

City of Gainesville

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



Meeting Agenda - Final

December 20, 2012

1:00 PM

Modified Agenda

City Hall Auditorium

City Commission

*Mayor Craig Lowe (At Large)
Mayor-Commissioner Pro-Tem Lauren Poe (At Large)
Commissioner Thomas Hawkins (At Large)
Commissioner Yvonne Hinson-Rawls (District 1)
Commissioner Todd Chase (District 2)
Commissioner Susan Bottcher (District 3)
Commissioner Randy Wells (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****ROLL CALL****INVOCATION****CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS**[120601.](#)**Increase Maximum Funding Award for Homeowner Rehabilitation Program Funded by the Community Development Block Grant (CDBG) Program and HOME Investment Partnership Program (HOME) Funds (NB)**

This item requests for the City Commission to consider approval to increase the existing Homeowner Rehabilitation Program maximum funding awards with the use of the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program and HOME Investment Partnership Program (HOME) Funds.

Explanation: This item supports the City Commission Strategic Initiative 2.6: Increase the Amount of Affordable Housing and Low-Cost Housing Throughout the City.

The Homeowner Rehabilitation Program offers a comprehensive assessment of a housing units overall safety and structural soundness for very low and low-income households as defined by HUD. There are three components of the Homeowner Rehabilitation Program:

1) Roof Program - addresses the prevention of further damage to homes, and reduces rehabilitation costs of homes by repairing or replacing deteriorated or leaking roofs. Eligible repairs are limited to the roof of the structure on the home;

2) Minor Rehabilitation Program - addresses the repair of health and safety violations on a home. The program will be applied to homes that are in need of deferred maintenance. The repair priorities include, but are not limited to: roof, electrical, heating, plumbing, and handicap accessibility (if applicable); and

3) *Major Rehabilitation* - will address the repair of serious health and safety violations on a home. The homes eligible for rehabilitation under this program must be considered substandard with health and safety violations that exceed the repair priorities of the Minor Rehabilitation Program. Eligible repair priority includes, but is not limited to: roof, electrical, heating, plumbing, structural, and handicap accessibility (if applicable).

In 1996, the Homeowner Rehabilitation (Owner Occupied) Program maximum funding awards for the CDBG and HOME Programs were established by the City Commission (Legislative File #960522). At that time, the maximum program awards were established at a total of \$36,000, plus a 10% contingency allowance for a total maximum of \$39,600 excluding project closing costs and insulation/venting costs. This funding maximum included all components of the Homeowner Rehabilitation Program with no distinct maximum funding awards for the Roof Program, Minor Rehabilitation Program or Major Rehabilitation Program.

Additionally, leveraged funds from other sources such as State Housing Initiatives Partnership (SHIP) Program, and other public/private monies were not limited by these funding caps. However, due to the reduction of SHIP Program funding in recent years, there is limited funding available to leverage the CDBG and HOME Program funding for the Homeowner Rehabilitation Program. As such, the additional funding awards are needed for the CDBG and HOME Homeowner Rehabilitation Program to effectively address the overall safety and structural soundness of the housing units assisted through the various rehabilitation programs. Increasing the CDBG and HOME program funding awards for the Homeowner Rehabilitation Program will allow the federal funding sources to be equivalent to the approved program funding awards for the SHIP Homeowner Rehabilitation Programs. Therefore, staff is proposing to increase the Homeowner Rehabilitation Program maximum funding awards for the CDBG and HOME Program funding to match the SHIP Program funding awards as currently established in the City's Local Housing Assistance Plan as follows: 1) Roof Program \$15,000; 2) Minor Rehabilitation Program \$30,000; and 3) Major Rehabilitation Program \$50,000, which also provides a distinct maximum award for each program component for the Homeowner Rehabilitation Program funded by the CDBG and HOME Program. The program funding modification increase will ensure that the City continues to expand the production and preservation of the existing housing stock within the city limits of the City of Gainesville.

Fiscal Note: Housing and Community Development Division Program funds from CDBG and HOME are available to fund the program award increases. The maximum funding awards for the CDBG and HOME Rental Housing Rehabilitation (Legislative File #960522) and Lead Based Paint Hazards (Legislative File #060570) Programs will remain at the current maximum funding levels as established by the City Commission.

RECOMMENDATION

The City Commission: 1) approve the increase of the Community Development Block Grant (CDBG)

Program and HOME Investment Partnership Program (HOME) Homeowner Rehabilitation Program to be equivalent to the State Housing Initiatives Partnership (SHIP) Program funding as currently established in the City's Local Housing Assistance Plan as follows: 1) Roof Program \$15,000; 2) Minor Rehabilitation Program \$30,000; and 3) Major Rehabilitation Program \$50,000.

[120602.](#)

FY 2012 U.S. Department of Housing and Urban Development (HUD) Continuum of Care Homeless Assistance Program Grant (CoC) Application (NB)

The City of Gainesville will participate in the development of an application for HUD Continuum of Care Homeless Assistance Program funding by serving as the sponsor grantee for two local projects. This item supports City Commission Strategic Goals & Initiatives for Human Capital to continue implementation of the 10 year plan to end homelessness.

Explanation: This item supports the City Commission Strategic Initiative 3.1: Continue Implementation of the 10 Year Plan to End Homelessness.

The U.S. Department of Housing and Urban Development (HUD) has published the FY 2012 Notice of Funding Availability (Funding Opportunity Number FR-5600-N-41) for the Continuum of Care Homeless Assistance Program Competition. Approximately \$1.61 billion is available for the CoC Program. The CoC Program is authorized by subtitle C of title IV of the McKinney-Vento Homeless Assistance Act, as amended (42 U.S.C. 11381-11389) (the "Act"). The FY 2012 funds for the CoC Program were authorized by the Consolidated and Further Continuing Appropriations Act of 2012 (Pub. L. 112-55) (the "HUD Appropriations Act").

The CoC Program is designed to promote a community-wide commitment to the goal of ending homelessness; to provide funding for efforts by nonprofit providers, States, and local governments to quickly re-house homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness; to promote access to and effective utilization of mainstream programs by homeless individuals and families; and to optimize self-sufficiency among individuals and families experiencing homelessness.

The City of Gainesville will partner with the North Central Florida Continuum of Care to prepare a grant application for the 2012 CoC Program funds. Since 1995, the City of Gainesville has coordinated with other Gainesville/Alachua County organizations to submit applications for funding under HUD's CoC. Two projects, for which the City has

served as the applicant and grantee, will be included in the 2012 CoC grant application: 1) Meridian Behavioral Healthcare, Inc., "HOPE" Program. This project provides supportive services and transitional housing for mentally ill and dually diagnosed homeless individuals at leased scattered sites; and 2) VETSPACE, Inc., "VETSPACE": to provide supportive services and transitional housing for homeless veterans in leased scattered sites.

If funded, the City would act as fiscal agent for the receipt and disbursement of grant funds for the Meridian Behavioral Healthcare "HOPE" Project and "VETSPACE" transitional housing program via subrecipient agreements. The other projects, if awarded, would be administered directly by the project sponsors. The deadline for submitting the CoC application to HUD is January 18, 2013.

Fiscal Note: The grant amount for each project may vary based on HUD's final approval of the CoC funding for the various projects. The City of Gainesville would act as the fiscal agent for both projects, and all required matching funds for the grant will be provided by Meridian Behavioral Healthcare, Inc. and VETSPACE, Inc. as required by HUD.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or his designee to apply for Continuum of Care Program grant funding to sponsor two agencies Meridian Behavioral Healthcare, Inc. and VETSPACE, Inc. in collaboration with the North Central Florida Continuum of Care under the U.S. Department of Housing & Urban Development (HUD) Continuum of Care Homeless Assistance Program; 2) authorize the City Manager or his designee to act on behalf of the City of Gainesville in all matters pertaining to said grants; and 3) authorize the City Manager or his designee to execute subrecipient agreements with Meridian Behavioral Healthcare, Inc. and VETSPACE, Inc. for funding through the Continuum of Care Homeless Assistance Program, subject to approval by the City Attorney as to form and legality.

[120619.](#)

Surplus Property Sale (NB)

This item is requesting City Commission approval for disposal of all items at the Surplus Lot to be declared surplus and disposed of through contract methods.

Explanation: Each year, there are approximately 2,500 surplus property items stored at the City's Surplus Lot located at the Public Works Compound on 39th Avenue. These surplus items consist of scrap materials, office equipment and furniture, construction equipment, vehicles, abandoned and unclaimed property and miscellaneous items. In an attempt to

reduce storage costs and increase revenues staff has implemented changes to the auction process. The method of disposing of surplus property is outlined in the City's Financial Services Procedure Manual. Typical disposal methods are: transfer to other City departments; public auction; sealed competitive bids; and donation to another governmental agency. The surplus property auctions are now being held monthly or bi-monthly at the auctioneer's site or through an online auction process. This process has increased the cash flow for the surplus process as well as reducing storage and personnel costs.

Fiscal Note: The City expects to generate revenues in excess of \$250,000 annually as a result of monthly or bi-monthly auctions. At the \$250,000 level the cost to the City would be \$20,000 based on the 8% bid rate.

RECOMMENDATION

The City Commission declare all materials, equipment and vehicles stored at the Surplus Lot as surplus property and authorize the sale of such property for the time period covering FY2013.

[120610.](#)

Budget Calendar (NB)

This is a request for the City Commission to approve dates for discussion of the FY2014 budget and related items.

Explanation: Staff requests the City Commission approve dates to discuss items related to the FY2014 budget. Topics of discussion will include the GRU and General Government Budgets, the Fire Assessment, Community Forums, a Strategic Planning Retreat, and an Annexation Strategy Workshop.

Staff requests the City Commission approve the following dates:

January 9, 2013 - 4:00pm-6:00pm - Annexation Strategy Workshop

April 23, 2013 - 6:00pm-8:30pm - Community Forum (location to be determined)

June 11, 2013 - 8:00am-5:30pm - Strategic Planning Retreat (location to be determined)

July 15, 2013 - 9:00am-2:30pm - GRU/General Government Budgets

July 16, 2013 - 10:00pm-6:00pm - GRU/General Government Budgets, Adopt Preliminary Fire Assessment Rate, by resolution

July 22, 2013 - 10:00am-6:00pm - GRU/General Government Budgets

July 23, 2013 - 10:00am-6:00pm GRU/General Government Budgets

July 25, 2013 - 9:00am-5:00pm - GRU/General Government Budgets, Adopt Tentative Budgets, Set Tentative Millage, by resolution

September 9, 2013 - 6:00pm-9:00pm - Adopt Final Fire Assessment Rate, Hold 1st Public Hearing to Adopt Budgets and Set Millage Rate for FY2014

September 19, 2013 (Regular Meeting) 6:00pm - 2nd Public Hearing to Adopt Budgets and Set Millage Rate for FY2014

Staff suggests the City Commission set the Preliminary Fire Assessment

Rate immediately after the budget discussion on July 16, 2013 and adopt the tentative budgets and set the tentative millage immediately after the budget discussion on July 25, 2013. This will likely occur sometime before 6:00pm which will require the City Commission to waive the rules to hear the Resolutions before 6:00pm.

Truth in Millage or TRIM requirements set forth in State Statutes require that various taxing authorities hold their public hearings on different dates and/or times in order to allow taxpayers to attend each hearing and provide feedback if desired. Taxing Authorities that cross multiple jurisdictions are given first priority on setting their public hearing dates. As a result, The City of Gainesville is required to set their public hearing dates in September so as not to conflict with the County, the School Board, the Library District and the Water Management Districts. Staff is proposing that the City's public hearings occur during a Special Meeting and a regularly scheduled meeting in September 2012. This typically does not create a conflict with the other taxing authorities. However, in the event a conflict arises, staff will submit a revised schedule for September 2013 requesting additional special meeting dates. These potential conflicts will not be known until July 2013.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission: 1) approve the dates requested by staff; 2) waive the City Commission Rules to hear the Resolution to approve the Preliminary Fire Assessment Rate before 6:00pm on July 16, 2013; and 3) waive the City Commission Rules to hear the Resolutions to adopt the tentative budgets and set the tentative millage rate before 6:00pm on July 25, 2013.

[120637.](#)

Ratification of Agreement between the Amalgamated Transit Union Local No. 1597 Bargaining Unit and the City of Gainesville for October 1, 2012 through September 30, 2015 (B)

This item proposes the ratification of the Agreement between the Amalgamated Transit Union Bargaining Unit and the City of Gainesville.

Explanation: This Agreement has been reached through negotiations between the Amalgamated Transit Union Bargaining Unit and the City of Gainesville, and was ratified by the Amalgamated Transit Union Bargaining Unit on December 7, 2012. This Agreement extends the current Collective Bargaining Agreement through September 30, 2015.

A copy of the Agreement is on file in the Office of the Clerk of the Commission. After December 20, 2012, the Agreement will be on file in the Human Resources Department.

Fiscal Note: Funds are currently budgeted for Fiscal Year 2013.

RECOMMENDATION

The City Commission ratify the Agreement

between the Amalgamated Transit Union Bargaining Unit and the City of Gainesville, extending the Agreement through September 30, 2015.

[120637A_ATU Strikethru Labor Agreement_20121220.pdf](#)

[120637B_ATU Final Labor Agreement_20121220.pdf](#)

[120637C-MOD_Status of Pension Bargaining_20121220.pdf](#)

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

[120607.](#)

RITA PUENTES VS. THE CITY OF GAINESVILLE, EEOC NO.: 510-2013-00348 (NB)

Explanation: On November 20, 2012, the City of Gainesville received a Notice of Charge of Discrimination from the U.S. Equal Opportunity Commission. Ms. Rita Puentes, an applicant for employment with the City, alleges that she has been discriminated based on her sex and national origin.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Rita Puentes vs. the City of Gainesville; EEOC No.: 510-2013-00348

[120618.](#)

LISA MELTON, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF JARED MELTON, DECEASED VS. CITY OF GAINESVILLE D/B/A GAINESVILLE REGIONAL UTILITIES, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA (B)

Explanation: On December 3, 2012, the City was served with a Summons and Complaint filed by Lisa Melton, as personal representative of the estate of Jared Melton. On August 22, 2011, Jared Melton, an employee of Independent Drilling, Inc., was excavating with a bore auger at Tuscan Bend Apartments at which time he contacted a live underground power line. Mr. Melton was pronounced dead at the scene. The Complaint alleges negligence on the part of the City due to the power line being unmarked and unidentified. The estate seeks money damages from the City.

RECOMMENDATION

The City Commission authorize the City Attorney, and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville in the case styled Lisa Melton, as Personal Representative of the Estate of Jared Melton, Deceased vs. City of Gainesville d/b/a Gainesville Regional Utilities, a political subdivision of the

State of Florida, Eighth Judicial Circuit, Case No.
2012-CA-4494.

[120618 Jared Melton Consent 20121220.pdf](#)

[120626.](#)

Memorandum of Understanding for Cade Museum and Depot Park (NB)

Explanation: On October 2, 2012, the City of Gainesville and the Cade Museum Foundation entered into a Memorandum of Understanding (MOU) regarding the proposed Cade Museum and future plans to locate the Museum at Depot Park. Within the MOU, the City agreed to provide a draft form of ground lease for the project to the Cade Museum within 90 days of MOU execution. Since that time, the CRA Attorney has been working with CRA staff to draft a document for these purposes. The City Attorney's Office currently recommends structuring this document as a Development and Disposition Agreement, which will allow for the parties to negotiate a more comprehensive and flexible legal instrument. However, as the language within the MOU specifically describes a "ground lease," the MOU will require an amendment to reflect this proposed change. Additionally, the area described for use as the Cade Museum site may need to be revised. Finally, time deadlines should be extended to allow adequate time to negotiate the agreement and to obtain the approvals of both parties of the agreement.

The Community Redevelopment Agency Board, at its meeting of Monday, December 17, 2012, recommended that the MOU be amended accordingly.

RECOMMENDATION

The City Commission receive the recommendation of the Community Redevelopment Agency Board that the City Attorney be authorized to prepare an amendment to the Memorandum of Understanding for Cade Museum and Depot Park.

Legislative History

12/17/12	Community Redevelopment Agency	Approved as Amended
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[120626 MOU 20121217.pdf](#)

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[120634.](#)

Appointment to the Gainesville Housing Authority (NB)

RECOMMENDATION

The City Commission confirm the Mayor's appointment for the following:

Jean Ritch to the Gainesville Housing Authority for

a term to expire 8/1/16.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

[120581.](#)

Review of General Fund Forecasted Revenues and Other Sources of Funds for the Fiscal Year Ending September 30, 2013 (B)

Explanation: In accordance with Section 12(a), Budget Reviews, of Commission Resolution 970187 and our Annual Audit Plan, we have completed an audit of General Fund revenue estimates for the fiscal year ending September 30, 2013. The objective of our review was to evaluate the reasonableness of the forecasted General Fund Revenues and Other Sources of Funds set forth in the Fiscal Year 2012-2013 Final General Government Financial and Operating Plan Budget adopted by the City Commission on September 20, 2012.

Conclusion

Based on our review, we believe that the projected Fiscal Year 2012-2013 General Fund Revenues and Other Sources of Funds in the total amount of \$105,139,498, as adopted by the City Commission on September 20, 2012, are reasonable and can be relied upon as part of the Final General Government Financial and Operating Plan Budget. While we have projected some revenue sources at a different level than the approved General Fund budget, we do not believe that the total value of these differences is material in relation to the overall Fiscal Year 2012-2013 General Fund Revenues and Other Sources of Funds. The total estimated difference is approximately \$64,220 or 0.1% less than budgeted.

The differences are reflected in the attached schedule of General Fund Forecasted Revenues and Other Sources of Funds for the Fiscal Year Ending September 30, 2013 and an accompanying Explanation of Differences. Management continually monitors the City's financial position throughout the fiscal year and makes adjustments as necessary. Monitoring reports are provided to the City Commission through the Audit, Finance and Legislative Committee on a quarterly

basis, with any significant changes from budgeted figures discussed in committee.

RECOMMENDATION *The City Commission accept the City Auditor's report.*

Legislative History

11/26/12	Audit, Finance and Legislative Committee	Recommended for Approval
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[120581 Review of General Fund Forecasted Revenues and Other Sources of F](#)

[110658.](#)

Advisory Board Attendance Appeals (B)

Explanation: On February 2, 2012, the City Commission considered the appeals of several advisory board members who did not meet minimum attendance requirements during 2011 and referred this item to the Audit, Finance and Legislative Committee. Since that time, staff from the City Auditor's Office, the Clerk's Office and City Management have worked with various advisory board and staff liaisons to review the current attendance requirements, including the appeals process, and to provide recommendations for enhancing this process. Attached are recommended revisions to City Ordinance section 2-247, "Removal from office," for quasi-judicial, administrative and advisory boards. The primary focus of the recommended revisions is to provide for a modest number of excused absences per year that would not count against the board members' overall attendance record for the purposes of removal from office, to clarify what constitutes "attendance" and to eliminate the current appeal process for advisory board members.

RECOMMENDATION *The City Commission:*

- 1) Direct the City Attorney to draft and the Clerk of the Commission to advertise an amendment to City Ordinances, based on staff recommendations; and*
- 2) Remove this item from the Audit, Finance and Legislative Committee referral list.*

Legislative History

2/2/12	City Commission	Approved as shown above and Referred to the Audit, Finance and Legislative Committee
11/26/12	Audit, Finance and Legislative Committee	Recommended for Approval, as amended

[110658 MOD Attendance Sheets 20120202.pdf](#)

[110658 MOD Code Excerpt 20120202.pdf](#)

[110658 Recommended Ordinance Revisions - AFLC 11-26-12.pdf](#)

[110658 Appeal Form 20120202.pdf](#)

[120573.](#)

Report on the Status of Outstanding Audit Recommendations for November 2012 (B)

Explanation: City Commission Resolution 970187, City Auditor Responsibilities and Administrative Procedures, requires the City Auditor to notify the appropriate Charter Officer of recommendations projected for implementation in the following six months. The responsible department managers prepare a written status report to the appropriate Charter Officer who then provides this information to the City Auditor. The City Auditor's Office verifies that corrective action has been taken and summarizes the results to the Audit, Finance and Legislative Committee.

During the past several months, the City Auditor worked with the appropriate Charter Officers in preparing a status report on 38 outstanding audit recommendations. We have reviewed management's feedback on the implementation of outstanding recommendations and prepared the attached status report summarizing the results of our review.

We would like to express our thanks to the City Manager, Equal Opportunity Director, General Manager for Utilities and the various departments participating in this review process.

RECOMMENDATION *The City Commission accept the City Auditor's report.*

Legislative History

11/26/12	Audit, Finance and Legislative Committee	Recommended for Approval
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[120573 Outstanding Audit Recs for November 2012 - AFLC 11-26-12.pdf](#)

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

[110631.](#)

Downtown Conference Center Multi-Step Invitation to Negotiate Potential Funding Partners Research (B)

This is a request for the City Commission to hear a presentation regarding potential community funding partners to participate in financing a downtown conference center.

Explanation: In April 2010, the CRA issued a Request for Information for a publicly owned conference center/hotel in order for the CRA to respond to Alachua County's (the County) Request for Proposals for "Capital Projects that Promote Tourism." The proposed development required this funding source to achieve financial feasibility and was envisioned as a publicly-owned, multi-level conference center with highly flexible space, and a privately-owned, full service hotel with the potential for street-level retail. The project submitted by the CRA was not chosen for award by the County.

Since that time, there had been continued interest in a hotel and conference center in Gainesville's urban core. At the September 19, 2011, CRA Board meeting, staff was requested to draft language for a competitive solicitation for a hotel and conference center to be located on either the City-owned Lot 10 parcel or elsewhere in or near Gainesville's downtown. At the November 21, 2011, CRA Board meeting, specific boundaries for the solicitation area were defined as: a western boundary of NW/ SW10th Street, an eastern boundary of NE/SE 3rd Street, a northern boundary of 8th Avenue and the southern boundary of Depot Avenue.

A solicitation process was authorized by the City Commission on February 2, 2012. A multi-step Invitation to Negotiate (ITN) was jointly issued by the City and the CRA on February 29, 2012. The ITN was structured in two phases. The first phase requested the qualifications of developers demonstrating successful completion of similar projects elsewhere, a description of the development team composition, as well as a general description of any CRA or City financial assistance that would be sought for the project. This information was sought in order for the City and CRA to gain an understanding of the financial assistance needed for such a project.

A total of two responses to the first phase were received from Acquest Realty Advisors, Inc. and Gainesville Hotel & Conference Center, LLC. On June 21, 2012, the City Commission heard a presentation which outlined the financial assistance needs identified by the two respondents in order for a hotel and conference center project to be financially feasible.

After hearing the presentation, the City Commission requested that staff seek to identify potential local partners as funding sources for the project and report back to the Commission before the decision to continue or terminate the solicitation process is to be made.

Staff met with potential community funding partners to gauge interest in partnering on financing for construction and on-going operations of a conference center. These community partners expressed strong support for a conference center project, but did not have the ability to immediately commit funding towards construction or ongoing operations of a conference center. Each community partner provided valuable feedback on considerations regarding optimal conference center size, suitable locations, and additional community stakeholders to involve in the discussion.

For the solicitation to move forward to the second phase, the City Commission and CRA Board will need to make a policy decision identifying what assistance, if any, either can make available for a hotel conference center project. If no assistance can be made available, the solicitation process can conclude. If assistance is offered by the City and/or the CRA, phase two of the solicitation would be authorized. Staff would issue a phase two addendum to the two respondents identifying potential financial assistance offered and other requirements for phase two. Proposals submitted in the second phase would be evaluated based on a thorough assessment of the respondents understanding of and experience and financial ability to carry out the project. Additionally the project's potential economic impacts and benefits to the City's downtown area would be considered as well. The proposals would be ranked by a staff evaluation team and upon approval of the ranking by the CRA Board and/or City Commission, negotiations would begin with the top ranked respondent.

The ITN makes clear that given the variables involved in this solicitation (such as, but not limited to, location, cost, ownership structure and availability of requested City and/or CRA resources or assistance), the CRA and City each reserve the right to terminate this solicitation at any time, even after ranking and negotiation with the proposer(s).

The following information is provided to give a rough estimate of the costs that the City might incur if it underwrote the costs of the conference center portion of a potential hotel and conference center development project. The 2010 hotel and conference center feasibility assessment identified a minimum \$8 million gap in project financing costs. At that time, it was contemplated that this gap could be financed via bed tax funding, as the project was under consideration by the Board of County Commissioners.

To demonstrate potential financial impacts of a project today, City Finance Department has estimated costs related to financing \$8 million in gap funding to build a conference center. Under this potential scenario, the City's potential debt service would be in the range of \$550,000 - \$600,000 annually for 20 years. If the City was also to be involved in operating the conference center, it is estimated that the City could face approximately \$100,000 - \$200,000 in operating losses per year.

Fiscal Note: Please see reference above for potential long term financial impact to

the City if it were to finance construction and/or operations of a downtown conference center facility.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff on potential local funding partners; 2) discuss requested assistance and whether it is feasible for the City to make any assistance available; and 3) provide direction to staff on whether to conclude the ITN or, if assistance is made available, to initiate phase two of the ITN.

Legislative History

2/2/12 City Commission Approved as Recommended
6/21/12 City Commission Approved as shown above (See Motion)

[110631_Map_20120202.pdf](#)

[110631_Presentation_20120621.pdf](#)

[110631_Conference_Center_PPT_20121220.pdf](#)

GENERAL MANAGER FOR UTILITIES

[120641.](#)

Request for Authorization to Submit a Claim to Arbitration with GREC (NB)

Explanation: In 2009, the City Commission approved the execution of the Purchase Power Agreement (“PPA”) with The Gainesville Renewable Energy Center, LLC (“GREC”), whereby GRU agreed to purchase, and GREC agreed to sell, certain quantities of electricity, to be generated at the production facility currently under construction (the “Facility”).

On December 27, 2011, a representative of GREC’s Board of Directors, contacted the General Manager for Utilities, and advised of a planned transfer of 40% indirect interest of GREC from Tyr Energy, Inc., to an investment affiliate of Starwood Energy Group Global, LLC (“Starwood Energy”). According to a Starwood Energy press release, dated January 2011, Starwood Energy’s acquisition of Tyr Energy’s 40% ownership interest in GREC was executed and closed on December 30, 2011.

Since January of 2012, GRU consulted with legal counsel and requested additional documentation and information from GREC. To date, GREC has failed to provide the requested materials and information.

Under the terms of the PPA, GREC may not sell the Facility, either directly or indirectly, through a change of control of GREC unless prior to the sale, GREC gives notice to GRU of its intent to so sell the Facility. Once GRU receives such notice, it then has 60 days to prepare an offer to purchase the Facility.

GREC failed to comply with the PPA because it sold the Facility through

a change of control, and it did so without giving GRU proper notice and an opportunity to prepare an offer to purchase the Facility.

Florida law requires that an action seeking specific performance of a contract must be begun within one year after the cause of action accrues. Given that the sale to Starwood Energy occurred on December 30, 2011, GRU has until December 30, 2012 to commence an arbitration, as provided under the PPA. If GRU were to prevail in a claim of specific performance in arbitration, it could be of significant benefit to GRU's customers.

RECOMMENDATION

The City Commission (a) authorize the General Manager for Utilities, or his designee, to submit the claim to arbitration, and (b) authorize the General Manager or his designee, during the pendency of the arbitration, to negotiate with GREC a potential commercial resolution of the claim on terms mutually agreeable to the parties, subject to final approval of the City Commission and subject to City Attorney's opinion as to form and legality.

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

[120206.](#)

Roam Towing and the Appeals Process (B)

Explanation: This item was brought forward by Commissioner Thomas Hawkins at the July 19, 2012 City Commission Meeting during the ordinance reading of File #110209.

Chapter 14.5, Article III of the City of Gainesville Code of Ordinances includes the regulation of the towing and immobilization of vehicles improperly parked on private property. The City Commission originally referred the issue of a trespass tow company transferring ownership of the company to a relative to avoid penalties imposed on the company due to its unlawful operation. During the amendment process, it was

determined that Chapter 14.5, Article III should be amended to address not only the original issue referred to the Committee, but also to address other issues related to the regulation and operation of trespass towing and immobilization services. The proposed amendments will make the ordinance internally consistent, update and revise the regulations and protect the public whose valuable personal property is affected by tow operators and companies.

The proposed amendments include: 1) Requiring a trespass tow service to make application and obtain a permit issued by the towing administrator prior to engaging in the trespass tow business; 2) Setting forth requirements and conditions for the issuance and revocation of a trespass towing service permit and tow operator permit; 3) Allowing for the revocation of a trespass towing service permit and tow operator's permit if the person/entity does not maintain the same qualifications as those required to obtain or renew a permit; 4) Requiring an annual fee for a trespass towing service permit equal in amount to that of the annual immobilization permit; 5) Defining "roam towing" and "tow operator"; 6) Amending the definition of "towing administrator", "trespass towing" and "trespass towing service"; 7) Requiring all permits under the Chapter to expire on September 30st of each year; and 8) Prohibiting a purchaser of a trespass towing service from obtaining a trespass towing service permit until all fines and penalties have been paid or resolved.

This referral has been discussed at two Public Safety Committee meetings and at a meeting with the towing companies and City staff. At the November 29, 2012 Committee meeting the members voted to send this item back to the full City Commission with their recommendations.

RECOMMENDATION

The City Commission 1) hear a presentation on proposed amendments to Chapter 14.5 of the Code of Ordinances; 2) authorize the City Attorney to draft and the Clerk of the Commission to advertise the proposed amendments to Chapter 14.5, of the Code of Ordinances; and 3) request the City Manager design a resource for open accessibility pertaining to towing contracts and payments.

Legislative History

7/19/12	City Commission	Referred to the Public Safety Committee
9/27/12	Public Safety Committee	Discussed
11/29/12	Public Safety Committee	Discussed

[120206a_DraftTowOrdnPart1_20120927.pdf](#)
[120206a_DraftTowOrdnPart2_20120927.pdf](#)
[120206b_ProposedTowChangesPPT_20120927.pdf](#)
[120206c_ProposedAmendIOC_20120927.pdf](#)
[120206d_DraftTowOrdPart210812_20121129](#)
[120206e_TowCompanyCourtJudgement_20121129](#)
[120206f_TallahasseeTrespassTowFees_20121129](#)
[120206h_WeaverOct22MtgIOC_20121129](#)
[120206g_SummaryCity&TowCompanyMtg_20121129](#)
[120206i_RoamTowsTotalsFor3Yrs_20121129](#)
[120206a_PPT_20121220.pdf](#)
[120206b_ProposedAmendmentIOC_20121220](#)
[120206c_DraftTowOrd10812_20121220](#)
[120206d_TowCompanyCourtJudgement_20121220](#)
[120206e_TallahasseeOrd_20121220](#)
[120206f_SummaryCity&TwoCompanyMtg_20121220](#)
[120206g_WeaverOct22MtgIOC_20121220](#)
[120206h_RoamTowTotalsFor3Yrs_20121220](#)
[120206-MOD_Presentation_20121220.pdf](#)

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED[120574.](#)**Proposed Fiscal Year 2013 Annual Audit Plan (B)**

Explanation: Resolution 970187, City Auditor Internal Responsibilities and Administrative Procedures, Section 4 (b) requires the City Auditor to submit an Annual Audit Plan to the City Commission for approval. The process of preparing the Annual Audit Plan includes defining auditable units, obtaining input from City Commissioners and Charter Officers, evaluating information gained from previous audits and assessing the relative risks involved in different City programs and operations.

Each of the requested projects is weighed against other planned or required projects resulting in Exhibit A, which represents a compilation of proposed audits for the City Auditor's work plan for Fiscal Year 2013. Audits are classified into the following categories:

Revenue/Cost Containment Audits
 Operational Audits
 Compliance Audits
 Follow-up Audits
 Other Projects

We request that the Committee recommend the City Commission approve our Fiscal Year 2013 Annual Audit Plan by resolution.

RECOMMENDATION The City Commission approve the resolution.

Legislative History

11/26/12	Audit, Finance and Legislative Committee	Recommended for Approval
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[120574 Annual Audit Plan - AFLC 11-26-12.pdf](#)

[120392.](#)**Water Conservation and Water Shortage Resolution (B)**

Explanation: At its meeting of October 4, 2012, the City Commission directed the City Attorney to draft a resolution for the City to opt into Alachua County's Year-Round Water Conservation Measures and Water Shortage Regulations Ordinance (Alachua County Ordinance No. 2012-08). This Resolution requests that Alachua County amend Ordinance No. 2012-08 to give Alachua County Environmental Protection Department the authority to enforce water conservation measures and water shortage regulations within the City of Gainesville, consistent with Alachua County Environmental Protection Department's enforcement authority.

RECOMMENDATION The City Commission adopt the proposed

*Resolution.*Legislative History

10/4/12 City Commission Approved as Amended

[120392_ord_20121004.pdf](#)

[120392_ppt_20121004.pdf](#)

[120392-MOD_ppt_20121004.pdf](#)

[120392_res_20121220.pdf](#)

[120392_countyord_20121220.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[120175.](#)

TEXT CHANGE - UPDATE DENSITY REFERENCES IN UMU-1 & UMU-2 ZONING DISTRICTS (B)

Ordinance No. 120175; Petition No. PB-12-62 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code Section 30-41 Establishment of zoning districts and categories; by correcting the density references for Urban mixed-use district 1 (UMU-1) and Urban mixed-use district 2 (UMU-2); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition/ordinance amends the Land Development Code to update density references in the Urban mixed-use district 1 (UMU-1) and Urban mixed-use district 2 (UMU-2) zoning districts. The proposed text change will make Sec. 30-41 consistent with previous changes to the Urban Mixed-Use 1 and 2 future land use categories and zoning districts that were adopted by Ordinance Nos. 100684, 110598, and 110642.

Public notice was published in the Gainesville Sun on June 12, 2012. On June 28, 2012, the City Plan Board held a public hearing and, by a vote of 5-0, recommended approval of the petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings.

RECOMMENDATION

The City Commission (1) approve Petition PB-12-62 TCH and (2) adopt the proposed ordinance.

[120175A_draft ordinance\)20121220.pdf](#)
[120175B_staff report_20121220.pdf](#)
[120175C_Comp Plan GOPs_20121220.pdf](#)
[120175D_Application_20121220.pdf](#)
[120175E_CPB minutes_20121220.pdf](#)
[120175F_staff ppt_20121220.pdf](#)

[120314.](#)

**TEXT CHANGE - RELATING TO NATURAL AND
ARCHEOLOGICAL RESOURCES AND REGULATED SURFACE
WATERS AND WETLANDS (B)**

Ordinance No. 120314; Petition No. PB-12-88 TCH
An ordinance of the City of Gainesville, Florida, relating to regulated natural and archeological resources and regulated surface waters and wetlands; amending Section 30-182(c) Pre-application conference for concept review; amending Section 30-183(e) Design plat specifications; amending Section 30-190(c) and (i) Cluster subdivisions; amending Section 30-216 Requirements and evaluation of PD; amending Section 30-254(i) commercial tree removal permits; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The purpose of this petition/ordinance is to amend sections of the Land Development Code for consistency with the updated definition of uplands, removal of the Significant Ecological Communities District, and other changes relating to the regulation of natural resources, archaeological resources, and surface waters and wetlands that were adopted by Ordinance No. 110076 on August 2, 2012. The proposed text amendments are relatively minor and pertain to subdivision requirements, Planned development (PD) district evaluation requirements, and tree removal permits.

Public notice was published in the Gainesville Sun on August 7, 2012. On August 23, 2012, the City Plan Board held a public hearing and, by a vote of 6-0, recommended approval of the petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings.

RECOMMENDATION

The City Commission (1) approve Petition PB-12-88 TCH and (2) adopt the proposed

ordinance.

[120314A draft ordinance 20121220.pdf](#)

[120314B Staff report 20121220.pdf](#)

[120314C Comp Plan GOPs 20121220.pdf](#)

[120314D Application 20121220.pdf](#)

[120314E CPB minutes 20121220.pdf](#)

[120314F staff ppt 20121220.pdf](#)

[120210.](#)

REZONING - FOREST PARK - IN THE VICINITY OF 2000 SW 43RD STREET (B)

Ordinance No. 120210; Petition No. PB-12-38 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 24.7 acres of property located in the vicinity of 2000 SW 43rd Street, as more specifically described in this ordinance, from Alachua County Conservation district (C-1) to City of Gainesville Conservation district (CON) and Public service and operations district (PS); establishing uses permitted by right and minimum setbacks; excepting the requirement of a preliminary development plan for the portion of the property zoned Public services and operations district (PS); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition/ordinance rezones approximately 24.7 acres of property located in the vicinity of 2000 SW 43rd Street (on the southwest corner of SW 43rd Street and SW 20th Avenue) from Alachua County Conservation district (C-1) to the City of Gainesville Conservation district (CON) and Public services operations district (PS). The property includes Forest Park, a community park with active recreational facilities and an off-leash dog area. Also included is Alachua County Fire Rescue Station #19 and approximately 8.6 acres of environmentally sensitive land.

This rezoning, which is necessary to apply City zoning designations to property annexed in 2009, promotes the stable continuation of existing uses, is consistent with the Comprehensive Plan, and implements the City land use classifications of Public Facilities, Recreation and Conservation. The environmentally sensitive western portion of the property will be zoned CON, while the active recreation portion and the fire rescue station will be zoned PS. In addition, and in accordance with

Section 30-75 of the Land Development Code, this petition/ordinance establishes uses by right and minimum setbacks for the portion of the property proposed to be zoned PS.

After public notice was published in the Gainesville Sun on April 10, 2012, the City Plan Board held a public hearing on May 24, 2012, and by a vote of 5-0, recommended approval of this petition. This petition, as approved by the Plan Board, does not require a preliminary development plan in conjunction with this rezoning.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings.

RECOMMENDATION *The City Commission (1) approve Petition PB-12-38 ZON and (2) adopt the proposed ordinance.*

[120210A_draft ordinance_20121220.pdf](#)

[120210B_staff report_20121220.pdf](#)

[120210C_Comp Plan GOPs_20121220.pdf](#)

[120210D_Land Development Code_20121220.pdf](#)

[120210E_Supplemental Docs_20121220.pdf](#)

[120210F_Application_20121220.pdf](#)

[120210G_CPB minutes_20121220.pdf](#)

[120210H_staff ppt_20121220.pdf](#)

[120585.](#)

MANAGEMENT EMPLOYMENT POLICIES OF GAINESVILLE REGIONAL UTILITIES (B)

Ordinance No. 120585

An ordinance of the City of Gainesville, Florida, amending Chapter 2 of the Code of Ordinances of the City of Gainesville by amending Section 2-196 to designate additional Directors of Departments who the General Manager for Utilities may appoint and remove at will; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date and limited prospective application.

Explanation: The City Commission at its meeting on December 6, 2012 authorized the City Attorney to draft and the Clerk to advertise an ordinance designating certain job titles within Gainesville Regional Utilities as Directors of Departments.

This designation allows the General Manager for Utilities to appoint and remove such Directors at will; however, the at will status for any

particular job title will not become effective until that job title/position becomes vacant and an appointment is made after the effective date of this ordinance.

If this ordinance passes on first reading, second and final reading will be held on January 3, 2013.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/6/12 City Commission Approved as Recommended

[120585A_Management Employment Policies_20121220.pdf](#)

[120369.](#)

CHARTER LAW AMENDMENTS TO TRANSITION TO 4-YEAR CITY COMMISSION TERMS OF OFFICE AND TO HOLD ELECTIONS IN ODD-NUMBERED YEARS (B)

Ordinance No. 120369

An ordinance of the City of Gainesville, Florida; proposing an amendment to the Charter Laws of the City of Gainesville; amending Article II of the Charter Laws, entitled City Commission, by requiring regular municipal elections to be held every other year in odd-numbered years rather than every year, by changing the terms of office of the Mayor and City Commissioners from 3-year terms to 4-year terms, by providing transitional terms of office at specified lengths to achieve the changes; by specifying the commencement date of terms of office; providing for submission of the charter amendment to the voters for approval or disapproval at the March 19, 2013 regular municipal election; approving the question to be placed on the ballot; providing that this charter amendment shall become effective if approved by the voters; providing directions to the codifier; providing directions to the clerk of the commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: On November 1, 2012, the City Commission authorized the City Attorney to draft an ordinance to place the following charter amendments on the Spring 2013 City ballot: 1) move city elections to odd numbered years in the Fall; and 2) change the City Commission terms from 3 years to 4 years and retain the existing two consecutive term limit. On December 6, 2012, the City Commission provided further policy direction concerning the proposed charter amendments, specifically the plan to transition the terms of office for the Mayor and City Commissioner seats and establishing that the 4-year terms of office would commence with the first regular City Commission meeting in January of the calendar year

following each election. These amendments are a cost savings measure for the City as they will reduce the number of regular and run-off municipal elections by one-half.

Per Section 5.01 of the City Charter, a charter amendment may be proposed by an ordinance adopted by a four-fifths vote of the City Commission (i.e., approved by 6 of the 7 Commissioners).

If this ordinance is so approved by the City Commission, the proposed charter amendment will be placed on the next City election ballot. Pursuant to State law, the amendment must be clearly stated in a ballot question. By law, the number of words for the ballot question cannot exceed 75. The ballot question is stated in Section 2 of this ordinance. The Charter Amendment will not be effective unless approved by affirmative vote of a majority of the votes cast at the regular municipal election to be held on Tuesday, March 19, 2013.

This ordinance requires two readings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/24/12	City Commission	Completed
11/1/12	City Commission	Approved as shown above (See Motion)
12/6/12	City Commission	Continued
12/6/12	City Commission	Approved, as shown above - See Motion(s)

[120369 Election Town Hall 20120924.pdf](#)

[120369 PlanA&B 20121206.pdf](#)

[120369 draft ordinance 20121220.pdf](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[120304.](#)

REZONING - TAX PARCEL 06724-000-000 (B)

Ordinance No. 120304; Petition No. PB-12-86 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 44 acres of property generally located north of SW 18th Place, west of SW 38th Terrace, east of SW 40th Terrace, and south of SW 9th Place, as more specifically described in this ordinance, from the Alachua County zoning categories of Agriculture (A) and Multiple family, high density (R-3) to the City of Gainesville zoning categories of Conservation (CON) and Urban mixed-use district 2 (UMU-2); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

This petition and ordinance will rezone a 44-acre property (Tax Parcel No. 06724-000-000) from the Alachua County Agriculture (A) and Multiple-family, high density (R-3) zoning districts to the City of Gainesville Conservation (CON) and Urban Mixed Use-2 district (UMU-2) zoning districts. This property was annexed in June 2009 and is generally located north of SW 18th Place; west of SW 38th Terrace; east of SW 40th Terrace; and south of SW 9th Place.

Based on the environmental features present on the property (Hogtown Creek, 10-year flood channel, and a portion of Strategic Ecosystem), the City of Gainesville Conservation zoning is recommended for the northern portion of the property (30.4-acres). UMU-2 is recommended for the remaining 13.7 developable acres to promote mixed uses at a higher density than is currently allowed by the Alachua County zoning designation. The proposed UMU-2 and CON zoning are fully compatible with the proposed revision to the Urban Mixed Use-2 and Conservation land use category designations on this property that will be implemented by related Ordinances No. 100698 and No. 120303.

After public notice was published in the Gainesville Sun on August 7, 2012, the City Plan Board held a public hearing on August 23, 2012, and by a vote of 6-0, recommended approval of this petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on December 20, 2012. This ordinance shall become effective immediately upon final adoption; however, the rezoning implemented by this ordinance shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 120303 becomes effective as provided therein.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/6/12 City Commission Adopted on First Reading and Approved the Recommendations

[120304B Staff report 20121206.pdf](#)

[120304C Maps 20121206.pdf](#)

[120304D application 20121206.pdf](#)

[120304E_cpb minutes_2012106.pdf](#)

[120304F staff ppt 20121206.pdf](#)

[120304 draft ordinance 20121206.pdf](#)

[120023](#)**OUTDOOR LIGHTING - TEXT CHANGE (B)**

Ordinance No. 120023; Petition No. PB-12-40 TCH
An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to outdoor lighting; by adding new definitions to Section 30-23 Definitions; by deleting a subsection of Section 30-93 Gasoline and alternative fuel service stations (GN-554), and food stores (MG-54) with accessory gasoline and alternative fuel pumps; by amending Section 30-114 Off-site parking facilities for uses in MU-1 or MU-2 districts; by deleting a subsection of Section 30-160 Submittal requirements; by amending a subsection of Section 30-307 Nature park district; by deleting a subsection of Section 30-330 Design requirements for vehicle parking; by adding a new Section 30-344 Outdoor lighting; by deleting subsections of Section 30-345 General performance standards; by deleting Section 30-345.1 Nonconforming luminaires; by deleting a subsection of Appendix A. - Special Area Plans, Section 4. - Special Area Plan For Traditional City; by amending a subsection of Appendix A. - Special Area Plans, Section 8. - Special Area Plan Southeast Gainesville Renaissance Initiative Area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance updates, clarifies, and reorganizes the outdoor lighting provisions of the Land Development Code. The intent is to promote safety and security with outdoor lighting that is energy and resource efficient and that protects neighbors, the environment, and the night sky from light pollution. This ordinance regulates illumination levels and luminaire design and operation (including pole heights) in accordance with lighting standards and practices published by the Illuminating Engineering Society of North America (IESNA). In addition, this ordinance provides protections against light trespass to adjacent property and provides regulations for parking lots, parking structures, and canopy lighting. Finally, this ordinance adds a provision that allows the appropriate reviewing board, city manager or designee to permit a waiver to one or more of the outdoor lighting requirements. Public notice was published in the Gainesville Sun on April 10, 2012. On April 26, 2012, the City Plan Board held a public hearing and, by a vote of 5-0, recommended approval of the petition. The City Commission approved the petition on June 7, 2012.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/7/12 City Commission Approved (Petition) as revised by the City Plan Board

12/6/12 City Commission Adopted on First Reading (Ordinance)

[120023A staff report 20120607.pdf](#)

[120023B Referral to CCOM 20120607.pdf](#)

[120023C Documents submitted to CCOM 20120607.pdf](#)

[120023D CPB minutes 20120607.pdf](#)

[120023E staff ppt 20120607.pdf](#)

[120023B staff ppt 20121206.pdf](#)

[120023 draft ordinance 20121206.pdf](#)

[120326.](#)

PLANNED DEVELOPMENT AMENDMENT - ONE COLLEGE PARK (B)

Ordinance No. 120326; Petition No. PB-12-83 PDA

An ordinance of the City of Gainesville, Florida, amending the Planned Development commonly known as "One College Park" located in the vicinity of the 1700 block between NW 1st Avenue and NW 2nd Avenue; by amending City of Gainesville Ordinance No. 080753 that rezoned the property to Planned Development and adopted the Development Plan; amending the Planned Development to add "dormitory" as defined in this Ordinance to the list of uses permitted by right under certain conditions; defining "dormitory"; adopting a revised development plan report and revised development plan maps; acknowledging extension granted pursuant to Ordinance No. 120129; providing a severability clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The "One College Park" Planned Development is located on 1.7 acres of the block that is between NW 17th and 18th Streets and NW 1st and 2nd Avenues. The property is currently the site of a surface parking lot which serves surrounding uses, including the St. Augustine Church. The planned development covers the entire block, with the exception of the Hurley Hall property on the southeast corner. The development site was rezoned on May 7, 2009 from the UMU-1 and RMU districts to the PD (Planned Development) district by Ordinance No. 080753. The purpose of the rezoning to PD was to allow for buildings up to six stories to be developed over the entire site, and also to bring the proposed principal uses, accessory uses, and required infrastructure under a single set of

regulations. The allowed uses, design of the buildings, and many development standards are dictated by the PD ordinance. As approved, the PD includes 56 apartment units, a maximum 170-room hotel, 14,000 square feet of commercial, and a central parking structure that will contain 610 parking spaces. The proposed parking structure is intended to serve the development and also provides for the replacement of some of the existing surface parking.

This ordinance requests an amendment to the approved PD ordinance in order to allow for a "dormitory" as an allowed use within the One College Park development. The intention is to allow for a dormitory use and/or the originally approved hotel use. No changes to the physical layout of the development or to the exterior design of the building are proposed. Minor revisions have been proposed to the PD Layout Map and PD Report in order to incorporate the dormitory as a potential component of the development. Condition 3 of the previously approved PD ordinance, which lists the allowed uses, is also being revised. Staff has found this amendment to meet the minimum requirements for a rezoning to the planned development district within Section 30-213 of the Land Development Code, and to be consistent with the criteria for review of planned developments in Section 30-216.

Public notice was published in the Gainesville Sun on August 7, 2012. On August 23, 2012, the City Plan Board, by a vote of 6-0, recommended approval of the petition. On October 4, 2012, the City Commission approved the Petition, by a vote of 7-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

10/4/12	City Commission	Approved (Petition)
12/6/12	City Commission	Adopted on First Reading (Ordinance)

[120326A staff report 20121004.pdf](#)

[120326B application & neighbhd workshop 20121004.pdf](#)

[120326C revised PD report 20121004.pdf](#)

[120326D revised PD Maps 20121004.pdf](#)

[120326E Adopted Ord 080753 One College Park 20121004.pdf](#)

[120326F CPB minutes 20121004.pdf](#)

[120326G staff ppt 20121004.pdf](#)

[120326A draft ordinance 20121206.pdf](#)

CENSUS DATA (B)**Ordinance No. 120311**

An ordinance of the City of Gainesville, Florida, amending Section 9-1.1 Election districts of the Code of Ordinances by redistricting the City of Gainesville into four ratably or equally proportioned election districts as required by law; making findings; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: Section 2.02 of the Charter Laws of the City of Gainesville requires apportionment of the City into 4 election districts for the purpose of electing district commissioners to the City Commission. In addition, Section 2.02 also requires the City Commission to adjust the boundary lines of the districts whenever, in its judgment, the districts are not ratably or equally proportioned in accordance with the Florida Constitution and the Constitution of the United States, but not less frequently than within the second year following each decennial census. The City Commission last completed a census-based redistricting in the City in 2002 taking into account data from the 2000 census. Therefore, in accordance with Section 2.02, the City Commission is required to redistrict within the second year following the 2010 census.

In order to accomplish the redistricting effort, the City Commission on March 1, 2012, appointed a Citizen Election District Review Committee consisting of residents of the City of Gainesville, including a citizen representative from each district, to review and recommend any changes in the size and areas of the four election districts. The City Commission also approved the contract with Dr. Kenneth Wald, Professor at the Political Science Department of the University of Florida, an expert in the field of redistricting and apportionment and who previously performed these services for the City. The City Attorney's Office provided legal counsel and support to the Committee.

Beginning in late spring, the Citizen Election District Review Committee held four (4) public meetings (each noticed on the City's official notice of meetings and website) to review information and recommendations from Dr. Wald, receive legal advice from the City Attorney's Office, and hear comments from the general public. In addition, on September 18, 2012, the Committee held a public hearing (advertised in the Gainesville Sun, the Alligator, Community 12TV, and the City's website) to receive feedback from the public regarding Dr. Wald's four redistricting plans and his analysis for recommending Plan 1. Following this public hearing, the Committee held an additional public meeting on October 2, 2012, where it voted 5-2 to adopt Dr. Wald's recommendation and recommend that the City Commission adopt Plan 1 to redistrict the City of Gainesville into four ratably or equally proportioned election districts. On October 18, 2012, the City Commission held a public hearing where it received a presentation from the Chair of the Citizen Election District Review Committee regarding the Committee's recommendation that the City Commission adopt Plan 1 and heard a presentation from Dr. Wald

explaining his "Report to the Citizen Election District Review Committee" and his analysis for recommending Plan 1. The City Commission then, by a vote of 5-0, authorized the City Attorney's Office to draft an ordinance adopting Plan 1, to be scheduled for first reading on November 15, 2012. Dr. Wald's "Report to the Citizen Election District Review Committee" is included as backup to this ordinance and his oral presentation from the October 18, 2012 City Commission meeting may be found on the City's website; both are made a part of the record hereof as if set forth in full.

On November 15, 2012, the City Commission discussed this item and continued first reading of the ordinance to a date certain of December 6, 2012.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

10/18/12	City Commission	Approved, as shown above (Main Motion)
11/15/12	City Commission	Continued (1st Reading)
12/6/12	City Commission	Adopted on First Reading (Ordinance)

[120311A Election District Report 20121013.pdf](#)

[120311B Election Districts Memos 20121018.pdf](#)

[120311A draft ordinance 20121115.pdf](#)

[120311B ElectionDistrictsReport 20121115.pdf](#)

[120311 electiondistrictpresentation 20121115.pdf](#)

[120438.](#)

AMENDMENT TO RATE SCHEDULE FOR SOLAR FEED-IN-TARIFF PROGRAM (B)

Ordinance No. 120438

An ordinance of the City of Gainesville, Florida, amending Appendix A, Utilities, (1) Electricity, i. Distributed Resources Rates, 1. General Provision, (C) Solar Energy Purchase Agreement/Solar Feed In-Tariff (SEPA), (vii), of the Code of Ordinances of the City of Gainesville, by amending rates for the Solar Feed-in-Tariff program; providing a repealing clause; providing directions to the codifier; providing a severability clause; and providing an effective date in accordance with the schedule provided herein.

Explanation: At its meeting on October 18, 2012, the City Commission authorized the City Attorney to draft and the Clerk of the Commission advertise an

ordinance amending rates for the Feed-In-Tariff program for projects with SEPA contracts entered into during calendar year 2013. The changes will be effective for contracts entered into between 12:01 a.m. on January 1, 2013 and midnight on December 31, 2013.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

10/18/12 City Commission Approved as shown above (See Motion)

12/6/12 City Commission Adopted on First Reading (Ordinance)

[120438_ppt_20121018.pdf](#)

[120438_Draft Ordinance_20121206.pdf](#)

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

[120631.](#)

GAINESVILLE CITIZENS CARE, INC. VS. CITY OF GAINESVILLE d/b/a GAINESVILLE REGIONAL UTILITIES AND GAINESVILLE RENEWABLE ENERGY CENTER, LLC; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2012-CA-1346 (B)

Explanation: In April 2012, Gainesville Citizens Care, Inc. (GCC) filed a Complaint against the City for alleged Sunshine Law violations arising out of negotiations that resulted in the Purchase Power Agreement (PPA) for the Biomass facility. The City answered and defended the City in the case. Gainesville Renewable Energy Center, LLC (GREC) intervened in the case. Discovery was conducted and trial set for January 7, 2013.

On November 15 and December 6, 2012, the Parties attended Court ordered mediation and agreed to enter into an agreement at that mediation, subject to approval by the City Commission. A copy of the Settlement Agreement entered into between GCC and City representatives is included as backup to this item. In short, upon the City Commission's acceptance of the settlement agreement, the City Commission agrees to schedule and hold a televised public workshop for the purpose of allowing public comment and discussion regarding the biomass plant and the PPA. If all interested parties present that day cannot be heard that day, the City Commission agrees to continue the workshop to another day.

Upon the City Commission's acceptance of the terms of the settlement agreement, GCC will dismiss its lawsuit with prejudice. It is the recommendation of the General Manager for Utilities and the City Attorney that this Settlement Agreement be accepted by the City

Commission.

RECOMMENDATION

Approve the terms of the proposed Settlement Agreement reached between representatives of the City and Gainesville Citizens Care, Inc. in Case Number 2012-CA-1346, and authorize the Clerk of the Commission to schedule a public workshop in accord with the terms of the Settlement Agreement.

[120631_Gainesville Citizens Care Settlement_20121220.pdf](#)

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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