

# **City of Gainesville**

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



## **Meeting Agenda**

**April 28, 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***

## CALL TO ORDER - 1:07 PM

## AGENDA STATEMENT

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

## ROLL CALL

## INVOCATION

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 031290.

#### **Second Extension of Evergreen Cemetery Grounds Maintenance Agreement (B)**

**This item involves a request for the second extension to the contract with Oasis Landscape Services, Inc. for the grounds maintenance of Evergreen Cemetery.**

*Explanation: The City's current three-year contract established in June 2004 with Oasis Landscape Services, Inc. for grounds maintenance at Evergreen Cemetery would have expired June 1, 2007. The contract provides for two one-year extensions based on their satisfactory performance. The City exercised its first extension effective June 2, 2007, and is now prepared to exercise the second extension provided for in the contract and amend the contract by extending it four months through September 30, 2009. The amendment will allow the contract to expire at the end of the fiscal year rather than mid year.*

*Oasis Landscape Services, Inc. is experienced with the City's standards and has scored above average in the performance of duties specified by the contract. Oasis Landscape Services, Inc. understands the sensitive nature of the work and has the recommendation of the Evergreen Cemetery Association of Gainesville, Inc. Based upon the above, staff is recommending the City extend the current contract for four months at a price of \$19,562.13 and extend the contract for the second one-year period at the original contract price of \$58,686.38.*

*Fiscal Note: Funds in the amount of \$19,562.13 are available in the current Department of*

*Parks, Recreation and Cultural Affairs' budget and \$58,686.38 will be included in the FY2009 budget.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) approve the second extension to the contract with Oasis Landscape Services, Inc. for grounds maintenance at Evergreen Cemetery; 2) amend the current contract by extending it an additional four months; and 3) authorize the City Manager or his designee to execute the contract, subject to the approval of the City Attorney as to form and legality.*

*Alternative Recommendation A: The City Commission deny the request.*

**Legislative History**

5/24/04 City Commission Approved as Recommended (6 - 0 - 1 Absent)

4/9/07 City Commission Approved as Recommended (5 - 0 - 2 Absent)

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**071092.**

**Assistance to Firefighters Grant FY2009 Application for Incident Training Simulator (NB)**

**This item requests that the Commission authorize the City Manager to execute a grant award for the FY2009 Assistance to Firefighters Grant for an Incident Training Simulator.**

*Explanation: In April 2008, Gainesville Fire Rescue (GFR) submitted an application for Federal funds under the Assistance to Firefighters Grant for FY2009. The application seeks funding for technology and equipment to complete a lab where a virtual scene is created and where trainees can practice the skills, knowledge, and abilities required for large-scale incident management in a controlled classroom setting. The request includes three projectors; 11 laptop computers and related multi-station management software; 12 portable radios; a digital simulation camera; and other workstation components. It is GFR's intent to ensure that, if awarded, the training simulator developed from this grant will be made available to other departments on a regional basis which will benefit our communities through enhanced command and control of large-scale, multi-agency incidents.*

*Fiscal Note: The total cost of the project is estimated at \$56,550; the Federal Share is 80% or \$45,240 and the Applicant Share is expected to be 20% or \$11,310. Matching funds have been identified in the GFR Support Services Bureau's operating budget. Following the initial grant award, the project is proposed to be sustained by financial agreements with other jurisdictions for use of the training simulator and possibly through other grant funds. Future costs will include replacement of, and upgrades to: laptop computer software, radios, and other workstation components.*

**RECOMMENDATION**

*The City Commission authorize the City Manager, if*

awarded the grant, to: 1) execute the grant award contract and other necessary documents, pending approval by the City Attorney as to form and legality; and 2) approve the required payments process for expending the grant funds and matching funds.

*Alternate Recommendation A: The City Commission not authorize the City Manager to execute the grant award contract or provide the required match funding.*

### **071093.**

#### **Acceptance of Florida EMS County Grant Award (NB)**

**This item requests approval to accept \$58,870 in reimbursement grant funding from the Florida Department of Health EMS Grant Program to be distributed to the City of Gainesville through Alachua County.**

*Explanation: The Florida Department of Health, Bureau of Emergency Medical Services (BEMS), awards funds from the State EMS Trust Fund to boards of county commissioners to improve and enhance pre-hospital emergency medical services in their counties. The annual amount allocated to each county is proportional to the amount of traffic fine surcharges collected in the county as a result of motor vehicle infractions.*

*Alachua County has been allocated \$147,810 for the grant period October 1, 2007 through September 30, 2008 (Alachua County Board of County Commissioners Resolution 07-110). Gainesville Fire Rescue (GFR) has requested funding to enhance the City's emergency medical services through the purchase of: 1) one Heavy Rescue Package of power tools, including hammers, grinders, cutters, saws, drills, and their accessories; 2) one Bullard T4-thermal imaging camera; and 3) twelve Air Traq units which provide imaging of patients' airways during intubation. The award will provide reimbursement funding, at minimum, of \$58,870 for GFR to purchase the equipment.*

*Fiscal Note: Reimbursement funds will be received from Alachua County in the amount of \$58,870, or greater. There is no required match.*

#### **RECOMMENDATION**

*The City Commission authorize the City Manager to expend the funds for the items requested.*

*Alternate Recommendation A: The City Commission not authorize the City Manager to expend funds for the items.*

### **071095.**

#### **Amendment to Sublease Agreement (B)**

**This item involves approval and authorization for the City Manager to**

**execute Amendment Number One to the Sublease of the Gainesville Downtown Connector, to include the 6th Street Rail Trail.**

*Explanation:* On February 12, 2001, the City Commission authorized the City Manager to execute the Sublease Agreement between the Florida Department of Environmental Protection - Office of Greenways and Trails (OGT) for a segment of abandoned railroad property, owned by the State of Florida. This segment of pedestrian rail trail is known as the Gainesville Downtown Connector. On March 26, 2008, the OGT acquired the property known as the 6th Street Rail Trail with its northern terminus the south right of way line of Northwest 16th Avenue and its southern terminus the north terminus of the Gainesville Downtown Connector. OGT has agreed to amend the Fifty (50) year sublease of the Gainesville Downtown Connector to add the 6th Street Rail Trail.

*Fiscal Note:* The annual \$300 administrative fee regarding the 6th Street Rail Trail will be waived as it will be covered by the annual administrative fee of the Gainesville Downtown Connector.

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute Amendment Number One to the Sublease of the Gainesville Downtown Connector, to include the 6th Street Trail, subject to approval by the City Attorney as to form and legality.*

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**071096.**

**Vacate Unimproved Right of Way Adjacent to the YMCA (B)**

**This item involves a request for the City Commission to approve a petition to the Planning Department to vacate the unimproved right of ways surrounded by the YMCA property at the request of the Public Works Department.**

*Explanation:* On August 21, 2002, the City entered into a License Agreement with The North Central Florida Young Men's Christian Association, Inc. (YMCA) for the use of unimproved right of way that loops through and separates two major pieces of their property. The license agreement was for a period of five years, allowing one year renewals. The first of the renewals has been completed. The agreement also stipulated the City will initiate a petition to vacate the unimproved right of way.

*This right-of-way is fifty feet wide as per the plat of the Third Addition to Carol Estates, recorded in Plat Book "E", page 99, of the Public Records of Alachua County, Florida. This addition to Carol Estates was platted in 1959 with Northeast 22nd Avenue improved to the west line of Lots 15 and 28 and Northeast 21st Avenue improved to the west line of Lot 36 and 49. The extensions of Northeast 22nd Avenue and Northeast 21st Avenue and the connector, Northeast 13th Terrace, remain unimproved. Public Works recommends vacation of the unimproved portions of Northeast 22nd Avenue,*

*Northeast 21st Avenue and their connection, Northeast 13th Terrace. Standard policy dictates upon vacation of a right of way, an overall utility easement is retained. Policy also dictates, if no utility easement is required, it must be specifically waived in the ordinance. Gainesville Regional Utilities (GRU) has requested the City does not retain an overall 50' utility easement which covers the vacated right-of-way. GRU has requested YMCA grant a Utility Easement over the westerly 20 feet of their property. YMCA has agreed to grant the easement in exchange for the City vacating the right-of-way.*

*Fiscal Note: Funding in the amount of \$800 is available in the Public Works Fiscal Year 2008 operating budget.*

**RECOMMENDATION**

*The City Commission: 1) Approve the request of Public Works to vacate the unimproved portions of Northeast 22nd Avenue, Northeast 21st Avenue and their connector, Northeast 13th Terrace, retaining an overall utility easement; and 2) authorize the Planning Department to circulate a petition to the Plan Board to vacate the unimproved portions of Northeast 22nd Avenue, Northeast 21st Avenue and their connector, being Northeast 13th Terrace, waiving the right to retain an overall 50' utility easement in exchange for a 20' utility easement, granted by The North Central Florida Young Men's Christian Association, Inc.*

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**071145.**

**Settlement of Worker's Compensation Claim - Billy Thomas (NB)**

**This item involves the full and final settlement of Billy Thomas' worker's compensation claim, which will include all future medical and indemnity payments. The total settlement amount is \$39,650 and represents a significant cost advantage to the City.**

*Explanation: While employed by Gainesville Regional Utilities (GRU), Mr. Thomas received an injury to his low back when he slipped and fell during post storm job duties. This led to ongoing medical treatment including surgery. As a result of his injuries, the present potential exposure to the City in future indemnity payments and medical treatment is in excess of \$245,000.*

*Recently, the City and Mr. Thomas attempted to mediate a settlement of his worker's compensation claim. Mr. Thomas and his attorney, Henry Mowry, have agreed to the proposed settlement. The City Attorney's Office, the Risk Management Department, GRU, Special Counsel and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount of \$39,650 includes all attorney fees, future medical costs, past and future indemnity payments and taxable costs.*

*Fiscal Note: The settlement of this case in the amount of \$39,650 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 Mr. Thomas, in the amount of \$39,650.*

## GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

**071157.**

**Engineering Services for Oakmont Reclaimed Water Pump Station Project (B)**

**Staff recommends approval of the final ranking of the engineering firms and authorization to negotiate a contract in accordance with the Consultants Competitive Negotiations Act (CCNA) for engineer design services for the Oakmont Reclaimed Water Pump Station Project.**

*Explanation: GRU currently operates reclaimed water facilities at the Kanapaha Water Reclamation Facility for customers in southwest Gainesville. GRU plans to expand the number of reclaimed water customers in the southwest and additional reclaimed water storage capacity will be necessary. The Oakmont Reclaimed Water Pump Station Project will provide additional reclaimed water storage and increase the reclaimed water pressure in the distribution system for those customers.*

*Utilities Purchasing issued a Request for Statement of Qualifications (RFSQ) to six engineering firms and posted the request on the web site. Three firms submitted Statements of Qualifications which were ranked in order of preference as follows:*

*Jordan, Jones, and Goulding, Inc.*

*CH2MHill*

*Jones Edmunds and Associates, Inc.*

*In accordance with the CCNA, staff is recommending initiating contract negotiations with the top ranked firm. If staff is unable to negotiate an acceptable contract with the top ranked firm, it may initiate negotiations with the next firm in order of ranking.*

*Fiscal Note: Funding for this request is included in the Water/Wastewater Capital Improvements budget.*

**RECOMMENDATION**

*The City Commission: 1) approve the ranking of engineering firms in the given order of preference for the engineering design of the Oakmont Reclaimed Water Pump Station Project; 2) authorize the General Manager, or his designee, to initiate contract negotiations with the top ranked firm in accordance with the CCNA; and 3) authorize the General Manager, or his designee, upon successful negotiations, to execute a contract with the top ranked firm, subject to approval of the City Attorney as to*

*form and legality, in an amount not to exceed budgeted amounts for the project.*

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## CITY ATTORNEY, CONSENT AGENDA ITEMS

### 071150.

#### **Eugene Gamble, Jr. vs. City of Gainesville, a Florida municipality and Christopher L. Perry; Alachua County Circuit Court; Case No.: 01-08-CA-1200 (B)**

*Explanation: On April 3, 2008 a summons and complaint was served on the City of Gainesville. Mr. Gamble alleges that he was a driver of a vehicle involved in an automobile accident with a City of Gainesville Regional Transit vehicle. He claims to have sustained bodily injury, loss of capacity for the enjoyment of life, expenses for medical care and treatment in the past and in the future, loss of earnings and ability to earn money. Mr. Gamble seeks money damages and attorney's fees in excess of \$15,000.00. In the same Complaint, Mr. Gamble also filed suit individually against the former City employee that allegedly drove the City of Gainesville Regional Transit vehicle.*

*In this lawsuit, the interests of the former City employee and the City appear, at this time, to not be in conflict. However, the possibility does theoretically exist for a conflict of interest to develop at some time in the future between the City's interests and those of the former City employee. Therefore, informed consent confirmed in writing by both the City and the former City employee is appropriate.*

#### **RECOMMENDATION**

*In the case styled Eugene Gamble, Jr. vs. City of Gainesville, a Florida municipality and Christopher L. Perry; Alachua County Circuit Court Case No.: 01-08-CA-1200, the City Commission 1) authorize the City Attorney to represent the City of Gainesville and City employee(s) acting in the course and scope of their employment, with the consent and waiver of potential conflict by the City Commission and by said City employee(s), and; 2) the City Commission authorize the City Manager to execute a consent and waiver of potential conflict on behalf of the City.*

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## CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

### 071158.

#### **City Commission Minutes (B)**

#### **RECOMMENDATION**

*The City Commission approve the minutes of April 2, 2008; April 3, 2008; April 7, 2008; and April 14, 2008; as circulated.*



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**071156.****Special Meetings (B)****RECOMMENDATION**

*The City Commission cancel and schedule meetings as follows:*

*Cancel - May 19, 5:00 PM*

*Cancel - June 16, 6:00 PM*

*Schedule - May 28, 6:00 PM - Fire Assessment  
- 2nd Reading of Ordinance and Initial  
Assessment Resolution*

*Schedule - June 26, 6:00 PM - Fire Assessment  
Resolution*

*Schedule - June 30, 6:00 PM - Fire Assessment  
Resolution*

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**071164.****Resignation of Citizens' Advisory Committee for Community Development  
Member Lauren Poe (B)****RECOMMENDATION**

*The City Commission accept the resignation of Lauren  
Poe from the Citizens' Advisory Committee for  
Community Development effective May 21, 2008 and  
extends its appreciation for his services.*

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**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****EQUAL OPPORTUNITY COMMITTEE, CONSENT****070716.****GRU Utility Rates (B)**

*Explanation: On November 19, 2007, the City Commission referred the issue of GRU utility rates to the Equal Opportunity Committee.*

*The Equal Opportunity Committee found that the current Gainesville Regional Utilities rate design should not be amended. Information from other municipal utilities, the Florida Public Service Commission and GRU Bond covenants was considered. Modification of the current rate structure to benefit members*

within a rate class would pose an equal opportunity issue due to the negative impacts on other customers within that class. An example of this matter is if rates were set to benefit larger families, the negative impact would be on all other customers, such as low income seniors who live alone. They would effectively pay more to make up for the subsidy that would occur.

**RECOMMENDATION**

The City Commission: 1) accept the recommendation from the Equal Opportunity Committee to leave GRU's rate design as it currently is; and 2) remove this item from the referral list.

**Legislative History**

11/19/07	City Commission	Referred (7 - 0)	Equal Opportunity Committee
1/17/08	Equal Opportunity Committee	Continued	
3/20/08	Equal Opportunity Committee	Continued	
4/17/08	Equal Opportunity Committee	Approved as Recommended	

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## COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

**070921.****Depot Avenue Rail Trail Improvements (B)**

**This item involves the addition of signage to the Depot Avenue Rail Trail.**

*Explanation:* Glattig Jackson and Associates and the CRA developed an improvement plan for the quarter mile section of the Depot Avenue rail trail between the SW 13th Street overpass and SW 11th Street. A conceptual design for a rail trail guide sign system is included within the improvement plan, which consists of lighting, benches and landscaping. Gainesville-based design firm Eye4 designed the signage and support system. On February 18, 2008, the CRA received a report from staff and approved the new sign design. Initially, the signage will be installed along the Depot Avenue Trail; however, wider application such as the NW 6th Street Rail Trail is also envisioned. The Eye4 design can be adapted to all rail trails in the City. The CRA is planning to develop construction specifications for implementing the signage and requests that the City Commission approve the design so this work can move forward.

*Fiscal Note:* There is no fiscal impact of this agenda item. Once work commences, funding will come from Account No. 9999-618-790-W735 - Depot Avenue Rail Trail Improvements. \$350,000 has been budgeted in this account for overall Depot Avenue Rail Trail Improvements.

**RECOMMENDATION**

CRA to the City Commission: Adopt the CRA rail trail signage for implementation on the City's rail trail system.

**Legislative History**

2/18/08      Community      Approved as Recommended (7 - 0)  
                  Redevelopment  
                  Agency  
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## END OF CONSENT AGENDA

## ADOPTION OF THE REGULAR AGENDA

## CHARTER OFFICER UPDATES

### 071016.

#### **Depot Park Update and Development Action Plan (B)**

##### **This item involves the Depot Park Update and Development Action Plan.**

*Explanation: On March 17, 2008, Community Redevelopment Agency (CRA) staff presented its project update and development action plan for Depot Park to the CRA board. The presentation covered the project vision, coordination structure, anticipated project timeline spanning the present to late 2011, funding availability, and funding gaps. The CRA approved several recommendations for referral to the City Commission in order to clarify and assign project management responsibilities, expedite the project schedule and fill funding gaps.*

*Since the CRA meeting date, staff has continued to expedite progress on the schedule. On April 1, a remediation coordination meeting was held with Florida Department of Environmental Protection (FDEP) officials. This meeting clarified cleanup objectives related to coal tar, petroleum, and other contaminants and secured FDEP assistance with addressing arsenic and solvents detected on portions of the site. The Rinker building is expected to be demolished by the end of April. A pre-bid meeting for relocating the Depot Building was held on April 11th. Bid submittals were due April 23rd. Public Works made progress on completing the reconstruction documents for Depot Avenue with CRA staff requesting brick paving, roadway lighting and electrical conduit. The landscape architecture firm Carol Johnson and Associates attended the Cade Museum charrette, conducted a site visit, and began drafting park design standards for completion by mid-July. The Phase 1a landscaping plans for the west pond are undergoing revisions and bidding of this work is expected by early May.*

*Over the last seven months, CRA staff has been instrumental with aiding the museum leadership become familiar with the Depot Park project and obtain various design documents, and also with coordinating with GRU and Public Works to ensure compatibility between their respective undertakings and the proposed museum site. CRA staff is also providing project timelines and other strategic assistance to ensure that the museum planning process is synchronized with activities tied to the redevelopment of the Depot Park area. The CRA, with its capacities in project coordination, engineering, planning, and finance,*

*anticipates assisting the museum project through completion.*

*The Cade Museum Leadership Group, assisted by CRA staff, conducted a design charrette from March 25th through 27th at the Florida Community Design Center. The Cade design team consists of Gould Evans Architects and exhibit designers Amaze. The design team has identified a concept described as the "3 I's" - Inspiration, Invention, and Innovation - as guiding principles for the museum. The concept arises from the processes whereby creativity leads to the development and dissemination of new technology. The charrette helped translate the concept into ideas for a physical space that showcases the exhibits and park. Gould Evans and Amaze created four distinct expressions of buildings that will later be refined into concepts. There was agreement that the museum and park should unify their design and that an overall brand for the museum and park be developed. Further conceptual refinement is underway and the Cade Museum Leadership Group anticipates returning to Gainesville soon with additional design materials. The CRA staff has invited representatives of the Cade Museum Leadership Group to present information concerning the project during the City Commission meeting.*

*Project Objectives: May through July (Dates provided by respective department)*

- *Final Phase 1 remediation construction plans approved (GRU) 5/2/08*
- *Submittal of Phase 2 remediation construction plans and approval (GRU) 6/15/08*
- *Begin temporary move of Depot Building (GRU) 7/1/08*
- *Complete park design and technical standards (CRA) 7/15/08*
- *Complete design and bid documents for Depot Avenue (Public Works) 5/15/08*
- *Begin installation of Phase 1a landscaping and irrigation installation (CRA) 7/1/08*
- *Begin 100% Depot Building rehabilitation plans (CRA) 7/1/08*

***Fiscal Note:** Partial funding for construction of Depot Park improvements (\$2.58 million) is available in the following City accounts: 335-850-C350 (2005 CIRB funds) amount \$980,480, 115-800-X201 (HUD EDI grant) amount \$119,514, 103-850-C350 (UDAG funds) amount \$470,253 with additional funds of \$809,879 due by 2013, and 115-790-X150 (Recreational Trail Program grant) amount \$200,000. Partial funding for the Depot Building rehabilitation is available in account 328-790-M500 (FDOT TEA 21 funds) amount \$627,679 and an additional \$850,000 from an anticipated bond issue in 2010. Beginning in fiscal year 2009 (October 1, 2008), DRAB will be requested to budget \$500,000 for park improvements. Funding for stormwater improvements is available from the State Revolving Fund construction loan and government grants. Partial funding for the reconstruction of Depot Avenue from Main Street to SE 7th Street is available from Federal Highway Administration and LAP funds. The funding needs are as follows: \$4 million to complete park construction, \$500,000 for restoring the depot building, \$1,000,000 to fully fund construction of Depot Avenue. The total capital need is \$5.5 million.*

**RECOMMENDATION**

*The CRA to the City Commission: 1) Designate the CRA as the lead agency for the construction of the*

*park and recreation elements on the site and for the depot building rehabilitation and authorize the CRA to assume leadership of the Depot Park Team, to be comprised of CRA, GRU, Public Works and Parks, Recreation and Cultural Affairs staff; 2) Approve "City's Best Interest" as an option for procuring remediation services and authorize staff to modify the project documents accordingly; 3) Address the approximately \$4 million capital funding gap for park and recreation improvements; 4) Establish late-2009 as the target completion date for remediation and start date for constructing the remaining park and recreation improvements; 5) Direct the City Manager to fund landscape improvements from Stormwater Management Utility funds in and around the stormwater ponds instead of using park development funds; 6) Direct the City Manager to secure adequate funding to start the Phase 2 reconstruction of Depot Avenue between South Main Street and SE 2nd Street by late-2009 and to determine funding needs to address arsenic remediation on the park site; 7) Address the approximately \$500,000 funding gap for restoring the Depot Building and authorize staff to pursue beginning the rehabilitation while the building is in storage in 2008; and 8) Accelerate funding of park projects by making funds equal to the remaining UDAG grant proceeds (total of \$809,879) available in fiscal year 2009 instead of 2013.*

**Legislative History**

3/17/08      Community      Approved as Recommended (5 - 0 - 2 Absent)  
                   Redevelopment  
                   Agency  
  
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**CLERK OF THE COMMISSION**

**071155.**

**City Commission Election 2009 (NB)**

**RECOMMENDATION**

*The City Commission schedule March 24th as the election date and April 14 for the run-off (if needed).*

**CITY MANAGER**

**071118.****Land Surplus for Alachua County Historic Trust Matheson Museum, Inc. (B)**

**This item involves the surplus and sale of City land to the Alachua County Historic Trust Matheson Museum, Inc. to address conforming lot issues with the SE 6th Street McGalliard Cottages.**

*Explanation: The City of Gainesville's Parks, Recreation and Cultural Affairs Department has had an ongoing relationship with the Alachua County Historic Trust Matheson Museum, Inc. through a long term lease agreement. In 1991, the City entered into this development agreement with the Matheson Museum to develop a portion of the Sweetwater Creek branch as a botanical garden, which is adjacent to this property. In 1994, the City purchased land from Sarah Matheson for \$75,000 which also is adjacent to city owned property. In 1995, the City purchased the Lofton Property for \$162,000, which is also adjacent to city property. In 1997, the City applied and was awarded \$100,000 for park improvements for the Sweetwater Park in conjunction with the Matheson Museum. In 1999, the City provided \$45,000 for climate control to the Matheson Museum. In 2004 the City provided \$50,000 for lighting and irrigation and entered into a Purchase and Sales Agreement with the Matheson Museum for the sale of the Lofton property to the Matheson Museum. In 2007, the City funded the installation of additional lights, an automatic irrigation system, well and decorative rails along the creek at each sidewalk.*

*In December 2007, Dr. Mark Barrow approached the City about two cottages the Matheson Museum received as donations. The two cottages located on SE 6th Street adjacent to City owned land were given to the Matheson Museum for their use and/or disposal. The subject property, Tax Parcel # 12688-000-000 is located at the southwest corner of SE 1st Avenue and SE 6th Street. It is approximately 9,600 square feet with a zoning of RMF-7 (Multi-family Residential), 8 to 21 dwelling units per acre. It is currently developed with two buildings with a total of 3 dwelling units; one building is a two-family dwelling and the other is a single-family dwelling. Based on the current building layout, the buildings are non-conforming as to front and rear setbacks. The two cottages are in the Southeast Gainesville Historic District and subject to the requirements of the guidelines and review of the Historic Preservation Board for development or alterations. In addition Dr. Barrow has stipulated that as part of the sale, there would be covenants on the property to protect the cottages.*

*Dr. Barrow, as agent for the Matheson Museum, is requesting the City sell the section of land approximately 160 feet by 28 feet adjacent to the back lot line in order that future owners could expand upon the two cottages. The intent of the Matheson Museum is to sell the cottages and use the proceeds for the ongoing operational needs and the possible expansion of the museum. Since the requested land is adjacent to the City's existing irrigation system, it may warrant the City retain a utility easement. Specification of the easement to be retained would be determined by the utility location and shown on the Boundary Lot Split survey.*

*Based on the existing zoning the subject property may apply for development options that are within the allowable density, which is three dwelling units, and expansions that meet the current setback requirements (Setback for all sides is the height of the building or 25 feet from an adjacent street). Any proposed expansion will also have to comply with the 35% lot coverage applicable to the subject property. Since the existing structures currently encroaches into the setbacks, the owners would be restricted to the current development or expansions that can demonstrate compliance with the development standards for the RMF-7 Zoning District. If the proposed transfer is approved, there would be little if any impact on the Sweetwater Park*

*If the City property were not sold to the Matheson Museum, the cottages would remain as non-conforming buildings but could request limited expansion through Planning and Development Services, subject to the Land Development Regulations. In order to execute the transfer, the city would have to file for the appropriate subdivision review process; currently it appears that a Minor Subdivision would be required.*

*Fiscal Note: Based on the Comprehensive Plan, Recreation Element, 1.4.3, "proceeds from the disposal or sale of any City-owned recreation and parks properties shall be used for recreation and parks infrastructure enhancements and improvements". Following a review of adjacent parcels completed by the City's Land Rights Coordinator, the approximately 0.10-acre portion of Tax Parcel 12689-000-000 is valued at \$19,950. The value of Tax Parcel 12689-000-000 in addition to the costs associated with the Lot Split/Boundary Survey and other costs associated with the sale of this property will be paid by the Alachua County Historic Trust Matheson Museum, Inc.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) declare approximately 0.10-acre portion of Tax Parcel 12689-000-000, as surplus and sell the land at the fair market value of \$19,950; 2) authorize the City Manager to execute Purchase and Sale Agreements, subject to approval as to form and legality by the City Attorney, for the portion of Tax Parcel 12689-000-000 to the adjacent property owner, Alachua County Historic Trust Matheson Museum, Inc.; 3) authorize the City Manager to prepare Special Warranty Deeds, subject to approval by the City Attorney as to form and legality; and 4) authorize the Mayor to execute, and the Clerk to attest, the Special Warranty Deed to convey the 0.10-acre portion of Tax Parcel 12689-000-000, to the Alachua County Historic Trust Matheson Museum, Inc.*

*Alternative Motion: The City Commission deny the sale of the portion of property adjacent to the two McGalliard cottages.*

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**071146.****Proposal to Change the Formula Used to Calculate the City's Contribution to Retiree's Health Insurance Premiums (B)****This Item involves a request for the City Commission to hear a presentation regarding changes to the Retiree Health Insurance Program**

*Explanation: The City's current retiree health insurance program allows retirees to participate in the City's health insurance plan and pays a portion of the monthly premium cost for eligible retirees. The formula used to calculate the amount the City contributes was last changed in the 1990's when an actuarial valuation was performed on the retiree health insurance program to determine the true scope of the liability. This initial valuation determined the liability was approximately \$92 million. Subsequent changes in the Retiree Health Insurance Program reduced the liability to \$29 million. However, rapidly escalating health care costs and an increasing number of retirees over the last decade have resulted in the liability increasing to \$49 million and made it necessary for the City to re-visit this program in order to increase the probability that some portion of the retiree health premium cost will be able to be funded by the City on a long-term basis. As always, the cost of this program must be balanced against other City priorities.*

*The proposed changes would align the structure of our retiree health insurance program with the plans being provided by Alachua County and UF through the Florida Retirement System (FRS). The FRS plan provides a retiree health insurance contribution benefit of \$5 per month for each year of service up to a maximum of thirty years. Utilizing the FRS formula to determine the City's contribution would lower the liability to \$11 million, but would have a dramatic impact on the City's current retirees, lowering the monthly City contribution for nearly all retirees. In an effort to lower the impact and utilize some of the actuarial savings associated with the program, staff is proposing the following formula:*

*This proposed change to the City's program will include the following benefits for current and future retirees:*

- *The Retiree would receive \$10 per month for each year of credited service with no limit on the number of years of service. For example, if the retiree had 20 years of service he or she would receive \$200 per month to apply against the health insurance premium.*
- *If the Retiree is under age 65 when they first access the retiree health program, the City's contribution will be reduced by \$5 per month for every year of age under 65.*
- *If the Retiree is over 65 years old at the time they access the retiree health program the City's contribution would be increased by \$5 per month for every year over age 65.*
- *The benefit (the amount the City will pay towards the health insurance*



*premium for a retiree) may be changed at any time in the future.*

*- Retirees will continue to be able to opt-out of the City's Health Insurance program upon retirement and retain the ability to re-enter at a future date. In this case, the City Contribution will be calculated based on the retiree's age at this future date.*

*For individuals currently receiving a disability benefit pursuant to either the Consolidated Police Officers and Firefighters Retirement Plan or the Disability Pension Plan the benefit will be equal to 100% of the 2009 individual premium if the retiree is receiving individual coverage and 155% of the individual premium which can be applied to dependent coverage. Once determined the calculated amount will be fixed and applied to all future premiums, unless the program is changed in the future.*

*For individuals applying for a disability retirement after April 18, 2008, they will receive the following contribution depending on whether the disability is related to an in the line of duty disability or non work related disability:*

*- In the line of duty disability will receive 100% of the individual premium charge for the plan year in which the disability benefit is granted. In addition, if the disability retiree elects dependent coverage, the City's contribution will be 150% of the individual premium charged for the plan year in which the disability benefit is granted.*

*- Not in line of duty disability retirees will receive 50% of the benefit described immediately above.*

*In an effort to minimize the impact on current retirees, the transition to this new calculation will use the retiree's age as of January 1, 2009 for the purpose of providing age based reduction or enhancement of the basic benefit. The new program will also include a grandfathering clause that will ensure that all retirees over 65 will get the greater of the City's current contribution (adjusted to 2009 contribution) or the contribution attributed to the proposed formula change.*

*The net result of the changes will reduce the City's liability associated with the retiree health insurance program to approximately \$22 million or approximately \$11 million greater than the FRS formula.*

*To ensure that those impacted by the proposed changes are adequately informed of the impact, staff sent letters to each retiree specifically detailing the impact of these changes and held informational meetings. The letter to retirees included their specific calculation under the current program and the proposed program and the impact on their payment for health insurance.*

*In addition, an informational letter was sent to each current employee and staff conducted meetings for active employees to discuss the proposed changes. Copies of the letters are included in the back up.*

*An additional benefit of making this change is that it will help to minimize future budget cuts and service reductions. This change will also help GRU address concerns regarding future customer rate increases caused by growing costs. Staff believes that addressing this problem now will benefit the City and its employees and retirees in the long run and will prevent the City from having to take more dramatic actions in the future.*

*Finally, the language in the proposed ordinance will ensure compliance with the Governmental Accounting Standards Board's most recent pronouncements on post employment benefits (GASB 43 & 45).*

*Fiscal Note: The above changes will reduce the City's liability associated with the Retiree Health Insurance Program by approximately \$27 million based on the last actuarial valuation.*

**RECOMMENDATION**

*The City Commission: 1) hear a presentation from staff regarding the proposed Retiree Health Insurance Program and Trust 2) approve the proposed Retiree Health Insurance Program and Trust with new formula 3) authorize the City Attorney to draft and the City Clerk to advertise the Ordinance necessary to terminate the existing Retiree Health Insurance Program and Trust, and create a new Retiree Health Insurance Program and Trust using the assets, or a portion thereof, of the existing Trust to fully fund the New Program and Trust.*

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**071120.**

**Citizen Survey Results (B)**

**The City of Gainesville has received the results of our citizen survey, conducted by the National Research Center (NRC). The results of the 2008 Citizen Survey were compiled into three reports, which are hereby presented to the City Commission.**

*Explanation: The National Citizen Survey™ (The NCST™) is a collaborative effort between National Research Center, Inc. (NRC) and the International City/County Management Association (ICMA). The National Citizen Survey has been conducted in over 500 jurisdictions in the United States with thousands of survey questions dealing with resident perception about the quality of community life, community characteristics, perceptions of safety, community participation, public trust, services and impressions of City employees.*

*The National Citizen Survey™ is a uniform survey tool used by widely diverse local jurisdictions across the U.S. to assess resident satisfaction with community amenities and government service provision. The survey and its administration are standardized to assure high quality survey methods and comparable results across NCS jurisdictions. Participating households are*

*selected at random and the household member who responds is selected without bias. Multiple mailings, which include self-addressed and postage paid envelopes, ensure that each selected household has the opportunity to participate. Results are statistically weighted to reflect the proper demographic composition of the entire community.*

*The National Research Center, Inc. collects citizen surveys from over 500 jurisdictions in the United States. The responses to thousands of survey questions dealing with resident perceptions about the quality of community life and services provided by the local government are recorded, analyzed and stored in an electronic database. The jurisdictions in the database represent a wide geographic and population range. About 30 other cities in Florida have used the survey, such as Tallahassee, Miami Beach, Coral Springs, and Melbourne.*

*The 2008 National Citizen Survey™ includes three reports which summarize the information collected in the survey. The Summary Report provides a broad overview of the results and the results of three policy questions developed by City Staff. The Report of Results provides a description of the methodology, the actual results for Gainesville, and graphs to help interpret the data. The Report of Comparative Norms shows how the City of Gainesville ranked in comparison to other jurisdictions. The graphs show a custom comparison of Gainesville's results with other jurisdictions in Florida. The tables show both our custom Florida comparisons and national comparisons as well.*

*These components, along with the fact that the NCS™ covers a large spectrum of municipal services, are why this tool was selected as the survey mechanism.*

*Fiscal Note: The cost of the survey was \$8,900, which was paid using salary savings in the Office of Strategic Planning.*

**RECOMMENDATION**

*The City Commission receive a presentation from staff and the final reports prepared by the National Research Center (NRC).*

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## GENERAL MANAGER FOR UTILITIES

### **071159.**

#### **Evaluation of Biomass-Fueled Generation Facility Proposals (B)**

**Staff submits its evaluation of the binding proposals received from the three top-ranked respondents pursuant to GRU's Request for Proposals for a Biomass-Fueled Generation Facility for City Commission review.**

*Explanation: On October 15, 2008 the City Commission authorized staff to issue a Request for Proposals (RFP) to solicit biomass-fueled electrical generation. The RFP set forth a two step process, whereby the three top ranked respondents from the*

*first step would be invited to submit binding proposals. On January 28, 2008, the Gainesville City Commission authorized staff to request binding proposals from the top three ranked respondents, allowing respondents to offer multiple proposal options. On March 24, 2008 the Commission approved the overall factors and factor weights to be applied to the evaluation of biomass proposals received pursuant to this invitation. On April 11, 2008, three firms submitted binding proposals, two of which offered two separate proposals. All proposals were for a 100% biomass fueled facility.*

*Proposals were evaluated and scored based on the Commission approved 14 factors and weights which reflect the environmental interests of the community, the economic benefits and risks of the project, and the reliability of the proposed power supply. The proposals were ranked in the following order:*

- 1. Nacogdoches Power, LLC-100 MW Purchased Power Agreement (PPA)*
- 2. Nacogdoches Power, LLC-50% of a 100 MW Unit with a PPA*
- 3. Covanta Energy Corp.-50 MW Financed by GRU, designed, constructed, maintained and operated by Covanta*
- 4. Covanta Energy Corp.-50 MW PPA*
- 5. Sterling Planet-30 MW PPA*

*If staff is unable to negotiate an acceptable contract with the top ranked firm, staff requests authorization to initiate negotiations based on the next highest ranked proposal, in order of this ranking. Staff's review and analysis are summarized in the back up materials accompanying this agenda item as well as posted on the Web.*

*Fiscal Note: The selected alternative will provide a long term economic source of power even without mandatory renewable energy portfolio standards (RPS) or carbon constraints. The selected alternative provides a strong regulatory and financial hedge should RPS and carbon constraints become mandatory. Project funding will be requested in future fiscal years as required.*

**RECOMMENDATION**

*The City Commission: 1) Approve the ranking of proposals received in response to the Request for Proposals for a Biomass-Fueled Generation Facility; 2) authorize the General Manager, or his designee, to negotiate and execute a contract with Nacogdoches Power, LLC for a long term purchase power agreement for a 100 MW net capacity, 100% biomass fueled facility to be constructed at the Deerhaven site, subject to approval of the City Attorney as to form and legality; and 3) if the General Manager is unable to negotiate an acceptable contract with the highest ranked proposer, the General Manager/Designee may then negotiate with the next highest ranked proposer in order; and 4) authorize staff to procure various services, equipment and materials in conjunction with the project within approved budget limitations, as required.*

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**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****071151.****EO Advertising Campaign (B)**

*Explanation: The Office of Equal Opportunity has worked with the City's Communications and Marketing Department to develop the "Office of Equal Opportunity Campaign." The purpose of the campaign is to raise awareness of the office and services that we provide to both Gainesville's citizens and City employees.*

*The primary focus of the campaign is positioning the office as a resource for the general public on equal opportunity matters and enforcement of the prohibition against discrimination in employment, housing, public accommodations, and credit, based on an individuals: race, color, gender, religion, national origin, age, disability, marital status, sexual orientation or gender identity. A focus relative to city employees will be positioning the office as a resource for equal opportunity and diversity matters and the prohibition against discrimination in employment, and access to our programs, services and activities based on race, color, gender, religion, national origin, age disability, marital status, sexual orientation or gender identity.*

**RECOMMENDATION**            *the City Commission: 1) hear a presentation from staff on the EO Advertising Campaign.*

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**COMMITTEE REPORTS (PULLED FROM CONSENT)****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****071122.****Re-appointment of Bob Freeman to the East Gainesville SPROUT Project Task Force (NB)**

**This item involves re-appointing member Bob Freeman to the East Gainesville SPROUT Project Task Force whose terms expired April 11, 2008.**

*Explanation: The term of member Bob Freeman expired April 11, 2008. Mr. Freeman has carried out his duties on the Task Force with honorable service. Mr. Freeman indicated on April 9, 2008 that he would like to serve another three year term and staff requests his reappointment.*

*Fiscal Note: None*

RECOMMENDATION

*The City Commission re-appoint member Bob Freeman to the East Gainesville SPROUT Project Task Force for an additional three year term ending April 28, 2011.*

**OUTSIDE AGENCIES**

**COMMUNITY REDEVELOPMENT AGENCY**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**RECESS**

**RECONVENE**

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

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**071116.**

**National Historic Preservation Month (B)**

RECOMMENDATION

*City of Gainesville Planning and Development Planner D. Henrichs to accept the proclamation.*

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**071165.**

**Remembering the Legacy of the Negro League Month - May 2008 (B)**

RECOMMENDATION

*Cox Communication Vice Presidents Kenneth Sneed and Rick Mulligan and Vice President/General Manager Mike Giampeitro to accept the proclamation.*

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

**PUBLIC HEARINGS**

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

**070213.****PLANNED DEVELOPMENT AMENDMENT - SAM'S CLUB (B)****Ordinance No. 0-07-96, Petition No. 4PDA-07PB**

**An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 3558 as amended by Ordinance No. 971051, that adopted the Planned Development commonly known as "Sam's Club", located in the vicinity of 2801 Northwest 13th Street; providing for certain additions to the existing Sam's Club and permitting a gasoline fueling station under certain conditions; 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 immediate effective date.**

*Explanation: PLANNING AND DEVELOPMENT SERVICE STAFF REPORT*

*On September 17, 2007, the City Commission approved Petition 4PDA-07PB, with modified conditions and authorizing the City Attorney to prepare the ordinance. The City Commission approved a condition that would change the location of the gas fueling station to a location away from the cemetery. Due to the additional site analysis needed to determine whether the new location was feasible the applicant took more than the allowable 60 days to resubmit the revised plans. Given the timing issues staff recommends that the City Commission approve the petition with the PD Layout Plan modified to meet the conditions of the City Commission, and approve the ordinance on First Reading.*

*This petition is a request to amend the existing Sam's Club Planned Development to allow for a 25,857 square foot building addition and a gasoline fueling station at the Sam's Club store located at 2801 Northwest 13th Street. The existing development is located on approximately 22.02 acres and contains a single building that is a total of 116,141 square feet. The original Planned Development was adopted in 1989 and has since been amended in 1998 to expand the existing building and modify parking and traffic circulation.*

*This proposal to expand the existing Sam's Club building will create a new sales floor, a four-bay tire mounting area (T.M.A.) and a liquor sales area within the store. The building expansion extends to the south, into a portion of the existing parking lot. Minor additions to the west and east will provide a new vestibule on the front of the building and a small office addition to the rear of the building, respectively. The new total square footage of the Sam's Club building will be approximately 141,998 square feet.*

*The initial application for this Planned Development amendment included a request for the future construction of a twelve fueling position gas station. Staff recommended that the request for a fueling station be reviewed through a separate process that will include the Transportation Concurrency Exception Area (TCEA) Special Use Permit process, and the Wellfield Protection Special Use Permit process. Additionally, the future gas fueling station will have to meet all applicable requirements of the City of Gainesville Land Development*

*Code, such as Article VI, Requirements for Specially Regulated Uses. The applicant based on this information decided to delay their request for the gasoline fueling station. Staff in an attempt to clarify that the existing planned development allowed gas fueling stations proposed conditions 2 and 3, to outline the process of approval. The Plan Board reviewed the gasoline fueling station issue and deleted both conditions and voted to prohibit gas stations on the site.*

*Another issue raised by the opponents of the petition was that the Sam's property is required to comply with the central corridor overlay district, because the property has 85 feet of frontage along US 441. The 85 feet of frontage functions as the entrance driveway to the Sam's development. It has been staff's interpretation that development more than 250 feet from the regulated corridor is outside the overlay affected area. This interpretation and policy decision has facilitated the redevelopment of Verde Plaza (Old Pic-n-Save) and the Lowe's (old Kmart) along this corridor.*

*The City Plan Board heard the petition and recommended approval with modified conditions. The major difference between the Plan Board's recommendation and City staff is the Plan Board chose to prohibit gasoline service stations as a permitted use in this Planned Development.*

*Public notice was published in the Gainesville Sun on April 3, 2007. Letters were mailed to surrounding property owners on April 4, 2007. The Plan Board held a public hearing April 19, 2007.*

#### *CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of September 17, 2007, authorized the city attorney's office to prepare and the clerk to advertise the necessary ordinance amending the planned development known as "Sam's Club".*

*The Petitioner, who is represented by Mr. Ron Carpenter, requests the City Commission to revise Condition 6, as shown in the attached letter dated April 2, 2008. Condition 6 as drafted by staff on page 4 of the ordinance reflects the decision of the city commission made at the petition hearing on September 17, 2008. Mr. Carpenter's client requests the revision for the reasons stated in the letter.*

#### **RECOMMENDATION**

*The City Commission: 1) approve petition 4PDA-07PB; and 2) adopt the proposed ordinance.*

#### **Legislative History**

8/13/07	City Commission	Withdrawn
9/10/07	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
9/17/07	City Commission	Approved (Petition) with Staff and Plan Board Conditions, as amended (7 - 0)



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## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

### 070722.

#### **VOLUNTARY ANNEXATION - BUTLER PLAZA AND VICINITY AREA (B)**

##### **Ordinance No. 0-07-117**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area, commonly known as the Butler Plaza and Vicinity Area, and Butler Plaza Southwest 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, as more specifically described in this ordinance, generally located south of the vicinity of SW 20th Avenue, west of SW 34th Street and the City limits, north of SW Archer Road and the City limits, and east of the vicinity of Interstate 75; 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 for the application of a fire services special assessment to the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing effective dates.**

*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 27, 2007, September 10, 2007, September 24, 2007, October 22, 2007, November 19, 2007, December 10, 2007, and January 14, 2008, at regular City Commission meetings, the City Commission received and accepted the petitions for annexation, and determined that the petitions bore the signatures of the owners of the properties that are the subject of this annexation. On November 26, 2007 and December 10, 2007, the City Commission held advertised public hearings and adopted the Urban Services Reports 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 April 28, 2008. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading. If the Ordinance is adopted, the annexation of this Area will be effective 12:01 a.m. on June 1, 2008.*

#### **RECOMMENDATION**

*The City Commission adopt the proposed ordinance on second reading, as amended.*

#### **Legislative History**

4/14/08 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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### **070820.**

#### **STREET VACATION - POLICE DEPARTMENT AREA (B)**

##### **Ordinance No. 0-08-06, Petition 122SVA-07PB**

**An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way of N.W. 7th Place between N.W. 4th Street and N.W. 5th Street, and a portion of N.W. 5th Street located south of the CSX Railroad right-of-way to a point 10 feet south of the northeast corner of Lot 26 of Brush's Addition to Gainesville, as more specifically described in this Ordinance; reserving a public utilities easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF REPORT*

*The purpose of this request is to vacate the right-of-way of Northwest 5th Street from the CSX railroad right-of-way to a point ten (10) feet south of the northwest corner of Lot 26 of Brush's Addition to Gainesville as per plat recorded in Plat Book "A," page 88 of the Public Records of Alachua County and vacate Northwest 7th Place from Northwest 5th Street to Northwest 4th Street. This action is being pursued as, the Gainesville Police Department has expansion plans for the area. The rights-of-way are not paved or maintained and have occasionally become overgrown with vegetation. They also separate some Gainesville Police Department properties from others.*

*The right-of-way to be vacated for Northwest 5th Street does not extend south completely to Northwest 7th Place because of the requirement to maintain the minimum lot width for tax parcel 14409. The property is currently vacant but may be built upon at some point in the future, requiring access to be provided to the lot. The lot is zoned MU-1 (Mixed use low intensity district), which allows residential use in accordance with the requirements of the RMF-6, RMF-7 or RMF-8 zoning districts (8-15, 8-21 or 8-30 units/acre multiple-family residential). A single-family lot in these districts must be a minimum of 50 feet in width. Only the amount of Northwest 5th Street right-of-way that can be vacated while maintaining at least 50 feet of width for parcel 14409 can be allowed.*

*The City Plan Board reviewed the criteria in determining whether the public interest would be best served by the proposed street vacation and recommended approval, Plan Board vote 7-0.*

*Public notice was published in the Gainesville Sun on October 31, 2007. The Plan Board held a public hearing on November 15, 2007.*

#### *CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of January 28, 2008, authorized the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance.*

#### **RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

#### **Legislative History**

1/28/08	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
4/14/08	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

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### **070906.**

#### **PLANNED DEVELOPMENT AMENDMENT - OAKBROOK WALK (B)**

**Ordinance No. 0-08-10, Petition No. 132PDA-07PB**

**An ordinance of the City of Gainesville, Florida; amending Ordinance Nos.**

**3248, 3378 and 000618 that rezoned certain property to planned development district, commonly known as "Oakbrook Walk PD"; generally located in the vicinity of the 1000-1200 block of SW 14th Avenue, north side and 1331 S.W. 13th Street; by allowing the contraction of the development plan and adopting a revised development plan, as more specifically described in this ordinance; adopting revised development plan maps and a revised development plan report; preserving certain conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF REPORT*

*This request is to amend the Oakbrook Walk planned development to remove the subject property which is located at 1331 SW 13th Street from the planned development for the purpose of changing its zoning to UMU-1 (see related Petition 88ZON-07PB). The current zoning on the subject property is Planned Development (PD). The current land use category is Urban Mixed-Use 1 (UMU-1: up to 75 units per acre).*

*The petitioner has provided a revised Oakbrook Walk PD layout map, PD Report and survey. The PD layout map and PD Report have been amended to delete the subject parcel and remove references to it in the PD Report. The subject property is approximately 1.1 acre in size and it is located in the SW 13th Street Special Area Plan. A large portion of the parcel falls within the 10-year flood channel, and some lies within the 100-year floodplain. This will severely limit future development potential for the parcel.*

*The subject property is currently improved with a structure containing three units. One unit serves as an office for Oakbrook Walk and the other two units are apartments.*

*The original Oakbrook Walk PD was established in September 1986 (Ordinance 3248). The PD was amended in October 1987 to add additional acreage to the planned development (Ordinance 3378).*

*The Oakbrook Walk PD was further amended in May 2001 (Ordinance 000618) to add the subject property and to allow one of the units to serve as an on-site management office for Oakbrook Walk. This is consistent with the existing use at the site.*

*In 2005 (Ordinance 041061), the City amended the Future Land Use Map and zoning of 550 acres of land located in the College Park/University Heights area and an area bounded by Archer Road and Depot Avenue to the north, SW 6th Street to the east and SW 16th Avenue to the south to the new Urban Mixed Use categories. The area was designated for high intensity use or high residential densities to spur redevelopment efforts. The subject property did receive the UMU-1 land use category designation at that time (November 2005) but the zoning on the property remained PD because it was part of the Oakbrook Walk PD.*

*Planning staff finds that removing the subject parcel from the PD will not*

*create any problems for the already developed Oakbrook Walk and the PD will remain fully viable without the subject parcel because it is already fully developed.*

*The Plan Board discussed the petition and recommended that the requested Planned development amendment be approved.*

*Public notice was published in the Gainesville Sun on December 31, 2007. The Plan Board held a public hearing on January 17, 2008.*

#### *CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of February 25, 2008 authorized the city attorney's office to prepare and the clerk to advertise the necessary ordinance amending the planned development known as "Oakbrook Walk".*

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

#### **Legislative History**

2/25/08      City Commission      Approved (Petition) (6 - 0 - 1 Absent)

4/14/08      City Commission      Adopted on First Reading (Ordinance) (7 - 0)

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## **070907.**

### **REZONING - OAKBROOK WALK (B)**

#### **Ordinance No. 0-08-11, Petition No. 88ZON-07PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from "Planned Development" to "UMU-1: Urban mixed use district 1"; located in the vicinity of 1331 SW 13th Street; retaining the Special Area Plan for Southwest 13th Street Overlay District classification; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*This request is to change the zoning on a parcel that is part of the Oakbrook Walk planned development to Urban Mixed-Use-1 (UMU-1). A related petition (132PDA-07PB) has been submitted to remove the subject property which is located at 1331 SW 13th Street from the planned development. Approval of Petition 88ZON-07PB is contingent upon approval of Petition 132PDA-07PB.*

*The current zoning on the subject property is PD (Planned Development). The current land use category is Urban Mixed-Use 1 (UMU-1: up to 75 units per acre). The proposed zoning of UMU-1 is fully consistent with the existing future land use category. The subject property is approximately 1.1 acre in size*

and it is located in the SW 13th Street Special Area Plan. A large portion of the parcel falls within the 10-year flood channel and some lies within the 100-year floodplain. This will severely limit future development potential for the parcel.

The subject property is currently improved with a structure containing three units. One unit serves as an office for Oakbrook Walk, and the other two units are apartments. This use is consistent with both the existing PD zoning and the proposed zoning.

In 2005 (Ordinance 041061), the City amended the Future Land Use Map and zoning of 550 acres of land located in the College Park/University Heights area and an area bounded by Archer Road and Depot Avenue to the north, SW 6th Street to the east and SW 16th Avenue to the south to the new Urban Mixed Use categories. The area was designated for high intensity use or high residential densities to spur redevelopment efforts. The subject property fell within this area for land use and zoning change.

Properties surrounding the subject parcel received land use categories of either UMU-1 or UMU-2 and zonings of UMU-1 or UMU-2. The subject property did receive the UMU-1 land use category designation at that time (November 2005), but the zoning on the property remained PD because it was part of the Oakbrook Walk PD.

The original Oakbrook Walk PD was established in September 1986 (Ordinance 3248). The PD was amended in October 1987 to add additional acreage to the planned development (Ordinance 3378).

The Oakbrook Walk PD was further amended in May 2001 (Ordinance 000618) to add the subject property and to allow one of the units to serve as an on-site management office for Oakbrook Walk. This is consistent with the existing use at the site.

Planning staff finds that rezoning the subject parcel to UMU-1 is consistent with the future land use category and the character and surrounding zoning in the area. This is an area targeted for redevelopment.

The Plan Board discussed the petition and recommended that the requested zoning change be approved.

Public notice was published in the Gainesville Sun on December 31, 2007. The Plan Board held a public hearing on January 17, 2008.

#### CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of February 25, 2008, authorized the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance rezoning the property.

#### RECOMMENDATION

The City Commission adopt the proposed ordinance.

#### Legislative History

2/25/08 City Commission Approved (Petition) (6 - 0 - 1 Absent)  
4/14/08 City Commission Adopted on First Reading (Ordinance) (7 - 0)  
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070907\_200804141300.pdf

## RESOLUTIONS- ROLL CALL REQUIRED

## PLAN BOARD PETITIONS

## DEVELOPMENT REVIEW BOARD PETITIONS

## SCHEDULED EVENING AGENDA ITEMS

### 071079.

#### **Annual Performance, Salary, and Benefits Review for the Equal Opportunity Director (B)**

*Explanation: As part of an ongoing effort to assist the Charter Officers to continue to improve performance, the City Commission provides feedback on the performance of each Charter Officer annually.*

*In preparation for this year's performance review, the Equal Opportunity Director provided to the City Commission an assessment of the past year. In addition, individual meetings were scheduled with each Commissioner to allow the Commissioners the opportunity to discuss their observations, concerns, and suggestions on a one-on-one basis, if appropriate.*

#### RECOMMENDATION

*The City Commission review the salary and benefits of the Equal Opportunity Director and make any changes deemed appropriate.*

#### Legislative History

4/14/08 City Commission Continued  
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071079\_20080428.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)