

# **City of Gainesville**

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



## **Meeting Agenda**

**December 15, 2011**

**1:00 PM**

**MODIFIED AGENDA**

**City Hall Auditorium**

## **City Commission**

***Mayor Craig Lowe (At Large)***

***Mayor-Commissioner Pro Tem Thomas Hawkins (At Large)***

***Commissioner Scherwin Henry (District 1)***

***Commissioner Todd Chase (District 2)***

***Commissioner Susan Bottcher (District 3)***

***Commissioner Randy Wells (District 4)***

***Commissioner Jeanna Mastrodicasa (At Large)***

***Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone***

## CALL TO ORDER

## AGENDA STATEMENT

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

## ROLL CALL

## INVOCATION

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 110530.

#### **Memorandum of Understanding Between the Alachua County Sheriff's Office (ACSO) and the Gainesville Police Department for the Problem Oriented Policing Grant (POP) Awarded Through the Edward Byrne Memorial Justice Assistance Grant (B)**

*Explanation: The Gainesville Police Department is a sub-recipient of the Problem Oriented Policing Grant (POP) for fiscal year 2011-12. As a part of the Memorandum of Understanding from the Alachua County Sheriff's Office (ACSO) acting as the program administrator, the Gainesville Police Department is eligible to receive up to \$15,000 for reimbursement for overtime pay for specific services associated with this Edward Byrne Memorial Justice Assistance Grant.*

*Fiscal Note: The Gainesville Police Department is eligible for up to \$15,000 for reimbursement for overtime pay for specific services associated with the grant for the period of October 1, 2011 through September 30, 2012.*

#### RECOMMENDATION

*The City Commission: 1) authorize the City Manager to execute the grant award and any other necessary documents, subject to the approval by the City Attorney as to form and legality; and 2) approve the overtime expenditures as outlined in the approved grant award and the Memorandum of Understanding between the Alachua County Sheriff's Office and the Gainesville Police Department.*

110530\_POPGrantMOU\_20111215.pdf

**110531.****Best Neighborhoods (Build, Engage, Sustain & Transform), Volunteer Florida Neighborhood Grants (NB)**

**This item requests City Commission authorization for the Gainesville Police Department (GPD) to apply for and accept the Best Neighborhoods Volunteer Florida Implementation Grant in the amount of \$15,000 to provide targeted volunteer services for residents of Gainesville.**

*Explanation: The Gainesville Police Department is applying for an implementation grant made possible through Volunteer Florida, The Governor's Commission. The program encourages development of a wide range of programs that may include developing after-school mentoring programs, organizing transportation programs for seniors, or organizing area youth in providing services for their neighborhoods and the community at large. Neighboring programs have the opportunity to design services specific to the needs of the community. GPD's grant request seeks funding for the development of neighborhood gardens, after school tutoring, funding for the Girls to Young Ladies program and summer programming targeting the development of volunteerism and service for community development.*

*Fiscal Note: The application is for a nine-month period, beginning December 2011 and ending September 15, 2012. In-kind support services through the Gainesville Police Department are provided in lieu of matching dollars. The total award amount is \$15,000.*

**RECOMMENDATION**

*The City Commission authorize the City Manager to: execute the grant application, grant award, and any other necessary documents, pending review by the City Attorney as to form and legality.*

**110532.****Strategic Plan Quarterly Report - 4th Quarter of Fiscal Year 2011 (B)**

**This item provides a report on the progress of the City Commission's Strategic Goals and Initiatives for the 4th Quarter of Fiscal Year 2011.**

*Explanation: As part of the City of Gainesville Fiscal Year 2011 - 2012 Strategic Planning process, the City Manager prepares a quarterly report on accomplishments related to the City Commission strategic goals and initiatives for each quarter of the fiscal year. This is the fourth quarter report for Fiscal Year 2011.*

*Fiscal Note: There is no fiscal impact.*

**RECOMMENDATION**

*The City Commission receives a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 4th Quarter of FY 2011.*

110532\_Final SP FY2011Q4 Report\_20111215.pdf

**110560.****State Legislative Agenda - University Concurrency (NB)**

*Explanation: The Board of Governors of the State University System of Florida has included an initiative in their 2012 legislative agenda that requests that the legislature repeal the law regarding concurrency payments. The initiative specifically requests that section 1013.30, Florida Statutes be repealed which would exempt universities from continued compliance with local Campus Master Plan agreements and from paying for off-site impacts to potable water, stormwater, fire/rescue, transportation, etc. The Board of Governors requested a similar initiative during last year's legislative session but it was defeated in the Senate (there was no House companion bill). During the City of Gainesville City Commission's December 1, 2011 regular session, the City Commission requested staff draft a statement in opposition to the Board of Governor's proposal and submit it for approval and inclusion in the city's state legislative agenda. If approved by the City Commission, the following statement will be added to the city's state legislative agenda and provided to the Alachua County Delegation and others in the Florida Legislature.*

*As a host community to the University of Florida, the City of Gainesville realizes the benefits of having a major university within our community. Positive aspects such as economic development from the university, the university as a major regional employer, cultural and athletic programs, the university as an attractor of visitors to the community, and the partnerships fostered between the City of Gainesville and the University of Florida are some of the reasons Gainesville is fortunate to be the home to the University of Florida. However, for those communities that are fortunate to be a home to a major university, these same aspects create a financial challenge. Largely due to the presence of the University of Florida, more than half of the ad valorem taxable value within the City of Gainesville is exempt and does not provide revenue to the city's General Fund although the city provides municipal services to these properties, more than 50,000 students, a large number of employees, and countless visitors. Services including a robust public transportation program, fire/rescue, police services, transportation and utility infrastructure maintenance and improvements, and stormwater services are only some of the services that are provided to the University of Florida, their students, and employees.*

*Providing these services as a host community would not be possible without existing concurrency requirements under section 1013.30, Florida Statutes and the University Concurrency Trust Fund. Section 1013.30, Florida Statutes requires universities to pay for its fair share of impacts resulting from the university including improvements needed prior to construction. Until the State of Florida repealed section 1013.63, Florida Statutes on July 1, 2011, the University Concurrency Trust Fund was the funding source the universities relied on to meet this obligation. The City of Gainesville is opposed to the proposal by the Board of Governors of the State University System to repeal section 1013.30, Florida Statutes and any efforts by the Florida Legislature to diminish the authority of local government host communities to work with their universities and enter into agreements to ensure that adequate services are*

*provided without creating a negative fiscal impact to the community. Additionally, the City of Gainesville supports the reinstatement of the University Concurrency Trust Fund and a mechanism to adequately maintain funding.*

*Fiscal Note: None at this time. Staff will determine the fiscal impact of the Board of Governors proposal and provide that information as needed.*

**RECOMMENDATION**

*The City Commission 1) add an initiative to (a) oppose the Board of Governors proposal to repeal section 1013.30, Florida Statutes and (b) support reinstatement of the University Concurrency Trust Fund, or other funding mechanism, to the city's state legislative agenda; and 2) direct staff to provide the initiative to the Alachua County Legislative Delegation and others.*

## **GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

### **110552.**

#### **Declaration and Sale of Surplus Property - GRU's System Control Center Property located at 4322 NW 53 Avenue, Gainesville, FL (NB)**

**The Systems Control Center (SCC) operations and employees have moved to the newly constructed facility at the Eastside Operation Center. Since the property located at 4322 NW 53rd Avenue is no longer needed for GRU operations, the property can be declared as surplus property and sold.**

*Explanation: The SCC property, located at 4322 NW 53rd Avenue, was acquired circa 1970 to establish an electric system control center, house the related dispatching operations and support functions. The new Eastside Operation Center (EOC) located at 4747 N. Main Street was completed on August 26, 2011 and included the construction of a modern control center to satisfy current electric system control functions and requirements, a data center and comprehensive support infrastructure. All operations and associated employees previously located at 4322 NW 53rd Ave. have moved to the EOC.*

*Since the SCC property located at 4322 NW 53rd Avenue is no longer needed for GRU operations, it has been determined that the property can be declared surplus and sold. For the benefit of GRU's ratepayers and bond holders to obtain the best price possible in the sale of this property, it is the utilities intent to advertise the property for sale and issue an Invitation to Bid for the property with an established minimum bid price based on an appraisal of the property.*

*In anticipation of the sale of this property and in order to receive the best return possible, the utility recently completed a change to the land use and zoning designations as approved by the City Commission on November 17, 2011. The land use change from Public Facilities to Mixed Use Low and the zoning change from Public Service to Mixed Use-Low (MU-1) will be effective thirty-one days after approval.*

*The award for the sale of the property will be made to the best evaluated bid response and a Purchase and Sale Agreement will be negotiated by staff and executed by the parties in accordance with the GRU Real Property Acquisition and Disposition Guidelines. Utility easements will be reserved for existing utility facilities located on the site and a Special Warranty Deed will be granted to the successful bidder.*

*Fiscal Note: Proceeds from the sale of the SCC property will be used to offset costs incurred by the utility to construct the new Eastside Operation Center.*

**RECOMMENDATION**

*The City Commission: 1) find and declare as surplus GRU's 2.69 acre SCC property located at 4322 NW 53 Avenue, Gainesville, Florida; 2) authorize the General Manager, or his designee, to issue an Invitation to Bid for the sale of the property; 3) authorize the General Manager, or his designee, to accept the bid deemed to be in the City's best interest and to negotiate a Purchase and Sale Agreement for the sale of the property, reserving appropriate utility easements, subject to approval of the City Attorney as to form and legality; and 4) authorize the General Manager, or his designee, to execute all documents to complete the closing for the sale in accordance with the Purchase and Sale agreement, as negotiated by staff, subject to approval by the City Attorney as to form and legality.*

**110569.**

**Trunking Radio System Upgrades and Fee Reductions**

**It is mutually beneficial for Alachua County, the University of Florida, the City of Gainesville General Government, and GRU to amend their agreements for Public Safety Trunking Radio System services such that reliable service will continue through 2020.**

*Explanation: GRU owns and operates a Public Safety Trunking Radio System (TRS) used by the various public safety agencies within Alachua County. GRU currently has agreements with those agencies to provide TRS services through September of 2015.*

*The public safety agencies that use the TRS are interested in extending the life of the existing equipment and infrastructure, and in making the TRS Project 25 (P25) compliant. To accomplish this goal, GRU will replace the core processing equipment, communication consoles, and various transmitters and electronics associated with the TRS; in exchange, the Public Safety agencies will extend their agreements to receive TRS service at agreed-upon lower rates through September of 2020.*

*Once the TRS is P25 compliant, agencies from outside of Alachua County with P25-capable radios will be able to communicate with other public safety*

agencies within Alachua County in cases of mutual aid. In addition, the current public safety entities within Alachua County will be able to purchase P25-capable radios that are expected to be less expensive than the proprietary radios in use today.

The agreements for Public Safety Trunking Radio System services will be substantially in the form of the attached Amendment to the Interlocal Agreement for Public Safety Trunking Radio Services.

*Fiscal Note:* Funds to upgrade the Trunking Radio System were included in the approved GRUCom budget for fiscal year 2012. The Amendment will result in a reduced cost for access charges for each participating agency. The extended term of the Agreement allows the cost of the upgrade to be recovered by GRU.

**RECOMMENDATION**

The City Commission (1) authorize the Mayor or his designee to negotiate and execute an Amendment to the Interlocal Agreement between Gainesville Regional Utilities ("GRU") and Alachua County ("County"), and between GRU and the University of Florida ("UF") for Public Safety Trunking Radio Services; and (2) authorize the General Manager or his designee to negotiate and execute a Memorandum of Understanding between GRU and the City of Gainesville General Government for Public Safety Trunking Radio Services, each of which shall be substantially in the form of the attached "Second Amendment to the Interlocal Agreement for Public Safety Trunking Radio Services" and subject to approval by the City Attorney as to form and legality.

## CITY ATTORNEY, CONSENT AGENDA ITEMS

**110548.**

**KHEPERA SOLAR, LLC, a Florida Limited Liability Company vs. the CITY OF GAINESVILLE, d/b/a GAINESVILLE REGIONAL UTILITIES; CASE NO. 2011-CA-6056 (B)**

*Explanation:* On November 28, 2011, the City was served with a Summons and Complaint filed by Khepera Solar, LLC, in the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida, for declaratory and injunctive relief, and for writ of mandamus related to GRU's 2011 Solar Feed-in-Tariff (FIT) program. According to Florida Department of State Division of Corporations, Ms. Anne M. Orlando is listed as the registered agent. Ms. Orlando and Paul Wales are listed as managers of the company.

*Fiscal Impact:*

Funds are available in the GRU system-wide legal expense account.

**RECOMMENDATION**

The City Commission authorize the City Attorney's

*Office and Special Counsel to represent the City in the case styled Khepera Solar, LLC, a Florida Limited Liability Company vs. the City of Gainesville d/b/a Gainesville Regional Utilities, in the Alachua County Florida Eighth Judicial Circuit, Court Case No. 2011-CA-6056.*

110548\_Khepera Solar\_20111215.pdf

**110553.**

**JOHN E. FOWLER AND LYNDALE G. FOWLER, HUSBAND AND WIFE, VS. TERYL WARREN AND THE CITY OF GAINESVILLE, A MUNICIPAL CORPORATION; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2011-CA-6094 (B)**

*Explanation: On November 29, 2011, the City was served with a Summons and Complaint filed by John E. Fowler and Lyndal G. Fowler in the Circuit Court. John and Lyndal Fowler allege that they were involved in an automobile accident with a City vehicle on January 3, 2011 at the intersection of University Avenue and Main Street, in Gainesville. John and Lyndal Fowler claim to have suffered bodily injury, including permanent injury to the body as a whole within a reasonable degree of medical probability, as well as aggravation of a preexisting condition, including pain and suffering of both a physical and mental nature, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, expense of medical and nursing care and treatment, loss of earnings, and loss of ability to lead and enjoy a normal life. John and Lyndal Fowler seek money damages in excess of \$15,000.00.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled John E. Fowler and Lyndal G. Fowler, Husband and Wife, vs. Teryl Warren and the City of Gainesville, a Municipal Corporation; Eighth Judicial Circuit, Case No. 2011-CA-6094.*

110553\_John and Lyndal Fowler Consent\_20110215.pdf

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

**110528.**

**Appointment to City Commission Advisory Board and Committee (NB)**

**RECOMMENDATION**

*The City Commission appoint the following:*

*Carl Ramey to the Gainesville Human Rights Board for a term to expire 2/22/14.*

**110562.**                      **Appointment to Canvass Board (B)**

**RECOMMENDATION**                      *The City Commission appoint Commissioner Randy Wells and citizen James Silk to the Canvass Board for the February 28, 2012, run-off election (if needed).*

110562\_canvassingboard\_20111215.pdf

**110558.**                      **City Commission Minutes (B)**

**RECOMMENDATION**                      *The City Commission approve the minutes of November 7, 2011; November 17, 2011; and December 1, 2011; as circulated.*

110558\_nov. 7, 2011\_min\_20111215.pdf

110558a\_nov17, 2011\_min\_20111215.pdf

110558b\_dec. 1, 2011\_min\_20111215.pdf

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****100841.**                      **Next Generation Radio Project Update (B)**

**This item requests that the Gainesville City Commission hear an update on the Next Generation Radio Project.**

*Explanation: On August 29, 2011, the Board of County Commissioners for Alachua County and the Gainesville City Commission heard a presentation from the Next Generation Radio Project Committee Chair, Gainesville Fire Chief Gene Prince, on the status of the Trunked Radio System (TRS) for Alachua County subscribers with options for extending the life of the system as opposed to*

replacing it. After the presentation, Commissioners directed staff to move forward without a consultant to make a final recommendation on upgrading the current system.

On November 17, 2011, the committee voted to recommend the proposal offered by Gainesville Regional Utilities (GRUCom) to upgrade the existing equipment, which will extend the life of the current system and support the transition to a P25 compliant system that will enhance interoperability within Alachua County and with other P25 compliant jurisdictions. GRUCom's proposal extends the life of the current TRS and will allow users with analog, digital, and P25-capable radios to remain on the system until 2020. The TRS will be fully supported by Motorola for the extended life of the agreement. This extension is recommended to allow time for new technology addressing both voice and data needs to be fully developed and provides a longer time period for users to incrementally replace their radio stock.

Alachua County Fire Chief Ed Bailey will recommend to the County Manager and Alachua County BOCC that Alachua County approve an amendment to the Interlocal Agreement Between the City of Gainesville and Alachua County for Public Safety Trunking Radio Services dated November 9th, 1999. The amendment will provide for completion of the upgrade and the reduction of subscriber fees for the term of the amended agreement.

*Fiscal Note:* The fiscal impact for the extension of the agreement including the upgrade of infrastructure for the General Government portion of the system is projected to be an approximate savings of \$800,000 over the term of the extension. Additional costs for replacement radios will be department-specific and are not included in this projection.

**RECOMMENDATION**

The Commission hear an update on the Next Generation Radio Project and direct the City Manager to execute an agreement with GRU to extend the life of the Trunked Radio System to 2020.

**Legislative History**

8/29/11 City Commission No Action Taken

100841\_NextGenerationRadioProject\_20110829.pdf

100841\_Presentation\_20111215.pdf

**110516.**

**Memorandum of Understanding for Power District Catalyst Project and Declaration of Surplus Property (B)**

*MODIFICATION - New Item added to the agenda December 14, 2011.*

*Explanation:* The City Commission designated the CRA as the lead agency, and designated the CRA Director as the Champion for the City's Strategic Initiative 2.3, which involves planning for redevelopment of a portion of real property owned by the City and listed as a GRU asset and located in the general vicinity of Depot Park and the Kelly Power Plant. This Strategic Initiative Project is commonly referred to as the "Power District." A portion of the Power District property is no longer needed for GRU operations, due to the relocation of GRU's

operations facilities to the new GRU Eastside Operation Center (EOC) on North Main Street, and can be declared surplus and made available for private ownership and/or use.

At its meeting on November 17, 2011, the City Commission received a Letter of Intent from Prioria Robotics, Inc. a company interested in occupying a portion of the Power District property approximately located at 555 SE 5th Avenue (Tax Parcel Identification Number 12720-000-000). The City Commission authorized the City Manager, the City Attorney and the General Manager for Utilities to review and analyze the proposed project and negotiate terms and conditions for Prioria's use of certain property within the Power District and bring back a draft mutual letter of intent or other form of agreement for consideration by the City Commission, subject to approval by the City Attorney as to form and legality. The CRA Board took similar action at its meeting on November 21, 2011.

Since November 21, CRA, City and GRU management, attorneys and other staff have been meeting to review and analyze an initial catalyst project for the Power District and have identified key actions that must be taken to bring any such project to fruition. The attached draft Memorandum of Understanding (MOU) is the first step outlining key tasks and authorizations to move a catalyst project forward. Under the terms of the MOU, the City is agreeing to make the property available for private use and authorizes the CRA to act as agent for the City and GRU in changing the land use and zoning of the property and in negotiating with Prioria and other third parties for use/occupancy of the property. In addition, the CRA is being authorized to develop a plan for funding necessary improvements to the property and to make improvements to the property, as may be approved by GRU.

Since the completion of the GRU Eastside Operations Center on North Main Street on August 26, 2011 and relocation of many GRU operations and associated employees to that site, a portion of the Power District, as identified in the MOU, is no longer needed for GRU operations. It has been determined by GRU staff that the property should be declared surplus and made available for private use in accordance with the MOU.

**Fiscal Note:** The MOU does not have a specific financial impact; however, the MOU does set the framework for transfer of a portion of the GRU Support Services Asset to the City and CRA. In the future, the development of the Power Center on this property will have a significant financial benefit to our community and the City.

**RECOMMENDATION**

*The City Commission: 1) Approve the Memorandum of Understanding between the CRA, the City and GRU, subject to approval as to form and legality by the City Attorney; and 2) Find and declare as surplus the property identified in Exhibit "A" of the MOU and make same available for private use in accordance with the terms and conditions of the MOU.*

**Legislative History**

11/17/11 City Commission Approved as Recommended (6 - 0 - 1 Absent)

110516A\_MOD-Powerpoint Presentation\_20111117.pdf

110516B\_MOD-Letter of Intent\_20111117.pdf

110516A-MOD\_MOU\_20111215.pdf

110516B-MOD\_MOU Exhibit A\_20111215.pdf

110516C-MOD\_MOU Exhibit B\_20111215.pdf

## 100767.

### **Red Light Traffic Safety Program (B)**

*MODIFICATION - Waive the rules to hear this item last on the afternoon portion of the agenda, and additional back-up added from past "Red Light" agenda items.*

*Explanation: On March 13, 2011, the City Commission authorized staff to negotiate a contract with Gatso, USA which is the winning bid received in response to the city's request for proposals for a red light infraction camera program. Since receiving authorization, staff has worked with representatives of Gatso, USA to negotiate a contract that meets the provisions of the RFP and provides a red light traffic safety program as directed by the City Commission. The City Commission directed staff to bring the contract back before the Commission for approval.*

*The contract provides for a red light traffic safety program that meets requirements set forth by the State of Florida in the Mark Wandall Traffic Safety Act and provisions included in the City of Gainesville's RFP. The initial term of the agreement is 5 years with an option for up to two additional 2-year terms. If the city terminates the agreement for its convenience at any time during the initial term (5 years) the city must pay the vendor \$1,500 per fixed location (camera) for each month that remains in the initial term as of the termination date. Gatso, USA will provide a customer service call center that will be operated by the vendor Monday through Friday from 8 am - 5 pm and will be closed on state and federal holidays. The agreement does include a provision that Gatso, USA will offer expanded customer service call center hours in the future and the city will be eligible to utilize the extended hours. For more detailed information the entire agreement is provided as backup.*

*Fiscal Note: The agreement with Gatso, USA is cost neutral. A monthly fee of \$4,750 per camera installation per month will be charged to the city. The monthly fee paid to Gatso, USA will not exceed the monthly revenue received by the city from operation of the system for that month.*

#### RECOMMENDATION

*The City Commission: 1) approve the agreement between the City of Gainesville and Gatso, USA for the provision of red light traffic safety program; and 2) authorize the City Manager to execute the contract and related documents, subject to approval from the City Attorney as to form and legality, for the delivery and maintenance of traffic infraction detectors, and for all necessary hardware and administrative support to ensure a credible and reliable electronic camera recording system.*

#### Legislative History

3/17/11 City Commission Approved as Amended (7 - 0)

100767\_Ranking\_20110317.pdf  
100767\_Agreement\_20111215.pdf  
050483\_MOD\_draft statement\_20111128.pdf  
050483\_MOD\_Legislative Priorities\_20111128.pdf  
050484\_MOD\_agenda item\_20051128.pdf  
050484\_MOD\_Sarasota Letter\_20051128.pdf  
070268\_MOD\_article\_20080728.pdf  
070268\_MOD\_draft ord\_2009.pdf  
070268\_MOD\_final ord\_20090205.pdf  
070268\_MOD\_letter\_20090205.pdf  
070268\_MOD\_ppt.pdf  
100588\_MOD\_COG\_municode\_20101216.pdf  
100588\_MOD\_draft\_ord\_20110203.pdf  
100588\_MOD\_final ord\_20110217.pdf  
100588\_MOD\_FS316.0083\_20101216.pdf  
100588\_MOD\_minutes\_20101216.pdf

## **GENERAL MANAGER FOR UTILITIES**

## **CITY ATTORNEY**

## **CITY AUDITOR**

## **EQUAL OPPORTUNITY DIRECTOR**

## **COMMITTEE REPORTS (PULLED FROM CONSENT)**

## **ECONOMIC DEVELOPMENT/UNIVERSITY COMMUNITY COMMITTEE**

### **110541.**

#### **Innovation District Water, Sewer and Reclaimed Water Infrastructure Funding (B)**

**GRU's current policy for serving new developments requires the initiating developer to pay for extension costs and connection charges. In order to promote redevelopment within the Innovation District, development interests have requested that GRU pre-construct facilities capable of serving anticipated redevelopment activities. This is a significant departure from the current extension policy, and will require City Commission approval. Staff will present alternative funding mechanisms being considered to pay for the extension of potable water, reclaimed water and sewer system improvements to serve the Innovation District (I-District).**

*Explanation: Significant capacity improvements to the potable and reclaimed water distribution systems and wastewater collection system will be required to meet projected future demands within the I-District. GRU's general water and wastewater extension policy requires that new development pay for the infrastructure improvements needed to serve it. This includes both additional*

*pipng needed to connect the development, and improvements to existing facilities to increase capacity. Under the current policy, developers typically design and install most of these improvements, with GRU review and approval, as part of the design and construction for their development project. GRU may elect to fund "oversizing" of improvements if deemed feasible. This policy is longstanding in the City of Gainesville and is common in many other municipalities.*

*However, there are some potential concerns with this approach in I-District:*

- 1. The cost of infrastructure improvements may be borne disproportionately by certain projects depending on their timing relative to other projects and capacity availability. This could be a major impediment for some projects; and*
- 2. Design of utilities within the I-District will be challenging due to the high development density, large number of utilities present and limited space allocation available for utilities. Design and construction of utility improvements on a project by project basis may be difficult and result in long lead times for design and construction which may deter development.*

*In order to address these issues staff is proposing to develop an alternative funding mechanism to pay for water, sewer and reclaimed water improvements in the I-District. GRU would pay for and install the required improvements and recover its costs through this funding mechanism. In addition a master utility plan for all utilities for the I-District will be developed so that design issues can be addressed to the extent practical ahead of time.*

*Several potential funding mechanisms have been evaluated including:*

- 1. Continue current policies*
- 2. Special Area Infrastructure Charge (applied to new connections within I-District)*
- 3. Capital Recovery Charge to Property Owners (annual or monthly fee to property owners within I-District)*
- 4. Special Tax Assessment*
- 5. Tax Increment Financing*
- 6. I-District Capital Recovery Charge Applied to all GRU Customers*

*Based on evaluation of these alternatives and discussions between the I-District working group, staff recommends pursuing Alternatives 2 and 3 - Special Area Infrastructure Charge and Capital Recovery Charge. Pursuing these options would provide developers with flexibility to choose whichever worked best for them in a particular case. Implementation of this policy change will require approval by the City Commission and changes to existing ordinances.*

**Fiscal Note:** *The proposed approach will likely involve capital expenditures by GRU up front, with recovery of these expenditures over time via revenues from future connections and/or annual fees paid by property owners. These costs are not available at this time, but will be determined prior to initiating policy changes.*

**RECOMMENDATION**

*The City Commission direct the City Attorney to draft, and the City Clerk to advertise the ordinance to*

*establish and adopt a Special Area Infrastructure Charge (applied to new connections) and a Capital Recovery Charge to Property Owners (annual or monthly fee to property owners) within designated areas in and around the I-District.*

110541A\_Innovation Square District\_20111215.pdf

110541B\_GRU PPT\_20111215.pdf

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

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**RECESS**

**RECONVENE**

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

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**110567.**

**Martin Luther King, Jr. Hall of Fame Day - January 15, 2012 (B)**

**RECOMMENDATION**

*Martin Luther King, Jr., Commission Executive Director Marie Small to accept the proclamation.*

110567\_MLKDay\_20111215.pdf

**110568.**

**King Celebration 2012 - January 9-17, 2012 (B)**

**RECOMMENDATION**

*Martin Luther King, Jr., Commission Executive Director Marie Small to accept the proclamation.*

110568\_KingCelebration\_20111215.pdf

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

**PUBLIC HEARINGS**

**RESOLUTIONS- ROLL CALL REQUIRED**

**110542.****Bond Resolution Related to a Proposed City of Gainesville Revenue Note, Series 2011 (B)**

**This item involves a request for the City Commission to adopt the proposed resolution authorizing the issuance of the City of Gainesville Revenue Note, Series 2011 to fund a portion of the Gainesville Police Department Headquarters renovation/reconstruction and Depot Park arsenic remediation.**

*Explanation: At the November 17, 2011 City Commission meeting, the Commission directed staff to solicit bids on a \$3.7 million loan to fund a portion of the expense associated with the Gainesville Police Department headquarters reconstruction/renovation and the Depot Park arsenic remediation projects. Staff is recommending that the City accept a ten-year fixed rate bid of 2.29% from BBVA Compass Bank to provide the funding for these projects.*

*Fiscal Note: The average annual debt service on the note is approximately \$420,475 over the ten year term. Funding to pay the debt service on the loan is available in the General Fund.*

**RECOMMENDATION**

*The City Commission 1) adopt the proposed resolution authorizing issuance of the City of Gainesville Revenue Note, Series 2011, 2) authorize the City Manager, Administrative Services Director, and Finance Director to retain the required professional services to execute the proposed bond issue, and 3) authorize the Clerk of the Commission, City Attorney, City Manager, Administrative Services Director, and Finance Director to execute documents required to close the proposed bond issue.*

110542\_Bond Resolution\_20111215.pdf

**ADOPTION READING-ROLL CALL REQUIRED****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****090538.****REZONING - BUTLER PLAZA PLANNED DEVELOPMENT (B)****Ordinance No. 090538, Petition PB-09-84 PDV**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning certain property within the City, commonly referred to as "Butler Plaza" and generally located between Southwest Archer Road and Southwest 24th Avenue, and between Southwest 40th Boulevard and Southwest 34th Street as more specifically described in this Ordinance, from the Alachua County zoning districts of "Automotive Oriented Business" (BA), "Retail Sales and Services" (BR), "Highway Oriented Businesses" (BH), "Manufactured/Mobile Home Park" (RM),**

**"Manufacturing and Services Industrial" (MS), "Residential Multi-Family" (R-2), "Residential Multi-Family" (R-3), "Residential Single Family" (R-1C), "Residential and Professional" (RP) to City of Gainesville "Planned Development" (PD) zoning district; adopting a development plan report and development plan maps; providing conditions, restrictions and regulations; providing for enforcement and penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*MODIFICATION - Revised recommendation and revised Condition 11 and 19 in Section 4 of the ordinance.*

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*This is a request by the petitioners to rezone certain property to the City of Gainesville zoning district of Planned Development District (PD). The property, which is commonly referred to as "Butler Plaza," was voluntarily annexed into the City by Ordinance No. 070722 adopted April 28, 2008. The land use of the property was designated Planned Use District (PUD) by City Ordinance No. 090537 adopted August 5, 2010. This rezoning to PD is consistent with and is intended to implement the PUD land use.*

*The proposed PD totals approximately 264 acres, and is located generally on the north side of Archer Road and to the west of SW 34th Street. The PD property extends north to the newly constructed SW 24th Avenue and in one location extends west to Interstate 75. The current developed portion (approximately 108 acres) contains over 1 million square feet of commercial retail uses which are contained in several adjacent shopping plazas and multiple outparcels located along Archer Road. This existing development is accessed by a series of public and private streets that connect from Archer Road northward to Windmeadows Boulevard. The remaining undeveloped portion of the property consists of approximately 156 acres.*

*The PD zoning district was established specifically to allow for unique proposals which are not provided for by the standard zoning districts. Section 30-213 of the City's Land Development Code sets forth the minimum requirements for a rezoning to PD. In accordance with Section 30-216 of the City's Land Development Code, a proposal to rezone to the PD district shall also consider general conformance with the Comprehensive Plan, concurrency requirements, internal and external compatibility, intensity of development, usable open space, environmental constraints, transportation access and the provision for a range of transportation choices. The PD Report attached as Exhibit "D" to the Ordinance addresses these requirements.*

*In summary, this PD consists of seven "Districts" which allow for various commercial, retail, service, office, hotel/motel and multiple-family residential uses. The maximum development intensity allowed is set forth in the PUD Ordinance as 2,500,408 square feet of commercial, 250,000 square feet of office, 500 hotel/motel rooms and 1,000 multiple-family residential units. However, both the PUD and PD allow for some substitution of uses. The PD requires a number of a bicycle, pedestrian, transit and road/vehicular*

*infrastructure and improvements to be made by the owner/developer at certain stages during the development/build-out of the PD. The PD is regulated by the conditions, restrictions and regulations set forth in this Ordinance and its exhibits, which include a PD Report, PD Layout Map, and other maps, text and graphics.*

*The City Plan Board reviewed both the proposed PUD land use change and the PD rezoning during three special meetings on September 21, September 29 and October 7, 2009, and the Plan Board, by a vote of 6-1, recommended the City Commission approve the PD with modified conditions.*

*The City Commission held public hearings on November 30 and December 1, 2009; however, the discussion focused on the PUD land use change. The City Commission directed staff to update the proposed PD conditions to be consistent with the PUD land use change.*

*On August 19, 2010, the City Commission heard the PD rezoning petition, revised conditions (in addition to the revisions recommended by the Plan Board) and referred various matters to staff and the petitioner for further review. On December 13, 2010, the City Commission again heard the petition and directed staff and the petitioner to work on a phasing plan and other issues. On May 9, 2011, the City Commission approved the PD rezoning petition by a vote of 6-1, and directed staff to draft this Ordinance making the PD Report and other exhibits consistent with the PD petition conditions that were discussed and approved by the City Commission.*

#### *CITY ATTORNEY MEMORANDUM*

*Should this ordinance pass on first reading, second and final reading will be held on Thursday, January 5, 2012.*

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

#### **Legislative History**

11/19/09	City Commission	Continued (Petition) (7 - 0)
11/30/09	City Commission	Continued (Petition) (7 - 0)
8/5/10	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
8/19/10	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
12/13/10	City Commission	Continued (Petition)
5/9/11	City Commission	Approved (Petition) as revised by the City Plan Board, as amended (6 - 1)

Petitioner\_BP\_ comprehensive plan subarea policies 11-19-09 .pdf  
Petitioner\_BP- PD Conditions 11-19-09 .pdf  
Petitioner\_BP\_PP\_ additional information.PDF  
Letter\_Deborah Butler\_November 19, 2009.pdf  
090538\_butler plaza PD table of contents\_20091130.pdf  
090538A\_cpb revised PD conditions\_20091130.pdf  
090538B\_additional staff changes to PD conditions\_20091130.pdf  
090538C\_090921 cpb minutes\_20091130.pdf  
090538D\_090929 cpb minutes\_20091130.pdf  
090538E\_091007 cpb action agenda\_20091130.pdf  
090538F\_staff report\_20091130.pdf  
090538G\_trc comments to cpb\_20091130.pdf  
090538H\_Letters\_citizen,city arborist,rts dir,ac plan dept,fdot\_20091130.pdf  
090538I\_neighborhood workshop info\_20091130.pdf  
090538J\_petitioner response to PD detail comments\_20091130.pdf  
090538K\_091007 cpb minutes draft\_20091130.pdf  
090538L\_staff ppt\_20091130.pdf  
090538\_table of contents\_20100805.PDF  
090538A\_cpb pd conditions\_20100805.pdf  
090538B\_applicant version pd conditions\_20100805.pdf  
090538C\_pt 1\_A-E\_pd report\_20100805.pdf.pdf  
090538C\_pt 2\_F-J\_pd report\_20100805.pdf  
090538D\_site signage plan\_20100805.pdf  
090538E\_staff ppt\_20100805.PDF  
090538F\_Time Extension Ltr\_20100805.pdf  
090538G\_Airport Marker Ltr\_20100819.pdf  
090538\_petitionform\_20100805.pdf  
090538a\_petitionform\_20100805.pdf  
090538\_table of contents\_20100819.pdf  
090538A\_cpb butler plaza pd conditions\_20100819.pdf  
090538B\_applicant version butler plaza pd conditions\_20100819.pdf  
090538C\_Pt 1\_A-D\_pd report\_20100819.pdf  
090538C\_Pt 2\_E-J\_pd report\_20100819.pdf  
090538D\_site signage plan\_20100819.pdf  
090538E\_staff ppt\_20100819.PDF  
090538F\_extention ltr\_quasai jud forms\_20100819.pdf  
090538G\_Airport Marker Ltr\_20100819.pdf  
090538H\_butler plaza land use signed ordinance 090537\_20100819.pdf  
090538i\_Memo from EB&SWright\_20100819.pdf  
090538J\_City-Object 1.3\_20100819.pdf  
090538K\_Architectural Guideline\_20100819.pdf  
090538\_MOD\_agent for Butler\_20100819.PDF  
090538\_MOD\_C- Hawkins Butler\_NOTES\_20100819 (2).pdf  
090538\_Butler Plaza Typical Section Exhibits\_07-29-10.pdf  
090538\_PD\_Report\_Exhibits\_Submittal\_060910.pdf  
090538a\_Staff Memo\_20101213.pdf  
090538b\_Butler Plaza Back-Up\_20101213.pdf  
090538b\_Addendum to Exhibit B - Layout Plan\_20101213.pdf  
090538b\_Addendum to Page E-3\_20101213.pdf  
090538c\_Staff Conditions\_20101213.pdf  
090538d\_Disputed Conditions\_20101213.pdf  
090538e\_City Commission Minutes\_20101213.pdf  
090538F\_Staff PPT\_20101213.pdf

090538G\_Petitioner Consultant Resume\_20101213.pdf  
090538h\_Petitioner Attorney Resume\_20101213.pdf  
090538\_MOD\_Attorney Doan\_Ltr\_20101213.pdf  
090538\_MOD\_Butler Plaza EIS Analysis\_20101213.pdf  
090538\_MOD\_C-Hawkins\_20101213.pdf  
090538\_MOD\_Fishkind Opinion Letter r1\_20101213.pdf  
090538\_MOD\_Legal PPT - Conditions 1 & 50\_20101213).PDF  
121310\_MOD\_APPLICANT\_PPT\_20101213.pdf  
090538\_MOD\_LTR\_20101213.pdf  
090538A\_Matrix\_20110509.pdf  
090538B\_BP Updated Conditions\_20110509.pdf  
090538C\_Map Subareas 1,2&3\_20110509.pdf  
090538D\_Exh G\_Pedestrian Circulation\_RTS Revised\_20110509.pdf  
090538E\_Revisions to PB-09-84 Conditions\_20110509.pdf  
090538F\_PB-09-74 Signed Ordinance\_20110509.pdf  
090538G\_Petitioner PPT\_20110509.pdf  
090538\_Staff Memo\_20110509.pdf  
090538\_20110509.pdf  
090538butlerplaza\_20110509.pdf  
090538\_CITY\_ATTORNEY\_SUPPLEMENTAL\_REC\_20110509.PDF  
090538A\_draftordinance\_20111215.pdf  
090538B\_Exhibit A to ordinance-legal description\_20111215.pdf  
090538C\_Exhibit B to ordinance-PD sketch\_20111215.pdf  
090538D\_Exhibit C-1 to ordinance-PD uses\_20111215.pdf  
090538E\_Exhibit C-2 to ordinance-PD development standards\_20111215.pdf  
090538F\_Exhibit D to ordinance-development plan report\_20111215.pdf  
090538G\_Exhibit E to ordinance-existing conditions maps\_20111215.pdf  
090538H\_Exhibit F to ordinance-PD layout plan map\_20111215.pdf  
090538I\_Exhibit G to ordinance-typical sections\_20111215.pdf  
090538J\_Exhibit H to ordinance-bicycle and pedestrian circulation maps\_20111215.pdf  
090538K\_Exhibit I to ordinance-architectural guidelines\_20111215.pdf  
090538\_MOD\_Modified Ord. Language\_\_20111215 (2).pdf

## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

### 110367.

#### HOURS OF SALE, SERVICE AND CONSUMPTION OF ALCOHOL (B)

##### **Ordinance No. 110367**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to the hours of sale, service and consumption of alcohol by amending section 4-2 and 4-5(a) to permit sale, service and/or consumption on Sunday commensurate with permissible hours on Monday through Saturday; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: At its meeting on November 17, 2011, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending section 4.2 regulating Sunday alcohol sales, extending the hours of sale to mirror the Monday through Saturday regulations.*

*If the City Commission adopts the ordinance on first and second reading, all licensed alcoholic beverage establishments will be allowed to sell alcoholic beverages seven days a week from 7:00am until 2:00am with the exception of package liquor stores who can sell spirituous liquors by the package from 7:00am until 11:00pm.*

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

**Legislative History**

10/6/11	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
10/26/11	Public Safety Committee	Discussed	
11/17/11	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
12/1/11	City Commission	Adopted on First Reading (Ordinance) (7 - 0)	

110367\_jeffrey\_meldon20111006.pdf

110367a\_WojciechowskiEmail\_20111026.pdf

110367b\_OrdSectionOnSales\_20111026.pdf

110367c\_GDOTLtrofSupport\_20111026.pdf

110367B\_jeffrey\_meldon\_20111201.pdf

110367A\_draft ordinance\_20111201.pdf

## PLAN BOARD PETITIONS

### 110527.

#### **Wellfield Protection Special Use Permit for SiVance (B)**

**A wellfield protection special use permit with a special use permit area plan to allow the use of industrial inorganic and organic chemicals to manufacture and produce silicone products as a specially regulated industry.**

*Explanation: The development known as SiVance is located at 4044 NE 54th Avenue and includes tax parcel 07872-005-001 and a portion of tax parcel 07872-006-001 consisting of approximately 20 acres. The site has an Industrial (IND) land use and I-2 (General Industrial) zoning. SiVance has continuously operated at its existing location since 1959, prior to designation of the Wellfield District which requires a Wellfield Special Use Permit. The facility has operated as a non-conforming use since adoption of the ordinance. According to the applicant, the site uses industrial inorganic and organic chemicals to manufacture and produce silicone products within the I-2 zoning district. SiVance is also planning to update aging office and laboratory buildings and will need to redevelop its existing facilities over time to meet changing market demands. Since non-conforming uses are limited in their ability to expand, renovate or modify their facility, a Wellfield Protection Special Use Permit must be approved in order to enable changes at the site. Approval of the permit will allow SiVance to easily change processes based on a changing economy.*

*The petition is a request for a Wellfield Protection Special Use Permit to allow the above referenced facility to use specified hazardous materials within the tertiary and secondary zones of the Murphree Wellfield Protection District. The facility is also required to obtain a special use permit to allow the site to*

*continue the use of industrial inorganic and organic chemicals to manufacture and produce silicone products within the I-2 zoning district. Those uses are classified as specially regulated industries and are allowed within the I-2 district through a special use permit. The City Plan Board considered both requests, and approved the permits on November 1, 2011 with a recommendation that the City Commission approve the Wellfield Protection Special Use Permit with modified staff conditions and to accept the special use permit area plan in lieu of a preliminary development plan. Plan Board vote 4-0.*

*Public notice was published in the Gainesville Sun on October 11, 2011. The Plan Board held a public hearing on November 1, 2011.*

*Fiscal Note: None.*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve petition PB-11-113 SUP with conditions.*

*Staff to City Commission - the City Commission approves Plan Board's recommendation.*

*Staff to City Plan Board - Approve petition with conditions.*

110527A\_cpb recommended conditions\_20111215.pdf

110527B\_staff report\_20111215.pdf

110527C\_comments from the TRC\_20111215.pdf

110527D\_special use maps\_20111215.pdf

110527E\_special use permit justification report\_20111215.pdf

110527F\_application\_neighborhood info\_20111215.pdf

110527G\_documents related to 54WSU-00PB\_20111215.pdf

110527H\_cpb minutes\_20111215.pdf

110527I\_staff ppt\_20111215.pdf

**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

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