consultant to develop regulations governing the size of flags that can be displayed. Staff also considered limiting the number of flag poles to one pole in residential districts and 3 poles in non-residential districts. There are some non-residential businesses in town that display the American flag on every light pole in their parking lot, staff felt this was an excessive display. However, given that most people see flying the flag as an expression for free speech, staff decided not to propose this limitation.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of January 28, 2008, approved the Petition and authorized the City Attorney's Office to prepare the necessary ordinance amending the Land Development Code of the City of Gainesville.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

1/14/08	City Commission	Continued (Petition)
1/28/08	City Commission	Approved (Petition) (5 - 2)
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		070776_200802251300.pdf

070916.

TRAFFIC STUDY REVIEW FEES (B)

Ordinance No. 0-08-08

An ordinance of the City of Gainesville, Florida, amending Appendix A, Schedule of Fees, Rates and Charges, for Land Development Code Petitions, Applications and Development Fees, by adding traffic study review fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: FINANCE DEPARTMENT STAFF REPORT

On July 26, 2007, the City Commission adopted Resolution No. 070229, to approve the Proposed Tentative General Government Financial and Operating Plan, and authorized the City Attorney to draft and the Clerk of the Commission to advertise certain ordinances increasing certain existing fees and charges and creating new fees and charges.

CITY ATTORNEY MEMORANDUM

Certain of the new fees, including the fees created by this ordinance, required further review and development by the Office of the City Attorney and the Public Works and Planning and Development Services Departments before being brought back to the City Commission.

This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be March 10, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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070763.

PLANNED DEVELOPMENT AMENDMENT - MAGNOLIA PARKE PD (B)

Ordinance No. 0-08-02, Petition No. 128PDV-07PB

An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "Magnolia Parke PD", located in the vicinity of 4700 block of Northwest 39th Avenue; by amending City of Gainesville Ordinance Nos. 960941 and 991285 and extending the term of the final development order associated with this Magnolia Parke Planned Development; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

The Magnolia Parke Planned Development expired on October 13, 2007. The developer is asking that the PD (Planned Development) remain valid for a period of 20 years from the adoption date of an ordinance allowing the PD to be re-established. The City adopted the PD by ordinance (Ordinance No. 960941) on October 13, 1997. Then, on September 11, 2000, the City adopted an ordinance (Ordinance No. 991285) that limited the validity of the PD to a period of 10 years from the adoption date of Ordinance No. 960941.

Magnolia Parke is a 33-acre mixed-use Planned Development located on the north side of Northwest 39th Avenue, between Northwest 43rd Street and Northwest 51st Street. The developer's request to re-establish the PD includes proposed modifications to the text of the above-referenced ordinances, but no modifications to the related PD Layout Plan Map.

Public notice was published in the Gainesville Sun on October 31, 2007. Letters were mailed to surrounding property owners on October 31, 2007.

The City Plan Board considered the above-referenced petition, at a public hearing held November 15, 2007. By a vote of 7-0, the City Plan Board approved Petition 128PDV-07PB with staff conditions and a five year extension approvable by the City Commission.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of January 14, 2008, authorized the city attorney's office to prepare and advertise the necessary ordinance amending the planned development known as "Magnolia Parke PD".

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/14/08 City Commission Approved (Petition) with Staff Conditions (7 - 0)

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED**070833.****OBSOLETE REFERENCE TO TERMS OF CHARTER OFFICERS (B)****Ordinance No. 0-08-03**

An ordinance of the City of Gainesville, Florida, repealing section 2-142, of the Gainesville Code of Ordinances, relating to terms of the City Manager, the City Attorney, the Clerk of the Commission, and the Internal Auditor; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting of January 28, 2008, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance repealing section 2-142 of the Code of Ordinances. These provisions relating to terms of four Charter Officers are obsolete and have been superseded by equivalent Charter provisions.

Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be February 25, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/28/08 City Commission Approved as Recommended (6 - 0 - 1 Absent)

2/11/08 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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070857.**EQUAL OPPORTUNITY - DEFINITION OF EMPLOYER (B)****Ordinance No. 0-08-01**

An ordinance of the City of Gainesville, Florida, amending section 8-47(c), Gainesville Code of Ordinances, relating to equal employment opportunity; amending the definition of "employer," providing directions to the

codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its meeting of January 14, 2008, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance changing the threshold for the definition of "employer" based on the number of employees from seven to five employees.

Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be February 25, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/11/08 City Commission Adopted on First Reading (Ordinance) (6 - 1)
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RESOLUTIONS- ROLL CALL REQUIRED

070963.

BOARD OF CANVASSERS REPORT - RUN-OFF ELECTION (B)

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, run-off election held February 19, 2008; and providing an immediate effective date. B)

Explanation: On February 19, 2008, a city run-off election for the election of commissioner for District 2 was held. The Report of the Board of Canvassers for the City of Gainesville run-off election held February 19, 2008, showing that Lauren Poe has been elected for the District 2 Seat, is adopted by this resolution of the City Commission.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

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PLAN BOARD PETITIONS

070906.

Oakbrook Walk Planned Development Amendment (B)

Petition 132PDA-07 PB, Planned Development Amendment to remove parcel 15617-000-000 from the Oakbrook Walk PD, with associated PD layout plan. Located at 1331 SW 13th Street and the 1000-1200 block of Southwest 14th Avenue, north side. Related to Petition 88ZON-07 PB.

Explanation: This request is to amend the Oakbrook Walk planned development to remove the subject property which is located at 1331 SW 13th Street from the planned

development for the purpose of changing its zoning to UMU-1 (see related Petition 88ZON-07PB). The current zoning on the subject property is Planned Development (PD). The current land use category is Urban Mixed-Use 1 (UMU-1: up to 75 units per acre).

The petitioner has provided a revised Oakbrook Walk PD layout map, PD Report and survey. The PD layout map and PD Report have been amended to delete the subject parcel and remove references to it in the PD Report. The subject property is approximately 1.1 acre in size and it is located in the SW 13th Street Special Area Plan. A large portion of the parcel falls within the 10-year flood channel, and some lies within the 100-year floodplain. This will severely limit future development potential for the parcel.

The subject property is currently improved with a structure containing three units. One unit serves as an office for Oakbrook Walk and the other two units are apartments.

The original Oakbrook Walk PD was established in September 1986 (Ordinance 3248). The PD was amended in October 1987 to add additional acreage to the planned development (Ordinance 3378).

The Oakbrook Walk PD was further amended in May 2001 (Ordinance 000618) to add the subject property and to allow one of the units to serve as an on-site management office for Oakbrook Walk. This is consistent with the existing use at the site.

In 2005 (Ordinance 041061), the City amended the Future Land Use Map and zoning of 550 acres of land located in the College Park/University Heights area and an area bounded by Archer Road and Depot Avenue to the north, SW 6th Street to the east and SW 16th Avenue to the south to the new Urban Mixed Use categories. The area was designated for high intensity use or high residential densities to spur redevelopment efforts. The subject property did receive the UMU-1 land use category designation at that time (November 2005) but the zoning on the property remained PD because it was part of the Oakbrook Walk PD.

Planning staff finds that removing the subject parcel from the PD will not create any problems for the already developed Oakbrook Walk and the PD will remain fully viable without the subject parcel because it is already fully developed.

The Plan Board discussed the petition and recommended that the requested Planned development amendment be approved.

Public notice was published in the Gainesville Sun on December 31, 2007. The Plan Board held a public hearing on January 17, 2008.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission: The City Commission approve Petition 132PDA-07 PB. Plan

Board vote 7-0.

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070907.

Oakbrook Walk Rezoning (B)

Petition 88ZON-07PB, change the zoning from PD (Planned Development) to UMU-1 (Urban mixed use-1, up to 75 units per acre). Located at 1331 SW 13th Street. Related to Petition 132PDA-07 PB.

Explanation: This request is to change the zoning on a parcel that is part of the Oakbrook Walk planned development to Urban Mixed-Use-1 (UMU-1). A related petition (132PDA-07PB) has been submitted to remove the subject property which is located at 1331 SW 13th Street from the planned development. Approval of Petition 88ZON-07PB is contingent upon approval of Petition 132PDA-07PB.

The current zoning on the subject property is PD (Planned Development). The current land use category is Urban Mixed-Use 1 (UMU-1: up to 75 units per acre). The proposed zoning of UMU-1 is fully consistent with the existing future land use category. The subject property is approximately 1.1 acre in size and it is located in the SW 13th Street Special Area Plan. A large portion of the parcel falls within the 10-year flood channel and some lies within the 100-year floodplain. This will severely limit future development potential for the parcel.

The subject property is currently improved with a structure containing three units. One unit serves as an office for Oakbrook Walk, and the other two units are apartments. This use is consistent with both the existing PD zoning and the proposed zoning.

In 2005 (Ordinance 041061), the City amended the Future Land Use Map and zoning of 550 acres of land located in the College Park/University Heights area and an area bounded by Archer Road and Depot Avenue to the north, SW 6th Street to the east and SW 16th Avenue to the south to the new Urban Mixed Use categories. The area was designated for high intensity use or high residential densities to spur redevelopment efforts. The subject property fell within this area for land use and zoning change.

Properties surrounding the subject parcel received land use categories of either UMU-1 or UMU-2 and zonings of UMU-1 or UMU-2. The subject property did receive the UMU-1 land use category designation at that time (November 2005), but the zoning on the property remained PD because it was part of the Oakbrook Walk PD.

The original Oakbrook Walk PD was established in September 1986 (Ordinance 3248). The PD was amended in October 1987 to add additional acreage to the planned development (Ordinance 3378).

The Oakbrook Walk PD was further amended in May 2001 (Ordinance 000618) to add the subject property and to allow one of the units to serve as an on-site

management office for Oakbrook Walk. This is consistent with the existing use at the site.

Planning staff finds that rezoning the subject parcel to UMU-1 is consistent with the future land use category and the character and surrounding zoning in the area. This is an area targeted for redevelopment.

The Plan Board discussed the petition and recommended that the requested zoning change be approved.

Public notice was published in the Gainesville Sun on December 31, 2007. The Plan Board held a public hearing on January 17, 2008.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission: The City Commission approve Petition 88ZON-07 PB. Plan Board vote 7-0.

Staff to City Commission: Approve Petition 88ZON-07PB. Plan Board vote 7-0.

Staff to the Plan Board: Approve Petition 88ZON-07PB.

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DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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