

City of Gainesville

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



Meeting Agenda

January 14, 2008

1:00 PM

City Hall Auditorium

City Commission

***Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Rick Bryant (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Jack Donovan (District 3)
Commissioner Craig Lowe (District 4)***

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

060367.

Settlement of Worker's Compensation Claim - Stanley P. Strama (NB)

This item involves the full and final settlement of Stanley P. Strama workers' compensation claims, which will include all future medical and indemnity payments. The total settlement amount is \$75,000 and represents a significant cost advantage to the City.

Explanation: While employed as a police officer, Mr. Strama received an injury to his left shoulder during an altercation with a suspect. This led to ongoing medical treatment including surgery. Mr. Strama's treating physician has opined that a total shoulder replacement may be necessary in the future. As a result of his injuries, the present potential exposure to the City in future indemnity payments and medical treatment is in excess of \$100,000.

Recently, the City and Mr. Strama attempted to mediate a settlement of his worker's compensation claim. Mr. Strama and his attorney, Christopher Costello, have agreed to the proposed settlement. The City Attorney's Office, the Risk Management Department, Gainesville Police Department, Special Counsel and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount, \$75,000, includes all attorney fees, future medical costs, past and future indemnity payments, taxable costs.

Fiscal Note: The settlement of this case in the amount of \$75,000 will be paid out of the General Insurance Fund.

RECOMMENDATION

The City Commission authorize Special Counsel to

prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Stanley P. Strama, in the amount of \$75,000.

Legislative History

8/25/06 Board of Trustees/Police & Fire Retirement Plan Approved, as shown above - See Motion(s)

070673.

Maintenance of Enhanced Crosswalks and Landscaping on State Highways (B)

This item involves a request by the Florida Department of Transportation (FDOT) for the City of Gainesville to enter into Maintenance Agreements to provide perpetual maintenance for enhanced pedestrian crosswalks and/or landscaped medians for four (4) FDOT resurfacing projects.

Explanation: In September 2007, the Public Works Department received a letter from the Florida Department of Transportation (FDOT) that stated certain roadway enhancements will not be included in FDOT projects on the State Highway System unless the local government with jurisdiction agrees to provide for the maintenance of the enhancements. FDOT has recently presented four (4) Maintenance Agreements for consideration. In particular, the City of Gainesville is requested to be responsible for the future maintenance of the textured pedestrian crosswalks and landscaping within the rights-of-way that exceed the FDOT standards covered by the proposed Agreements. There are currently four (4) resurfacing projects being impacted by this change in policy and they are the following: 1) University Avenue from West 21st Street to Waldo Road; 2) University Avenue/Hawthorne Road from Waldo Road to SE 14th Street; 3) NW 34th Street from NW 5th Avenue to US 441; and 4) North 39th Avenue from NW 24th Boulevard to the main Airport Entrance.

There are a total of 1,430 square yards (sq. yd.) of imprinted asphalt crosswalks to be placed in Fiscal Year 2008 and 4,317 sq. yd. of imprinted asphalt crosswalks to be placed in Fiscal Year 2009. These crosswalks are estimated to have a maximum five (5) year life and then would need replacement. Replacement costs are estimated to be \$125 per sq. yd. (2007 dollars); thus a CIP cost of \$251,519 would be required in Fiscal Year 2013 and a CIP cost of \$736,392 would be required in Fiscal Year 2014. The estimated replacement cost includes not only the actual cost of the crosswalks, but also the cost of mobilization, maintenance of traffic, bonding, insurances, and other cost of conducting business and working in an FDOT right-of-way. Additionally, annual landscaping maintenance costs are estimated at \$25.11 per square yard of landscaped area. The current four (4) FDOT resurfacing project plans provide four (4) median islands only on University Avenue between 4th and 7th Streets for an approximate total of 694 sq. yd. This equates to an annual maintenance cost of \$17,426 in 2007 dollars.

The adopted MTPO Urban Design Policy Manual requires pedestrian

crosswalks to be constructed of brick on all arterial and collector roadways. The life expectancy for brick crosswalks is a minimum of 25 years with no significant maintenance requirements foreseen. The average unit cost of brick crosswalks installed during project construction is \$170 per sq. yd. as compared to the cost of imprinted asphalt crosswalks of \$70 per sq. yd. These are unit costs taken from FDOT projects and do not contain mobilization, maintenance of traffic, and other general project overhead costs. However, the initial additional construction cost expenditure for the brick crosswalks would be fully recovered with avoiding the cost of the first replacement of the imprinted asphalt crosswalks.

The adopted MTPO Urban Design Policy manual requires that new curb and gutter median islands are sufficiently wide to allow for the planting of shade trees; however, the policy does not specifically require the planting of shade trees. The University Avenue project will require the removal of no existing trees so there is no tree mitigation requirement. The FDOT policy states that their standard design is to address mitigation tree requirements only. Therefore, the standard FDOT landscaping for these four islands is sod. The CRA has secured consultant designed landscape plans for these four islands as well as the re-landscaping of several other existing medians within the project limits on West University Avenue. Only the median islands shown on the FDOT plans for new construction are included in the maintenance cost data.

Fiscal Note: Additional annual funding in the amount of \$146,000 for crosswalk maintenance and \$17,426 for landscape maintenance is not available in the Public Works Department operating budget.

RECOMMENDATION

Recommended Motion: The City Commission direct the City Manager to notify the FDOT that the City is willing to accept maintenance responsibility of enhanced crosswalk features constructed of brick, but not of other materials such as imprinted or textured asphalt and decline to approve the four (4) Maintenance Agreements as submitted by FDOT.

Alternative Recommendation A: The City Commission decline to approve all four (4) Maintenance Agreements.

Alternative Recommendation B: The City Commission 1) approve all four (4) Maintenance Agreements; 2) adopt the Resolutions for the four (4) Maintenance Agreements; and 3) direct the City Manager to include the required funding in subsequent budget recommendations.

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070673d_200801141300_4 Resolutions.pdf

Gainesville (B)**This item involves a request for the bid award of fuel oil contract to Lewis Oil Company of Gainesville.**

Explanation: The City of Gainesville's contract with Lewis Oil Company for Fuel supply has expired. Fleet Management in conjunction with the Purchasing Department initiated Invitation to Bid # FMDX080019-PJ October 18, 2007. The bids were returned and reviewed November 7, 2007. Lewis Oil Company of Gainesville has been selected as the best evaluated qualified bidder. Lewis Oil Company has served the City of Gainesville since 2001 when a three (3) year contract was awarded to provide fuel for Fleet Management and Gainesville Police Department. The City of Gainesville benefited from the previous Lewis Oil Contract due to: 1) the inclusion of GPD in the contract; 2) price protection as the profit margin has been fixed; and 3) preferential status in emergency situations. The City will continue to enjoy these benefits with the new contract which includes price enhancements due to the addition of Regional Transit. The contract will be for three (3) years with two (2) one (1) year extensions if agreed upon by both parties.

Fiscal Note: The estimated annual cost of fuel for Fiscal Year 2008 is \$3.96 million. Funds to cover fuel are contained in the department operating budgets for Fleet Management, Gainesville Police Department, Regional Transit System and Gainesville Regional Utilities.

RTS Gas and Diesel combined budget \$2,132,000

GPD Gas budget \$620,000

GG/GRU Gas and Diesel combined budget \$1,208,000

Total FY2008 budget 3,960,000

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the contract based on the bid received from Lewis Oil Company of Gainesville; and 2) authorize the City Manager or his designee to execute the contract with Lewis Oil Company.

Alternative Recommendation: The City Commission disapprove the recommendation and seek other services.

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070767.**Annexation of Parcel Number 06803-002-000 (B)****This is the submission of petition for voluntary annexation for the above referenced parcel number, which is located in the vicinity of Windmeadows Boulevard, SW 35th Boulevard, SW Archer Road and SW 37th Boulevard.**

Explanation: A.A. Carmichael Trust, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located south of the vicinity of Windmeadows Boulevard, west of SW 35th Boulevard, north of Archer Road and City limits, and east of SW 37th Boulevard. Staff has

determined that the petition bears the signature of the property owner or authorized agents. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation. The area is approximately less than one acre.

Fiscal Note: The fiscal impact of this annexation will be addressed in the Urban Services Report.

RECOMMENDATION

The City Commission: 1) receive the petition for annexation and make findings that it contains the signature of the property owner or authorized agents; 2) direct the City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.

Alternative Recommendation: The City Commission deny acceptance of the petition.

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070778.

Ranking for Professional Engineering Services for Archer Road (SR 24)/SW 16th Avenue (SR 226) Intersection and Roadway Modification Project. (B)

This item involves a request for the City Commission to approve the ranking of Engineering Firms/Teams and authorization for a contract for providing engineering services for traffic study and final design plans to improve Archer Road and SW 16th Avenue between the SW 13th Street and the divergence of these two roadways.

Explanation: On October 3rd, 2007, the City Purchasing Division solicited written statements of qualifications to provide engineering services for Archer Road (SR 24)/ SW 16th Avenue (SR 226) Intersection and Roadway Modification Project (RFQ No. PWDA080024-DH). Seven (7) engineering firms submitted statements on November 2, 2007. Evaluation of the written submittals resulted in the invitation of four (4) firms to present orally to the evaluators. These presentations, on December 20, 2007, further established the qualifications, project approach and methodology for the project.

The evaluators rank the firms as follows:

1. Kimley-Horn & Associates, Inc.
2. PBS&J
3. Dyer, Riddle, Mills and Precourt, Inc.
4. HDR Engineering, Inc.

Fiscal Note: Funding is available through the Campus Development Agreement that dedicates \$8,182,970 for the project.

RECOMMENDATION

Recommended Motion: The City Commission: 1) accept the selection of the four most qualified firms in the order of ranking; 2) authorize the City Manager or

designee to initiate contract negotiations and execute a contract for professional services in accordance with Consultants Competitive Negotiation Act (CCNA); and 3) authorize the City Manager or designee to execute all contract documents and other necessary documents subject to approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission not accept the ranking and direct staff to begin a new selection process. Note: A new process will delay the project start by about six (6) months.

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070781.

Purchase of Laser Imaging Detection and Ranging (LiDAR) data for the Gainesville Urban Area from Program Data Solutions (a legal entity created as a Joint Venture between Dewberry, URS and PBS&J) (B)

This item involves a purchase of LiDAR data from a Florida Division of Emergency Management contract by the City of Gainesville to facilitate a number of water management program activities in Gainesville and its Urban Area.

Explanation: The Florida Division of Emergency Management (FDEM) has established standards for acquiring data necessary to enhance available computer-modeling analysis for use in Regional Evacuation Studies (RES) that assist disaster response personnel in understanding threats to Florida's citizens and visitors. Contractors have been selected to provide project/program management-related services for collection of aerial data such as LiDAR and associated orthophotography, post-processing of data, and populating updated elevation data for use with coastal surge modeling tools. FDEM is allowing other governmental agencies to "piggyback" onto the competitive procurement of FDEM for these services

The Public Works Department is seeking to "piggyback" on one of the FDEM contracts to capture LiDAR data for 1) updating flood plain mapping, 2) updating Watershed Management Plans, 3) developing Basin Management Action Plan alternatives, 4) providing enhancements to the National Pollutant Discharge and Elimination System Program, 5) facilitate forecasting of environmental impacts associated with land development proposals.

The data acquisition, processing and quality assurance will be carried out by Program Data Solutions and will cost \$150,837.98.

- *All LiDAR deliverables will be based on the FDEM specifications*
- *The area to be mapped includes a buffered Urban Area adding up to a total of 153.77 square miles*
- *Data will be delivered to 100' outside the project boundary*
- *Acquisition would be performed in late January (weather permitting) assuming contracting / Notice to Proceed is issued*
- *Mobilization fees remain drastically reduced based on the contractor*

performing an acquisition in the Tallahassee, FL region scheduled for late January

- *Delivery schedule is anticipated within 8-months of successful LiDAR acquisition - detailed schedule will be negotiated upon execution of contract*

Fiscal Note: Funding for the \$150,837.98 contract is in the FY 2008 Capital Improvement Plan and available in the Stormwater Management Utility account.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the purchase of LiDAR data collection, processing and quality assurance from PDS and 2) authorize the City Manager to issue a purchase order not to exceed \$150,837.98 subject to review and approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission deny the purchase of LiDAR data collection, processing and quality assurance from PDS and pass on this opportunity to capture an updated data toolset.

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070782.

Design/Build Proposal Award - North Main Street at 53rd Avenue Intersection Traffic Signal Design and Construction (B)

This item involves a request for the City Commission to authorize the design/build proposal award to James D. Hinson Electrical Contracting Co., Inc. for the North Main Street at 53rd Avenue intersection traffic signal design and construction in the amount of \$ 274,081.

Explanation: On October 16, 2007, the City's Purchasing Division solicited design/build proposals for the North Main Street at 53rd Avenue intersection traffic signal design and construction. The proposal process was implemented in compliance with and as required by the Florida Statutes, the Consultant Competitive Negotiations Act, the Florida Department of Transportation (FDOT) Design-Build Guidelines, and as per the terms of the Local Agency Program Project Agreement (LAPPA) between the City of Gainesville and the FDOT.

Two proposals were submitted on November 15, 2007. The submissions contained the technical proposal and the sealed price proposal. The technical proposals were evaluated by the review committee, including oral presentations and interviews. The sealed price proposals were not opened by Purchasing until after the technical review scores were provided to Purchasing. The formula used for the proposal rankings called for the proposed project length in days to be multiplied by the time factor of \$500.00 per day. That amount was added to the price proposal which was then divided by the technical review scores. The proposer with the lowest quotient was ranked the highest. In this matter highest ranking proposal was James D. Hinson Electrical Contracting Co., Inc.

The FDOT is providing \$250,000 for this project with the balance of cost to be

provided by the Gainesville Regional Utilities (GRU) in the amount of \$24,081. GRU has committed to fund up to \$50,000 of the cost over \$250,000.

Fiscal Note: The funding for the project is available from the FDOT through an executed LAPP between the City of Gainesville and FDOT in the amount of \$250,000.00 and a commitment from GRU in the amount of \$24,081.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the design/build proposal award to James D. Hinson Electrical Contracting Co., Inc. for the North Main Street at 53rd Avenue intersection traffic signal design and construction; and 2) authorize the City Manager to execute the contract, subject to approval by the City Attorney as to form and legality, and issue a purchase order in an amount not to exceed \$ 274,081.

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070783.

Gainesville Urban Area Storm Sewer Mapping Conversion Project (B)

This item involves the purchase of data conversion services between the City of Gainesville and Jones Edmunds and Associates, Inc., a business currently under the Public Works Department's existing contract for Water Resource Engineering Services. The project cost is \$128,000. This project fulfills requirements of the City's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit.

Explanation: The Public Works Department is responsible for administering National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permits required by the Clean Water Act. The Department has been collaborating with Alachua County and the Florida Department of Transportation programmatically and financially since 2003 to meet requirements of these regulations. One requirement of the NPDES permit is to obtain or create a map of the storm sewer system in the Gainesville Urban Area.

The Public Works Department has been working since the initiation of their NPDES Permit in July, 2003 to fulfill this requirement. Instead of relying on paper maps, the City has created a Geographic Information System (GIS) to house existing and collected data. An element of building this GIS involves the conversion of historic paper construction plans to digital format. Of many methods used to create the GIS, City staff has concluded that this method is very time efficient and effective. This project will convert approximately 3,000 historical paper sheets to a GIS.

The resulting product will further refine the Public Works Department's spatially correct database and map of the storm sewer system which is an important component of the City's environmental goals of providing planning and engineering services that support the functionality and improvement of the City's drainage systems. The data will also provide tools that will eventually assist the City in tracing pollutant loads to comply with Clean Water Act Total Maximum Daily Load (TMDL) requirements.

Fiscal Note: Funding for the total project in the amount of \$128,000 is available in the multi-agency supported NPDES partnership account administered by the City of Gainesville's Public Works Department.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager or his designee to issue a purchase order not to exceed \$128,000 to Jones Edmunds and Associates, Inc. based on the scope of work dated January 2, 2008 as allowed under the existing contract for Water Resource Engineering Services.

Alternative Recommendation: The City Commission deny this request for purchase to the Department.

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070789.

Annexation of Parcel Number 06803-004-000 (B)

This is the submission of petition for voluntary annexation for the above referenced parcel number, which is located in the vicinity of Windmeadows Boulevard, SW 37th Boulevard, SW Archer Road and SW 40th Boulevard.

Explanation: MBB, Inc., property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located south of Tax Parcel 06810-003-000, west of SW 37th Boulevard, north of Archer Road and City limits, and east of Tax Parcel 06810-003-003. Staff has determined that the petition bears the signature of the property owner or authorized agents. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation. The area is approximately less than one acre.

Fiscal Note: The fiscal impact of this annexation will be addressed in the Urban Services Report.

RECOMMENDATION

The City Commission: 1) receive the petition for annexation and make findings that it contains the signature of the property owner or authorized agents; 2) direct the City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.

Alternative Recommendation: The City Commission deny acceptance of the petition.

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070790.

Land Conservation and Acquisition Program (B)

This item addresses the Gainesville City Commission Goals for FY 07; Goal - Infrastructure, Tier One Objective: Complete capital projects at parks - improve programs; develop land conservation and acquisition program (biodiversity, passive recreation).

Explanation: On December 4, 2006, the City Commission held a Strategic Planning Retreat at Austin Cary State Forest to develop the City Commission Goals for FY 07. Under the Goal Infrastructure, a Tier One Objective is "Complete capital projects at parks - improve programs; develop land conservation and acquisition program (for biodiversity and passive recreation)". With this goal in mind, the City Commission approved \$400,000 to be budgeted each year beginning in FY 07 for land acquisition purposes and directed staff to identify undeveloped land within or near the City of Gainesville that could provide habitat for wildlife and plants, protect creeks and wetlands and that could provide passive recreational opportunities for the public.

Using GIS mapping, staff identified over 3000 undeveloped parcels which could potentially serve as conservation land. From these, a subset of parcels was prioritized as ecologically significant based upon multiple factors including:

- Their size*
- Their proximity and connection to existing conservation lands and greenway corridors*
- Significant natural communities or features they are known to contain*
- Published reports recommending their conservation.*

The recommendations for acquisition that are presented on the backup report and map were based on professional judgments derived from existing information, and not on a comprehensive evaluation of all 3000 parcels. Additionally, staff solicited comment from Alachua County Forever (ACF) and the Alachua Conservation Trust (ACT). Both entities expressed a strong interest in working with the City to obtain funds from the Florida Communities Trust and negotiating with landowners. The parcels ACT recommended have not been evaluated by the City, but are included for reference on the backup material.

Fiscal Note: \$470,000 has been allocated in 2008 for a land conservation and acquisition program. A city land buying program would be viewed favorably by potential partners, and better enable the City of Gainesville to protect more land by leveraging funds from local and state land acquisition programs.

RECOMMENDATION

The City Commission refer this item to the Recreation, Cultural Affairs & Public Works Committee for review and recommendations to the Commission as a whole.

Alternative Recommendation A: The City Commission approve the prioritization as recommended by staff and direct staff to work with Alachua County Forever and Alachua Conservation Trust to obtain funds from the Florida Communities Trust and to negotiate with landowners.

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070791.

Purchase and Sales Agreement for Hogtown Creek Headwaters Property (NB)

This Item involves the City entering into an Option Agreement for Purchase and Sale with Home Depot for acquisition of the Hogtown Creek Headwaters project.

Explanation: On May 8, 2006, the City Commission approved a grant application to Florida Communities Trust (FCT) for the Hartman-Mackay Property (Hogtown Creek Headwaters) and authorized the City Manager to execute the grant application, grant agreements and other grant-related documents, if awarded.

On October 25, 2006, the City of Gainesville was notified that FCT approved the funding for the Hogtown Creek Headwaters project and provided the Grant Contract and Confidentiality Agreement for execution.

On January 8, 2007, the City Commission approved the City entering into a contract with Alachua Conservation Trust (ACT) to negotiate the terms of the Grant Award Agreement with FCT on behalf of the City of Gainesville and provide land acquisition services for the Hogtown Creek Headwaters project. The property was subsequently purchased by Home Depot.

ACT has completed negotiations and Home Depot now wishes to enter into an Option Agreement for Purchase and Sale with FCT and the City for the City to acquire approximately 71 acres of the Hogtown Creek Headwaters Property. Under this agreement, Home Depot agrees to make a charitable donation to the City valued at approximately \$1,200,000, in the form of a credit to the City at closing, which will cover the City's match for the FCT grant for the purchase. ACT will continue to work with FCT and Home Depot to complete the terms of the Grant Award Agreement and the final acquisition.

Fiscal Note: \$100,000 was allocated in the 2007 General Fund for the Hogtown Creek Headwaters project (Home Depot property). ACT's costs for land acquisition services are \$70,000. The FCT grant and the charitable donation from Home Depot will cover the acquisition costs.

Acquisition of this property will require that the City develop certain public use elements including trails, boardwalks, a playground and picnic pavilion and a nature center. It will also require staff to restore, manage and maintain the property and to provide environmental education.

RECOMMENDATION

The City Commission: 1) approve the Option Agreement for Purchase and Sale of the Hogtown Creek Headwaters Property with Home Depot; 2) accept the charitable contribution valued at approximately \$1,200,000, in the form of a credit to the City at closing, from Home Depot; 3) authorize the City Manager to execute the Option Agreement, and any and all documents necessary to close on the

purchase, including without limitation, easement and use agreements necessary for the City and Internal Revenue Service and State of Florida tax credit forms for the charitable contribution; all subject to approval by the City Attorney as to form and legality; and 4) authorize the recording of the appropriate closing documents in the public records.

Alternative Recommendation A: The City Commission not move forward with the acquisition of the Hogtown Creek Headwaters Property.

070797.

Request to Extend the Procurement of Medium and Heavy Duty GMC/Chevrolet Cab and Chassis (B)

This item involves a request to exercise an option to extend the contract for one year, the second of three one-year extensions as allowed in the agreement.

Explanation: The City of Gainesville's fleet of medium and heavy-duty trucks has been standardized with one manufacturer's brand for several years. The advantages in achieving this goal include reduced parts inventory, lower diagnostic software and tooling costs, increase in Mechanics' and Operators' efficiencies due to familiarity with the same product, reduced training cost and price protection for popular vehicles.

January 2004, the City Commission approved a two-year contract with three one-year extensions with Classic Chevrolet for the procurement of Medium and Heavy Duty GMC/Chevrolet Cab and Chassis.

October 2006, the City Commission approved a one-year extension with two extensions remaining. General Services is requesting that the City Commission approve the second one-year extension of this contract for the period of January 2008 through January 2009.

Fiscal Note: Funds are available in the General Government's Fleet Replacement and GRU's General Plant Funds for FY07-08.

RECOMMENDATION

The City Commission: 1)approve the second one-year contract extension of the current contract with Classic Chevrolet Company of Apopka, Florida; and 2) authorize the City Manager of his/her designee to execute the contract extension.

Alternative Recommendation: The City Commission requires Fleet Management to re-bid the contract and risk loosing the advantages of a standardized fleet; and purchasing vehicles from the Florida State and Sheriff's contract. This agreement allows for the latter whenever it is in the best interest of the City.

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070777.

Partial Release of Lien Affecting 1245 Southeast 4th Avenue, Tax Parcel #11669-000-000 and 1239 Southeast 3rd Avenue, Tax Parcel #11670-000-000 (B)

This item requests that the City Commission release the above-referenced properties from the lien arising from Code Enforcement Board Case #CEB 2004-012, and establish a policy regarding the release of a property from a lien involving multiple properties, under certain limited circumstances.

Explanation: On some occasions property owners have Code Enforcement Board (CEB) liens filed on multiple properties as permitted by 162.09(3) Florida Statutes, which allows liens "against the land on which the violation exists and upon any other real or personal property owned by the violator" (see Attachment "A" Florida Statutes). On some occasions these liens serve as a barrier to those who would rehabilitate properties affected by a CEB lien that is recorded against multiple properties. In such cases, the greater need of the community may be served by the release of such properties from existing liens when the equity of the city lien is protected by other such properties. The authority of the CEB is limited and only the City Commission may execute a release of lien entered pursuant to 162.09, Florida Statutes.

Evergreen USA, Inc. is requesting the City Commission to release such a lien (see Attachment "B"). The property with the original violation was 1227 Southeast 3rd Avenue. The Code Enforcement Board met on November 13, 2003 (Case# 2004-012) and found Mr. John L. Rowe guilty of violating Section 13-171(b) at 1227 Southeast 3rd Avenue, Tax Parcel # 12727-001-000. Mr. Rowe was provided 15 days to bring the property into compliance and failed to do so. Therefore, as provided for by F.S. 162.09(3) a lien was filed "against the land on which the violation exists and upon any real or personal property owned by the violator" (see Attachment "C").

The Code Enforcement Board met again on September 8, 2005 (Case# 2005-161) and found Mr. John L. Rowe guilty of violating Section 16-19 at 1245 Southeast 4th Avenue, Tax Parcel 11669-000-000. Mr. Rowe was provided 30 days to bring the property into compliance and failed to do so. Therefore, as provided for by F.S. 162.09(3) a lien was filed "against the land on which the violation exists and upon any real or personal property owned by the violator" (see Attachment "D").

On June 26th, 2007 a third party, Evergreen USA, Inc. purchased the vacant parcels at 1245 Southeast 4th Avenue and 1239 Southeast 3rd Avenue at a tax sale. Both properties were previously owned by Mr. John L. Rowe and subject to the aforementioned liens. The new owners promptly brought the property at 1245 Southeast 4th Avenue into compliance and came before the Code Enforcement Board on November 8, 2007 for a reduction or rescission of fine (Case #2005-161). The Code Enforcement Board granted their request with the knowledge that there were excess funds awarded to the City of Gainesville from the tax sale purchase (see Attachment "E").

The petitioners request is that the property purchased by them be released from the lien placed on their property by Case #2004-012 which continues to be in violation and therefore secures that fine. On December 26th, 2007, the fine imposed by CEB 2004-012 was assessed at \$369,250.00 and is currently accruing at \$250.00 per day. In the past, the City Commission granted a partial release of a lien filed by the Code Enforcement Board.

Fiscal Note: No additional costs other than staff time. This is a partial release only as to the foregoing described properties; as to all other property encumbered by the lien, the order imposing fine continues to be in full force and effect.

RECOMMENDATION

The City Commission: 1) release 1245 Southeast 4th Avenue, Tax Parcel 11669-000-000 and 1239 Southeast 3rd Avenue, Tax Parcel 11670-000-000, from a Code Enforcement Board lien related to CEB Case #2004-012; and 2) refer the previously proposed generalized policy regarding the Code Enforcement Board liens back to the Community Development Committee for their review.

Alternate Recommendation A: Take no action and allow lien to remain in place.

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070760.

Re-appointment of Members to the East Gainesville SPROUT Project Task Force (NB)

This item involves re-appointing certain members of the East Gainesville SPROUT Project Task Force whose terms expired January 13, 2008.

Explanation: The terms of members Stephen Boyes, Phillis Filer, Robert Hutchinson, Kinnon Thomas and Janie Williams, current members of the East Gainesville SPROUT Project Task Force, expired on January 13, 2008. These members have carried out their duties on the Task Force with honorable service. Staff requests the reappointment of the aforementioned members for an additional term.

Fiscal Note: None

RECOMMENDATION

The City Commission re-appoint members Stephen Boyes, Phillis Filer, Robert Hutchinson, Kinnon Thomas and Janie Williams to the East Gainesville SPROUT Project Task Force each for an additional three year term ending January 14, 2011.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

070804.**Annual Underground Distribution Installation Services Contract (B)**

Staff recommends establishing an annual contract with Pike Electric Inc. to install underground electric distribution facilities.

Explanation: Expansion of the underground electric distribution system requires the installation of “on grade” and “below grade” civil infrastructure such as foundations, conduits, vaults, manholes, enclosures and directional bores, as well as the installation of electrical infrastructure such as cable, transformers, switchgear and other related equipment. The work is performed throughout the year on an “as needed” basis dependant upon specific project requirements. Additionally, the utility periodically requires the installation of similar civil infrastructure and/or related equipment/material for its natural gas distribution system and/or its telecommunications system.

The utility uses a contractor to accomplish these services to augment its workforce and to derive benefit of the specialized equipment needed to perform some of this work. The Contractor is required to furnish all labor and equipment for the installations. The annual cost for these services is approximately \$2,500,000. In the event of an emergency, the contractor is also required to provide service crews to assist the utility in restoration efforts.

An Invitation to Bid was sent by Utilities Purchasing to fourteen prospective bidders with eight (8) responding, three (3) with no bids. The bids were evaluated based on pricing, references, qualifications, training and safety programs, and local vendor preference. Pike Electric Inc. submitted the best evaluated bid. A tabulation of the bids received is attached for your reference.

Fiscal Note: Funding for these serves are included in the Energy Delivery budget for FY 2008 and will be requested in future fiscal years.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or her designee, to execute a three year contract [WJS1]with Pike Electric Inc. to install underground electric distribution facilities for the Energy Delivery Department on an as needed basis, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order for each year of the contact for these services to Pike Electric Inc. in amounts not to exceed budgeted amounts for each year of the contract, subject to the final appropriation of funds for each year of the contract.

070804_20080114 .pdf

070805.**Telecommunications Consulting Services (NB)**

Staff recommends awarding a contract for telecommunications consulting services for GRUCom to HIKE & Co.,Inc.

Explanation: HIKE & Company has served as GRUCom’s primary telecommunications

consultant since 1995, assisting with almost all development activities. The consultant has assisted GRUCom through its successful start-up phase of its Competitive Access Provider and Internet Service Provider businesses and has been instrumental in developing business relationships with other carriers and key customers with whom they have strategic business relationships. The interface the consultant provides between GRUCom and its key customers enables GRUCom to respond effectively to the complex and unique issues of the highly competitive telecommunications industry. These relationships have been invaluable to GRUCom and have aided in its expansion and sales growth over the years.

The consultant's in-depth knowledge of GRUCom's operations, strategic plans, customer needs and other pertinent issues has significantly contributed to GRUCom's success. The quality of the consultant's work is exemplary and the rates are competitive with the market for similar services. Staff recommends retaining the consultant for telecommunication consulting services to assist staff with telecommunications issues on an as needed basis.

Fiscal Impact:

Funds for these services are available in the approved GRUCom capital and operating budgets for FY 2008 and will be requested in subsequent fiscal years of the contract.

RECOMMENDATION

The City Commission authorize the General Manager or her designee to: 1) execute a three year contract with HIKE & Company, Inc., as a specified source, for telecommunications consulting services on an as needed basis, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order for these services in amounts not exceeding \$75,000 for each year of the contract, subject to final approval of funds.

070806.

Rail Spur Property Liquidation (B)

The City Commission refer the City's fee ownership of a portion of the Deerhaven Rail Spur located between Hasan and CR 18 to the Recreation, Cultural Affairs and Public Works Committee for review and recommendation.

Explanation: In 1993, the City Commission authorized the General Manager to acquire properties needed to facilitate the construction of a rail spur connecting the Deerhaven Generating Station to the Norfolk Southern Railway in Lake Butler. Subsequently, approximately 19 parcels were acquired and/or leased in Alachua and Union Counties for the construction of the rail spur. In 1994, staff successfully negotiated a long term contract with CSX Transportation for the transportation of coal to the Deerhaven Generating Station, eliminating the need for the construction of the rail spur at that time.

Of the 19 parcels acquired and/or leased by the City, 16 were acquired in fee ownership, and permits or lease agreements were secured over the remaining three. In accordance with legal agreements between the City and the property owners, two of the fee owned parcels reverted back to the original land owners

in 2003. There are 14 parcels remaining that are owned in fee by the City. Two of those parcels are located in Alachua County, one of which is a 95 acre parcel on the Santa Fe River, and remaining parcels are located in Union County. Complaints of trespassing and illegal dumping have been and continue to be received from the abutting and area land owners.

Over the last several years, staff has received inquiries from organizations and individuals expressing interest in purchasing the 95 acre parcel and the linear corridor owned by the City between Hasan (Alachua County) and CR 18 in Union County (See attached drawing). The linear corridor primarily covers an old CSX railroad right-of-way.

Because of the need to protect the City's investment and original intent of the acquisition, staff has evaluated relinquishing the City's fee ownership in this section of the corridor. This could only be done if the appropriate land rights to construct, operate and maintain a rail spur or other utility related facility are retained by the City, and the utility receives full market value as required by the bond covenants.

In February, 2007, staff issued letters to the original land owners or abutting land owners of the linear corridor to determine interest in purchasing back the property, subject to an easement retained by the City, for the construction of a rail spur or other utility related facilities. Of the seven letters issued to date, five have responded and expressed a desire to purchase the property.

Subsequently, Alachua Conservation Trust (ACT) expressed interest in acquiring the linear corridor for use as a recreational trail. Recently, several options for the transfer of the property were proposed by ACT to staff including fair value sale, donation, and lease agreement.

Additionally, since 1998 staff has received inquiries from the Suwannee River Water Management District (SRWMD), Alachua County Forever, ACT, and private citizens about the possible sale of the 95 acre parcel by itself. In addition, the abutting and area land owners continue to contact us about buying the property back from the City.

In an effort to identify the best option for liquidating this asset while ensuring compliance with guidelines, ordinances, and bond covenants, staff is recommending that the issue be referred to the Recreation, Cultural Affairs and Public Works Committee for review and recommendation to the City Commission.

RECOMMENDATION

The City Commission: 1) Refer the disposal of the City's fee owned interest in the Deerhaven Rail Spur corridor located between Hasan (Alachua County) and just north of CR 18 (Union County), to the Recreation, Cultural Affairs and Public Works Committee for review and recommendation.

070806_20080114.pdf

CITY ATTORNEY, CONSENT AGENDA ITEMS

070817.

GENERAL MANAGER EMPLOYMENT CONTRACT (B)

Explanation: At its meeting on December 17, 2007, the City Commission selected Robert Hunzinger as its top choice for General Manager and authorized the Mayor,

with assistance from the City Attorney's Office, to the explore terms and conditions of Mr. Hunzinger's employment with the City and to present a proposed employment agreement to the City Commission for its consideration and approval.

The attached Employment Agreement is similar to the agreement utilized for the City Manager, except that the General Manager's Term Life Insurance benefit is capped at \$250,000 rather than \$100,000. To ensure that the Charter Officers are treated equitably, the Mayor has suggested that the City investigate the cost of providing a life insurance benefit capped at \$250,000 for all Charter Officers. Steve Varvel, Risk Management Director, estimates that the approximate cost to the City for changing the cap to \$250,000 for Charter Officers would be in the range of \$158 - \$611 per year, per Charter Officer depending on final rate determination from the City's Group Life Carrier. In addition, due to the recent amendment to the City of Gainesville's Employees' Disability Plan changing eligibility from 12 months to 60 months, the proposed Employment Agreement for Mr. Hunzinger provides for a short-term disability policy for 60 months rather than 12 months. The proposed Employment Agreement also provides for an annual salary of \$210,000 and allows for moving and travel expenses.

RECOMMENDATION

The City Commission (1) approve the employment of Robert Hunzinger as General Manager pursuant to the terms and conditions set forth in the attached Employment Agreement, (2) authorize the Mayor to execute the attached Employment Agreement on behalf of the City of Gainesville and the Clerk to attest thereto, and (3) authorize the City Attorney's Office to prepare amendments to the employment agreements for other Charter Officers who select additional life insurance coverage benefits, as provided in Mr. Hunzinger's Employment Agreement.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

070765.

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes for the special meetings of December 3, 2007, December 12, 2007, and 2 sets of minutes for December 17, 2007; and for the regular meeting of December 10, 2007, as circulated.

070765_20080114.pdf
070765A_20080114.pdf
070765B_20080114.pdf
070765C_20080114.pdf
070765D_20080114.pdf

070793.**Advisory Board/Committee Appointment to the Board of Trustees of the Consolidated Police Officers & Firefighters Retirement Plan (NB)****RECOMMENDATION**

The City Commission appoint Becky Rountree to the Board of Trustees of the Consolidated Police Officers & Firefighters Retirement Plan for term to expire January 14, 2010.

Commissioner Braddy:

Commissioner Bryant: Rountree

Commissioner Donovan: Rountree

Commissioner Henry: Rountree

Commissioner Lowe: Rountree

Commissioner Mastrodicasa: Rountree

Mayor Hanrahan: Rountree

070794.**Advisory Board/Committee Appointment to the Citizens' Advisory Committee for Community Development (NB)****RECOMMENDATION**

The City Commission appoint Ernest L. Brockton and reappoint Diana L. Kish for terms to expire November 1, 2010 on the Citizens' Advisory Committee for Community Development.

Commissioner Braddy:

Commissioner Bryant: Brockton and Kish

Commissioner Donovan: Brockton and Kish

Commissioner Henry: Brockton and Kish

Commissioner Lowe: Brockton and Kish

Commissioner Mastrodicasa: Brockton and Kish

Mayor Hanrahan: Brockton and Kish

070795.**Advisory Board/Committee Appointment to the City Plan Board (NB)****RECOMMENDATION**

The City Commission appoint Robert Ackerman to the City Plan Board for term to expire November 1, 2010.

Commissioner Braddy:

Commissioner Bryant: Ackerman

Commissioner Donovan: Ackerman

Commissioner Henry: Ackerman

Commissioner Lowe: Ackerman

Commissioner Mastrodicasa: Ackerman

Mayor Hanrahan: Ackerman

070796.**Advisory Board/Committee Appointment to the Gainesville Code Enforcement Board (NB)****RECOMMENDATION**

The City Commission re-appoint William A. Gager, Jr. to the Gainesville Code Enforcement Board for term to expire August 1, 2010.

Commissioner Braddy:

Commissioner Bryant: Gager

Commissioner Donovan: Gager

Commissioner Henry: Gager

Commissioner Lowe: Gager

Commissioner Mastrodicasa: Gager

Mayor Hanrahan: Gager

070798.**Advisory Board/Committee Appointment to the Gainesville Energy Advisory Committee (NB)****RECOMMENDATION**

The City Commission appoint Richard Williams to the Gainesville Energy Advisory Committee for a vacancy to expire September 30, 2009.

Commissioner Braddy:

Commissioner Bryant: Williams

Commissioner Donovan: Williams

Commissioner Henry: Williams

Commissioner Lowe: Williams

Commissioner Mastrodicasa: Williams

Mayor Hanrahan: Williams

070799.**Advisory Board/Committee Appointment to the Gainesville Human Rights Board (NB)****RECOMMENDATION**

The City Commission appoint Horacio Sierra to the Gainesville Human Rights Board for term to expire February 22, 2011.

Commissioner Braddy:

Commissioner Bryant: Sierra

Commissioner Donovan: Sierra

Commissioner Henry: Sierra

Commissioner Lowe: Sierra

Commissioner Mastrodicasa: Sierra
Mayor Hanrahan: Sierra

070800.**Advisory Board/Committee Appointment to the Gainesville/Alachua County Cultural Affairs Board (NB)****RECOMMENDATION**

The City Commission appoint Eric J. Perrott to the Gainesville/Alachua County Cultural Affairs Board for term to expire September 30, 2007.

Commissioner Braddy:
Commissioner Bryant: Perrott
Commissioner Donovan: Perrott
Commissioner Henry: Perrott
Commissioner Lowe: Perrott
Commissioner Mastrodicasa: Perrott
Mayor Hanrahan: Perrott

070801.**Advisory Board/Committee Appointment to the Nature Centers Commission (NB)****RECOMMENDATION**

The City Commission reappoint Pearce Hayes and Leslie Straub to the Nature Centers Commission for terms to expire November 1, 2009.

Commissioner Braddy:
Commissioner Bryant: Hayes and Straub
Commissioner Donovan: Hayes and Straub
Commissioner Henry: Hayes and Straub
Commissioner Lowe: Hayes and Straub
Commissioner Mastrodicasa: Hayes and Straub
Mayor Hanrahan: Hayes and Straub

070802.**Advisory Board/Committee Appointment to the Student Relations Advisory Board (NB)****RECOMMENDATION**

The City Commission appoint Ernesto Rancel to the Student Relations Advisory Board for a term to expire February 26, 2009.

Commissioner Braddy:
Commissioner Bryant: Rancel
Commissioner Donovan: Rancel

Commissioner Henry: Rancel
Commissioner Lowe: Rancel
Commissioner Mastrodicasa: Rancel
Mayor Hanrahan: Rancel

070803.**Advisory Board/Committee Appointment to the Water Management Committee (NB)****RECOMMENDATION**

The City Commission appoint Richard Williams to the Water Management Committee for a term to expire August 2010.

Commissioner Braddy:
Commissioner Bryant: Williams
Commissioner Donovan: Williams
Commissioner Henry: Williams
Commissioner Lowe: Williams
Commissioner Mastrodicasa: Williams
Mayor Hanrahan: Re-advertise

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****070554.****SEGRI Implementation/Kennedy Homes Appraisal (NB)**

Explanation: At the October 15, 2007 meeting, the Community Redevelopment Agency discussed implementation of the Southeast Gainesville Renaissance Initiative (SEGRI) Master Plan. The SEGRI Master Plan identifies six redevelopment sites that have the potential to transform the area and spur additional investment and action in the community. These sites received a full planning and financial analysis, including vigorous public input, and the findings were incorporated into the final SEGRI document. Implementation of the SEGRI Master Plan is a goal for both the City and the CRA. To that end, CRA and City staff are collaborating on measures that will help guide redevelopment on the five SEGRI Focus Sites which are privately owned. The remaining Focus Site (Site #3), the former Kennedy Homes property, is currently owned by the City. Because the City has site control over the Kennedy Homes property, it is easier to guide redevelopment according to the Master Plan, which calls for nearly 100 new homeownership units available at a variety of price levels. CRA staff has conducted some preliminary research and has accumulated numerous examples of RFP's from other municipalities who have developed similar mixed-income communities. However, in order to proceed with SEGRI implementation at

Kennedy Homes, an appraisal of the property is required. This information will be necessary in order to move forward with formulating a detailed redevelopment vision and issuing a RFP or RFQ for the site. The CRA is therefore requesting the City Commission to obtain an appraisal for SEGRI Focus Site #3, the former Kennedy Homes property.

RECOMMENDATION

CRA to the City Commission: 1) Direct the City Manager to obtain an appraisal for SEGRI Focus Site #3, the former Kennedy Homes property; and 2) authorize the City Manager to execute any and all required documents.

Legislative History

10/15/07 Community Approved as Recommended (6 - 0 - 1 Absent)
 Redevelopment
 Agency
 070554 - SEGRI.pdf
 070554_ppt_20071015.PDF
 070554_200801141300.pdf

070757.**Lynch Park (NB)**

Explanation: Lynch Park is an approximately 1.4-acre park located along the 400 block of South Main Street. The park, which is adjacent to the Porters Neighborhood, consists of an open grassy space punctuated by numerous shade trees. The location of the park provides excellent potential to serve the central city and adjacent neighborhoods; however the park is poorly linked to the surrounding area and is currently underutilized. The site does not operate as a functional public space, and draws very few visits (if any) for its intended recreational use. Because the site is almost always vacant, it has essentially created a void in the downtown cityscape. Members of the community have no reason to visit the park, which contains no recreational amenities/facilities (such as benches, exercise equipment, playgrounds, etc), and the space serves no particular purpose. These factors contribute to the park's isolation.

At the October 31, 2007 meeting, DRAB members suggested converting a portion of Lynch Park into an off-leash area for dogs; the CRA subsequently approved this concept on December 17, 2007. Such a facility would provide a purpose to the park space and would also attract a variety of new visitors to the park. Pet ownership is an increasing trend, particularly in urban areas where residents may have little or no private yard space in which to exercise dogs. Residents of downtown Gainesville currently do not have access to an off-leash facility within walking distance of the area. The closest off-leash area is located in the Northeast Park, off of NE 16th Avenue, so an additional facility downtown would likely draw many new visitors to Lynch Park on a daily basis. New visitors using the park for recreation green space, as it is intended, will contribute greatly to continued redevelopment and revitalization efforts in the Porters area. Two buildings adjacent to Lynch Park have applied for façade grants. The anticipated renovations of these buildings will provide a much needed facelift to South Main Street and will facilitate the introduction of new office, restaurant, retail, and art gallery space around the park. Along with the proposed dog park, these projects will bring investment and activity to the area.

Improvements to the park will also compliment ongoing revitalization efforts in Porters. The park is situated along SW 4th and 5th Avenues in the Porters neighborhood. Both of these corridors were identified by CRA and City staff as key elements of the neighborhood framework with a high redevelopment potential. Visually, Lynch Park serves as a gateway from the central business district to Porters for travelers along South Main Street. In this fashion, the park functions similarly to the Porters Oak fence along Depot Avenue. Both features, due to their prominence and positioning with respect to the neighborhood, operate as gateways to the community. Because the park serves as a "face" of Porters to the surrounding city, it is especially important that the park project a positive image, in order to attract reinvestment to the area. Along with other projects such as infrastructure upgrades, fencing improvements, and Southwest 3rd Street streetscaping, Lynch Park improvements will help restore the fabric of the neighborhood. Additionally, investment in Lynch Park has the potential to create high visual impact, signifying revitalization not only in Porters, but also in Depot Park, the GRU site, and the South Main area as a whole.

Implementation of the off-leash dog area in Lynch Park will require the installation of a fence around approximately 1 acre within the park. This size is approximately equal to the facility in Northeast Park and is in keeping with dog park design recommendations from the American Kennel Club. The off-leash facility will be comparable to other facilities in the City. The fence will include a double gate system in order to prevent dogs from escaping and to facilitate wheelchair access. Staff also envisions two benches and a waste bin, and, if possible, a water spigot that will provide hydration for pets. All park furniture will adhere to CRA Streetscape Design & Technical Standards, and the proposed fencing around the off-leash area will be upgraded from standard chain link to reflect the high quality reinvestment in the Porters area. Preliminary estimates for fencing and park furniture for the future off-leash facility total approximately \$12,000. If the park concept is approved, Staff will compile more exact figures before moving forward with the project. It is also important to note that once implemented, the dog park will not require substantial changes from current levels of park maintenance. The new facility will require grass trimming and waste bin emptying, maintenance activities which already occur at the park.

In addition to the off-leash area, the CRA also recommends improvements for the remainder of Lynch Park. The vision for the park is that the entire space will become an inviting, positive amenity for Downtown and for the Porters neighborhood. Based on input from the Porters Oaks Homeowners Association, the CRA recommends a floral garden space in the remainder of Lynch Park. In addition, CRA requests that the City examine additional locations in the neighborhood where a potential fruit/vegetable garden could be sited. Gardening and urban agricultural uses would provide a unique, productive element to the existing cityscape, and would provide a positive, unique activity for local residents. Staff has discussed the possibility of a garden space and associated seating areas with the City of Gainesville Parks & Recreation Department. Parks & Recreation approves of the concept, and may split costs with the CRA.

Fiscal Note: Porters Neighborhood improvements were approved in the 2007 CRA budget in

the amount of \$80,000 in account # 610-790-W231-5520. An additional, \$131,502.29 has been approved in the 2008 budget.

RECOMMENDATION

CRA to the City Commission: 1) Approve conceptual plan for Lynch Park; 2) Request the Parks, Recreation & Cultural Affairs Advisory Board and the Parks, Cultural Affairs & Public Works Committee provide input and comment to CRA staff; and 3) Request the Parks, Recreation & Cultural Affairs Advisory Board and the Parks, Cultural Affairs & Public Works Committee examine the potential for additional locations in Porters which could accommodate a fruit/vegetable garden

Legislative History

12/17/07	Community Redevelopment Agency	Approved as Amended (7 - 0)
070757_20071217.pdf		

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

GENERAL MANAGER FOR UTILITIES

070807.

Financing for Construction (B)

Explanation: In November 2007, the City Commission, (1) authorized the financing of up to \$205 million of new money for payment of Costs of Acquisition and Construction (capital projects) through the issuance of fixed-rate bonds; and (2) approved the selection of Goldman Sachs as Senior Manager for the bonds and authorized the appointment of additional Co-Managers if doing so would enhance the distribution of the bonds. The \$205 million authorized consisted of \$100 million in tax-exempt Bonds and \$105 million in taxable Bonds to fund construction expenditures.

GRU staff and our Financial Advisor now recommend that we also obtain authorization to issue the tax-exempt Bonds on a variable-rate basis.

In October 2006, GRU executed two separate interest rate swaps to hedge its borrowing cost on a portion of the \$100 million of tax-exempt Bonds expected to

be issued this year. At the time the swaps were entered into, it was expected that the swaps would not be terminated upon the issuance of the tax-exempt Bonds, and that those Bonds would be issued as variable rate Bonds. The swaps were executed at a rate that provides an all-in fixed rate of less than 4.50% on the hedged portion of the financing. Under the swaps, GRU will pay a fixed rate of 4.222% on the swaps, and receive a floating rate linked to the SIFMA short-term index. The actual cost of GRU floating-rate debt historically has been almost identical to the SIFMA index. Therefore, the net effect of issuing variable-rate debt and leaving the swaps in place would be a net fixed-rate obligation. GRU would receive a swap payment that is virtually identical to its variable-rate interest cost, and the 4.222% fixed swap payment would create "synthetic" fixed rate debt.

However, the swaps were structured to allow GRU the option to terminate the swaps and issue fixed-rate debt. Any gain or loss on the swap termination was expected to offset the effect of changes in long-term interest rates on tax-exempt bonds, thus delivering the sub-4.50% net fixed rate.

Bond issuers always face the choice of using either the "conventional" or "synthetic" markets as a means of achieving net fixed-rate financing. Typically, all-in conventional fixed rates are slightly higher than synthetic fixed rates. When the costs of these two alternatives are close to each other (e.g., within 15 basis points (0.15%)), most issuers elect to use the conventional market to borrow funds. However, most issuers use the interest rate swap market if they elect to hedge future borrowings. The swap market is far more liquid, cost-effective and "bid-able" as a means of hedging future transactions. These are the reasons that GRU adopted its original strategy of hedging in the swap market, but planning to borrow in the conventional bond market.

In November 2007, it appeared that a conventional fixed-rate tax-exempt financing would produce an "all-in" interest cost that would not be materially higher than a synthetic fixed-rate financing, which is why staff requested authorization to terminate the swaps and issue fixed-rate Bonds.

However, the much-publicized market events of recent months have altered significantly the typical relationship between conventional and synthetic borrowing costs. While conventional borrowing costs were roughly 15 basis points higher than synthetic rates throughout most of 2007, credit market concerns have had a much greater effect on conventional borrowing costs. Investors sought the safety of Treasury bonds and/or short-term investment alternatives. Therefore, rates on conventional tax-exempt bonds rose relative to rates on Treasury bonds and short-term debt. The interest rate swap market was less affected than the conventional bond market. The graph on page __ of the presentation materials highlights the change in relationship between the conventional and synthetic markets. What had been a roughly 15 basis point advantage for synthetic alternatives has increased to over 40 basis points.

Under current market conditions, in order for GRU to achieve the lowest all-in interest rate, it would be preferable to leave the swaps in place and issue variable-rate Bonds, as opposed to terminating the swaps and issuing fixed-rate Bonds. Several other large municipal issuers are making this same decision to access the synthetic fixed-rate market to avoid the additional cost imposed by

the underperformance of the conventional bond market.

While the optimal financial structure will depend on market conditions existing at the time of execution, current market conditions indicate that variable-rate Bonds, combined with GRU's existing interest rate swaps, can deliver the lowest overall cost to GRU's ratepayers.

Staff continues to recommend that the portion of the construction expenditures that, under current federal income tax law, cannot be financed on a tax-exempt basis continue to be financed with fixed-rate taxable Bonds, as was authorized by the City Commission in November 2007.

Fiscal Note: Issuing new money debt at historically low rates will help manage future debt service costs.

RECOMMENDATION

The City Commission:

- 1. Authorize the issuance of variable-rate bonds that are converted synthetically to a fixed rate through the use of two existing "floating-to-fixed" interest rate swaps for \$90 million of the new money for payment of Costs of Acquisition and Construction (capital projects) previously authorized by the City Commission on November 15, 2007; and*
- 2. Authorize the Clerk of the Commission, the General Manager and other Authorized Officers to execute such documents as may be necessary to proceed with the transaction authorized in 1 above, subject to approval of the Office of the City Attorney as to form and legality, and to take such other actions as may be necessary or advisable to proceed with these transactions in accordance with this City Commission authorization.*

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CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

070788.

National Summit on Your City's Families (B)

Explanation: Nearly 450 municipal leaders from over 100 cities and towns across the country attended the National League of Cities (NLC) 2007, "National Summit on Your City's Families" from September 30-October 2, 2007. A key focus of the summit was on the importance of municipal leadership in building and sustaining partnerships between city government and other key community stakeholders. Attendees were encouraged to adopt "A City Platform" for strengthening families and improving outcomes for children and youth. More than 70

communities have adopted the platform which represents a framework to guide and assess local progress on behalf of young people and their families.

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission: 1) refer the issue of whether the City of Gainesville should adopt the NLC's platform for strengthening families and improving outcomes for children and youth to the Equal Opportunity Committee.

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COMMITTEE REPORTS (PULLED FROM CONSENT)

EQUAL OPPORTUNITY COMMITTEE

060013.

Definition of Employer Based on the Number of Employees in Equal Opportunity Ordinance (B)

Explanation: The City Commission referred the issue of the threshold within the City's Equal Opportunity Ordinance for the definition of employer based on the number of employees. The EO Committee discussed the various thresholds utilized by other Human Rights agencies including the EEOC and the FCHR and the potential impact of lowering it.

On November 19, 2007, this item was presented to the City Commission with the recommendation to change the threshold for definition of "employer" based on the number of employees from seven (7) to five (5) employees. After discussion, the Commission referred this item back to the EO Committee for further discussion and to invite stakeholders to participate in the discussion.

The Equal Opportunity Committee met Tuesday, December 18, 2007, for further discussion of this matter to include other stakeholders within the community. Area Chamber of Commerce Brent Christensen spoke to the matter and the EO Committee again recommended that this matter be referred back to the full City Commission.

Fiscal Note: None

RECOMMENDATION

1) The Equal Opportunity Committee request approval from the City Commission to authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance changing the threshold for the definition of "employer" based on the number of employees from seven (7) to five (5) employees; and 2) remove this item from the referral list.

Legislative History

5/1/06	City Commission	Referred (7 - 0)	Equal Opportunity Committee
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6/5/06	Equal Opportunity Committee	Deferred	
7/20/06	Equal Opportunity Committee	Deferred	
10/10/06	Equal Opportunity Committee	Deferred	
1/18/07	Equal Opportunity Committee	Discussed	
3/14/07	Equal Opportunity Committee	Discussed	
6/26/07	Equal Opportunity Committee	Continued	
7/25/07	Equal Opportunity Committee	Continued	
8/15/07	Equal Opportunity Committee	Deferred	
10/10/07	Equal Opportunity Committee	Approved as Recommended	
11/19/07	City Commission	Approved as shown above and Referred (4 - 3)	Equal Opportunity Committee
12/18/07	Equal Opportunity Committee	Approved as Recommended	
060013_20071119.pdf			

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

070812.

Commissioner Rick Bryant - Five Points of Life Race (B)

RECOMMENDATION

The City Commission discuss the 5 Points of Life Race and take appropriate action.

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COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

070809.**Separation of Church and State (B)****RECOMMENDATION**

Humanist Society of Gainesville President Louis Clark and Webmaster Mark Mayfield to accept the proclamation.

070809_200801141300.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****ADOPTION READING-ROLL CALL REQUIRED****070543.****LAND USE CHANGE – FIRE STATION 8 (B)****Ordinance No. 0-07-89, Petition No. 84LUC-06PB**

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 “Planned Use District” to “Public Facilities”; located in the vicinity of 3223 Northwest 42nd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

The subject property is the site of an existing PD (Planned development) for A Child's Place child care facility. It consists of 4.04 (MOL) acres. Lots with a SF (Single-Family: up to 8 units per acre) land use classification and occupied by single-family dwellings abut on the north and east. A 6-foot wide strip of land zoned with a PUD land use classification abuts the property on the south and separates the subject property from additional lots that have a SF land use classification and are occupied by single-family dwellings. Northwest 34th Street abuts on the west.

Related petitions have been filed to reduce the total acreage of the subject property zoned PD (Planned development) to 1.97 (MOL) acres. Petitions have also been filed to rezone 1.27 (MOL) acres to PS (Public services and operations district) for the construction of a City fire station, and to use .80 (MOL) acres for the construction of associated right-of-way. This petition involves changing the PUD land use classification on the 1.27 (MOL) acres proposed for the construction of the City fire station to PF. The PF land use classification is described in the City of Gainesville 2000-2010 Comprehensive Plan as being appropriate for property that is zoned PS and used for governmental functions.

The 1.27 (MOL) acre site proposed for the construction of a City fire station is

located on the east (rear) side of the child care facility. Lots with a SF (Single-Family: up to 8 units per acre) land use classification and occupied by single-family dwellings abut on the north and east. A 6-foot wide strip of land with a PUD land use classification abuts on the south and separates the subject property from additional lots that have a SF land use classification and are occupied by single-family dwellings. The .80 (MOL) acres of land proposed for right-of-way abut on the west and north.

The following criteria, included in Policy 4.1.3 of the Future Land Use Element of the City's Comprehensive Plan, was considered in the review of this petition: Overall compatibility of the proposal; Surrounding land uses; Environmental impacts and constraints; Promotion of urban infill, and Achievement of best interests, community values, or neighborhood support.

The City Plan Board considered the above-referenced petition at a public hearing held September 20, 2007. By a vote of 7 - 0, the City Plan Board approved Petition 84LUC-07PB as submitted.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. 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

10/22/07 City Commission Approved (Petition) (7 - 0)

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070543E_200710221300.pdf

070543_200801141300.pdf

070544.

REZONING - FIRE STATION 8 (B)

Ordinance No. 0-07-90, Petition No. 85ZON-07PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from "Planned

Development District" to "PS: Public services and operations district"; by permitting a fire rescue station, with approval of a preliminary development plan; located in the vicinity of 3223 Northwest 42nd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The subject property is the site of A Child's Place child care facility. The City adopted the zoning designation on the subject property by ordinance (Ordinance No. 2604) in 1981. Lots zoned RSF-2 (single-family residential district) and occupied by single-family dwellings abut on the north and east. A 6-foot wide strip of land zoned PD abuts on the south and separates the subject property from additional lots that are zoned RSF-2 and occupied by single-family dwellings. Northwest 34th Street abuts on the west. The land use designation is PUD (Planned Use District).

The subject property consists of 4.04 (MOL) acres. Applications have been filed to reduce the total acreage of the subject property zoned PD to 1.97 (MOL) acres, so that 2.07 (MOL) acres can be used for the construction of a City fire station and associated right-of-way. This petition involves rezoning 1.27 (MOL) acres of subject property to PS (Public services and operations district) for the construction of the City fire station. The remaining .80 (MOL) acres is proposed for the construction of associated right-of-way.

The 1.27 (MOL) acres proposed for the City fire station is located on the east (rear) side of the child care facility. Lots zoned RSF-2 and occupied by single-family dwellings abut the property on the north and east. The 6-foot wide strip of land zoned PD abuts on the south and separates the subject property from additional lots zoned RSF-2 and occupied by single-family dwellings. The .80 (MOL) acres of land proposed for right-of-way abut on the west and north.

The PS zoning district is established for public and private activities that serve and are used by the public. The following criteria, included in Section 30-75 of the City Land Development Code, was used to determine the compatibility of this petition with the surrounding area: Purpose; Objectives; Uses permitted by right; Dimensional requirements; General conditions; Development plan approval (site suitability; site design; external compatibility); Parking; Landscaping; Street signs; Flood Control, and Preliminary development plan in conjunction with rezoning.

The City Plan Board considered the above-referenced petition at a public hearing held September 20, 2007. By a vote of 7 - 0, the City Plan Board approved Petition 85ZON-07PB with staff conditions and the condition that the City Plan Board review the associated development plan for preliminary approval.

CITY ATTORNEY MEMORANDUM

Florida Statutes provides that the City Commission may adopt the ordinance at the conclusion of one public hearing.

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

10/22/07 City Commission Approved (Petition) (7 - 0)

070544A_200710221300.pdf

070544B_200710221300.pdf

070544C_200710221300.pdf

070544D_200710221300.pdf

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED**070542.****PLANNED DEVELOPMENT AMENDMENT - A CHILD'S PLACE (B)****Ordinance No. 0-07-91, Petition No. 95PDA-07PB**

An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 2604, that adopted the Planned Development commonly known as "A Child's Place" located in the vicinity of 4127 Northwest 34th Street; providing for the reduction of the lot size of the existing planned development; adopting revised development plan maps and a revised planned development report; amending and adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This is request to reduce the lot size in an existing PD (Planned Development) to facilitate the development of Fire Station No. 8. The subject property is the site of A Child's Place child care facility. It consists of one tax parcel of land that is 4.04 acres (MOL) in size. Lots zoned RSF-2 (single-family residential district) and occupied by single-family dwellings abuts on the north and east. A 6-foot wide strip of land zoned PD abuts the property on the south and separates the subject property from additional lots that are zoned RSF-2 and occupied by single-family dwellings. Northwest 34th Street abuts on the west. The land use designation is PUD (Planned Use District).

In 1981, the City adopted the PD (Planned Development) zoning on the subject property by ordinance (Ordinance No. 2604). The purpose of this petition is to amend the ordinance, which consists of a development plan map, a development plan report dated February 4, 1981, and an addendum to the development plan report dated March 25, 1981. The amendment will reduce the total acreage of the subject property zoned PD to 1.97 acres (MOL), so that the remaining portion can be used for the construction of a City fire station and associated right-of-way. These improvements will require a lot split approval, and the approval of a land use and zoning change for the fire station site, under the related petitions noted above. The remaining parcel and the permitted daycare center will continue to meet and comply with the standards of the PD.

The City Plan Board considered the above-referenced petition at a public hearing held September 20, 2007. By a vote of 7 - 0, the City Plan Board approved Petition 95PDA-07PB with staff conditions and the condition that the City Plan Board review the associated development plan for preliminary approval.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of October 22, 2007, authorized the city attorney's office to prepare and advertise the necessary ordinance amending the planned development known as "A Child's Place".

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

10/22/07 City Commission Approved (Petition) (7 - 0)

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070049

PROHIBIT REHABILITATION CENTERS AND SOCIAL SERVICE HOMES OR HALFWAY HOUSES FROM THE FIVE POINTS SPECIAL AREA PLAN AREA (B)

Ordinance No. 0-07-43; Petition 50TCH-07PB

An ordinance of the City of Gainesville, Florida, amending Chapter 30, Appendix A, Section 8, Exhibit A(f)(9) of the Land Development Code, relating to the Special Area Plan Five Points Area; adding Rehabilitation Centers and Social Services Homes or Halfway Houses to the list of prohibited uses; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING DEPARTMENT STAFF REPORT

On August 8, 2005, the City Commission implemented one of the recommendations of Plan East Gainesville by establishing the Five Points Special Area Plan Overlay Zoning District ("Five Points SAP"). On April 23, 2007, the City Commission directed staff to process a proposed Land Development Code amendment to add Rehabilitation Centers and Social Service Homes or Halfway Houses to the list of prohibited uses in the Five Points SAP. The purpose of the Five Points SAP is to encourage the development of a high-quality, walkable, mixed-use neighborhood center. To achieve that objective, provisions of this SAP primarily address design issues such as building orientation, building alignment, façade articulation, parking locations and connections. The last section of the SAP, however, specifically prohibits certain uses. The currently prohibited uses are ones that have the greatest

potential to negatively impact the walkability of the area.

In contrast, the need to prohibit some rehabilitation and social service uses is related to the overall development of the area, not just the area's walkability. Past experience indicates that a concentration of those uses in an area can inhibit the growth and development of that area. For that reason, preventing a concentration of rehabilitation and social service uses, particularly in the Five Points Area, is important to the development of East Gainesville.

The City Plan Board heard the petition on May 17, 2007 and recommended by a vote of 6-0 that the City Commission approve Petition 50TCH-07PB.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If the ordinance passes on the first reading, second and final reading will be held on January 28, 2008.

RECOMMENDATION *The City Commission (1) approve the Petition; and (2) adopt the proposed ordinance.*

Legislative History

11/19/07 City Commission Withdrawn

070049_200801141300.pdf

070619.

LAND DEVELOPMENT CODE AMENDMENT - RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (B)

Ordinance No. 0-07-118, Petition No. 103TCH-07PB

An ordinance of the City of Gainesville, Florida, amending Chapter 30, the Land Development Code, in accordance with the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc, and making other revisions for clarity and consistency; amending Section 30-51 to allow public schools as a use by special use permit in single-family residential districts rather than a use by right and removing public libraries as a use by special use permit in single-family residential districts; amending Section 30-52 to remove conditions on places of religious assembly and allow private schools as a use by right in RMF-5 and RC districts, and allow places of religious assembly and private schools as use by right in MH districts; amending Section 30-53 to remove conditions on places of religious assembly and allow private schools as a use by right in multiple family medium residential districts; amending Sections 30-54, 30-62, 30-63, 30-72, 30-75, 30-76, and 30-78 to allow places of religious assembly as a use by right in residential mixed use, automotive-oriented business, tourist-oriented business, agricultural, public services and operations, airport facility, and corporate park districts; amending Section 30-55 to remove conditions on places of religious assembly and allow private schools as a use by right in residential high density districts; amending Section 30-59 to allow public schools, other than institutions of higher learning, as use by special use permit in general office districts; amending Sections 30-61, 30-64, and 30-65 to remove references to places of religious assembly

as a condition related to membership organizations; amending Section 30-68 to allow places of religious assembly as a use by right, and remove reference to places of religious assembly as a condition related to membership organizations in warehousing and wholesaling district; amending Sections 30-69 and 30-70 to remove membership sports and recreation clubs as a use by right in limited and general industrial districts; amending Section 30-77 to allow private schools and places of religious assembly as a use by right, and to modify the dimensional requirements in educational services district; amending Section 30-91 to modify dimensional requirements specific to places of religious assembly and requirements for places of religious assembly accessory uses, including day care centers, schools, food distribution centers for the needy, and residences for destitute people; amending Section 30-103 to modify dimensional requirements for private schools; inserting clarifying language in Section 30-110; amending Sections 30-251, 30-306, and 30-307 to remove references to places of religious assembly; amending Section 30-253 to remove landscape buffer requirements specific to places of religious assembly, and apply buffer requirements to all assembly uses; amending Section 30-332 to modify parking spaces required for places of religious assembly; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing a retroactive schedule; and providing an immediate effective date.

Explanation: STAFF REPORT

The proposed text changes to the land development code are proposed to make sure that the City's land development code is in accordance with the Religious Land Use and Institutionalized Persons Act, as codified in 42 U.S.C.A. §2000cc (see attached). The Act specifies that "no government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a non-religious assembly or institution". The proposed changes amend the code so that places of religious assembly are treated at least equal to non-religious assembly or institutional uses. Additional minor changes were made to ensure consistency throughout the code. The significant changes include:

Allowing places of religious assembly as a use by right in most non-residential districts instead of by Special Use Permit or not at all so that they are treated on equal terms as other similar assembly or institutional uses.

Allowing public schools as a use by Special Use Permit instead of by right in Single-Family zoning districts so that all assembly or institutional uses are treated equally in that district.

Allowing public schools, private schools and places of religious assembly as a use by right in all residential low, medium and high density residential districts so that they are all treated equally.

Deleting membership and assembly types use from the Industrial Districts, so that all such uses are equally prohibited.

Changing the requirements for landscaping, parking, gateway street district, and nature park district so that all membership and assembly uses are treated

equally.

Changing the requirements for places of religious assembly, a "specially regulated use", so that they are at least equal to other assembly or institutional uses.

Allowing food distribution centers for the needy and residences for the destitute as an accessory use to places of religious assembly by special use permit within RSF-1, RSF-2, RSF-3 and RSF-4 zoning districts instead of by a city manager's permit to ensure neighborhood compatibility.

The Plan Board heard concerns expressed by Stuart Cullen and Andy Kaplan, regarding the new lot size requirements being placed on places of religious assembly in the RSF-1, RSF-2, RSF-3, and RSF-4 zoning districts. The new requirement would require places of religious assembly to meet the same lot size requirements as private and public schools. The Plan Board agreed with staff that given the built-out nature of single-family neighborhoods the requirement was appropriate to protect neighborhoods from the externalities of assembly type organizations. The Plan Board voted 6-0 to approve the petition.

Public notice was published in the Gainesville Sun on October 3, 2007. The Plan Board held a public hearing on October 18, 2007.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of November 26, 2007, approved the Petition and authorized the City Attorney's Office to prepare the necessary ordinance amending the Land Development Code of the City of Gainesville.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

11/26/07 City Commission Approved (Petition) (7 - 0)

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070769.

URBAN MIXED USE ZONING DISTRICTS (B)

Ordinance No. 0-06-120; Petition 141TCH-06 PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, relating to the establishment of zoning districts and categories and to the correspondence of zoning districts with future land use categories; amending section 30-41, to add the Urban Mixed-Use 1 and Urban Mixed-Use 2 districts; amending section 30-46 to provide corresponding zoning districts and future land use categories that conform to the City of Gainesville 2000-2010 Comprehensive Plan;

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

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

On November 28, 2005, the City Commission approved Ordinances 041057 and 041058, adding two new land use categories and zoning districts, Urban Mixed-Use (UMU-1) and Urban Mixed-Use 2 (UMU-2) to the City of Gainesville 2000-2010 Comprehensive Plan and the City of Gainesville Land Development Code. Implementing these new Urban Mixed-Use land use categories (UMU-1 and UMU-2) requires that these land use categories and zoning districts be listed in the City of Gainesville Land Development Code. Zoning districts have been assigned to the two land use categories based on whether the objectives of the land use categories are compatible with the zoning districts and whether the assigned districts help implement the two land use categories. Other changes are being made to Section 30-46 to make the Land Development Code provisions consistent with the Comprehensive Plan.

Public notice was published in the Gainesville Sun on September 5, 2006. The Plan Board held a public hearing September 21, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board, by a vote of 4-0, recommended that the City Commission approve Petition 141TCH-06 PB.

CITY ATTORNEY MEMORANDUM

Upon approval by the Plan Board on September 21, 2006, the Community Development Department requested the Office of the City Attorney prepare the necessary ordinance. Because this ordinance was contingent upon the passage and state review of an amendment to the Comprehensive Plan to add the UMU-1 and UMU-2 land use categories and zoning districts to the Comprehensive Plan (Petition 140CPA-06PB, which was approved on second reading on October 22, 2007), the preparation of this ordinance was delayed.

This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, January 28, 2008.

RECOMMENDATION *The City Commission (1) approve Petition 141TCH-06PB; and (2) adopt the proposed ordinance.*

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070626.

PARKING ENFORCEMENT PROGRAM BY PUBLIC WORKS DEPARTMENT EMPLOYEES (B)

Ordinance No. 0-07-107

An ordinance of the City of Gainesville, Florida, amending Section 26-2 of the Gainesville Code of Ordinances to provide a definition for parking enforcement specialist; amending Section 26-46 to delete the term traffic enforcement technician and to provide parking enforcement authority to parking enforcement specialists; amending Section 26-53 by deleting the

term traffic enforcement technician, providing parking enforcement authority to parking enforcement specialists; providing for notice by department initiating impoundment and prohibiting tampering or removing immobilization devices without authority of department initiating immobilization; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its November 19, 2007 meeting, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance allowing certain Public Works Department employees to enforce the provisions of Chapter 26 of the Code of Ordinances relating to parking enforcement duties. Currently, the code only provides for any law enforcement officer, police service technician, or traffic enforcement technician to enforce Chapter 26 and the traffic enforcement technician position no longer exists. Section 316.640(3)(c)1, Florida Statutes, provides for any properly trained personnel to enforce parking provisions, and the Public Works Department currently has a certified trainer on staff to satisfy that requirement.

This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be January 28, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/19/07 City Commission Approved as Recommended (4 - 0 - 3 Absent)
070626_200701141300.pdf

070510.

TRESPASS TOWING (B)

Ordinance No. 0-07-108

An ordinance of the City of Gainesville, Florida, amending Chapter 14.5, Article III, Section 14.5-29(4)(d), Gainesville Code of Ordinances, relating to photographs of vehicle violations and viewing photographs; creating a new Section 14.5-29.1 establishing and requiring the posting of a Customer Bill of Rights; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its November 19, 2007 meeting, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance providing for photographs taken to be made available to owners or custodians of vehicles being towed, providing for a Customer Bill of Rights, and posting of the Customer Bill of Rights.

This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be January 28, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/24/07 City Commission Referred (7 - 0) Public Safety Committee
 11/19/07 City Commission Approved as Recommended (4 - 0 - 3 Absent)
 070510_200711181300.pdf
 070510_0114081300.pdf

051225.**ANTI-DISCRIMINATION - GENDER IDENTITY (B)****Ordinance No. 0-07-88**

An ordinance of the City of Gainesville, Florida, amending Chapter 8 of the Gainesville Code of Ordinances, relating to discrimination; defining gender identity and readily achievable; adding gender identity as a class protected against discrimination in Article I, In General, Article II, Human Rights Board, Article III, Equal Employment Opportunity, Article IV, Equal Access to Places of Public Accommodation; Article V, Fair Housing, and Article VI, Equal Credit Opportunity; amending sections 8-49 (Employment), 8-69 (Public accommodations), 8-94 (Fair housing) to provide exceptions regarding discrimination on the basis of gender identity, relating to access to, and use of, certain facilities such as shower rooms and dressing rooms, in covered facilities; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its meeting on September 10, 2007, authorized the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance adding gender identity to the list of protected classes against whom discrimination in employment, public accommodation, housing practices and credit opportunities is prohibited by Chapter 8 of the Code of Ordinances. Gender identity, as defined in the proposed ordinance, means "an inner sense of being a specific gender, or the expression of a gender identity by verbal statement, appearance, or mannerisms, or other gender-related characteristics of an individual with or without regard to the individual's designated sex at birth."

The general procedures and prohibitions of Chapter 8 would apply to discrimination on the basis of gender identity as it would to discrimination on the basis of other protected classes. The general exceptions applicable to other protected classes would also apply to claims of discrimination based on gender identity. Prohibitions against discrimination on the basis of gender identity would not apply in the case of the employment, public accommodations, or housing related practices of religious institutions.

Further exceptions would generally apply in the case of certain shared facilities. Under certain conditions, it would not be an unlawful practice, based upon actual or perceived gender identity, to deny access to a shared shower or dressing facility in which being seen fully unclothed is unavoidable. Denial of access to such facilities would be permitted if the covered entity provided reasonable access to adequate facilities that are not inconsistent with the person's gender identity, as established with the entity at the time of initial access, or upon notification to the entity that the individual has undergone or is

undergoing gender transition, whichever is later. Furthermore, the obligation to provide reasonable access to other adequate facilities is required only where this is "readily achievable." Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether providing reasonable access to adequate facilities would be readily achievable, a number of factors would be considered. Provision of "unisex," single-occupancy shower stalls or dressing areas would be deemed providing reasonable access.

The initial recommendation of the Equal Opportunity Committee regarding requiring alternative facilities in new construction was subsequently determined to be more stringent than the Florida Building Code. Upon reconsideration, the Equal Opportunity Committee determined it would be better to not impose specific additional requirements on new construction at this time. Thus, for both existing and future covered entities, denial of access to shared dressing and shower facilities, where being seen fully unclothed is unavoidable, would be permitted, without the need to provide alternative facilities, if providing alternative facilities involved much difficulty or expense.

This ordinance requires two public hearings. If adopted on first reading, second and final reading of the ordinance is scheduled for Monday, January 28, 2008.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

4/3/06	City Commission	Referred	Equal Opportunity Committee
5/1/06	Equal Opportunity Committee	Discussed	
6/5/06	Equal Opportunity Committee	Discussed	
7/20/06	Equal Opportunity Committee	Discussed	
10/10/06	Equal Opportunity Committee	Discussed	
1/18/07	Equal Opportunity Committee	Discussed	
3/14/07	Equal Opportunity Committee	Discussed	
6/26/07	Equal Opportunity Committee	Continued	
7/25/07	Equal Opportunity Committee	Approved as Recommended	
8/15/07	Equal Opportunity Committee	Approved as Recommended	
9/10/07	City Commission	Approved as Recommended (5 - 0 - 2 Absent)	
10/10/07	Equal Opportunity Committee	Continued	
11/7/07	Equal Opportunity Committee	Approved as Recommended	

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED**070514.****VOLUNTARY ANNEXATION - CITY-OWNED & STATE OF FLORIDA TREEO (B)****Ordinance No. 0-07-93**

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 Tax Parcels 06837-001-000, a portion of 06845-000-000, and a portion of 06837-000-000, as more specifically described in this Ordinance, generally located south of the vicinity of SW 20th Avenue, west of the City limits and SW 63rd Boulevard, north of the City limits and SW 41st Place, and east of the City limits and the vicinity of SW 75th Street; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; 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, August 13, 2007, at a regular City Commission meeting, the City Commission received and accepted petitions for annexation, and determined that the petitions bore the signatures of the owners of the property that is the subject of this annexation. On September 10, 2007 and September 24, 2007, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

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 January 14, 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.

Legislative History

12/10/07 City Commission Adopted on First Reading (Ordinance) (7 - 0)
070514_200712101300.pdf

RESOLUTIONS- ROLL CALL REQUIRED**070761.****Resolution Amending the Retiree Health Savings Plan Removing of Voluntary Contributions to the Retiree Health Savings Plan (B)**

This item involves passing a Resolution amending the Retiree Health Savings Plan and authorizing the City Manager to execute the necessary document to amend the Retiree Health Savings Plan removing the irrevocable voluntary contributions to The Plan effective January 1, 2008.

Explanation: In January 2002, the City of Gainesville began implementation of the Retiree Health Savings Plan (RHS) administered by ICMA-RC. The addition of this plan and the original adoption agreement that included only a mandatory contribution for all eligible members was a result of the collective bargaining process with the Communications Workers of America (CWA). The CWA, ATU and Management wanted to find a method to help employees better prepare for the additional cost of health insurance upon retirement. The ICMA-RC Vantagecare Retirement Health Savings Plan was developed by ICMA-RC as a vehicle to allow employees to accumulate assets in a tax-free plan to pay for post-employment medical, dental and vision expenses, including the retiree's portion of the health insurance premium. The reimbursements (disbursements) from this plan for qualified expenses are not taxable, therefore, allowing a tax-free source of income to pay for these post employment health care expenses.

The first plan amendment was effective in January 2003 and added an additional contribution method. The change allowed employees to make an irrevocable voluntary election to contribute to their account subject to plan maximums. This amendment offered employees the ability to put aside additional funds above the mandatory contribution as a means to better prepare for retirement.

Last year, ICMA-RC sent a notification to employers with a RHS Plan regarding the voluntary elections offered in these plans. According to ICMA-RC, the Internal Revenue Service (IRS) has raised an issue with the voluntary elections and the tax preference these elections receive. Because of this, ICMA-RC recommended, and the City complied with this recommendation, to temporarily suspend these types of contributions for the Plan Year January 1, 2007 - December 31, 2007. Based on the discussions and negotiations ICMA-RC had with the IRS, it is now necessary to permanently amend the Plan to remove the irrevocable voluntary contributions. Since the City temporarily suspended these contributions for 2007, the Plan will be amended to permanently remove this contribution effective January 1, 2008.

The Plan changes are effectuated by approving the attached Resolution and Amended Plan Document. The amendments do not affect the eligible employees, mandatory contributions, or allowable expenses of the Plan.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission: 1) approved the attached Resolution; 2) authorize the City Manager to execute the Amended Plan Document subject to approval by the City Attorney as to form and legality.

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PLAN BOARD PETITIONS

070763.

Petition 128PDV-07PB. Brown & Cullen, Inc., agent for Denney Family Limited Partnership (B)

Re-establishment of the Magnolia Parke PD with a new development schedule for a maximum of five years. Zoned: PD (Planned Development). Located in the 4700 block of Northwest 39th Avenue.

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

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

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

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

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 128PDV-07PB with staff conditions and a five year extension approvable by the City Commission.

Staff to City Plan Board - Approve the petition subject to granting a new development schedule for a maximum of five years and the adoption of the conditions attached to the staff report.

Alternate Recommendations

The City Commission approve Petition 128PDV-07DB with staff conditions and a twenty year extension.

The City Commission deny Petition 128PDV-07DB.

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070776.

Sign Code Content Neutral Amendment (B)

Petition 104TCH-07PB, amend the Land Development Code section 30-315 through 30-327 of the Sign Code to make it consistent with recent court rulings and to revise the code to make it content neutral.

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

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

The City Plan Board reviewed the proposed changes and recommended approval with a 6-1 vote. The Plan Board also recommended that the size of flags be limited. Some Board members were concerned that various commercial uses were using very large flags as signage, and that the size of a flag should be based on some standard. The consultant attorney provided staff with information about the "typical" size of flags based on the height of the flagpole from ushistory.org. This information is associated with the Independence Hall Association in Philadelphia and in particular the Betsy Ross house. Staff will use this information as we update the sign code to address this issue.

RECOMMENDATION

Plan Board to the City Commission - approve the petition with the flag size limit to be determined by Staff.

Staff to the Plan Board- approve the petition.

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DEVELOPMENT REVIEW BOARD PETITIONS**SCHEDULED EVENING AGENDA ITEMS****070774.****Proposed Cade Museum (B)**

Explanation: The family of the late Dr. Robert Cade is interested in creating a museum in Gainesville that will in part celebrate his work and ideas and the spirit of innovation. The museum could potentially generate exciting benefits for the Gainesville community. A site has not been selected as of yet, but several alternatives are under review. One of the candidate locations being considered is the Depot Park site.

The City of Gainesville is in the process of developing the Depot Park site, located at the corner of Depot Avenue and South Main Street. The park has convenient access to downtown, the University of Florida, and surrounding neighborhoods. In 2002, a community design charrette enthusiastically attended by local residents led to the creation of a conceptual park design consisting of a variety of recreational and cultural amenities. GRU is planning the cleanup of environmental contamination on the site to allow the redevelopment to proceed. In addition, transportation enhancements planned for South Main Street and Depot Avenue will improve public safety and aesthetics in the vicinity of the park. For these reasons and more, the Depot Park site would be an excellent choice for locating the museum. The combined features of these two projects can potentially create significant possibilities and benefits. The East Gainesville SPROUT Project Task Force has met with the Cade Museum organizers and expressed support for the project.

RECOMMENDATION

The City Commission: 1) Authorize the Mayor and City Manager to sign a letter of interest to the Cade family and museum organizers extending an invitation to work with staff and community representatives to explore the possibilities of joining the Cade museum with the Depot Park project; and 2) Request the CRA to work with the Cade Museum organizers.

NOTE: It is anticipated that the City Commission will waive the Rules and hear this item at 5:30 PM.

UNFINISHED BUSINESS**COMMISSION COMMENT****CITIZEN COMMENT (If time available)****ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**

