

# City of Gainesville

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



## **Meeting Agenda**

**November 17, 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 - 1:04 PM****AGENDA STATEMENT**

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

**ROLL CALL****INVOCATION****CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS****110435.****Legal Office Expenses From State Law Enforcement Contraband Forfeiture Trust Fund For FY 2012 (B)**

*Explanation: The requested funding is needed to cover the Gainesville Police Department's Legal Office expenses related to case filing needs, publication requirements, and storage fees for seized property for FY 2012.*

*Fiscal Note: The \$15,000 expenses are necessary for the processing of forfeiture cases. If this request is not paid from the Law Enforcement Contraband Forfeiture Trust Fund, it would need to come from the general fund. Funds are currently available in the State Law Enforcement Contraband Forfeiture Trust Fund account and is allowable under F.S. 932.7055(4)(a). The balance is \$102,333 from City of Gainesville Statement of expenditures for the nine months ended June 30, 2011.*

**RECOMMENDATION**

*The City Commission authorize the Gainesville Police Department to appropriate \$15,000 from the State Forfeiture Fund balance account (108-2710) into line item 108 810 H105 5210 3910.*

***Alternative Recommendation A:***

*The City Commission appropriate funds from the General Fund for these expenses. The fiscal impact is \$15,000.*

***Alternative Recommendation B:***

None

110435\_LegalOfficeExpenses\_20111117.pdf

**110438.**

**Wireless Usage For GPD Air Cards From Verizon Off State Of Florida Contract 725-330-05-1 (NB)**

*Explanation:* Verizon provides high speed wireless data services for the Gainesville Police Department. This allows communication between laptops in GPD's vehicles and the Records Management System. We currently have 313 air cards.

*Fiscal Note:* Funds in the amount of \$97,600 are available for this expenditure out of general funds 001-810-8148-5210-4120. The current budget FY12 is \$160,000 from this account.

**RECOMMENDATION**

The City Commission approve issuance of a purchase order not to exceed \$97,600

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

**110454.**

**Request for Bid Award - Hydrotex Partners, Ltd. (B)**

**This item is a request for the City Commission to authorize the Bid Award to Hydrotex Partners, Ltd., for diesel fuel treatments for the City of Gainesville Regional Transit System (RTS) Maintenance Division.**

*Explanation:* The Regional Transit System (RTS) currently has three (3) 10,000 gallon underground storage tanks for its diesel fuel inventory. Maintenance of these tanks is critical to avoid fuel contamination that could lead to unscheduled vehicle maintenance or reduced fuel efficiency of the RTS transit fleet.

*An Invitation to Bid was issued for quarterly maintenance service analysis of the tanks and diesel fuel treatments. RTS staff reviewed and evaluated the proposals received and determined that Hydrotex Partners, Ltd., would best suit RTS needs.*

*Fiscal Note:* The approximate annual cost of this agreement is \$25,000. Funds are available in the RTS FY2012 operating budget.

**RECOMMENDATION**

The City Commission: 1) authorize the Bid Award to Hydrotex Partners, Ltd., for Regional Transit System (RTS) Maintenance Division quarterly maintenance service analysis of diesel tanks and diesel fuel treatments; and 2) authorize the City Manager to execute a five (5) year contract with Hydrotex Partners, Ltd., and related documents, subject to approval by the City Attorney as to form and legality.

110454A\_BidTab\_20111117.pdf  
110454B\_Bid Award\_20111117.pdf

**110455.****First Amendment to Agreement with Riverside Manufacturing Company (B)**

**This item is a request to amend the agreement between the Regional Transit System (RTS) and Riverside Manufacturing Company to increase the budget amount for uniforms.**

*Explanation:* In 2009, the City of Gainesville issued a Request for Proposals (RFP) for the provision of uniforms for Regional Transit System (RTS). RTS selected Riverside Manufacturing Company to provide uniforms and entered into an agreement for an amount not to exceed \$45,740. Although the original agreement was for an amount less than \$50,000 per year, due to the increase in the number of employees, the total contract requires City Commission approval.

*RTS is requesting approval of the First Amendment to the agreement with Riverside Manufacturing Company.*

*Fiscal Note:* Funds are available in an amount not to exceed \$50,000 annually for this agreement from the RTS FY2011-2012 operating budget.

**RECOMMENDATION**

*The City Commission authorize the City Manager to execute the First Amendment to the agreement with Riverside Manufacturing Company, and related documents, subject to approval by the City Attorney as to form and legality.*

110455A\_Contract\_20111117.pdf  
110455B\_Contract\_20111117.pdf

**110463.****Purchase of Health Data Management System (B)**

**This item is a request to purchase a health data management system and training from Workplace Integra, Inc.**

*Explanation:* The City of Gainesville Risk Management Department wishes to purchase a new health data management system to replace the unsupported system currently in use. It will also integrate with existing medical equipment to provide electronic results directly into employee medical records, saving time and reducing the risk of error. The software has been approved by the GG/GRU IT department to be used with the City's server system. Workplace Integra, Inc. provides an integrated solution of software, servers, training, and maintenance to keep the system operable.

*All items will be purchased as a specified source.*

*Fiscal Note:* Funding in the amount of \$ 53,293 for the purchase from Workplace Integra, Inc. is available in the General Insurance Fund of the 2012 Operating Budget.

**RECOMMENDATION**

*The City Commission: 1) approve the purchase of software from Workplace Integra, Inc. and; 2) authorize the City Manager to execute all necessary documents for purchase.*

110463\_Purchase of Data System\_20111117.pdf

**110464.****Federal Law Enforcement Contraband Forfeiture Trust Fund For Overtime For Violent Crime Response (VCR) Program (NB)**

*Explanation: The Gainesville Police Department is requesting \$50,000 to be utilized to combat violent crime in the City of Gainesville. This request is in response to a recent increase in violent crimes. The funds will be used to fund overtime for officers assigned directed patrol in areas currently experiencing or with a history of violent criminal activity. The funds will also be used for investigative and crime prevention purposes.*

*Fiscal Note: Funds are currently available in the Federal Law Enforcement Contraband Forfeiture Trust Fund account and is allowable under guide to Equitable Sharing for State and Local Law Enforcement Agencies. The balance of the account is \$ 2,722,767 per the City of Gainesville Statement of Expenditures and Encumbrances compared with appropriations for the nine months ended June 30, 2011.*

**RECOMMENDATION**

*The City Commission authorizes the Gainesville Police Department to appropriate \$50,000 from the Federal Law Enforcement Contraband Forfeiture Fund account.*

*Alternative recommendation: The City Commission denies the funding.*

**110468.****Firehouse Subs Hometown Heroes Grant Assistance Program (NB)**

**This item requests that the City Commission authorize the City Manager to execute a grant award from the 2011 Firehouse Subs Home Town Heroes Grant Assistance Program for thermal imaging equipment to aid in the location of victims in smoke-filled environments.**

*Explanation: In June of 2011, Gainesville Fire Rescue (GFR) submitted an application to the Firehouse Subs Hometown Heroes Grant Program for acquisition of a thermal imager used in locating victims in smoke-filled environments. GFR was recently notified that its application for receipt of this equipment received favorable review and an award has been offered. Through this award, GFR will be the direct recipient of this new donated equipment.*

*Fiscal Note: The total benefit of this donation is approximately \$13,000. There is no financial cost to the city.*

**RECOMMENDATION**

*The City Commission authorize the City Manager to execute the grant award contract and other necessary documents, pending approval by the City Attorney as to form and legality.*

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****110493.****General Engineering and Consultation Services (NB)**

**Staff recommends approval of the addition of Innovative Waste Consulting Services, LLC as a qualified architectural, engineering and consultation firm and authorization to negotiate a contract with Innovative Waste Consulting Services, LLC in accordance with the Consultants Competitive Negotiations Act for required services.**

*Explanation: On September 4, 2008, the City Commission authorized GRU to initiate contract negotiations with qualified architectural, engineering and consultation firms as a result of a request of a Request for Statement of Qualifications (RFSQ) for those services. Professional Service Agreements (PSAs) were established with the firms; however, following the process, additional companies were identified whose services were likely to be required by GRU in the future due to their unique capabilities and experience. On March 5, 2009, the City Commission authorized GRU to initiate contract negotiations with those newly identified companies. GRU has a critical, specialized requirement for professional services associated with power plant coal combustion byproducts landfills, and associated materials handling at the Deerhaven Generating Station.*

*Staff recommends authorizing the General Manager, or his designee, to negotiate a PSA with this qualified firm for a term extending through September 30, 2013, consistent with the term of previously established PSA's, to provide the professional architectural, engineering and consultation services required by GRU. The PSA will contain standard terms and conditions and include a negotiated rate sheet. Labor rates may be adjusted annually with the concurrence of GRU. This firm will be added to the list of available firms under the originally established contract and those which have been added thereafter.*

*The scope of services to be negotiated will include, but not be limited to, engineering, and consultation services as detailed in the RFSQ. These services will be utilized to supplement Utility wide in-house design and professional staff in support of specific City Commission budget approved Capital Improvement projects or other projects that may emerge.*

*As with all requirements for these professional services, GRU will award work to the firm on a project specific basis. GRU will award each project based upon an evaluation of a firm's understanding of the project scope, specific expertise or ability to complete the project, as well as the project completion time and*

cost as reflected by proposed level of effort. Staff will issue separate requests for professional services when it is deemed to be in GRU's best interest. For projects with a construction cost estimated to exceed one million dollars, a separate RFSQ will be issued, requesting project specific submittals from the list of qualified professionals the rank order will be submitted to the City Commission for approval.

*Fiscal Note:* Funding for the projects for which design or consultation services are required have been budgeted in the Capital Improvements Budgets of Utility departments requiring these services for FY 2012 and will be budgeted in future years as required.

**RECOMMENDATION**

*The City Commission:*

1) approve the addition Innovative Waste Consulting Services, LLC for the provision of design or consultation services associated with Utility System facilities and City Commission approved Capital Improvement Projects or unexpected projects that may emerge from time to time;

2) authorize the General Manager, or his designee, to initiate contract negotiations with Innovative Waste Consulting Services, LLC in accordance with the Consultants Competitive Negotiations Act (CCNA);

3) authorize the General Manager, or his designee, upon successful negotiations, to execute a professional services agreement (PSA) for a term extending through September 30, 2013, consistent with previously established PSA's subject to approval of the City Attorney as to form and legality, in an amount not to exceed budgeted amounts for professional architectural, engineering or consultation services.

## CITY ATTORNEY, CONSENT AGENDA ITEMS

**110480.**

**RODNEY BICKEL VS. THE CITY OF GAINESVILLE; EEOC NO. 510-2012-00201 (NB)**

*Explanation:* On November 1st, 2011, the City of Gainesville received a Notice of Charge of Discrimination from the U.S. Equal Employment Opportunity Commission. Mr. Rodney Bickel alleges that he has been discriminated against based on his sex, race, sexual orientation, his association with a disabled person, and his opposition to unlawful practices.

**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City in the case styled RODNEY BICKEL vs. the City of Gainesville; EEOC No.:*

510-2012-00201.

**110481.**

**STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY  
A/S/O PHYLLIS STRUBE VS. CITY OF GAINESVILLE, A MUNICIPAL  
CORPORATION; EIGHTH JUDICIAL CIRCUIT, COURT CASE  
NO. 2011-CC-4342 (B)**

*Explanation: On October 27, 2011, the City of Gainesville was served with a Notice to Appear for Pre-Trial Conference/Mediation and Statement of Claim. The Plaintiff alleges that it is owed monies due to the payment of a PIP claim which resulted from an automobile accident occurring on February 8, 2011. Plaintiff claims that a vehicle driven by a City employee collided with their insured's vehicle resulting in property damage in the amount of \$1,206.11. Plaintiff is seeking money damages and costs.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City of Gainesville in the State Farm Mutual Automobile Insurance Company a/s/o Phyllis Strube vs. the City of Gainesville, a Municipal Corporation; Eighth Judicial Circuit, Court Case No. 2011-CC-4342.*

110481\_State Farm - Strube Consent\_20111117.pdf

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

**110477.**

**City Commission Minutes (B)**

**RECOMMENDATION**

*The City Commission approve the minutes of October 17, 2011, October 18, 2011, October 20, 2011, October 24, 2011 and November 3, 2011, as circulated.*

110477\_oct\_17\_minutes\_20111117.pdf

110477\_oct\_18\_minutes\_20111117.pdf

110477\_oct\_20\_minutes\_20111117.pdf

110477\_oct\_24\_minutes\_20111117.pdf

110477\_nov\_03\_minutes\_20111117.pdf

**110479.**

**Joint Meeting Dates (B)**

**RECOMMENDATION**

*The City Commission approve the attached dates.*

110479\_jointmeetings\_20111117.pdf

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**



**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**PUBLIC SAFETY COMMITTEE, CONSENT**

**110367.**

**Blue Laws (B)**

*Explanation: Commissioner Hawkins raised this issue at the October 6, 2011 City Commission meeting and the issue was referred to the Public Safety Committee. Some residents and businesses feel that the current restrictions on Sunday alcohol sales are outdated and that customers should be able to order alcohol on Sundays during the same hours provided on other days of the week. Currently, alcohol sales are not permitted on Sundays until 1 P.M. Advocates also expressed the opinion that current restrictions negatively impact the local economy.*

*The Public Safety Committee discussed this referral at its October 26, 2011 meeting. GPD reviewed the issue and the experience of other jurisdictions and did not identify any public safety concerns with the proposal. GPD indicated that if the City Commission approved the changes they would monitor any impact on GPD resources downtown on Sunday evenings but indicated that they did not expect an impact. After hearing input from local businesses and patrons, the Committee voted unanimously to recommend to the full City Commission the revision of City Ordinance 4.2 to eliminate restricted alcohol sales on Sunday and allow alcohol sales during the same hours currently allowed Monday-Saturday. Alcohol sales would then be prohibited Monday-Sunday from 2:00 A.M. - 7:00 A.M.*

*Fiscal Note: None expected. If approved, GPD will monitor any impact on resources needed on Sunday evenings.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise amendments to City Ordinance 4.2 regulating Sunday alcohol sales, extending the hours of sale to mirror the Monday through Saturday regulations.*

**Legislative History**

10/6/11	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
10/26/11	Public Safety Committee	Discussed	

- 110367\_jeffrey\_meldon20111006.pdf
- 110367a\_WojciechowskiEmail\_20111026.pdf
- 110367b\_OrdSectionOnSales\_20111026.pdf
- 110367c\_GDOTLtrofSupport\_20111026.pdf

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**110484.****CRA Model Block Fifth Avenue Project Line of Credit (B)**

*Explanation: The Model Block Project (MBP) was conceived to help address the issue of vacant and abandoned properties in the Fifth Avenue Pleasant Street Redevelopment Area. Since 2003, the CRA has acquired ten properties, including both vacant lots and houses to rehabilitate. To date, three houses have been rehabilitated and sold, and three new construction homes have been built. There are four properties remaining to be completed; three for new construction (Fifth Avenue neighborhood) and one for historic rehabilitation (Pleasant Street).*

*The Homes*

*3 Homes have been designed for the Model Block Fifth Avenue Project, a 3 bedroom 2 bath home at 321 NW 7th Terrace approximately 1,254 Sq/Ft H/C, a 3 bedroom 2 bath home at 403 NW 8th Street approximately 1,320 Sq/Ft H/C, and another 3 bedroom 2 bath home design for 725 NW 4th Avenue 1,320 Sq/Ft H/C. Contingent upon the approval of this line of credit, CRA has awarded a bid in the amount of \$355,165 for the construction of the homes, and will enter into a construction contract with the selected bidder.*

*Construction Financing*

*CRA staff and the City's Finance department negotiated a construction line of credit. The City Attorney's office prepared, and the CRA Attorney reviewed the construction line of credit loan documents, which are attached as backup. During the August 2011 CRA meeting the CRA Board requested the City Commission approve a loan to the CRA, for the purpose of constructing 3 new model block homes; and authorized the CRA Executive Director to execute such documents as are necessary to document and close the loan, subject to approval as to form and legality by the CRA Attorney.*

*Fiscal Note: None*

**RECOMMENDATION**

*CRA Board to City Commission: 1) approve a loan to the CRA, on the terms as set forth in the loan documents for the purpose of constructing 3 new model block homes; and 2) authorize the Mayor to execute the loan documents, subject to approval as to form and legality by the City Attorney.*

110484\_Loan Docs\_20111117.pdf

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA**

**CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION**

**110501.****Appointments to City Commission Advisory Boards and Committees (NB)**

*MODIFICATION: Remove from the Consent Agenda and Place on the Regular Agenda for discussion.*

**RECOMMENDATION**

*The City Commission appoint the following:*

*Justin Runac, Student Member to the Bicycle/Pedestrian Advisory Board for a term to expire 12/31/13.*

*Andrew Coffey to the Board of Adjustment for a term to expire 11/1/14.*

*Daniel Freedman to the City Beautification Board for a term to expire 11/1/14.*

*Peter Johnson, Amish Sharma and Stephanie Sims to the City Plan Board for a term to expire 11/1/14.*

*Douglas Nesbit and Adam Zions to the Development Review Board for a term to expire 11/1/14.*

**CITY MANAGER****110486.****Proposed City of Gainesville Revenue Note, Series 2011 (NB)**

**This item involves a request for the City Commission to approve the issuance of debt to fund a portion of the costs associated with renovation/reconstruction of the Gainesville Police Department Headquarters and arsenic remediation at Depot Park.**

*Explanation: In June 2011, as part of the FY11 - FY15 Capital Improvement Plan update, the City Commission authorized borrowing for capital projects of up to \$4 million. Two projects have been identified which are financially prudent to consider for funding in part through the issuance of debt - the renovation /reconstruction of the GPD Headquarters and arsenic remediation at Depot Park.*

*As presented during the CIP discussion, cost estimates for the GPD Headquarters renovation /reconstruction are projected to exceed monies appropriated for the project by at least \$4 million. During the meeting of November 3, 2011, the City Commission approved the funding of Phase I of the Depot Arsenic remediation, using approximately \$1.3 million in Stormwater Management Utility Fund monies. This leaves a requirement of approximately \$1.6 million for Phase 2 of the project. Therefore on a combined basis the funding gap on these two projects is \$5.6 million.*

*Municipal bond market rates are near historic lows. If the City issues debt through a bank loan prior to December 31, 2011 and maintains our total debt issuance for the calendar year below \$10 million we can further take advantage of bank-qualified loan rates. Therefore staff is recommending a debt issuance of \$3.7 million to assist in funding these projects. Together with the recently completed \$6.2 million Series 2011 Revenue Refunding Note, our total issuance for calendar year 2011 will be within the \$10 million cap at \$9.9 million.*

*The remaining funds necessary to complete the projects would come from the City's General Fund fund balance. The City's independent FY11 financial audit will not be completed until January 2012, but based on preliminary pre-audit figures, staff is projecting that unreserved fund balance over and above the existing policy requirement is more than sufficient to cover the difference between the loan proceeds and the amount required to complete the funding of these projects.*

*Fiscal Note: As discussed during the FY11 - FY15 Capital Improvement Plan update, the debt service on the GPD project issuance will be funded from the GPD personal services vacancy rate. Debt service costs on the Depot Park arsenic remediation project will be funded through the debt service savings generated by the Series 2011 Revenue Refunding Note.*

**RECOMMENDATION**

*The City Commission: 1) authorize staff to solicit bids on a bank-qualified loan to fund a portion of the GPD Headquarters renovation/reconstruction project and the Depot Park arsenic remediation project; and 2) authorize the City Manager, Administrative Services Director, and Finance Director to retain the required professional services to execute the proposed bond issue.*

**110492.**

**Charter County and Regional Transportation System Surtax (B)**

**This item is a request for the City Commission to hear a presentation regarding the Charter County Transportation System Surtax.**

*Explanation: Section 212.055, Florida Statutes allows charter counties to impose a discretionary sales surtax of up to 1 percent. On September 20, 2011, the Alachua County Board of County Commissioners authorized County staff to proceed with development of a 2012 ballot initiative for a 1-cent Charter County Transportation System Surtax for a period of at least ten years and to begin discussions with City of Gainesville and other municipalities and to begin the community involvement process. The proceeds from the surtax may be used for capital, operations and maintenance costs for:*

- 1) bus and fixed guideway systems;*
- 2) on-demand transportation services; or*
- 3) roads and bridges.*

*The County is not required to distribute proceeds to municipalities; however if they intend to distribute proceeds to municipalities there must be an Interlocal Agreement entered into pursuant to Chapter 162.*

*In discussions, County staff has indicated the following schedule for moving forward: draft of a community-wide project list by January 2012; elected bodies to approve/endorse the project list by March 2012; Interlocal Agreement(s) be executed by May 2012; ordinance drafted by May 2012; and County Commission adopt the ordinance by July 2012.*

*On September 15, 2011, City staff presented the FY12 - FY21 Capital Improvement Plan Requests to the City Commission. The transportation list was not in a prioritized listing. The City Commission has reviewed the Premium Transit Service Report as well. Staff recommends that these Plans be used to develop a prioritized list of projects for consideration for a 2012 sales tax initiative.*

*Fiscal Note: It is estimated that a Charter County Transportation Surtax would raise in excess of \$30 million annually County-wide. An Interlocal Agreement with Alachua County would need to identify how surtax revenue would be distributed between the County and municipalities.*

**RECOMMENDATION**

*The City Commission: 1) hear a presentation regarding the Charter County Transportation System Surtax; and 2) refer prioritization of a transportation project list to the Recreation, Cultural Affairs and Public Works Committee.*

110492A\_PPT\_20111117.pdf

110492B\_CIP Recommendations for FY 2012-2021\_20111117.pdf

**110516.**

**Prioria Robotics Letter of Intent (B)**

*MODIFICATION: New item submitted by the CRA, added to the agenda 11/15/2011.*

*Explanation: Local company Prioria Robotics, Inc. has sent a Letter of Intent to the City of Gainesville requesting negotiations concerning terms and conditions for the rehabilitation and lease of Warehouse #2 on property located at 555 SE 5th Avenue (Tax Parcel Identification Number 12720-000-000.)*

*Prioria Robotics, Inc. is a rapidly growing locally owned technology-based firm which produces the Maveric Unmanned Air System. Prioria has done an extensive search of available and prospective properties in Gainesville and has selected this site based on its strong commitment to Gainesville, Gainesville's Downtown and the future expansion potential that this site offers. Prioria's project represents the very significant business retention opportunity of a rapidly growing company which is actively being recruited by other communities.*

*This project would be the first major redevelopment project in the Power District. Prioria's Letter of Intent requests the City, GRU and the CRA negotiate the terms and conditions of Prioria's use of certain property within*

*the Power District for its proposed business expansion and job creation. This will require the City, GRU and the CRA to review and analyze the proposed project in order to negotiate the terms and conditions of Prioria's use of City Property.*

*Fiscal Note: None at this time*

**RECOMMENDATION**

*The City Commission: 1) receive the Letter of Intent from Prioria; 2) authorize 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 3) 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.*

110516A\_MOD-Powerpoint Presentation\_20111117.pdf

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

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

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

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**110449.**

**Commissioner Todd Chase (B)**

**RECOMMENDATION**

*The City Commission discuss the future policy implications of Referral 110210 and wording currently in the Regional Utilities Committee.*

**Legislative History**

11/3/11 City Commission Withdrawn

110449\_chase\_20111103.pdf

110449\_MOD\_CHASE\_PPT.20111117.pdf

**COMMISSION COMMENTS (if time available)****RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****110444.****City of Gainesville's Citizens' Academy Fall 2011 Graduates (NB)**

*Explanation: The City of Gainesville Communications Office offers the Citizens' Academy, dubbed "Gainesville 101," to educate Gainesville citizens on the diverse services their city government provides and inform them on how they can become more involved in their local government.*

*Participants in this session's Citizens' Academy went behind the scenes of city government operations, met with government officials, toured facilities and asked questions at six weekly sessions. The Citizens' Academy places an emphasis on sustainability, fiscal responsibility and increased interaction via the Citizens' Academy webpages. This is the tenth graduating class of the City of Gainesville's Citizens' Academy.*

**RECOMMENDATION**

*The City Commission: 1) recognize accomplishments of Gainesville 101 Fall 2011 City of Gainesville Citizens' Academy graduates; and 2) hear brief comments from the class speaker on what they have learned.*

**110448.****William Ryan Day - November 2, 2011 (B)****RECOMMENDATION**

*William Ryan to accept the proclamation.*

**Legislative History**

11/3/11 City Commission Withdrawn

110448\_WilliamRyanDay\_20111117.pdf

**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**

**110317.****Downtown Redevelopment Plan (B)**

*MODIFICATION: The recommendation was updated on 11/15/2011 per the CRA and the City Attorney's Office.*

*Explanation: Community Redevelopment Areas are governed by a comprehensive visioning document known as the Redevelopment Plan. The Redevelopment Plan is a powerful visioning tool which, if structured properly, can provide great support for redevelopment initiatives. Redevelopment Plans serve as a sort of comprehensive plan for CRA's; they are intended to identify the high level goals and objectives needed to bring about redevelopment, reinvestment, and meaningful change. Redevelopment Plans also serve an important legal function, as all CRA activities must be supported by concepts identified within the Redevelopment Plan. As such, it is important that Plans are maintained and updated on a regular basis and that they are structured to be practical, comprehensive, and flexible, in order to maintain maximum utility for the CRA and the community.*

*The Downtown Community Redevelopment Area currently operates under a Redevelopment Plan adopted in 2001. As this plan approaches the 10-year mark, it is time to evaluate and update this document in order to align the plan with current issues/opportunities and to support a robust, proactive redevelopment framework. Since December 2010, CRA staff has worked with the Downtown Redevelopment Advisory Board (DRAB) to update the Redevelopment Plan for the Downtown Community Redevelopment Area. Plan revisions have been handled in-house by CRA staff, facilitated through a multi-step process with the DRAB and stakeholders. In updating the Downtown Redevelopment Plan, CRA staff utilized a framework developed and refined during recent updates to both the Eastside and the Fifth Avenue/Pleasant Street Redevelopment Areas. The CRA's work developing redevelopment plans, in conjunction with the CRA's Strategic Planning system, has been honored by Florida Chapter of the American Planning Association.*

*The new Redevelopment Plan is structured to provide strong redevelopment guidance while also remaining flexible enough to meet both the known and unforeseen needs the Downtown Redevelopment Area will face moving forward. The plan identifies a Guiding Principle for Downtown, and provides a framework identifying a series of redevelopment objectives describing broad goals for the Redevelopment Area. Each objective is further supported and clarified through a series of initiatives that provide a more focused strategic framework for implementing CRA goals.*

*The draft Redevelopment Plan was approved by DRAB on August 10th, 2011, and by the CRA Board on September 19th, 2011. This issue has been noticed pursuant to Florida Statutes, and taxing authorities were notified via written report that the CRA Board has approved Redevelopment Plan amendments which modify the Plan in its entirety, including an extension of the duration of the Redevelopment Plan.*

*Fiscal Note: None at this time*



**RECOMMENDATION**

*CRA Board to the City Commission: 1) Hold a public hearing; 2) adopt a resolution amending the Downtown Redevelopment Plan in its entirety, subject to approval as to form and legality by the CRA/City Attorney.*

**Legislative History**

9/19/11      Community                  Recommended for Approval (5 - 0 - 2 Absent)  
 Redevelopment  
 Agency

110317\_PLAN\_09192011.pdf

110317\_PP\_09192011.PDF

110317A\_Resolution\_20111117.pdf

110317B\_Dtown Redevelopment Plan\_20111117.pdf

**ADOPTION READING-ROLL CALL REQUIRED****110222.****LAND USE CHANGE – 4322 NORTHWEST 53RD AVENUE (B)****Ordinance No. 110222, Petition PB-11-63LUC**

**An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the City of Gainesville land use category of “Public Facilities” to the City of Gainesville land use category of “Mixed-Use Low-Intensity (8-30 units per acre)”;** located in the vicinity of 4322 Northwest 53rd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: STAFF REPORT*

*This proposed small-scale amendment of the Future Land Use Map from Public Facilities (PF) to Mixed-Use Low-Intensity (8-30 units per acre) (MUL) is for the approximately 2.69-acre, City of Gainesville property located on the northwest corner of the intersection of Northwest 43rd Street and Northwest 53rd Avenue (Millhopper Road, County Road 232). This developed property (with its 11,888 square-foot building) is the long-established site of Gainesville Regional Utility's (GRU's) Electrical Systems Control facility, which is to be relocated to the new GRU Eastside Operations Center on North Main Street following its anticipated completion later this year.*

*The to-be-vacated property will become surplus City property and listed for sale. The current PF land use is appropriate for governmental facilities, but is generally inappropriate for private ownership and development (notwithstanding that the stated purpose of the current, related PS zoning district "...is established for the purpose of ...providing suitable locations for ... public and private utility and recreation activities that serve and are used directly by the public ..." (from Sec. 30-75, Land Development Code)). The proposed MUL land use is appropriate for private development and for this location.*

*There are no compatibility issues between the proposed MUL land use (and MU-1 zoning) with the Public Facilities land use (PS zoning) across NW 43rd Street to the east. Nor are there any compatibility concerns with the MUL land use (PD zoning) across NW 53rd Avenue to the south, with the MUL land use (MU-1 zoning) to the southeast, or with the Office land use (General office district zoning) to the north and west. Compatibility with the single-family residential property (SF land use, RSF-1 zoning) to the west will be achieved by meeting all applicable requirements of the Land Development Code.*

*The proposed small-scale amendment to Mixed-Use Low-Intensity (8-30 units per acre) is consistent with the City's Comprehensive Plan. This petition is related to Petition PB-11-64 ZON, which is a request for rezoning from PS (Public services and operations district) to MU-1 (8-30 units/acre mixed use low intensity).*

*Public notice was published in the Gainesville Sun on May 9, 2011. The City Plan Board held a public hearing on May 26, 2011.*

#### *CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of October 20, 2011, approved Petition No. PB-11-63LUC.*

*The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.*

*Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.*

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

#### **Legislative History**

10/20/11    City Commission    Approved (Petition) (7 - 0)

110222A\_staff report\_20111020.pdf

110222B\_append A\_GOPs\_20111020.pdf

110222C\_append B\_supplemental docs\_20111020.pdf

110222D\_append C\_application\_neighbhd wkshop\_20111020.pdf

110222E\_cpb minutes\_20111020.pdf

110222F\_staff ppt\_20111020.pdf

110222G\_petitioner ppt\_20111020.pdf

110222\_draft ordinance\_20111117.pdf

**110223.****REZONING – 4322 NORTHWEST 53RD AVENUE (B)****Ordinance No. 110223, Petition No. PB-11-64ZON**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property located within the City, as more specifically described in this Ordinance, from the City of Gainesville zoning category of “PS: Public services and operations district” to the City of Gainesville zoning category of “MU-1: 8-30 units/acre mixed use low intensity”; located in the vicinity of 4322 Northwest 53rd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: STAFF REPORT*

*This proposed rezoning from PS (Public services and operations district) to MU-1 (8-30 units/acre mixed use low intensity) is for the approximately 2.69-acre, City of Gainesville property located on the northwest corner of the intersection of Northwest 43rd Street and Northwest 53rd Avenue (Millhopper Road, County Road 232). This developed property (with its 11,888 square-foot building) is the long-established site of Gainesville Regional Utility's (GRU's) Electrical Systems Control facility, which is to be relocated to the new GRU Eastside Operations Center on North Main Street following its anticipated completion later this year.*

*The to-be-vacated property will become surplus City property and listed for sale. The current PS zoning is appropriate for governmental facilities, but is generally inappropriate for private ownership and development. The proposed MU-1 zoning is appropriate for private development and for this location. There are no compatibility issues between the proposed MU-1 zoning (and MUL land use) with the PS zoning (Public Facilities land use) across NW 43rd Street to the east. Nor are there any compatibility concerns with the PD (Planned development district) zoning (MUL land use) across NW 53rd Avenue to the south, with the MU-1 zoning (and MUL land use) to the southeast, or with the General office district zoning (Office land use) to the north and west.*

*Compatibility with the single-family residential property (RSF-1 zoning, SF land use) to the west will be achieved by meeting all applicable requirements of the Land Development Code. An existing brick wall (approximately 5 feet 10 inches in height) separates the abutting single-family lot from the site. Section 30-64 (a) of the Land Development Code states that the MU-1 zoning district "is established to allow uses compatible with each other and with surrounding residential areas to be developed near each other."*

*The requested MU-1 zoning is consistent with the infill and redevelopment goals of the Future Land Use Element (Goal 2, Objective 2.1), and with the Policy 4.2.1 requirement to provide protection for "residential areas and low intensity uses from the impacts of high intensity uses by separating intense uses from low-intensity uses by transitional uses and by performance measures." The proposed rezoning to MU-1 (8-30 units/acre mixed use low intensity) is*

*consistent with the City's Comprehensive Plan and the proposed MUL land use category, and it could have a positive impact on redevelopment of the site.*

*This petition is related to Petition PB-11-63 LUC, which is a request for a small-scale land use amendment from Public Facilities (PF) to Mixed-Use Low-Intensity (8-30 units per acre) (MUL).*

*Public notice was published in the Gainesville Sun on May 9, 2011. The City Plan Board held a public hearing on May 26, 2011.*

#### *CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of October 20, 2011, approved Petition No. PB-11-64ZON.*

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

#### **Legislative History**

10/20/11      City Commission      Approved (Petition) (7 - 0)

110223A\_staff report\_20111020.pdf  
 110223B\_append A\_GOPs\_20111020.pdf  
 110223C\_append B\_supplemental docs\_20111020.pdf  
 110223D\_append C\_application\_neighbhd wkshop\_20111020.pdf  
 110223E\_cpb minutes\_20111020.pdf  
 110223F\_staff ppt\_20111020.pdf  
 110223G\_petitioner ppt\_20111020.pdf  
 110223\_petition\_20111020.pdf

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

### **110371.**

#### **AMENDMENT TO PARKING CODE (B)**

##### **Ordinance No. 110371**

**An Ordinance of the City of Gainesville, Florida, creating and adding a new section 26-102 to the Code of Ordinances, relating to Downtown mid-street parking; providing requirements, conditions and limitations; providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.**

*Explanation: Section 26.3 of the Code of Ordinances authorizes the City Manager to designate loading zones. On June 24, 2004, the City Manager issued a set of procedures for utilization of mid-street parking for loading and unloading in the downtown area. However, these procedures are not codified, and the parking restrictions may not have been widely understood. Therefore, the City Attorney's Office recommends they be codified into the Gainesville Code of Ordinances. The proposed ordinance also clarifies the need to leave room to pass and to avoid blocking traffic, and that such parking procedures are not available when traffic conditions or special events make it unsafe. Finally, it is recommended that the current placard issuance requirements for vehicles without business markings be removed, as these procedures have never been*

utilized.

*The City Commission at its October 20, 2011 meeting authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance creating a provision in the Code of Ordinances relating to mid-street parking. If approved on first reading, second and final reading will be held on Thursday, December 1, 2011.*

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

**Legislative History**

10/20/11    City Commission    Approved as Recommended (7 - 0)

110371\_Draft Ordinance\_20111117.pdf

**110372.**

**BUTLER PLAZA - TIME EXTENSION FOR PLANNED DEVELOPMENT REZONING (B)**

**Ordinance No. 110372**

**An ordinance of the City of Gainesville amending Section 4 of Ordinance No. 090537 related to Butler Plaza Planned Use District (PUD); by providing a time extension to obtain Planned Development (PD) zoning; providing directions to the codifier; providing a severability clause; providing a repealing clause; and, providing an immediate effective date.**

*Explanation: PLANNING AND DEVELOPMENT SERVICES STAFF REPORT*

*On August 5, 2010, the City Commission approved the Butler Plaza Planned Use District (PUD) Ordinance. After state review, the PUD Ordinance became effective on September 6, 2010. Section 4 of the PUD Ordinance gave the property owner 12 months from the effective date (i.e. September 5, 2011) to obtain a rezoning to Planned Development (PD). The PUD Ordinance allows the owner to request an extension from the City Commission. On August 10, 2011 the owner filed a request for an extension.*

*The City Commission approved the PD rezoning petition on May 9, 2011. City staff and the owner, and its agents, have been working to finalize the Butler Plaza Planned Development rezoning petition into an ordinance ("PD Ordinance"). Due to the complexity of the petition and its many exhibits, the preparation and review of the PD Ordinance is still in progress.*

*The City Commission, at its November 3, 2011 meeting, authorized the City Attorney to draft the appropriate ordinance to extend the time for obtaining the PD zoning until January 19, 2012.*

**CITY ATTORNEY MEMORANDUM**

*Should this ordinance be adopted on first reading, second and final reading will be held on December 1, 2011.*

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

Legislative History

10/20/11 City Commission Approved as Recommended (7 - 0)

110372\_Attorney 8-10-11 Letter\_20111020.pdf

110372A\_draftordinance\_20111117.pdf

**110452.****POLICE AND FIREFIGHTERS CONSOLIDATED PENSION PLAN AMENDMENTS (B)****Ordinance No. 110452**

**An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII, Division 8, of the Code of Ordinances of the City of Gainesville, relating to the City of Gainesville Police Officers and Firefighters Consolidated Retirement Plan; amending Section 2-605 to expressly provide that the corpus and income of the plan are to be used for the exclusive benefit of the plan participants and their beneficiaries; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a retroactive effective date.**

*Explanation: The City Commission, at its meeting on November 3, 2011, authorized the City Attorney to prepare, and the Clerk of the Commission to advertise, an ordinance amending the City of Gainesville Police Officers and Firefighters Consolidated Retirement Plan to add the exclusive benefit rule language required by IRS Revenue Ruling 2011-1.*

*In order for the City's pension plans to continue to invest in group trusts and not affect the tax status of the group trusts they invest in, IRS Revenue Ruling 2011-1 requires governmental pension plans to expressly provide in their governing documents "that it is impossible for the corpus or income of the group trust retiree benefit plan to be used for, or diverted to, purposes other than the exclusive benefit of the plan participants and their beneficiaries." This language is sometimes referred to as the "exclusive benefit rule."*

*While the City of Gainesville Police Officers and Firefighters Consolidated Retirement Plan currently contains similar language to the language referenced above in Section 2-605(a)(1) of the Gainesville Code of Ordinances ("The City Commission shall have the right, at any time, to amend any or all of the provisions of the plan; provided, however, that no such amendment shall authorize or permit any part of the trust fund to be diverted for purposes other than for the exclusive benefit of members and their beneficiaries."), the plan does not contain specific exclusive benefit rule language set forth above. To comply with Revenue Ruling 2011-1, the City is required to amend its pension plans to add the language required by the IRS and referenced above by December 31, 2011.*

*This ordinance requires two public hearings. If adopted on first reading, second and final reading of the ordinance is scheduled for Thursday, December 1, 2011.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

Legislative History

11/3/11 City Commission Approved as Recommended (5 - 0 - 2 Absent)

110452\_Consolidated Pension\_20111117.pdf

**ORDINANCES, 2ND READING- ROLL CALL REQUIRED****110370.****AMENDMENT TO THE CITY OF GAINESVILLE GENERAL EMPLOYEES PENSION PLAN AND THE CITY OF GAINESVILLE EMPLOYEES' DISABILITY PLAN (B)****Ordinance No. 110370**

**An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII of the Code of Ordinances of the City of Gainesville, relating to the City of Gainesville General Employees Pension Plan and the City of Gainesville Employees' Disability Plan; amending Sections 2-533 and 2-549 of each plan to expressly provide that the corpus and income of the plan are to be used for the exclusive benefit of the plan participants and their beneficiaries; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a retroactive effective date. (NB)**

*MODIFICATION: Revised back-up attached on November 15, 2011, per the City Attorney's Office.*

*Explanation: The City Commission at its meeting on October 20, 2011, authorized the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance amending the General Employees' Pension Plan and Disability Pension Plan to add the exclusive benefit rule language required by IRS Revenue Ruling 2011-1.*

*In order for the City's pension plans to continue to invest in group trusts and not affect the tax status of the group trusts they invest in, IRS Revenue Ruling 2011-1 requires governmental pension plans to expressly provide in their governing documents "that it is impossible for the corpus or income of the group trust retiree benefit plan to be used for, or diverted to, purposes other than the exclusive benefit of the plan participants and their beneficiaries." This language is sometimes referred to as the "exclusive benefit rule."*

*While the City of Gainesville Employees' Pension Plan currently contains similar language to the language referenced above in Section 2-533(a)(1) of the Gainesville Code of Ordinances ("The City Commission shall have the right, at any time, to amend any or all of the provisions of the employees pension plan; provided, however, that no such amendment shall authorize or permit any part of the trust fund to be diverted for purposes other than for the exclusive benefit of members and their beneficiaries"), the plan does not contain specific exclusive benefit rule language set forth above. In addition, the City of Gainesville Employees' Disability Pension Plan does not contain the required language. To comply with Revenue Ruling 2011-1, the City is required to amend its pension plans to add the language required by the IRS and referenced above by December 31, 2011.*

*This ordinance requires two public hearings. If adopted on first reading, second and final reading of the ordinance is scheduled for Thursday, November 17, 2011.*

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

**Legislative History**

10/20/11    City Commission    Approved as Recommended (7 - 0)

11/3/11    City Commission    Adopted on First Reading (Ordinance) (7 - 0)

110370\_Draft Ordinance\_20111103.pdf

110370\_MOD\_pension\_ordinance\_111117.pdf

**110377.**

**RATE SCHEDULE FOR SOLAR ENERGY PURCHASE AGREEMENTS OF THE FEED-IN TARIFF (B)**

**Ordinance No. 110377**

**AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, AMENDING APPENDIX A, SECTION UTILITIES (1) ELECTRICITY SUBSECTION i1(C)(vii). OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING THE RATE SCHEDULE FOR SOLAR ENERGY PURCHASE AGREEMENTS OF THE FEED-IN TARIFF; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.**

*Explanation: On October 20, 2011, staff presented proposed rates for the Feed-In Tariff program for projects with SEPA contracts entered into during calendar year 2012.*

*The changes will be effective January 1, 2012.*

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

**Legislative History**

10/20/11    City Commission    Approved as Recommended (7 - 0)

11/3/11    City Commission    Adopted on First Reading (Ordinance) (7 - 0)

110377\_CA\_REVISIED\_MOD\_2012\_FIT\_Pricing\_20111020.pdf.PDF

110377\_feed-in tariff ordinance\_20111103.pdf

**PLAN BOARD PETITIONS**

**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)**