

City of Gainesville

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



Meeting Agenda

July 16, 2009

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER

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

090085.

Contracts for Development of a Pollutant Load Reduction Tool (B)

This item is a request for the City Commission to approve two (2) contracts needed for the Municipal Separate Storm Sewer System (MS4) Pollutant Load Reduction Tool Initiative, one with the University of Florida (UF) and the second with the Florida Stormwater Association Educational Foundation (FSAEF).

Explanation: Since Florida's enactment of the Watershed Restoration Act of 1999, the Department of Environmental Protection (FDEP) has adopted an Impaired Waters Rule that establishes the process for determining if excess pollutants need to be removed from impaired water body(ies). More recently in April 2008 FDEP published the Orange Creek Basin Management Action Plan (BMAP) that identifies impaired water bodies, the cause of the impairment and steps to reduce the impairment. Hogtown Creek, Sweetwater Branch, Tumblin Creek and Alachua Sink are some of the impaired water bodies included in the document. The document identifies each measure, whether used or planned to be used, by the MS4 operators to reduce the excess of the targeted pollutant to acceptable levels.

Analysts working with the processes of the Impaired Water Rule and the following BMAP note that while the standard tool box (i.e. structural, administrative, regulatory or guideline measures) are versatile and allow a wide range of responses, there are other measures that should be included in the tool box, if they are quantified. The development of a Pollutant Load

Reduction Tool is an initiative to expand the measures to be included in the tool box.

Florida's MS4 operators, including Gainesville, practice many Best Management Practices (BMP's) when capturing and properly disposing of the sediments associated with stormwater. This activity intercepts pollutants and removes them from the waste stream that is presumptively creating the impaired water body. However, there is not a means to quantify the amount of pollutant removed by each measure and hence, today, no credit for reduction of a pollutant is possible due to these activities. However, if these BMP's are quantified for nutrient removal efficiency, then these activities (i.e. catch basin cleaning, street sweeping and other source control measures) could be counted as contributing to reduction of a pollutant(s) for an impaired water body. Many MS4 operators within the state believe this initiative has much value and are underwriting some of the costs associated with this analysis.

The contract with UF is to perform the technical elements of analysis for the development of the Pollutant Load Reduction Tool through establishing a consistent sampling methodology for use by data gatherers, performing laboratory analyses, the supporting statistical analysis and reporting on the results. The companion contract with FSAEF is for funding the UF contract in its entirety. FSAEF through its resources is guaranteeing payment of the cost of the UF contract.

Fiscal Note: The UF agreement in the amount of \$185,331 is to pay for the work completed. The FSAEF agreement in the amount of \$185,331 is the funding for the UF agreement. The City of Gainesville administrative cost for the contracts is estimated at \$2,000 over the two-year period and would be covered by SMU program funding.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute the contracts and any necessary documents with the University of Florida and Florida Stormwater Association Educational Foundation, each for \$185,331 for development of the Pollutant Load Reduction Tool, subject to approval as to form and legality by the City Attorney; and 2) issue a purchase order in an amount not to exceed \$185,331 for the UF contract.

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090126.

Interlocal Agreement between the University of Florida and Regional Transit System (RTS) (B)

This item is a request for the City Commission to authorize RTS to provide additional transit services as part of the Interlocal Agreement with the University of Florida (UF) and City of Gainesville Regional Transit System (RTS) to provide unlimited access to UF students.

Explanation: There is currently an Interlocal Agreement between UF and RTS to provide unlimited access to public transit to UF students. The UF Transportation Fee

Committee meets with RTS on an annual basis to evaluate the current service and determine the need for enhanced services. During this year's meeting, the UF Transportation Fee Committee agreed to raise the student fee to pay for current and additional services.

The enhanced service consists of additional hours of service on City routes 12, 21, and 34; a new route 22, and reinstatement of route 29 on weekdays for the Fall and Spring semesters. The projected cost of providing the new enhanced service is approximately \$345,853.

RTS staff negotiated an hourly rate of \$59.70 per hour for Monday through Saturday service and \$74.03 for Sunday service which would cover the costs of existing and enhanced service.

In order to provide these services, a total of four (4) new transit operator positions, one (1) new buyer, one (1) new dispatcher, and one (1) new Mechanic I will be needed. The recruitment and training period for these new positions will require that the current RTS staff members operate the service until the new employees are available.

Fiscal Note: Based on the new hourly rates, the total revenue anticipated under this agreement is approximately \$10,325,206 and is projected to cover the budgeted expenses and additional RTS positions.

RECOMMENDATION

The City Commission: 1) authorize RTS to provide the additional transit services; 2) approve the additional RTS positions; (3) approve increases in the budget to operate new and enhanced service effective August 17, 2009; and 4) authorize the City Manager to execute any related documents, subject to approval by the City Attorney as to form and legality.

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090172.

Authorize an American Recovery and Reinvestment Act (ARRA) Grant Application for Transportation Investment Generating Economic Recovery (TIGER) funding (NB)

This item is a request for the City Commission to authorize the submittal of a grant application for Transportation Investment Generating Economic Recovery (TIGER) funding for the Southwest 62nd Boulevard Connector.

Explanation: On May 18, 2009, the U.S. Department of Transportation published a notice of funding availability for TIGER Discretionary Grants. The ARRA of 2009 appropriated \$1.5 billion for capital investment in surface transportation infrastructure of which Florida can be awarded up to \$300 million.

The applications for funding will use grant selection criteria that focus on three major areas: long term outcomes; job creation and economic stimulus; and innovation. For long-term outcomes, priority will be given to projects that have a significant impact on desirable long-term outcomes for the Nation, a

metropolitan area, or a region. The following types of long-term outcomes will be given priority:

- (i) *State of Good Repair: Improving the condition of existing transportation facilities and systems, with particular emphasis on projects that minimize life-cycle costs.*
- (ii) *Economic Competitiveness: Contributing to the economic competitiveness of the United States over the medium- to long-term.*
- (iii) *Livability: Improving the quality of living and working environments and the experience for people in communities across the United States.*
- (iv) *Sustainability: Improving energy efficiency, reducing dependence on oil, reducing greenhouse gas emissions and benefiting the environment.*
- (v) *Safety: Improving the safety of U.S. transportation facilities and systems.*

For Job Creation & Economic Stimulus: The project should demonstrate consistency with the purposes of the Recovery Act, the Department will give priority to projects that are expected to quickly create and preserve jobs and stimulate rapid increases in economic activity, particularly jobs and activity that benefit economically distressed areas. For Innovation: Priority will be given to projects that use innovative strategies to pursue the long-term outcomes outlined above.

Staff considered two pending transportation projects, Depot Avenue and SW 62 Boulevard for potential eligibility and determined that the Southwest 62nd Boulevard Connector (SW62) has the highest potential to be a competitive application and was the only project that met the minimum project cost threshold of \$20 million. SW 62 is a major project for the metropolitan area as well as the region in that it will connect two regional commercial retail destinations - the Oaks Mall and Butler Plaza. SW 62 will also serve as a local alternative route to several major regional transportation corridors - I-75, SR 121 and SR 24.

Fiscal Note: Funding for the work effort required to complete the grant application is available in the Public Works FY 2009 budget. Staff estimates applying for approximately \$90 million. Matching funds are not required by the grant.

RECOMMENDATION

The City Commission: 1) authorize the submittal of the Southwest 62nd Boulevard Connector grant application; and 2) should a grant offer be awarded, authorize the City Manager to execute all associated documents, subject to approval as to form and legality by the City Attorney.

090173.

Settlement of Worker's Compensation Claim - Darryl E. Lindsey (NB)

This item involves the full and final settlement of Darryl E. Lindsey's worker's compensation claim(s), which will include all future medical and indemnity payments. The total settlement amount is \$125,000 and represents a significant cost advantage to the City.

Explanation: While employed by Deer Haven Power Plant, Mr. Lindsey was struck by a forklift truck and received injuries to his low back. This led to ongoing medical treatment including surgery. As a result of his injury and subsequent permanent work restrictions imposed by his treating physicians, Mr. Lindsey is no longer able to perform the essential functions of his job as a power plant mechanic.

Recently, the City and Mr. Lindsey attempted to mediate a settlement of his worker's compensation claim. Mr. Lindsey and his attorney, Ralph Humphries, 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, \$125,000, 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 \$125,000 will be paid out of the Electric Utility Operating 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 Darryl E. Lindsey in the amount of \$125,000.

090175.

Certified Housing Counseling Program Grant Application (NB)

This item involves a request for the City Commission to approve the submission of a \$150,000 grant application to the U. S. Department of Housing & Urban Development for Housing Counseling by the Department of Neighborhood Improvement.

Explanation: On June 16, 2009, HUD announced the FY 2009 NOFA for Housing Counseling Programs to Certified Housing Counseling Agencies. The Housing & Community Development (HCD) Division is a HUD Certified Housing Counseling Agency and is therefore eligible to apply for such funds. The grant application is due to HUD no later than July 17, 2009. The application process is competitive and open to interested eligible applicants. Staff wishes to submit an application for federal fiscal year 2009-2010 funding in the amount of \$150,000. If the application is approved, the grant funds awarded will be used to continue the City's existing housing counseling programs. The HCD Division manages a Comprehensive Housing Program, with a major component being its housing counseling programs. Such housing counseling programs include pre-purchase and post-purchase counseling for first-time homebuyers, Down Payment Assistance (DPA), Homebuyer Education & Training Workshops, Credit Repair Workshops, Mortgage Foreclosure Intervention, Debt & Money Management, Homeowner Education and Training, and Budget & Savings Training.

Fiscal Note: No specific matching funds are required. The Housing Counseling funds will be leveraged with funding from the Home Investment Partnership Program

(HOME), Community Development Block Grant (CDBG) and State Housing Initiatives Partnership Program (SHIP) dollars from the Housing & Community Development Division budget to supplement the Housing Counseling Program.

RECOMMENDATION

The City Commission: 1) approve the submission of a \$150,000 grant application to the U.S. Department of Housing and Urban Development to support the City's Certified Housing Counseling Program; 2) authorize the City Manager or his designee to execute the grant application on behalf of the City of Gainesville; and 3) authorize the City Manager or his designee to execute all necessary documents including agreements, assurances and certifications pertinent to said grant, subject to approval by the City Attorney as to form and legality.

090176.

Neighborhood Stabilization Program 2 Grant Application (NB)

This item involves a request for the City Commission to approve the submission of a \$5,000,000 grant application to the U. S. Department of Housing & Urban Development for the NSP 2 Program by the Department of Neighborhood Improvement.

Explanation: The Department of Neighborhood Improvement is proposing to apply for funding from the Neighborhood Stabilization Program 2 (NSP-2) under the American Recovery and Reinvestment Act (ARRA), 2009. Under NSP2, HUD allocated \$1.93 billion on a competitive basis to states, local governments, and non profit organizations. The long-term outcomes for the program are increased residential sales and increased median market sales. The short-term outcomes are to arrest decline in home values in target geography and reduce or eliminate vacant and abandoned property in target geography.

As required by HUD, the amount of NSP2 funds requested must be of sufficient size to contribute toward significant and measurable neighborhood stabilization in the target geography. To meet this requirement, the grant request must be no less than \$5,000,000 and must have the effect of either returning a minimum of 100 abandoned or foreclosed homes back to productive use or otherwise eliminating or mitigating their negative effect on the stability of the target geography. This is a competitive grant program and the purpose of these funds is to assist in the redevelopment of abandoned and foreclosed homes. The City will submit an application for funding under the NSP-2 program to the United States Department of Housing and Urban Development (HUD) by the submission deadline of July 17, 2009.

The NSP2 funds will be utilized in accordance with program requirements in order to arrest decline in home values in targeted neighborhoods and the reduction or elimination of vacant and abandoned residential property in targeted neighborhoods. All NSP-2 funds must provide benefit to persons whose income does not exceed 120 percent of the area median income. Additionally,

25 percent of the grant must be used for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used to house individuals or families whose incomes do not exceed 50 percent of the area median income. Targeted neighborhoods are those Census Tracts that meet the threshold score of 18 or higher as mandated by HUD based on the estimated number and percentage of foreclosures and another that combines the estimated foreclosure rate and the vacancy rate. HUD grants are available only for the high risk areas. As a result, three Census Tracts were identified by HUD within the City of Gainesville that meet the mandated threshold as follows: 1) Tract 4.00, Highland Court Manor Neighborhood; 2) Tract 7.00, Lincoln Estates Neighborhood; and 3) Tract 18.03, Northwest Gainesville (i.e., Northwood Pines, Appletree, and Landing neighborhoods).

As such, the grant application proposes to apply for \$5,000,000 in NSP-2 funding to be utilized in the following eligible categories: 1) Purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties, and establish and operate a land bank for homes and residential properties that have been foreclosed upon (propose to impact a minimum of 100 properties); 2) Redevelop demolished or vacant properties as housing; 3) Demolition of blighted structures; and 4) Program administration (10% of grant amount).

Fiscal Note: No specific matching funds are required.

RECOMMENDATION

The City Commission: 1) approve the submission of the NSP 2 grant application to the U. S. Department of HUD; 2) authorize the City Manager or his designee to execute and submit a \$5,000,000 grant application along with the appropriate HUD application forms related to the NSP 2 Program on or before July 17, 2009; 3) and authorize the City Manager or his designee to execute all necessary documents including agreements, assurances and certifications pertinent to said grant, subject to approval by the City Attorney as to form and legality.

090177.

**Request for Approval to purchase one (1) Allianz 3000 Street Sweeper from Florida Municipal Equipment, Inc. (FME) located in Lakeland, Florida.
(B)**

Explanation: For the past twelve (12) years, the City of Gainesville has purchased street sweepers from Florida Municipal Equipment, Inc. (FME). Our initial bid was based on a total cost contract which guaranteed a maximum repair and maintenance cost for the life of the equipment and a guaranteed buyback price at the end of the contract. This concept has provided the City with a cost-savings of approximately \$60,000 per year in repair and maintenance cost for (4) street sweepers. It has also reduced downtime drastically while allowing the City to realize additional cost and operational benefits of a standardized fleet of street sweepers. Non-contractual added value from this supplier include

the following at no additional cost to the City: 1) the provision of a loaner street sweeper which is domiciled at our facility and used whenever one of our units is down for repair or maintenance and, 2) an inventory of repair and maintenance parts at our facility for which we are billed for only when used. This arrangement allows for little or no downtime to the operating department. These added value benefits will be included in the new contract. The operating department has tested other competitor's equipment and unanimously supports the procurement of the street sweeper that is being recommended. Staff has been quite satisfied with the product and its supplier and would like to continue this partnership. Based on all of the above, staff is recommending that the sweeper is purchased from this specified source. The cost of the new street sweeper is \$162,433 and the guaranteed buyback price for the sweeper that is being replaced is \$22,000. The net cost of the new street sweeper is \$140,433.

Fiscal Note: Funding for the replacement is budgeted in the Fleet Replacement fund for FY 2009.

RECOMMENDATION

The City Commission approve the purchase of a street sweeper from Florida Municipal Equipment, Inc. for the net price of \$140,433 and authorize the City Manager or his designee to execute the contract pending approval as to form and legality from the City Attorney's office.

090177_Agreement_20090716.pdf

090181.

U.S. Department of Justice Bulletproof Vest Partnership (NB)

Explanation: The U.S. Department of Justice, Bureau of Justice Assistance, invited the City of Gainesville to apply for \$30,000 in grant funding through the Bulletproof Vest Partnership Program. The program reimburses law enforcement agencies for up to fifty percent (50%) of the total costs of purchasing bulletproof vests to replace zylon bulletproof vests. The amount the City of Gainesville was eligible to apply for was established by the U.S. Department of Justice. The City submitted an application to the U.S. Department of Justice for the designated amount of grant funding.

The U.S. Department of Justice will review these applications by October 1, 2009. If the application is approved the City of Gainesville will be able to purchase up to \$60,000 in bulletproof vests and be reimbursed for fifty percent (50%) of the cost, up to a maximum of \$30,000.

Fiscal Note: The City of Gainesville will be able to purchase up to \$60,000 in bulletproof vests and be reimbursed for fifty percent (50%) of the cost, up to a maximum of \$30,000. The fifty percent (50%) of funding from the Gainesville Police Department will come from the General Fund, Uniform and Equipment Account.

RECOMMENDATION

The City Commission authorize the City Manager to: 1) accept the \$30,000 in grant funds and 2) execute any other necessary documents, pending review by the City Attorney as to form and legality.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**090189. Climate Showcase Communities Grant Program (NB)**

The City of Gainesville/Gainesville Regional Utilities (GRU) requests approval to submit an application to the U.S. Environmental Protection Agency's (EPA) Climate Showcase Communities Grant Program.

Explanation: The Climate Showcase Communities grant program is funded through the U.S. EPA. EPA will fund projects that will extend EPA's capacity to share with the public best practices that can serve as living laboratories of innovation and education. Projects funded are intended to build capacity within their own communities to create lasting change and serve as models for local and tribal governments across the nation who can learn from and adapt successful strategies as needed for their own communities. The Climate Showcase Communities grant will assist local and tribal governments in developing plans, conducting demonstrations, and implementing projects that reduce greenhouse gas emissions while achieving additional environmental, economic, public health, and/or community benefits. The overall goal is to create replicable models of sustainable community action that generate cost-effective and persistent greenhouse gas reductions while improving the environmental, economic, public health, or social conditions in a community. EPA anticipates awarding approximately 20 to 30 cooperative agreements from this round of Climate Showcase Communities grants. Up to five awards will be made up to \$100,000 and 19 to 25 awards will be made from \$300,000 to \$500,000.

The City of Gainesville/GRU) has developed two projects to submit to the Climate Showcase Communities grant program. These are:

- 1. Developing a plan to deploy and finance public combined heat and power (CHP) facilities to serve downtown Gainesville and nearby medical and educational institutions with distributed chilled water or thermal storage systems to reduce greenhouse gas emissions.*
- 2. Deployment of facilities and public policies to accommodate the recharge of electric vehicles not only in homes but through publicly accessible charge points. In particular, the application of smart grid technologies and parking control and management to enhance the feasibility of electric vehicles will be addressed.*

Climate Showcase Communities grant applications are due to EPA by July 22, 2009.

Fiscal Note: The grant application will request up to the \$500,000 maximum award allowed by the grant. A 50-percent match is required, which can be in the form of cash or in-kind contribution. Match amount and type will be determined as part of the application process.

RECOMMENDATION

The City Commission: 1) approve staff's request to submit an application to the Climate Showcase Communities grant program; and 2) authorize the General Manager to execute the grant application, award document, and related documents pending approval by the City Attorney as to form and legality.

CITY ATTORNEY, CONSENT AGENDA ITEMS**090178.**

Jay Scott Killgore, as Personal Representative of the Estate of Cindy Killgore, on behalf of the Estate of Cindy Killgore, et. al vs. City of Gainesville and the Gainesville-Alachua County Regional Airport Authority; Alachua County Circuit Court; Case No.: 01-09-CA-3076. B)

Explanation: On June 23, 2009, the City was served with a Summons and Complaint filed by Jay Scott Killgore as Personal Representative of the Estate of Cindy Killgore, Alice Killgore and Jay Scott Killgore in the Circuit Court. The Gainesville Alachua County Regional Airport Authority (GACRAA) was also sued. Mr. and Mrs. Killgore and the Estate of Cindy Killgore allege that on November 24, 2008, their daughter, Cindy Killgore, died as a result of an aircraft hangar door located at the Gainesville-Alachua County Regional Airport coming off its tracks and falling on her. Mr. and Mrs. Killgore and the Estate of Cindy Killgore allege that the City did not maintain the premises in a reasonably safe condition by its failure to properly inspect and maintain the hangar and its doors and for the alleged failure to repair or re-design the hangar doors to prevent the doors from falling in. However, the City does not own or maintain or have the right to maintain any building at the airport. All ownership interests in airport facilities were turned over to GACRAA in the late 1980's. Mr. and Mrs. Killgore and the Estate of Cindy Killgore claim to have sustained medical and funeral expenses, lost of their daughter's support, companionship, and suffering mental anguish. Mr. and Mrs. Killgore and the Estate of Cindy Killgore seek money damages.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Jay Scott Killgore, as Personal Representative of the Estate of Cindy Killgore, on behalf of the Estate of Cindy Killgore, et. al vs. City of Gainesville and the Gainesville Alachua County Regional Airport Authority; Alachua County Circuit Court; Case No.: 01-09-CA-3076

090178_Killgore Estate_20090716.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

COMMITTEE REPORTS, CONSENT AGENDA ITEMS**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT****090143.****Compensation and Performance Management Policies (B)**

This item sets forth policies to manage compensation and performance management for non-represented employees.

Explanation: In the fall of 2006, the City Commission adopted a new pay plan for managers, administrative and professional employees (MAPS) based on a market mid-point pay structure. This type of structure sets the market at the mid-point of the pay range. In a market mid-point system, the goal is to have the average salary of the work force generally equal to the market.

Upon adoption of the new pay plan, the City Commission directed staff to develop policies to support this new market mid-point system. Staff has been working with the Charter Officers to develop a series of compensation related policies to best manage this market mid-point system. Proposed Policy C-1 Compensation Philosophy and Policy replaces the current City Commission approved Compensation Philosophy. It establishes reporting requirements, defines administrative responsibilities for the compensation system and provides policy for management of compensation. Proposed Policy C-2 Performance-Based Merit Awards defines awards paid based upon City Commission approved pay increase dollars allocated to each Charter Officer through the budget process in the form of annual merit awards and special merit awards, and provides for payment as one-time, non-recurring lump sum and/or increases to base pay. Proposed Policy C-3 Changes in Employee Status Affecting Compensation establishes protocol for determining and authorizing employee pay for new hires, promotions, lateral and demotional appointments, acting/interim appointments and special assignments. This proposed policy also addresses outstanding audit recommendations from an audit of Personnel Policy 4, Audit # 149, Issues 13, 14 & 15 conducted in 1990. Proposed Policy C-5 Performance Management Policy ties it all together and links compensation to performance. It establishes administrative responsibilities, supports the market mid-point pay structure and defines equitable distribution of City Commission approved pay increase dollars. Proposed Policy C-4 Other Forms of Compensation will be introduced at a later date.

Fiscal Note: These policies will manage compensation based on the level of pay increase dollars, if any, approved by the City Commission each year during the budget process.

RECOMMENDATION

The City Commission 1) approve the Compensation Philosophy and Policy (C-1), Performance Based Merit Awards (C-2), Changes in Employee Status Affecting Compensation (C-3), Performance Management Policy (C-5), and 2) sunset Personnel

*Policy 3 Occupational Index and Personnel Change,
Personnel Policy 4 Pay Plan Regulations, and
Personnel Policy 7 Salary Review.*

Legislative History

6/22/09 Audit, Finance and Recommended for Approval
 Legislative
 Committee

090143_Compensation Philosophy & Policy_20080716.PDF
090143A_Performance-Based Merit Awards_20080716.PDF
090143B_Changes in Employee Status Affecting Pay_20080716.PDF
090143C_Performance Management Policy_20080716.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

GENERAL MANAGER FOR UTILITIES

090188.

Financing for Construction (NB)

This item is related to financing for costs of acquisition and construction.

Explanation: We have a current need to fund for Costs of Acquisition and Construction for up to the next two years. Our recommendation, in consultation with Public Financial Management (PFM), our Financial Advisor, is to issue up to \$180 million of tax-exempt or taxable debt to fund a portion of these construction costs through fixed-rate bonds.

The Utilities System Commercial Paper Notes, Series D represent a portion of our outstanding variable-rate debt. Given the current interest rate environment, we also recommend converting this debt to a fixed rate in order to "lock in" current low interest rates on this outstanding debt through the issuance of fixed-rate bonds.

For the financing described above, the optimal structure will depend on market conditions existing at the time of execution. At this time, it is not absolutely

clear which type of financing structure will be best for us. The American Recovery and Reinvestment Act, passed earlier this year, created a new kind of taxable municipal bond that provides for a 35% interest subsidy paid by the Federal government to the issuer of the taxable municipal bond. The net interest cost, after accounting for the 35% subsidy payment, can be significantly lower than interest rates on traditional tax-exempt bonds. We recommend that staff and our Financial Advisor continue to monitor the market to select the best structuring alternative.

GRU staff and our Financial Advisor recommend that the transaction referred to above be accomplished through a negotiated sale of those bonds. The use of a negotiated sale will allow us to adapt to changing market conditions and employ either tax-exempt or taxable bonds. A negotiated sale also allows for a more extensive investor education and marketing process. While credit market conditions have improved since earlier this year, investors are still very credit sensitive. We have been advised by our Financial Advisor that the marketing process afforded by a negotiated sale will allow GRU to take full advantage of our superior credit ratings.

It is recommended that JP Morgan serve as Senior Manager. JP Morgan has continued to bring significant value to the Utility in the form of solid recommendations for financing opportunities concerning this bond deal and other financing considerations. In addition, upon the advice of our Financial Advisor, we can appoint additional Co-Managers as appropriate, if their addition will enhance the distribution of the bonds.

Since all of the terms of the proposed financing have not yet been determined, the approval of the final terms of the bonds to be issued and the sale thereof is not being sought at this time; rather, Utility staff will seek City Commission approval of those bonds on or about September 3, 2009 (which approval may be in the form of a delegation to the General Manager of the authority to determine, within pre-approved limits, the actual principal amount, interest rates and other terms and provisions of the bonds, similar to what the City Commission has approved for several previous Utility financings).

The Clerk of the Commission, the General Manager or other Authorized Officers of the City (as defined in the Utilities Bond Resolution) may be required to take certain other actions and hire certain other professionals to proceed with this transaction. Therefore, we recommend that these officials be authorized to take such other actions as may be necessary or desirable to proceed with the transaction in accordance with this City Commission authorization.

Fiscal Note: Issuing new money debt, and converting current variable rate debt, at historically low rates will help manage future debt service costs.

RECOMMENDATION

The City Commission: 1) Authorize the financing of up to \$180 million of new money for payment of Costs of Acquisition and Construction (capital projects) through the issuance of fixed-rate bonds; 2) Authorize the conversion of approximately \$14 million of the taxable Utilities System Commercial Paper Notes,

Series D to a fixed rate through the issuance of fixed-rate bonds; 3) Approve the selection of JP Morgan as Senior Manager for the bonds referenced in 1 and 2 above and authorize the appointment of additional Co-Managers if, upon the advice of Public Financial Management (PFM), our Financial Advisor, doing so would enhance the distribution of the bonds; and 4) Authorize the Clerk of the Commission, the General Manager and other Authorized Officers to execute such documents as may be necessary or desirable to proceed with the transactions authorized in 1 and 2 above, subject to approval of the Office of the City Attorney as to form and legality, and to take such other actions as may be necessary or desirable to proceed with these transactions in accordance with this City Commission authorization.

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

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****090123.****Resolution for a Joint Participation Agreement - Service Development Funds for Regional Transit Service (RTS) Route 22 (B)**

This item is a request for a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the operations of new Route 22.

Explanation: FDOT allocates service development funds to transit agencies each year. The allocations are given at FDOT discretion on a competitive basis for agency projects that meet FDOT Service Development Grant (SDG) criteria.

This RTS project includes a new fixed route (Route 22) from the University of Florida to the Forest Park area. This route will provide transit service from a high density apartment complex area on SW 20th Avenue, SW 24th Avenue, and State Road 24 (Archer Road) to the University of Florida via State Road 121 (34th St.) and State Road 24 (Archer Road) relieving overcrowding on two routes in the same area (Routes 20 and 21).

The overcrowding conditions on Routes 20 and 21 have forced passengers to either wait at bus stops until a bus with capacity is available, or drive to campus, which creates parking problems on campus and worsens traffic congestion on roads that are already failing or approaching failure. By targeting the maximum load point along SW 20th Avenue, this new route will help alleviate these problems. Route 22 will operate weekdays during peak hours from 7:00 a.m. to 11:00 a.m. and from 2:00 p.m. to 6:00 p.m.

FDOT requires the governing board of each public transit system to adopt a resolution authorizing the acceptance of these funds.

Fiscal Note: This Joint Participation Agreement requires the City of Gainesville to match the funding. Matching funds will be provided by the University of Florida.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

090123_Resolution_20090716.pdf

090127**Resolution and Temporary Construction Easement from Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (B)**

This item is a request from Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (BTITF) for a Resolution approving the granting of a Temporary Construction Easement, located adjacent to the intersection of Southwest 23rd Street and Southwest 35th Place.

Explanation: The City of Gainesville proposes to install a traffic roundabout at the intersection of Southwest 23rd Street and Southwest 35th Place. It is necessary for the City of Gainesville to detour the traffic around the vicinity of the construction. The BTIIFT owns Tax Parcel 7281-000-000, located adjacent to Southwest 23rd Street and Southwest 35th Place. The BTIIFT has agreed to allow the City of Gainesville temporary use of a portion of the State's property for this detour for \$5,000, subject to the terms and condition of the Temporary Construction Easement.

Fiscal Note: Funding is approved in FY09 and provided in the CIP account for the SW 23rd Terrace/SW 35th Place project.

RECOMMENDATION

Recommended Motion: The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute, and the Clerk to attest, the Temporary Construction Easement with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the purpose of rerouting local traffic during construction, located adjacent to the intersection of Southwest 23rd Street and Southwest 35th Place on a portion of Tax Parcel 7281-000-000, subject to approval by the City Attorney as to form and legality.

090127a_Resolution_20090716.pdf

090127b_Temporary Easement_20090716.pdf

ADOPTION READING - ROLL CALL REQUIRED

080851

LAND USE CHANGE - N MAIN STREET (OLD FLORIDA BUFFET) (B)

Ordinance No. 0-09-20, Petition PZ-08-125LUC

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from "Mixed-Use Medium Intensity (12-30 units per acre)" to "Commercial"; located in the vicinity of 2501 North Main Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition requests a land use change from MUM (Mixed-Use Medium-Intensity, 12-30 units per acre) to COM (Commercial) for one parcel located at 2501 North Main Street.

The subject property consists of one 2.43-acre parcel formerly occupied by a restaurant known as Ryan's Steakhouse and the Florida Buffet. This parcel is located north of the intersection of Main Street and 23rd Avenue, and contains one structure that has been vacant for approximately three years.

This parcel is part of a Neighborhood Activity Center identified in the Future Land Use Element Data and Analysis. These centers are part of a long range planning strategy that focuses mixed-use, pedestrian-friendly development and redevelopment at key intersections and employment centers. The Neighborhood Activity Center has been implemented at this intersection with the designation of approximately thirty acres, including the subject property, with mixed-use land use and zoning.

The Staff and the Plan Board recommended denial of the petition based on the conclusion that the requested land use is not compatible with the existing pattern of land uses in this area. The subject property is surrounded on all sides with Mixed-use medium-intensity land use and MU-2 (Mixed use medium intensity) zoning. Changing this one parcel would create a "spot" designation that is not consistent with its surroundings. In the wider context, changing land use within one Neighborhood Activity Center would weaken the overall strategy and make it easier for inconsistent development to be approved in the future.

The City Commission heard the petition on April 16, 2009, and after deliberating the pros and cons of the change voted 4-3 to approve the petition, directing the City Attorney to draft the ordinance.

Public notice was published in the Gainesville Sun on January 6, 2009. The Plan Board held a public hearing on January 22, 2009.

Recommendation

City Plan Board to City Commission - The City Commission deny Petition 126LUC-08PB. The Plan Board voted 6-0.

Staff to City Plan Board - Deny Petition 126LUC -08PB.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of April 16, 2009, held a public hearing, and after receiving testimony and evidence, approved petition No. PZ-08-125LUC. This action authorized the City Attorney's Office to prepare and the Clerk of the Commission to advertise the proposed ordinance.

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land

planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

4/16/09 City Commission Approved (Petition) (4 - 3)

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 080851_staff report_20090416.pdf
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 080851_draft ordinance_20090716.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

080850.

REZONING - N MAIN STREET (OLD FLORIDA BUFFET) (B)

Ordinance No. 0-09-21, Petition No. PZ-08-126ZON

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 "MU-2: 12-30 units/acre mixed use medium intensity" to "BA: Automotive-oriented business district"; located in the vicinity of 2501 North Main Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This petition requests a rezoning from MU-2 (12-30 units/acre mixed use medium intensity district) to BA (Automotive-oriented business district) for one parcel located at 2501 North Main Street.

The subject property consists of one 2.43-acre parcel formerly occupied by a restaurant known as Ryan's Steakhouse and the Florida Buffet. This parcel is located north of the intersection of Main Street and 23rd Avenue, and contains one structure that has been vacant for approximately three years.

This parcel is part of a Neighborhood Activity Center identified in the Future Land Use Element Data and Analysis. These centers are part of a long range planning strategy that focuses mixed-use, pedestrian-friendly development and redevelopment at key intersections and employment centers. The Neighborhood Activity Center has been implemented at this intersection with the designation of approximately thirty acres, including the subject property, with mixed-use land use and zoning.

The Staff and the Plan Board recommended denial based on the conclusion that the requested zoning district is not compatible with the existing pattern of land use and zoning designations in this area. The subject property is surrounded on all sides with Mixed-use medium-intensity land use and MU-2 (Mixed use medium intensity) zoning. Changing this one parcel would create a "spot"

zoning that is not consistent with its surroundings. In the wider context, changing land use and zoning within one Neighborhood Activity Center would weaken the overall strategy and make it easier for inconsistent development to be approved in the future.

Public notice was published in the Gainesville Sun on January 6, 2009. The Plan Board held a public hearing on January 22, 2009.

City Plan Board to City Commission - The City Commission deny Petition 126ZON-08PB. The Plan Board voted 6-0.

Staff to City Plan Board - Deny Petition 126ZON -08PB.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of April 16, 2009, held a quasi-judicial hearing, and after hearing testimony and receiving evidence, approved petition No. PZ-08-125LUC. This action authorized the City Attorney's Office to prepare and the Clerk of the Commission to advertise the proposed ordinance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

4/16/09 City Commission Approved (Petition) (4 - 3)

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 080850_petitioner ppt_20090416.PDF
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 080850_draft ordinance_20090716.pdf

090113.

PERMITTED USE CHANGE ON DEERHAVEN GENERATING STATION (B)

Ordinance No. 0-09-29, Petition No. PZ-09-45

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by specifying the permitted uses on certain City property known as the "Deerhaven Generating Station" with the existing zoning category of "PS: Public Services and Operations District", as more specifically described in this Ordinance, located in the vicinity of 10001 N.W. 13th Street; providing development standards; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This 1,061-acre property is the site of the City's Deerhaven Generating Station, which is located on the north side of US Highway 441 at 10001 NW 13th Street (parcel number 05884-001-000) at the north end of the City. It abuts City-owned property to the east and north with Alachua County Rural/Agriculture land use and Agriculture zoning, and is in use as managed timberlands. To the south is land with Industrial land use and I-2 (General

industrial district) zoning that is the site of a lumber and saw mill business. Immediately to the west is the Alachua County Public Works Department which has Alachua County Rural Employment Center land use and Agriculture zoning. To the west, across US 441 and within the city limits of Alachua is Commercial land use (with Commercial Intensive zoning), Industrial land use (Industrial General zoning), and Moderate Density Residential (0-4 dwelling units per acre) with PUD zoning. This area is comprised of vacant forested land, various commercial establishments (plumbing/construction supplies, carwash, storage shed sales, two single-family subdivisions (Staghorn and Brook Pointe), a retail nursery, a bicycle shop, a farm, and a gas station/convenience store at NW 43rd Street. Several telecommunications towers are nearby - three to the west of the plumbing/construction supplies business, and one east of NW 43rd Street and south of the gas station/convenience store.

The Deerhaven property was annexed into the City of Gainesville in 1981, and in 1982 the City of Gainesville approved Public Facilities (PF) land use and Public services and operations district (PS) zoning for this property. The City's Land Development Code has since been updated to require that permitted uses be specified for properties that are zoned PS.

This petition proposes amendment of the existing PS zoning district by adding a list of uses to be permitted by right on the subject property. The proposed uses are existing uses at Deerhaven with two exceptions: communications towers and facilities; and, green industries that assist in reducing society's reliance on fossil fuels, that would benefit from the availability of waste heat or by-products of power generation, or which may have by-products that are beneficial to the production of electricity. The other proposed uses include electric power generating plants and ancillary systems and buildings; fuel and chemical transportation, loading, storage, and handling systems as required for power generation or for management of power generation by-products, including rail and truck conveyance, unloading and loading facilities; long-term storage and disposal of power generation by-products; timber planting and harvesting; wildlife management; training areas for police and fire agencies; outdoor storage; and accessory uses.

The proposed permitted uses will allow for a biomass electric generating facility, a proposal for which was recently approved by the Gainesville City Commission. Development plan review is required for all future development at the subject property in accordance with the requirements of the City of Gainesville Land Development Code.

In addition to proposed uses, standards for future development are proposed. These standards include buffering provisions that will help to ensure the continued compatibility of this long-established public utility facility with the surrounding land uses.

The Plan Board voted 6-0 to approve the petitioner's request.

Public notice was published in the Gainesville Sun on May 12, 2009. The Plan Board held a public hearing on May 28, 2009.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because the city staff and the plan board both recommend approval. If adopted on first reading, the ordinance will be considered for second and final reading on Thursday, August 6, 2009.

RECOMMENDATION *The City Commission: 1) approve Petition No. PZ-09-45; and 2) adopt the proposed ordinance.*

090113_staff report_20090716.pdf
 090113A_Maps-aerial photo_existing-proposed-concept_20090716.pdf
 090113B_FEMA flood zone map-definitions_city environ coord comments_20090716.pdf
 090113C_zoning application - workshop info_20090716.pdf
 090113D_sec 30-75_sec 30-98_20090716.pdf
 090113E_staff ppt_20090716.PDF
 090113_draft ordinance_20090716.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**080984.****EVERGREEN CEMETERY (B)****Ordinance No. 0-09-23**

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to the fees of Evergreen Cemetery, by amending Section 7-8, "Annual care--Required for lots owned prior to October 21, 1957" and Section 7-9, "Annual care-- Charges for services" by placing the fee structures in Appendix A; amending Appendix A to include all cemetery fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its May 7, 2009 meeting, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance placing the entire Evergreen Cemetery fee structure in Appendix A of the Code of Ordinances. There is no change in the fees.

This ordinance requires two readings. Should the Commission pass this ordinance on first reading, second and final reading will be held on July 16, 2009.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/7/09 City Commission Approved as Recommended (7 - 0)
 7/2/09 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

080984_Evergreen_20090702.pdf

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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