

City of Gainesville

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



Meeting Agenda

August 21, 2008

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER

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

080231.

Traffic Engineering Services Agreement between the City of Gainesville and Alachua County for FY 2009 (B)

This item involves an agreement between the City of Gainesville (City) and Alachua County (County) for traffic engineering services in the amount of \$194,470.80 in revenue to the City during FY09.

Explanation: For thirty (30) years, the City of Gainesville and Alachua County have entered into an annual agreement for maintenance of traffic signals and traffic engineering services. Under terms of this agreement, the City of Gainesville maintains and operates all traffic signals, flashing school beacons, and flashing warning beacons in the unincorporated area of Alachua County. In addition, the City assists Alachua County with traffic signal design and construction inspection activities. The agreement was put into place in an effort to prevent duplication of services and has resulted in significant cost savings for both the City and County. The agreement provides a mechanism for the County to reimburse the City for traffic counts, traffic accident studies, and traffic signal design activities the City performs for the County. The County's contribution for traffic signal maintenance is based on the current number of traffic signals in operation in the unincorporated Alachua County. The agreement is being amended this year to include additional compensation of \$38,167.20 for the operating costs associated with the Traffic Management System.

Fiscal Note: The County will pay the City \$194,470.80, plus costs for materials for traffic signal maintenance and operation for FY09.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Traffic Engineering Services Agreement between the City of Gainesville and Alachua County for the period of October 1, 2008 to September 30, 2009.

080231_Agreement_20080821.pdf

080254.

Selection of Marsh USA, Inc. as the City of Gainesville's Property and Casualty Broker/Agent (B)

This item involves a request for the City Commission to approve the rankings of the competitive bid process selecting Marsh USA, Inc. as the City's property and casualty broker/agent.

Explanation: The City of Gainesville recently requested qualifications from property, liability and workers compensation insurance agents for marketing and placement of its property, liability and workers compensation insurance/self-insurance program. Additional services requested included loss control and risk management consulting. The City received three qualified responses to the Request for Proposals and committee made up of staff evaluated the proposals based several factors, including but not limited to: price, agent and key person qualifications and experience, agency premium volume, range of services available, experience with accounts of similar complexity, including public entities, commitment to service the City's account, agent/agency remuneration, insurance market preferences, agency clout, negotiation experience and references. Based on the criteria specified in the RFP staff scored and ranked the responders as follows:

<i>Firm Name</i>	<i>Score</i>	<i>Rank</i>
<i>Marsh USA, Inc.</i>	<i>280</i>	<i>1</i>
<i>Wachovia Insurance</i>	<i>245</i>	<i>2</i>
<i>Gallagher Risk Management</i>	<i>234</i>	<i>3</i>

In addition to providing the best response to the RFP, Marsh has provided the City and Gainesville Regional Utilities with superior service since October 2005. Over their initial contract period, the City has recognized continued reductions in the cost of insurance and received considerable input related to the major construction projects initiated by GRU during that time period. The annual reduction in premiums paid totaled approximately \$700,000 during last year's insurance renewal.

The City engaged Waters Risk Management, which specializes in independent risk management consulting for public entities and does not sell or broker insurance, to prepared the City's Request for Proposals (RFP) and facilitate with the review and ranking of the responders. The report issued by Waters Risk Management concurred with staff's rankings and is attached as backup.

Fiscal Note: *Funds in the amount of \$180,000 are included in the Fiscal Year 2008-2009 General Insurance Fund budget and represent the fee associated with the Risk Management Consulting and Insurance Marketing and Placement services*

requested by the City.

RECOMMENDATION

The City Commission: 1) approve the ranking of the responders; and 2) authorize the City Manager or his designee to negotiate an agreement with the top ranked firm for a period of three years with two annual extensions, subject to approval of the City Attorney as to form and legality. If an agreement cannot be reached with the top ranked firm, authorize the City Manager or his designee to initiate negotiations with the next ranked firm, continuing through the rankings until an agreement is reached.

080254_RFQ Cover Ltr_20080821 .pdf

080254a_Bid Award Info_20080821.pdf

070132.

Request for Additional Funding for the General Fund Displaced Mobile Home Owner/Tenant Assistance Program (B)

This item proposes to request additional funds in the amount of \$10,000 from the City Commission Contingency Fund to continue providing financial assistance for eligible displaced mobile home owners/tenants, who are relocating outside of the corporate limits of the City of Gainesville but within Alachua County due to mobile home park closures.

Explanation: The City of Gainesville was requested to address the need to assist residents of mobile home parks in Gainesville who are being displaced as a result of mobile home park closures. In response to this need, the City Commission approved the Displaced Mobile Home Owner/Tenants Assistance Program, using HOME funds and General Funds to supplement funding that is provided to displaced mobile home park residents through the State of Florida and other assistance that may be provided by the owners of those mobile home parks.

At the June 25, 2007, City Commission meeting, the City Commission approved HOME Program funds for this program to provide financial assistance for income eligible displaced mobile home owners/tenants, who are relocating within the corporate limits of the City of Gainesville. At the December 10, 2007, City Commission meeting, the City Commission approved Resolution #070330 approving the General Fund for this program to provide financial assistance for income eligible displaced mobile home owners/tenants, who are relocating outside of the corporate limits of the City of Gainesville but within Alachua County. As a result, available housing program funding in the amount of \$200,000 was reserved from the City Housing division's HOME Program budget; and \$30,000 from the unrestricted Cedar Grove II foreclosures acquisition reserve funds to fund this program. Additionally, the City Commission approved that upon exhaustion of the \$30,000 General Funds, that the use of City Commission Contingency funds be authorized in an amount to be determined by the City Commission.

The Buck Bay Mobile Home Park is scheduled to close on September 1, 2008. As a result, throughout this process, the housing division staff has conducted multiple marketing and community outreach activities for the Buck Bay

residents, which included informational letters, program flyers, community meetings, one-on-one housing counseling and relocating advisory services. As of August 1, 2008, out of approximately 144 families, 34 families have applied for assistance, of which 13 were deemed not eligible (i.e., over income, no response, moving outside of Alachua County, etc.); 15 families have been approved for assistance and 6 families have applications pending. There is approximately \$15,200 remaining in the General Fund funded portion of this program. Attached is a Displaced Mobile Home Owner/Tenant Program status report for reference. According to information provided by the property owner, there are approximately 25 families still residing in the park. Due to the pending mobile home park closure date, in July 2008, housing division staff mailed a reminder letter to the remaining residents in the mobile home park, including posting said letter on the front doors of their homes. As a result, the request for additional General Funds is being submitted to ensure that sufficient funding is available given the uncertainty of whether residents will contact the City's housing division for relocating assistance by the pending mobile home park closure date of September 1, 2008. If these funds are not utilized by November 1, 2008, then the funds will be returned to the City Commission Contingency Fund Account.

Fiscal Note: Authorized use of City Commission Contingency Funds in an amount \$10,000.

RECOMMENDATION

The City Commission: 1) authorize the use of \$10,000 of City Commission Contingency Funds to provide additional funds for the program; and 2) authorize the return of these funds to the City Commission Contingency Fund account if the funds are not utilized by November 1, 2008.

Alternative Recommendation

The City Commission deny the request for additional General Funds to fund this program. This may result in some displaced families experiencing a financial hardship due to not receiving financial assistance to relocate from the Buck Bay Mobile Home Park.

Legislative History

6/25/07 City Commission Approved as Recommended (5 - 0 - 2 Absent)

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070132_STATUS RPT_20080821.pdf

070132_12-10-07MINUTES_20080821.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

080264.

Advisory Board/Committee Appointment to the Gainesville/Alachua County Regional Airport Authority (NB)

RECOMMENDATION

The City Commission re-appoint Mark Goldstein to the Gainesville/Alachua County Regional Airport Authority for a term to expire July 31, 2011.

Commissioner Donovan: Mark Goldstein

Commissioner Hawkins: Mark Goldstein

Commissioner Henry: Vivian Filer

Commissioner Lowe: Mark Goldstein

Commissioner Mastrodicasa: Mark Goldstein

Commissioner Poe: Vivian Filer

Mayor Hanrahan: Mark Goldstein

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****REGIONAL UTILITIES COMMITTEE, CONSENT****061213.****Outstanding RUC Referral #061213 Digital Cities (NB)**

Explanation: On April 23, 2007 the City Commission referred the issue of "fiber to the home" and possible incentives that may be offered in new and existing developments to the Regional Utilities Committee for review. The RUC received presentations from Staff and discussed this item on June 12, 2007 and August 14, 2007.

As developers have found that their potential customers are expecting this type of infrastructure when considering either purchasing or leasing, the marketplace is already providing incentives for this. Further, while the developers are deploying this infrastructure internal to their projects, it will take investment from incumbent video/internet/voice providers to connect to these developments for the full range of services to be provided.

At the June 10, 2008 meeting the RUC agreed this can be removed from the referral list.

RECOMMENDATION

The City Commission remove item #061213 from the Regional Utilities Committee referral list.

Legislative History

4/23/07	City Commission	Referred (7 - 0)	Regional Utilities Committee
4/23/07	City Commission	Referred	Regional Utilities Committee
6/12/07	Regional Utilities Committee	Discussed	
7/10/07	Regional Utilities Committee	Deferred	

8/14/07 Regional Utilities Discussed
Committee

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

080125.

GPD's Restorative Justice Program (B)

Explanation: GPD's Restorative Justice Program development began in September 2006 with staff attending a Best Practices conference in Missouri to understand what Restorative Justice is, the method it is delivered and the infrastructure necessary to support such a program. Gainesville faces complicated issues when contending with crime and quality of life. These issues can interfere with the security and peace of our community while at times hampering the system created to maintain peace, prevent crime, provide law enforcement services and the ability to deliver justice. Many argue the system leaves victims and the communities affected feeling like third parties with little involvement in the outcome or remedy.

Restorative Justice is a diversion program aimed at creating binding agreements between victims, offenders and community boards. These agreements place emphasis on repairing the harm to the victim and the affected community while attempting to help offenders develop the competencies necessary to not re-offend. Typically, cases referred involve first time offenders and minor crimes.

The focus on victims and our communities makes this program compatible with our policing mission and envelop all affected stakeholders in remedies. Community based resolution is responsive and prudent. It has been our experience that success in police/community initiatives is dependant upon collaboration and involvement by all stakeholders during concept development and planning.

To date, the following has occurred:

- 1) Staff to Best Practices Conference in September 2006;*
- 2) Stakeholder Presentation November 2006;*
- 3) Presentation to existing Diversion Program Coordinators March 2007;*

- 4) Staff Research;
- 5) Identified the Program Planning Committee;
- 6) Hired Dr. Pat Grunder as our Community Relations Coordinator and Project Manager for our Restorative Justice and Center for Community Conflict Resolution Programs March 2008;
- 7) First Planning Committee Meeting June 2008 - This committee will serve as a Policy Board/Steering Committee and consists of the following members: GPD Chief Botsford, Alachua County Sheriff Sadie Darnell, State Attorney Bill Cervone, Public Defender Rick Parker, Victim Advocate Director Loretta Golden, Gainesville City Attorney Marion Radson, Gainesville Assistant City Manager Paul Folkers, Juvenile Justice Circuit Supervisor Wayland Clifton, Chief Circuit Judge Frederick Smith and GPD Community Relations Coordinator Tony Jones.

Fiscal Note: None

RECOMMENDATION *The City Commission hear a presentation from staff.*

080125_Res Just_20080811.pdf
080125_PPT_MOD_20080821.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

080269.

Commissioner Thomas Hawkins - Potential Referral to the City Plan Board (B)

RECOMMENDATION *The City Commission: 1) hear a presentation regarding inconsistencies between the Comprehensive Plan and Land Development Regulations regarding neighborhood centers; and 2) refer matter to the City Plan Board.*

080269_referral_20080821.pdf
080269_referrals_20080821.pdf

COMMISSION COMMENTS (if time available)**RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****080281.****Constitution Month - September 2008 (B)****RECOMMENDATION***Gainesville Chapter Daughter of the American Revolution Roz Miller to accept the proclamation.*

080281_Proclamation_20080821.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****ADOPTION READING-ROLL CALL REQUIRED****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****080193.****VOLUNTARY ANNEXATION - PRAIRIE VIEW TRUST II (B)****Ordinance No. 0-07-115**

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of a portion of Tax Parcel 07240-000-000, as more specifically described in this Ordinance, generally located south of the vicinity of Archer Road and Interstate 75, west of Interstate 75 and the City limits, north of Williston Road and SW 62nd Avenue and east of SW 63rd Boulevard; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act.

On Monday, September 10, 2007, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On November 19, 2007 and November 26, 2007, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

The Urban Services Report contained a map detailing the annexation area, which is comprised of four portions of a single parcel labeled Areas A, B, C, and D. The annexation area which is the subject of this ordinance consists only of the areas labeled as Areas A and B. Areas C and D were annexed into the City limits on February 11, 2008 by Ordinance No. 070721.

ANNEXATION ORDINANCE

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

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

If adopted on first reading, the second and final reading of this ordinance will be September 4, 2008. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

080193_AnnexPraierViewAandB_20080821.pdf

070889.

ANTI-DISCRIMINATION POLICIES (B)

Ordinance No. 0-08-53

An ordinance of the City of Gainesville, Florida, relating to Equal Opportunity; adding protections against discrimination on the basis of gender identity to certain anti-discrimination policies of the City; amending the Policy Statement; amending the Discrimination, Harassment and Conduct Policy; amending the Equal Employment Opportunity Policy; and amending the Equal Opportunity Complaint Policy; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting of July 14, 2008, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance adding protections against discrimination on the basis of gender identity to the City's anti-discrimination policies.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

1/28/08	City Commission	Referred (4 - 3)	Equal Opportunity Committee
3/20/08	Equal Opportunity Committee	Deferred	
4/17/08	Equal Opportunity Committee	Approved as Recommended	
7/14/08	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	

070889_Adding gender identity_20080821.pdf
 070889A_Adding gender identity_20080821.pdf
 070889C_Adding gender identity_20080821.pdf
 070889F_Adding gender identity_20080821.pdf
 070889G_Adding gender identity_20080821.pdf

080219.**REGISTERED DOMESTIC PARTNERSHIP (B)****ORDINANCE NO. 0-08-56**

An ordinance of the City of Gainesville, Florida, amending Article VIII of Chapter 2 of the Code of Ordinances, relating to registered domestic partners, to provide that registered domestic partners may not be related by blood in any way which would prohibit legal marriage in the State of Florida, providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting of July 28, 2008, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the registered domestic partnership ordinance to preclude registered domestic partners from being related to one another by blood. This ordinance requires two hearings. Should the City Commission pass this ordinance on first reading, second and final reading will be held on Thursday, September 4, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/28/08	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
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080219_Domestic Partners_20080821.pdf

080155.**RETIREE HEALTH INSURANCE PROGRAM AND TRUST FUND (B)****Ordinance No. 0-08-52**

An ordinance of the City of Gainesville, Florida, relating to the City's retiree health insurance program and trust fund, terminating the existing program and trust, creating a new retiree health insurance program and trust fund as Article XII of Chapter 2 of the City of Gainesville Code of Ordinances; describing contributions and benefits provided under the program and Trust, providing for administration of the program and Trust; and protection against creditors; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing

an effective date with retrospective application.

Explanation: On April 28, 2008, the City Commission first considered a recommendation to terminate the existing Retiree Health Insurance Trust Fund and utilize a portion of those funds to fund a new Retiree Health Insurance Program and Trust Fund, with a different formula for determining City contributions towards retiree health insurance premiums costs. Technical changes relating to compliance with Governmental Accounting Standard Board's (GASB) most recent pronouncements on post employment benefits (GASB43 and GASB45) would be reflected in the new trust document.

On June 6, 2008, additional presentations regarding potential changes to the formula utilized to determine the City's contribution towards the premium were presented.

On July 14, 2008, the City Commission directed the City Attorney to draft and the Clerk of Commission to advertise an ordinance effectuating the above, adopting a formula for City contributions utilizing what was characterized as Option 4(c). This generally provides for contributions based upon \$10 per year of credited service, with \$5 per year age adjustments, requiring the retiree to pay at least the same amount as an active employee in the same tier, and providing for an annual adjustment equal to 1/2 of the percentage change in the health insurance premium compared to the proceeding year.

As presented to the City Commission, the changes described above, and the termination of the existing trust and creation of new trust will occur January 1, 2009. Persons retired prior to September 2008, shall be considered current retirees. This will provide some transition/planning period, particularly for current retirees, before the change in formula takes effect.

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

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

7/14/08 City Commission Approved as shown above (See Motion) (7 - 0)

080155_Power Point_20080714.pdf

080155_Retiree Health Insurance_20080821.pdf

080155_PPT_MOD_20080821.PDF

080155_Retiree Health Insurance_20080821.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**080041.****STUDENT ADJUNCT MEMBERSHIP (B)****Ordinance No. 0-08-47**

An ordinance of the City of Gainesville, Florida, repealing Section 2-248, relating to student adjunct members; providing directions to the codifier;

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

Explanation: On June 9, 2008, the City Commission approved the Clerk of the Commission's consent agenda recommendation and authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance requiring Code Sections relating to the Student Adjunct positions and implement changes made by Karen Johnson via City Commission policy.

On July 3, 2008, Kurt Lannon, the Clerk of the Commission, informed a City Attorney intern that he wished to have the entire Section on Student Adjunct members repealed per Karen Johnson's report of May 12, 2008. Instead, the Clerk wants to make the administration of these seats purely a matter of policy within the Clerk's office. He explained that the positions will still exist, but by making this a matter of policy and not a City Ordinance, it will allow his office greater flexibility and efficiency in managing these positions. The Clerk's office plans to incorporate Karen Johnson's recommendations into its revised policy concerning Student Adjunct members.

This ordinance requires two hearings. Should the City Commission pass this ordinance on first reading, second and final reading will be held on Thursday, August 21, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/9/08	City Commission	Approved as Recommended (7 - 0)
8/11/08	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

080041_studentadjunct_20080811.pdf

RESOLUTIONS- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

080198.

Mobile Home (MH) District Setbacks (B)

Petition 90TCH-08PB. City Plan Board. Land Development Code section 30-52 MH (12 units/acre mobile home residential district). Change general requirements regarding dimensional requirements for principal and accessory structures.

Explanation: This petition requests a change to the text of the Land Development Code regarding setbacks for principal and accessory structures in the Mobile homes (MH) zoning district. In response to a request by a local builder who is redeveloping a property zoned MH, the new setbacks will increase the buildable area of individual lots by reducing the side and rear setbacks for principal and accessory structures. There is no change requested for the front setbacks, minimum lot size, or density.

This change will also bring setbacks in the MH district more in conformance

with other zoning districts with similar minimum lot size and density requirements, such as Residential Conservation (RC) and Alachua County's Manufactured/Mobile Home Park (RM) district.

Public notice was published in the Gainesville Sun on July 2, 2008. The Plan Board held a public hearing on July 17, 2008.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 90TCH-08PB. The Plan Board voted 6-0.

Staff to City Commission - The City Commission approve Petition 90TCH-08PB.

Staff to City Plan Board - Approve Petition 90TCH-08PB.

080198_petition_20080821.pdf

080214.

Land Development Code Amendment - Proportionate Fair-Share (B)

Petition 88TCH-08 PB. City Plan Board, Chapter 30; Article III, Division 3 Proportionate Fair-Share. Amend the Proportionate Fair-Share section of the Land Development Code to comply with recent changes in State law; clarify applicable multi-modal projects eligible for fair-share contributions; and correct scrivener's errors.

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

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

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

1. State law now specifically states that proportionate fair-share mitigation improvements may address one or more modes of travel. This is a shift in emphasis from the prior focus, which was on road widening or new road construction. This direct recognition of multi-modal projects as being eligible

for proportionate fair-share mitigation is an important tool for the City. The revisions proposed in this petition reflect this shift in available projects eligible for fair-share contributions.

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

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

In addition, when staff reviewed the City's existing Proportionate Fair-Share regulations, several scrivener's errors were discovered that occurred during the codification process.

Fiscal Note: The Proportionate Fair-Share Program is a means of collecting transportation mitigation fees from developers for developments on failing roadways outside the Transportation Concurrency Exception Area.

RECOMMENDATION

City Plan Board to City Commission: The City Commission approves Petition 88TCH-08 PB. Plan Board vote 6-0.

Staff to City Commission: Approve Petition 88TCH-08PB. Plan Board vote 6-0.

Staff to the Plan Board: Approve Petition 88TCH-08PB.

080214_petition_20080821.pdf

080214A_staff ppt_20080821.pdf

080223.

Hawley Planned Development Time Extension (B)

Petition 111PDV-05PB Ordinance No. 050254. Causseaux & Ellington, Inc., Agent for Phil and Janice Hawley. Request for a time extension in accordance with the condition 24 of Ordinance No. 050254.

Explanation: The Hawley 39th Avenue Planned Development was approved by the City Commission on May 22, 2006 and the ordinance regulating the Planned Development was adopted on July 24, 2006. The planned development includes a proposal to construct offices and limited commercial uses on a vacant parcel located within 200 feet of the intersection of two major roadway corridors, NW 39th Avenue and NW 43rd Street.

The planned development ordinance for this property allows the City Commission to approve a one-time, one-year extension, provided the owner/developer applies for such extension in writing prior to the expiration of any period and shows good cause for any extensions. The extension of a time

period may be granted or denied at the sole discretion of the City Commission.

The applicant received preliminary development plan approval for a submitted proposal, Petition 38SPL-07DB but neither a final development order nor a building permit has been issued. The applicant is currently considering a new development proposal which will require a new review by the Development Review Board and will therefore not be able to comply with the development approval and permitting schedule of the Planned Development.

The applicant is requesting a one-time, one-year extension per the ordinance in order to address the new proposal.

Fiscal Note: None

RECOMMENDATION

Staff to City Commission - The City Commission approve the request to grant a one-time, one-year extension of the development schedule included in Ordinance No. 050254.

Staff to Plan Board - Approve, with staff conditions.

080223_Ordinance050254 Ext_20080821.pdf

080227.

Amend the Five Points Special Area Plan to prohibit additional uses. (B)

(Quasi-Judicial) Petition 89TCH-08 PB. City of Gainesville. This item amends the Five Points Special Area Plan to amend the list of prohibited uses to include: social services (MG-83), residences for destitute people, food distribution centers for the needy, membership organizations (MG-86), dormitories, roominghouses and boardinghouses (GN-702), rehabilitation centers, social service homes or halfway houses and other similar uses as may be applicable.

Explanation: On August 8, 2005, the City Commission implemented one of the recommendations of Plan East Gainesville (PEG) by establishing the Five Points Special Area Plan (SAP) Overlay Zoning District. On June 23, 2008, the City Commission directed staff to process this Land Development Code amendment. This amendment changes Section 8(f)(9) of the Five Points SAP to add eight uses to the list of prohibited uses. Those uses are social services (MG-83), residences for destitute people, food distribution centers for the needy, membership organizations (MG-86), dormitories, roominghouses and boardinghouses (GN-702), rehabilitation centers, social service homes or halfway houses.

The Plan Board heard this petition on July 17, 2008 and voted 5 to 1 to recommend that the City Commission approve this petition. The motion approved by the Plan Board, however, included the recommendation that the City Commission and the City Attorney re-evaluate whether membership organizations (MG-86) should be prohibited. The Plan Board questioned whether that category belonged in the same group as the other uses proposed to be prohibited.

The Equal Protection Clause contained in the United States Constitution has been interpreted to require that local governments treat similar uses in the same manner, unless there is a rational basis for treating those uses differently.

Staff has not found a legitimate health, safety, or welfare basis for treating membership organizations (MG-86) differently from the other "assembly uses" that are proposed to be prohibited.

Public notice was published in the Gainesville Sun on July 2, 2008. The Plan Board held a public hearing on July 17, 2008.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission-The City Commission approve petition 89TCH-08 PB. Re-evaluate whether membership organizations (MG-86) should be prohibited. The Plan Board voted 5-1.

Staff to City Commission-The City Commission approve petition 89TCH-08 PB.

Staff to City Plan Board-Recommend that the City Commission approve petition 89TCH-08 PB.

Alternative Recommendation-Deny petition 89TCH-08 PB.

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DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

070275.

Alternative Sites for the One-Stop Homeless Assistance Center (B)

This item is the follow-up to an April 21, 2008, City Commission referral concerning alternative sites for the one-stop homeless assistance center.

Explanation: On April 21, 2008, the City Commission approved a six-month extension of the lease agreement for the property at 3335 North Main Terrace for the proposed one-stop homeless assistance center. In approving an extension to the date of commencement for the lease, the City Commission also authorized the City Manager to initiate a new search for a suitable site for the one-stop homeless

assistance center and to work with the Association of Businesses and Citizens of North Main (ABCNM) in this effort.

City staff and representatives from the ABCNM have inquired about the availability of suitable sites using various means. A display ad was published by City staff in *The Gainesville Sun* on May 16, 2008, and the ABCNM used the services of a local real estate agent and other business contacts to identify potential sites that were either for sale or lease. City staff met with representatives from Alachua County to inquire about County-owned sites and also inquired about the possibility of using a portion of GRU property that had not previously been considered.

Nine alternative sites were identified by City staff and ABCNM. These sites are described in the agenda back up and grouped by category - Table 1: Publicly-Owned Sites, Table 2: Sites for Purchase, and Table 3: Sites for Lease. Each table provides site comparison data, and Table 3 includes the site previously selected for the one-stop homeless assistance center at 3335 North Main Terrace for reference. In order to make comparisons between purchased and leased sites, we used a straight 10-year lease based on current lease terms with no adjustment for inflation.

All sites were reviewed and evaluated against the advertised site selection criteria for the one-stop homeless assistance center. The sites were then compared and ranked in two groups: Those that had the ability to include a residential component (shelter or housing) in the future ("Residential") and those that did not have the ability to include a residential component in the future due to their size limitations ("Non-residential"). Based on this two-step evaluation, the highest-scoring sites in each group are presented for the City Commission's consideration.

Among the "Residential" sites, the highest-scoring sites are: (1) A parcel owned by Alachua County located at 5500 SW 63rd Boulevard. It is 5.62 acres in size, and the estimated total development cost is \$735,000 with no cost associated with the site acquisition. (2) Tied with this site is a parcel owned by JDF Logistics, Inc. located at in the Northwest Industrial Park. It is 78.37 acres in size, and the estimated total cost to purchase and develop this site is \$2,435,000. (3) A portion of the Deerhaven Power Plant site located at 10001 NW 13th Street (US 441). The one-stop homeless assistance center would require 6-10 acres of the approximately 1100-acre site, and the estimated total development cost would be \$945,000 with no cost associated with the site acquisition. (4) Tied with this site is a parcel owned by Terrapointe, LLC located off of NE Waldo Road. It is 36.72 acres in size, and the estimated total cost to purchase and develop this site is \$1,455,000.

Among the "Non-residential" sites, the highest-scoring sites are: (1) The current St. Francis House located at 413 S. Main Street. A portion of the existing facility could be made available at a cost of \$60,000 per year or \$600,000 for 10 years. (2) The site located at 3335 North Main Terrace. The total estimated cost to lease and renovate this site is \$1,325,960 for 10 years. (3) A parcel owned by Balfour & Balfour located at 6327 SW 13th Street. It is 2.99 acres in size, and the estimated total cost to purchase and develop this site is \$1,070,000.

Site comparison information for the other identified alternative sites is provided in the agenda back up. The analysis of each site represents the consensus of the individuals who were involved - representatives from the ABCNM, Alachua County, the Gainesville/Alachua County Office on Homelessness and City staff.

Fiscal Note: The financial impact of selecting an alternative site for the one-stop homeless assistance center will vary depending on the alternative that is decided upon. Cost estimates for purchasing or leasing each site, along with estimated site improvement and building construction costs, are provided in the agenda back up as well.

Currently, the City has available \$165,223 for leasing and operating the one-stop center plus \$220,000 in CDBG funds budgeted for facility construction/renovations. The FY 2008-09 City budget includes an additional \$154,000 for leasing and operating the one-stop center plus \$48,000 from CDBG for facility construction/renovations. In addition, Alachua County has to date committed \$88,000 plus an additional amount up to \$140,000 for the one-stop center under the terms of an amended inter-local agreement. Therefore, the total funding that will be available October 1, assuming the entire County funds are approved, is \$547,223 for leasing and operations (of which \$292,508 has been committed for the first year operation of the GRACE Marketplace) and \$268,000 for facility construction/renovations.

RECOMMENDATION

1) The City Commission review the alternative sites that have been identified and select one as an alternative to the site located at 3335 North Main Terrace, 2) authorize the City Manager to cancel the lease at 3335 North Main Terrace, effective August 31, 2008, and 3) withdraw Petition 129PDV-07PB (PD rezoning for 3335 North Main Terrace).

Alternative Recommendation A: 1) The City Commission review the alternative sites that have been identified and reject all alternative sites, and 2) upon the PD rezoning becoming final, or no later than November 1, 2008, authorize the City Manager to commence occupancy under the lease for 3335 North Main Terrace.

Alternative Recommendation B: 1) The City Commission reject all alternative sites along with the site located at 3335 North Main Terrace, 2) withdraw Petition 129PDV-07PB (PD rezoning for 3335 North Main Terrace), 3) authorize the City Manager to cancel the lease at 3335 North Main Terrace, effective immediately, and 4) authorize the City Manager to initiate a new search for a suitable site for the one-stop homeless assistance center.

Legislative History

8/13/07	City Commission	Continued (6 - 0 - 1 Absent)
8/27/07	City Commission	Approved as Recommended (5 - 2)

4/21/08 City Commission Approved as shown above (Divided Question) (5 - 2)

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070399.**Site Selection Confirmation for the Fleet Management Garage and Materials Storage Facility (B)**

This is a request for the City Commission to confirm and approve the ranking of a site for the relocation of the Fleet Management Garage and Materials Storage Facility.

Explanation: At the August 11, 2008 City Commission meeting, City Commissioners ranked the sites for relocating the Fleet Management Garage and Materials Storage operations. The number one ranked site is JDF Logistics, Inc. ADC Development & Investment Group, LLC and Terrapointe Southern Reality Services tied for second (see attachment A). JDF Logistics and Terrapointe properties exceed the minimum contiguous useable acres as stated in the City's requirements. The ADC property does not and while it is believed that there are more than (20) useable acres they are not contiguous. This will result in permitting challenges and higher developmental cost. The ADC and Terrapointe sites are both zoned I-2 and the JDF Logistics site is zoned I-1. Both districts allow for the intended uses.

Fleet Management provides essential support functions to City departments that provide core services to the community. This support becomes more essential after disastrous events such as hurricanes, which dictates that the garage should be located on the highest and driest possible sites. From that perspective the JDF Logistics and Terrapointe options offer the best opportunities of the three.

Fiscal Note: The total cost will be dependant on the site selected. Funding for the projects was approved by the City Commission as part of the FY 2009 FY 2013 CIP.

RECOMMENDATION

The City Commission: 1) confirm and approve the rankings of the sites; 2) authorize the City Manager, or his designee to initiate negotiations with the representative/s of the number one ranked site , JDF

Logistics, and , if not successful, negotiate with the Terrapointe and, if necessary ADC in that order; and 3) authorize the City Manager, or his designee, upon successful negotiations, to execute the contract and related documents upon approval from the City Attorney's office as to form and legality.

Legislative History

8/27/07	City Commission	Referred (7 - 0)	Community Development Committee
9/13/07	Community Development Committee	Approved as Recommended	
10/30/07	Community Development Committee	Approved as Recommended	
11/5/07	City Commission	Withdrawn	
12/4/07	Community Development Committee	Approved as Recommended	
1/17/08	Community Development Committee	Approved as Recommended	
2/18/08	City Commission	Approved as shown above (See Motion) (7 - 0)	
8/11/08	City Commission	Approved, as shown above (Main Motion) (7 - 0)	

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UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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