

City of Gainesville

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



Meeting Agenda

September 03, 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

090186.

Usage Certificates (B)

This item is a request for approval and authorization to execute Usage Certificates.

Explanation: In the 1950's and 1960's, the Florida Department of Transportation installed drainage facilities in the approximate area of the 500 block of Northeast 19th and 20th Street and east of Northeast 25th Street and Northeast 2nd Place. These drainage facilities have been maintained by the City since their installation. In preparation of the survey associated with the Northeast 19th Street, Northeast 19th Terrace, Northeast 19th Drive and Northeast 25th Street renovations, commonly referred to as the Northeast Safetea-Lu Project, it was discovered that title to portions of the drainage facilities have not been conveyed onto the State or City. These portions of the drainage facilities lie in property outside of the two adjacent platted properties and are deemed to be hiatus. In accordance with the provisions of Section 95.361 (1), Florida Statutes, 2008, the subject usage certificate depicts and describes the appurtenances in and to the City roads, specifically the portions of the drainage facilities, which the City has maintained and kept in repair uninterruptedly for a period of four years or more.

Fiscal Note: Funding in the amount of \$30 for administrative costs and for the document recording fees is available in the Public Works FY09 operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve and authorize the Mayor to execute, and the

Clerk to attest the Usage Certificates, subject to approval by the City Attorney as to form and legality; and 2) authorize the City Manager or designee to record the Usage Certificates in the Public Records of Alachua County, Florida.

090186a_UsageCertificate_20090806.pdf

090186b_UsageCertificate_20090806.pdf

090187.

Grant of a Conservation Easement onto the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (B)

This item is a request for approval and authorization to grant a Conservation Easement onto the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida over a portion of Depot Park.

Explanation: As part of the Regulatory Specific Conditions associated with the issuance of the permit to construct the pond in Phase II of Depot Park, the State of Florida Department of Environmental Protection requires a Conservation Easement over a portion of the Park. That portion of the Park being the "Wetland Creation", "Wetland Preservation and Enhancement", and "Upland Preservation and Enhancement", located south of the Phase II pond and east and west of the Phase I pond. The issuance of this Conservation Easement is to be within Thirty (30) days of the commencement of construction.

Fiscal Note: Funding in the amount of \$200 for administrative costs is available in the Public Works FY09 operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the grant of a Conservation Easement onto the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida over a portion of Depot Park; and 2) authorize the Mayor to execute, and the Clerk to attest, the Conservation Easement onto the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida over a portion of Depot Park, subject to approval by the City Attorney as to form and legality.

090187a_ConervationEasement_20090806.pdf

090187b_ImageofEasement_20090806.pdf

090293.

Agreement between the City of Gainesville and Keep Alachua County Beautiful for FY2010 (B)

This item is a request for the City Commission to approve the execution of an agreement with Keep Alachua County Beautiful in the amount of \$55,000.

Explanation: Keep Alachua County Beautiful (KACB) is the sponsor of "The Great American

Cleanup," "Trash Troopers," and other anti-litter/beautification activities. The Great American Cleanup is held the second or third Saturday in April of each year and recruits over 10,000 volunteers to pick up litter, remove graffiti, paint run-down buildings, clean up illegal dump sites, and otherwise beautify Gainesville, the other cities in Alachua County and the unincorporated area of Alachua County. Over 13 tons of litter and debris were removed from public right-of-ways and other areas just within the City of Gainesville during the April 2009 events associated with the cleanup.

KACB is a specified source and was certified in 1995 as the local affiliate of Keep Florida Beautiful and Keep America Beautiful. The City of Gainesville has been a KACB member since the certification of this non-profit organization and has supported KACB with an annual contribution of either \$15,000 or \$20,000 for the past [nine] years. The City of Gainesville has also provided in-kind services ranging in value from approximately \$12,000 to \$15,000 each year in support of the Great American Cleanup activities.

The Agreement provides:

-Contribution of up to \$[6,769.62] in in-kind services.

- Payment of \$15,000 to renew the City membership in Keep Alachua County Beautiful. In return, KACB will perform specified cleanup and beautification projects in coordination with the City Solid Waste and Parks Divisions. These projects include, but are not limited to: "The Great American Cleanup," graffiti removal, tree and shrub plantings, and public education programs for litter and graffiti prevention.

- Payment of \$10,000 for continued implementation of "The Beautiful Block Program." The Beautiful Block Program is necessary to recruit block captains from targeted neighborhoods and to provide guidance and tools to empower neighborhoods to keep their own blocks clean and beautiful.

-Payment of \$10,000 for the implementation of the "Gainesville Clean and Green Program." The Gainesville Clean and Green Program consist of the beautification improvements of specific medians to be designated by the City Manager through the Solid Waste Division Manager and other minor beautification projects as developed.

-Reimbursement up to \$20,000 for coordination of beautification services.

Fiscal Note: Funding in the amount of \$55,000 is available in the Solid Waste Enterprise Fund FY2010 operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the contract with Keep Alachua County Beautiful for the period of October 1, 2009 through September 30, 2010, subject to approval by the City Attorney as to form and legality.

090293_Agreement_20090903.pdf

090307.**Tourist Product Development Interlocal Agreement with Alachua County (B)**

This is a request to enter into an agreement with Alachua County to administer the Tourist Product Development Grant Program.

Explanation: For the past eleven years the City's Department of Parks, Recreation and Cultural Affairs has administered County-funded programs for the expenditure of tourist tax funds to arts and eco-heritage non-profit agencies. For the past eight years, the City has also created new programs under a tourism tax funded agreement. An Interlocal Agreement was approved on September 26, 2006 for a period of three years that began on October 1, 2006 through September 30, 2009.

Under the terms of this Interlocal Agreement, the City will enter into contracts with agencies awarded grants by the Tourist Development Council, review requests for reimbursement, and disburse funds for authorized expenditures on a monthly basis. In addition, the City will create marketing and/or tourist programs with the New Programs/Marketing portion of the funding as outlined in Exhibit A of the Interlocal Agreement.

Fiscal Note: The City will be paid 9% of the annual Tourist Tax allocation for its administrative costs. In addition, 10% of the annual allocation will be used for New Programs/Marketing.

RECOMMENDATION

The City Commission: 1) approve the Interlocal Agreement; and 2) authorize the City Manager or designee to sign the Interlocal Agreement on behalf of the City, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation:

The City Commission: 1) reject specific items in the Interlocal Agreement with Alachua County; and 2) request the City Manager to renegotiate terms of the Interlocal Agreement with Alachua County; or 3) elect not to enter into the Interlocal Agreement with Alachua County.

090307_INTERLOCAL AGREEMENT_20090903.PDF

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**CITY ATTORNEY, CONSENT AGENDA ITEMS****090330.**

WILLIE WASHINGTON vs. CITY OF GAINESVILLE AND GAINESVILLE POLICE DEPARTMENT, Eighth Judicial Circuit, Alachua County, Case No.: 01-2009-CA-3721 (B)

Explanation: On August 18, 2009, a Complaint filed by Willie Washington was served on the City of Gainesville. The Plaintiff alleges that the City discriminated against him due to his race and disability. The Plaintiff seeks back pay, front pay, compensatory and punitive damages, pre-judgment interest, costs, and attorney's fees.

RECOMMENDATION

The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available, to represent the City of Gainesville and the Gainesville Police Department in the case styled Willie Washington vs. City of Gainesville and Gainesville Police Department, Eighth Judicial Circuit, Alachua County, Case No.: 01-2009-CA-3721

090330_Willie Washington_20090903.pdf

090333.

JOSE CHAVARRIA ET. AL. VS. JLG INDUSTRIES, INC., UNITED RENTALS, INC., AND GAINESVILLE REGIONAL UTILITIES; EIGHTH JUDICIAL CIRCUIT, COURT CASE NO. 2008-CA-1779 (B)

Explanation: On August 19, 2009, Gainesville Regional Utilities was served with a Summons and Complaint. The Plaintiff alleges that he was subjected to a high voltage electrical charge while working at a GRU substation. He claims to have sustained bodily injury and medical expenses. Plaintiff is seeking money damages, prejudgment interest, and attorney's fees and costs.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville in the case Jose Chavarria et. al. vs. JLG Industries, Inc., United Rentals, Inc., and Gainesville Regional Utilities; Eighth Judicial Circuit, Court Case No. 2008-CA-1779

090333_Jose Chavarria_20090903.pdf

090347.

ALBERT FERGUSON VS. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, COURT CASE NO. 2008-CA-3865 (NB)

Explanation: On August 12, 2008 a summons and complaint was served on the City of Gainesville. Mr. Ferguson was the driver of a vehicle involved in an automobile accident with a City of Gainesville, Gainesville Regional Utilities dumptruck.

On October 18, 2007, Mr. Ferguson was driving his vehicle westbound on SW 16th Avenue in Gainesville. He encountered a green traffic light at the intersection with Main Street, and proceeded through the intersection. Immediately after clearing the intersection, the rear, driver-side section of Mr. Ferguson's vehicle was sideswiped by the front, passenger-side of a City dumptruck, causing Mr. Ferguson's vehicle to careen into the curb on the north side of SW 16th Avenue. Mr. Ferguson was restrained by his seatbelt, and reported that the impact with the dumptruck and secondary impact with the

curb caused the two left wheels on his vehicle to leave the ground.

Subsequent to the accident, Mr. Ferguson received emergency and followup medical care at the VA Hospital, where he was also employed as a Materials Handler, and from another physician. His claimed damages included 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. As an aside, Mr. Ferguson is an honorably-discharged veteran of the U.S. Army who served during the gulf war in the early 1990s.

At a Court-mandated mediation conference, counsel for Mr. Ferguson indicated that Mr. Ferguson would seek in excess of \$300,000 in damages at trial. The City and Mr. Ferguson reached a settlement of \$72,000 conditioned upon approval by the City Commission. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

Fiscal Impact: Funds are available in the City's General Insurance Fund.

RECOMMENDATION

The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of Albert Ferguson vs. City of Gainesville, Eighth Judicial Circuit Case No. 2008-CA-3865, on behalf of the City.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

090308.

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of July 28, August 6, August 10, August 17, 2009 and August 20, as circulated.

090308a_sp_jul 28, 2009_20090903.pdf

090308b_reg_aug 6,2009_20090903.pdf

090308c_sp_aug 10,2009_20090903.pdf

090308d_sp_aug 17, 2009_20090903.pdf

090308e_aug 20, 2009_20090903.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

090327.

Rail-Trail Lighting Standard (NB)

This item involves the adoption of a rail-trail lighting standard for lighting fixtures on the rail trail system. This item does not recommend purchase of fixtures at this time, but rather the addition of an additional fixture to GRU's inventory of approved lighting materials.

Explanation: As Gainesville's network of Rails-to-Trails activity paths continue to develop and become enhanced, there is an increasing need to develop standards that will uniquely identify and brand the trails, as well as ensure quality design in all areas of the City. In February and April 2008, the Community Redevelopment Agency and City Commission, respectively adopted the first element to brand the trails; the Rails-to-Trail signage. Now a lighting standard is being recommended for adoption to use on the City's Rails-to-Trails.

Illumination of trail paths increases safety where night usage is expected and is encouraged for areas of the network that serves college students, commuters, at highway intersections, and in areas where additional nighttime security may be desired. Trail lighting provides visibility of the path direction, surface conditions, obstacles, and at intersections. Having a uniformly lit path allows the user to see obstacles ahead of time, thus increasing the response time to avoid potential conflicts.

When selecting lighting fixtures several guidelines and standards were reviewed to aid in narrowing down the choices. Guidelines and standards consulted included the American Association of State Highway and Transportation Officials Guide for the Development of Bicycle Facilities, Crime Prevention through Environmental Design, and Illuminating Engineering Society of North America Recommended Lighting for Walkways and Class 1 Bikeways. These guidelines can be summarized into the categories of safety, cost, sustainability, and aesthetics. An additional selection criterion was also considered; fixtures currently listed on GRU's inventory. Implementation of a lighting fixture within the City of Gainesville requires that the fixture be approved by the City Commission and listed on GRU's inventory of approved fixtures.

After review of several fixtures, staff recommends the Lumec Domus Small Series for use on the City's Rails-to-Trails. The Domus Small Series is not listed on GRU's inventory, however a similar light that compliments this pedestrian fixture is listed; the Lumec Domus Roadway light. This larger version of the light is scaled more appropriately for roadways, whereas the Lumec Small Series meets guidelines for mounting heights on shared-use paths. The Domus Small Series is a pedestrian scaled fixture offering optics that point light directly onto the path and is approved by the International Dark-Sky Association for minimizing glare, light trespass, and light pollution. The manufacturer, Lumec, is on the leading edge of LED technology, and although not presently available as an LED lamp, it is expected to be available within the next year. The fixture also performs well with regards to safe illumination of the path. A photometric analysis resulted in good horizontal and vertical uniformity of illumination when placed at 75-ft centers, thus creating a uniformly lit path. It is available with metal-halide lamps for a contemporary white colored light, resulting in improved color rendition over high pressure sodium lamps, and increasing safety. The designs for the mounting arms and poles include classic

and contemporary lines that compliment a variety of urban and residential contexts. This gives the fixture the versatility to be implemented both in historic and more recently developed neighborhoods.

The recommendation to approve the Lumec Domus Small Series as the lighting standard for implementation on the City's rail trail system was taken to the four redevelopment advisory boards and the CRA Board for input and discussion. All four advisory boards and the CRA Board approved the recommendation.

Fiscal Note: No fiscal impact at this time (purchase of lighting fixtures will be approved and budgeted on a per project basis as the City designs, constructs, and enhances the rail-trail system).

RECOMMENDATION

CRA Board to the City Commission: 1) approve Lumec Domus Small Series as the lighting standard for implementation on the City's rail trail system; and 2) adopt the Lumec Domus Small Series for inclusion on GRU's inventory of approved lighting fixtures.

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

080393.

Alachua County Long Term Transportation Concurrency Management System Update (B)

This item provides an update to the City Commission regarding Alachua County's proposed Long Term Concurrency Management System.

Explanation: On October 2, 2008, Alachua County Growth Management staff made an initial presentation to the City Commission regarding a proposed Long Term Transportation Concurrency Management System. The system is intended to resolve transportation level of service (LOS) problems primarily occurring in the western unincorporated area of Alachua County. City staff commented on several aspects of the proposed long term concurrency management system and the City Commission requested a number of follow up actions.

Subsequent to the October 2nd City Commission meeting, County staff and City staff did meet to discuss specific proposed Comprehensive Plan language designed to implement the proposed long term concurrency management system. In addition, City staff has participated in two Alachua County Plan

Commission meetings (April/May) in order to provide relevant comments as well.

On May 20, 2009, the Alachua County Plan Commission did make a recommendation to the Board of County Commissioners to adopt the Comprehensive Plan language at a transmittal hearing. A workshop was held by the Board of County Commissioners on August 4, 2009 regarding the matter. On August 25, 2009, the Board of County Commissioners held a transmittal hearing on the Comprehensive Plan and voted to move it forward to the Florida Department of Community Affairs (DCA).

Fiscal Note: No fiscal impact at this time

RECOMMENDATION

The City Commission: (1) hear a brief presentation by Alachua County staff on the Comprehensive Plan Amendment; and, 2) provide direction to City staff regarding comments to be forwarded to the Florida Department of Community Affairs (DCA) per the transmittal review process.

Legislative History

10/2/08	City Commission	Approved as shown above (See Motion) (7 - 0)
6/4/09	City Commission	No Action Taken

080393a_Plan_20081002.pdf
 080393b_Map_20081002.pdf
 080393c_Map_20081002.pdf
 080393d_Map_20081002.pdf
 080393e_Map_20081002.pdf
 080393f_Report_20081002.pdf
 080393g_County.Presentation_20081002.pdf
 080393h_City.Presentation.Planning_20081002.pdf
 080393i_City.Presentation.Transit_20081002.pdf
 080393A_Letter_20090604.pdf
 080393B_CC Minutes 10-2-08_20090604.pdf
 080393C_Ala County PPT_20090903.pdf

090343.

Equal Opportunity Director Interviews (B)

City Commission select final candidates to interview for the Equal Opportunity Director position.

Explanation: The City Commission has directed staff to conduct a national search for an Equal Opportunity Director. Applications were received and reviewed by City Commissioners who selected thirteen (13) applicants to move to the next step in the selection process: telephone interviews and preliminary background checks. Staff is now requesting the City Commission narrow the candidate pool to approximately five for on-site interviews.

Fiscal Note: Funds for this search are available in the FY2009 budget.

RECOMMENDATION

City Commission select the top five candidates to be

invited for on-site interviews.

090343_Candidates List_ 20090903.pdf

GENERAL MANAGER FOR UTILITIES

090351.

Financing for Construction (B)

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

Explanation: In July 2009, the City Commission (1) authorized, among other things, (a) 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; and (b) 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; and (2) approved the selection of J.P. Morgan as Senior Manager for the bonds and authorized the appointment of additional Co-Managers if doing so would enhance the distribution of the bonds.

The issuance of the 2009 Series A, B and C Bonds for the purposes referred to above is scheduled to occur in late September. We recommend that the City Commission adopt the attached Authorizing Resolution which approves the sale of the 2009 Series A, B and C Bonds and, in order to afford Utilities staff the flexibility to determine when market conditions are best for pricing the fixed-rate Bonds, delegates certain authority to the General Manager or his designee to determine specific details with respect to the 2009 Series A, B and C Bonds.

This delegation authorizes the General Manager or his designee:

(i) to determine, among other things:

(a) the aggregate principal amount of the 2009 Series A, B and C Bonds to be issued to fund Costs of Acquisition and Construction and to convert the Utilities System Commercial Paper Notes, Series D to a fixed rate;

(b) in the case of that portion of the 2009 Series A, B and C Bonds to be issued to finance Costs of Acquisition and Construction that can be financed on a tax-exempt basis, to determine, on a maturity-by-maturity basis, whether it is more economic to issue such Bonds as traditional fixed rate tax-exempt bonds or as taxable Build America Bonds for which the City will be entitled to receive cash subsidy payments from the United States Treasury in an amount equal to 35% of the interest payable on the Bonds;

(c) the maturity dates of the 2009 Series A, B and C Bonds and the principal amounts of the 2009 Series A, B and C Bonds maturing on each maturity date and, if any 2009 Series A, B and C Bonds maturing on a particular date are to be issued as term bonds subject to mandatory redemption to satisfy sinking fund installments, the due dates and amounts of such sinking fund installments;

(d) the interest rates or rates to be borne by the 2009 Series A, B and C Bonds of each maturity;

(e) certain optional redemption provisions for the 2009 Series A, B and C Bonds; and

(f) the underwriters' discount and the price at which the 2009 Series A, B and C Bonds will be sold to the underwriters;

provided, however, that:

(1) In the case of the 2009 Series A Bonds;

- a. the maximum aggregate principal amount shall not exceed \$25 million;*
- b. the final maturity date shall not be later than October 1, 2029;*
- c. the maximum rate of interest that the Bonds may bear shall be 7.00%;*
- d. the spread over the "Treasury Rate" to be used to determine the price at which the Bonds may be redeemed at the election of the City shall not exceed 1.00%, nor shall the spread be less than 0.10%; and*
- e. the true interest cost for the Bonds shall not exceed 6.25%;*

(2) In the case of the 2009 Series B Bonds;

- a. the maximum aggregate principal amount, when combined with the aggregate principal amount of the 2009 Series C Bonds to be issued, shall not exceed \$180 million;*
- b. the final maturity date shall not be later than October 1, 2039;*
- c. the maximum rate of interest that the Bonds may bear shall be 7.00%;*
- d. the spread over the "Treasury Rate" to be used to determine the price at which the Bonds may be redeemed at the election of the City shall not exceed 1.00%, nor shall the spread be less than 0.10%; and*
- e. the true interest cost for the Bonds shall not exceed 4.75%, taking into account the 35% cash subsidy payment from the United States Treasury that the City would be eligible to receive pursuant to Section 54AA(g) of the Internal Revenue Code; and*

(3) In the case of the 2009 Series C Bonds;

- a. the maximum aggregate principal amount, when combined with the aggregate principal amount of the 2009 Series B Bonds to be issued, shall not exceed \$180 million;*
- b. the final maturity date shall not be later than October 1, 2039;*
- c. the maximum rate of interest that the Bonds may bear shall be 6.00%;*
- d. the earliest date on which the 2009 Series C Bonds may be redeemed at the election of the City shall be not later than October 1, 2024, and the highest redemption price at which the 2009 Series C Bonds may be so redeemed shall be not greater than 103% of the principal amount thereof, plus accrued interest to the date of redemption; and*
- e. the true interest cost for the Bonds shall not exceed 5.50%;*

(ii) to take such actions as are necessary or desirable in order to irrevocably elect, in the name and on behalf of the City, to have Section 54AA(g) of the Internal Revenue Code apply to the 2009 Series B Bonds, thereby permitting the City to receive the 35% cash subsidy payments; and

(iii) to make such changes to the documents (other than the Authorizing Resolution and the Twenty-First and Twenty-Second Supplemental Resolutions) as he determines are necessary or appropriate, subject to the approval of the office of the City Attorney as to form and legality.

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 the issuance of the 2009 Series A, B and C Bonds. Therefore, we recommend that these officials be authorized to take such other actions that may be necessary or desirable to proceed with the issuance and closing of the bond issue in accordance with this City Commission authorization and delegation.

Fiscal Note: Issuing new money debt and converting variable rate debt at currently low fixed interest rates will help manage future debt service costs.

RECOMMENDATION

The City Commission:

1. Adopt the attached resolution (Authorizing Resolution), which:

(a) incorporates by reference and adopts, and authorizes the execution and delivery of:

(i) a Twenty-First Supplemental Utilities System Revenue Bond Resolution (Twenty-First Supplemental Resolution) which authorizes the issuance, sale, execution and delivery of not to exceed \$25 million in aggregate principal amount of the City's Utilities System Revenue Bonds, 2009 Series A (Federally Taxable) (2009 Series A Bonds) in order to provide monies needed for payment of (x) Costs of Acquisition and Construction (capital projects) that cannot be financed on a tax-exempt basis and (y) the refunding of the City's taxable Series D Commercial Paper Notes, and delegates the authority to determine certain matters in connection therewith; and

(ii) a Twenty-Second Supplemental Utilities System Revenue Bond Resolution (Twenty-Second Supplemental Resolution) which authorizes the issuance, sale, execution and delivery of not to exceed \$180 million in aggregate principal amount of the City's taxable Build America Bonds as Utilities System Revenue Bonds, 2009 Series B (2009 Series B Bonds) and/or tax-exempt Utilities System Revenue Bonds, 2009 Series C (2009 Series C Bonds) in order to provide monies needed for payment of Costs of Acquisition and Construction that can be financed on a tax-exempt basis, and delegates the authority to determine certain matters in connection therewith; and

(b) in the case of the 2009 Series A, B and C Bonds:

(i) approves the form, and authorizes the execution and delivery, of a contract of purchase between the City and an underwriting group for which J.P. Morgan will serve as senior book-running manager, and delegates the authority to determine certain matters in connection therewith;

(ii) approves the form, and authorizes the execution and delivery, of a continuing disclosure certificate;

(iii) approves the form and use of the preliminary official statement and the official statement relating to the 2009 Series A, B and C Bonds and authorizes the execution and delivery of the official statement;

(iv) authorizes the authentication and delivery of the 2009 Series A, B and C Bonds;

(v) authorizes the registration or qualification of the 2009 Series A, B and C Bonds under the blue sky laws of various states; and

(vi) authorizes certain City officials to take other actions in connection with the issuance, sale and delivery of the 2009 Series A, B and C Bonds; and 2) Authorize the Clerk of the Commission, the General Manager and other Authorized Officers to execute such documents as may be necessary to proceed with the transactions authorized above and to take such other actions as may be necessary or advisable to proceed with the issuance of the 2009 Series A, B and C Bonds in accordance with this City Commission authorization.

090351_MOD_21st Supplemental Resolution_20090903.pdf
090351_MOD_22nd Supplemental Resolution_20090903.pdf
090351_MOD_Authorizing Resolution_20090903.pdf
090351_MOD_Contract Form of Purchase_20090903.pdf
090351_MOD_PFM Letter Exhibit A_20090903.pdf
090351_MOD_Preliminary Official Statement Item_20090903.pdf

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

090352.

2010 Census (NB)

Explanation: United States Census Bureau representative Karen Kagalis will make a presentation to the City Commission and provide information on the 2010 Census.

RECOMMENDATION

The City Commission receive a presentation.

MEMBERS OF THE CITY COMMISSION**COMMISSION COMMENTS (if time available)****RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****090301.****United States Constitution Month - September 2009 (B)****RECOMMENDATION**

Gainesville Chapter Daughters of the American Revolution Chapter Regent Janet Messer to accept the proclamation.

Legislative History

8/20/09 City Commission Continued

090301_Proc_20080820.pdf

090334.**Hispanic/Latino Film Festival Weeks - September 15 - October 24, 2009 (B)****RECOMMENDATION**

Latina Women's League President Victoria Condor-Williams, Vice-President Pilar Paz, Latino Film Festival Coordinator Grace Altamirano, and Parliamentarian Janet Todd to accept the proclamation.

090334_Proc_20090903.pdf

090335.**Job Corps Day - September 23, 2009 (B)****RECOMMENDATION**

Gainesville Job Corps Center Director Sam Kolapo to accept the proclamation.

090335_Proc_20090903.pdf

090338.**Green The Block Day - September 11, 2009 (B)**

RECOMMENDATION

Horizon Center Principal James Spears, Assistant Principal Diva McPhearson, Cultural Arts Coalition Executive Director NKwanda Jah, and Board President Anthony Greene to accept the proclamation.

090338_proclamation_20090903.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****090273.****PROPOSED MILLAGE RATE FISCAL YEAR 2009-2010 (B)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO THE LEVY OF GENERAL MUNICIPAL PURPOSE AD VALOREM TAXES FOR THE 2009-2010 FISCAL YEAR; ESTABLISHING PROPOSED MILLAGE RATE; SETTING A PUBLIC HEARING; PROVIDING FOR THE PUBLICATION OF NOTICE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The City Commission is required by Florida Law to adopt a proposed millage rate to fund the budget for FY 2009-2010

RECOMMENDATION

The City Commission adopt the proposed Resolution.

090273_draft Millage Resolution_20090903.pdf

090274.**AMENDED TENTATIVE GENERAL GOVERNMENT BUDGET - FISCAL YEAR 2009-2010 (B)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010; ADOPTING AN AMENDED TENTATIVE GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The amended tentative General Government Budget for Fiscal Year 2009-2010 is hereby submitted as prepared by the Office of Management and Budget (O.M.B.).

The Budget will be presented for further consideration at a public hearing to be held on September 17, 2009, in conjunction with the approval of a millage rate to fund said budget.

RECOMMENDATION

The City Commission adopt the proposed resolution.

090274_draft Budget Resolution_20090903.pdf

090256.

GAINESVILLE REGIONAL UTILITIES - TENTATIVE BUDGET - FISCAL YEAR 2009-2010 (B)

RESOLUTION NO. 090256

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE TENTATIVE BUDGET FOR THE CITY OF GAINESVILLE REGIONAL UTILITIES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010; PROJECTING REVENUES AND ADOPTING A TENTATIVE BUDGET TO PAY FOR PERSONAL SERVICES EXPENSES, OPERATING AND MAINTENANCE EXPENSES AND OTHER EXPENSES, FOR CAPITAL OUTLAY, AND FOR DEBT SERVICE REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The proposed resolution adopts a tentative budget for the City of Gainesville Regional Utilities for the fiscal year beginning October 1, 2009 and ending September 30, 2010, to pay for personal services expenses, operating and maintenance expenses and other expenses, for capital outlay and for debt service requirements is submitted for adoption by the City Commission.

All changes will be effective October 1, 2009.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

090256_gru tentative budget_20090903.pdf

RESOLUTIONS- ROLL CALL REQUIRED

090328.

Resolution to Enter into a Maintenance Agreement with the State of Florida Department of Transportation for Landscape/Streetscape amenities on SR 25 (13th Street) from SW 16th Ave to NW 7th Ave (B)

This item involves a Resolution authorizing the City Manager to execute a Landscape/Streetscape Maintenance Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT) for phased landscaping and streetscaping projects on SR 25 (13th Street) from SW 16th Avenue to NW 8th Avenue.

Explanation: The City of Gainesville Community Redevelopment Agency (CRA), acting as an agent for the City, has within their 3-year redevelopment strategic plans, projects to enhance SR 25 (13th Street) with landscaping and streetscaping amenities along the portions of the corridor within designated CRA boundaries. The Florida Department of Transportation (FDOT) has a policy that certain roadway and right of way enhancements cannot be implemented on the State Highway System unless the local government with jurisdiction agrees to provide

for the maintenance of the enhancements. The CRA has planned two phases of enhancements for consideration.

Phase I

The first phase of enhancements is designed hardscape and landscape improvements along SW 13th Street (SR 25) as part of the development plan approval for the Shands Healthcare, Inc. parking structure that is to support the new Cancer Care Hospital. This phase is located on SW 13th Street (SR 25) between SW 12th Avenue and SW 14th Avenue and lies within the College Park/University Heights (CPUH) redevelopment area. The design of the proposed improvements is based on the City of Gainesville Community Redevelopment Agency Design and Technical Standards for Streetscapes and the FDOT Design Standards. The project includes construction of brick pavers for sidewalks, installation of tree grates and street trees, and construction of textured pavement crosswalks. Construction of these right-of-way improvements will occur during the final stages of construction of the Shands parking structure; scheduled to occur during Fall 2009.

Phase II

The second phase of improvements includes a series of CRA initiated projects with the purpose of streetscaping and improving the aesthetic character of the entire SR 25 (13th Street) corridor that is within the College Park/University Heights (CPUH) and Fifth Ave/Pleasant Street (FAPS) redevelopment areas. Listed within the CPUH and FAPS 3-year redevelopment strategic plans, the portion of the SR 25 corridor to receive these amenities lies between SW 16th Avenue and NW 8th Avenue, approximately 1.6 miles. In particular, the City of Gainesville is requested to be responsible for the future maintenance of brick paver sidewalks, street trees, tree grates, textured pavement crosswalks, landscaped medians, wayfinding signage, and hardscape amenities such as bicycle racks, benches, and waste receptacles. Construction timeframe of these improvements is expected to occur during FY 2010 and FY 2011.

Fiscal Note: No fiscal impact at this time.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute a Landscape/Streetscape Maintenance Agreement with the State of Florida Department of Transportation for both Phase I and Phase II of SR 25 enhancements, subject to approval by the City Attorney as to form and legality.

090328_Resolution_20090903.pdf

090328_Map_20090903.pdf

090329.

Amendment to the Local Housing Assistance Plan (LHAP) - State Fiscal Years 2009-2011 (B)

This item requests the City Commission adopt a resolution approving an

amendment to the 2009-2011 Local Housing Assistance Plan as required by State of Florida to implement and allocate FY 2009-2010 funds for the Florida Homebuyer Opportunity Program (FHOP).

Explanation: Currently, under a federal tax program, qualified first-time homebuyers who purchase a home before December 1, 2009 receive a tax credit of up to \$8,000 upon filing their federal tax return. However in most cases, the homebuyers will need these funds for the downpayment and closing costs to purchase a home instead of waiting until the end of the year. On May 27, 2009, the Governor signed into law a new program to assist first-time homebuyers called Florida Homebuyer Opportunity Program (FHOP). The intent of the FHOP is for state and local government agencies to provide a bridge loan in the amount of the expected federal tax credit (the lesser of 10% of the purchase price of the home or up to a maximum of \$8,000) to qualified buyers to purchase their homes. The buyers will be required to repay these funds once they receive their federal tax refund. The FHOP loan will have a recapture provision for repayment within 18 months; however, if the homebuyer is unable to repay within the specified timeframe; then a repayment plan with interest is arranged for the homebuyer to repay within several years. A mortgage lien will continue on the property until the loan is paid in full.

The state law requires all local governments to develop a FHOP strategy and incorporate it in their respective LHAP. The FHOP strategy must adhere to all State Housing Initiatives Partnership (SHIP) program rules and regulations, except where noted in the state legislation. As such, the Housing & Community Development (HCD) staff has developed the proposed FHOP strategy that follows the guidelines provided by the State of Florida and includes additional criteria as determined by HCD staff to administer and implement the program.

During the State of Florida budget process, no funding was appropriated for the long established SHIP Program for the FY 2009-2010. Instead, the State of Florida appropriated funding for the FHOP. The FHOP funds will be allocated according to the SHIP statute 420.9073, F.S. The Florida Housing Finance Corporation will distribute these funds between the municipalities that previously received SHIP funds. Therefore, in lieu of the City receiving its anticipated annual SHIP allocation of approximately \$1.1 million, it will only receive approximately \$186,886 of funding for the FHOP, of which up to 10% can be used for program administration. In order to receive these funds, the City must amend its 2009-2011 Local Housing Assistance Plan to implement the FHOP.

No other SHIP Program Year funds can be used to fund the FHOP due to income restrictions of these funds not being set aside by the FHOP implementing legislation. However, after December 1, 2009, the unused FHOP funds may be allocated to the standard SHIP Program to fund on-going housing programs and services.

Fiscal Note: The FHOP funding from the State of Florida has been made available in the amount of \$186,886 for FY 2009-2010 of the City's 2009-2011 LHAP.

RECOMMENDATION

The City Commission: 1) adopt the attached Resolution, as required by State law; 2) authorize the

submission of the Resolution and amendment to the 2009-2011 Local Housing Assistance Program for review and approval by the Florida Housing Finance Corporation; and 3) authorize the reallocation of funds to on-going SHIP housing programs after expiration of the Florida Homebuyer Opportunity Program as required by State law.

090329_PPT_20090903.pdf

090329_LHAP FHOP Strategy_20090903.pdf

090329_Resolution_20090903.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

090228.

DEVELOPMENT ORDER AND BUILDING PERMIT EXTENSIONS (B)

Ordinance No. 0-09-54

An Ordinance of the City of Gainesville, Florida, establishing administrative procedures, fees, requirements and limitations to carry out the development order and building permit extensions authorized by Senate Bill 360, now known as Chapter Law No. 2009-96; providing a severability clause; and providing an immediate effective date.

Explanation: On June 1, 2009, the Governor signed Senate Bill 360 entitled the "Community Renewal Act" ("SB360") into law. Among other things, SB360 provides for a two-year extension of City issued development orders and building permits that have an expiration date of September 1, 2008 through January 1, 2012, if the holder requests the extension on or before December 31, 2009.

Due to the broad and imprecise language of SB360, there is much debate throughout the state regarding the interpretation of many provisions within SB360, including the permit extension language. In addition, a lawsuit has been filed in Leon County, Florida, by a coalition of local governments challenging the constitutionality of SB360.

Given the differences of opinion and uncertain outcome of the litigation, City staff presented draft procedures and fees for the administration of the extensions at a Special Meeting City Commission Meeting held on July 28, 2009, and recommended that the City Commission adopt same by ordinance. The City Commission approved the recommendation authorizing the City Attorney to draft and the Clerk of the Commission to advertise an ordinance.

Since that meeting, City staff has received and considered comments from the public on the draft procedures and fees. In addition, on August 12, 2009, City staff met with a representative of the building and business community and the mutually agreeable revisions were incorporated into this ordinance. A request was made to include GRU Utility Construction Permits, Preliminary Development Plans and Design Plats in the list of Development Orders that are eligible for extension. However, City staff does not support including those in the Ordinance for the following reasons. First, GRU Utility Construction

Permits are issued by the City under the authority of FDEP pursuant to Chapter 403, Florida Statutes. As such, they are not contemplated within the language of SB360 (e.g., FDEP or WMD permits issued under Chapter 373, and local building permits and development orders). Second, with respect to design plats and preliminary development plan approval, these are preliminary approvals and as such, they are subject to further review before receiving final approval. Staff is concerned that if extended for two years, the data and analysis supporting the preliminary approval may become stale and certainly not within the recent memory or recollection of the citizens, staff, Board and/or Commission charged with final review. Staff believes that SB360 was intended to provide relief to projects that had secured final approvals and were ready to proceed to construction, but for the lagging economy, real estate market or lack of financing available for construction.

This ordinance authorizes the Planning and Development Services Department to administer the extensions, defines development order and building permit for purpose of the extensions, establishes fees, sets forth the procedures and requirements for obtaining an extension, the limitations on approved extensions and addresses the effect of subsequent invalidation of SB360.

Should the City Commission pass this ordinance on first reading, second and final reading will be held on September 17, 2009.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/28/09 City Commission Approved as Amended (6 - 0 - 1 Absent)

090228_SB360 Ordinance_20090903.pdf

090284.

GRU ELECTRIC RATES (B)

Ordinance No. 0-09-46

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (1) ELECTRICITY OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING ELECTRIC BASE RATES AND CUSTOMER SERVICE CHARGES; ADDING A RENTAL LIGHT CATEGORY AND RATE FOR LED LIGHTING; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase electric base rates and customer services charges and add a lighting rate for LED lighting.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2009.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

090284_GRU RATE INCREASE_20090903.pdf

090285**GRU - WATER RATES (B)****Ordinance No. 0-09-47**

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (3) WATER, OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING INSPECTION FEES AND TAPPING CHARGES; INCREASING METER INSTALLATION CHARGES; INCREASING BASE RATES FOR SERVICE; INCREASING WATER TRANSMISSION, DISTRIBUTION AND PLANT CONNECTION CHARGES; INCREASING STANDBY FIRE SPRINKLER LINE CHARGES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase water base rates and customer services charges, add a commercial irrigation rate, and connection, tapping, inspection and standby sprinkler line fees.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2009.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

090285_GRU RATE INCREASE_20090903.pdf

090286.**GRU - WASTEWATER BASE RATES (B)****Ordinance No. 0-09-48**

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (4) SEWERAGE OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING WASTEWATER BASE RATES; INCREASING CONNECTION AND INSPECTION CHARGES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to increase wastewater base rates and connection, tapping, and inspection fees.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2009.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

090286_GRU RATE INCREASE_20090903.pdf

090287.**GRU - SERVICE CHARGES (B)****Ordinance No. 0-09-49**

AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (7) IN GENERAL OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING SERVICE CHARGES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to amend the charges for lighting gas pilot lights and disconnecting electric service at the pole or transformer to charge cost appropriate fees for these services.

The rate changes will be applied to bills rendered after 12:01 A.M., October 1, 2009.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

090287_GRU RATE INCREASES_20090903.pdf

090288.**GRU - UTILITY SERVICES (B)****Ordinance No. 0-09-50**

AN ORDINANCE AMENDING CHAPTER 27 UTILITIES, GAINESVILLE CODE OF ORDINANCES; AMENDING SECTION 27-6, TERMS OF WITHHOLDING SERVICE; AMENDING SECTION 27-7, FREQUENCY OF CREDITS FOR UTILITY DEPOSITS; AMENDING SUBSECTION 27-15(d), AMENDING THE NORMAL BUSINESS HOURS; REPEALING SECTIONS 27-17 AND 27-18 RELATING TO ALACHUA COUNTY PRIVILEGE FEE; AMENDING SECTION 27-21, DEFINITIONS, BY ADDING AND MODIFYING DEFINITIONS; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

Explanation: In the Proposed Budget for the Combined Utilities System, the General Manager made a recommendation to make the following changes to Chapter 27.

It is recommended that language be added to Section 27-7 to incorporate misrepresentation on part of the applicant or customer to be cause for withholding or disconnecting service as identify theft has been recognized as a component of utility theft.

Current practice is to apply credit for interest on utility deposits to customer accounts on a monthly basis. The recommendation is to modify the existing text that states interest will be credited annually to state interest shall be credited

monthly.

The specific hours of operation should be removed from 27-15(d) to allow the utility to adjust hours as needed without the necessity of an ordinance.

Both sections 27-17 and 27-18 have been deemed unconstitutional and therefore the general manager is recommending repealing both sections.

On August 6, 2009, the general manager made a recommendation to modify Section 27-21 by adding definitions of AC power and DC power as well as modifying existing definitions.

These changes will be effective upon adoption.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

090288_GRU RATE INCREASES_20090903.pdf

090325.

APPENDIX A - SCHEDULE OF FEES, RATES AND CHARGES (B)

Ordinance No. 0-09-45

An ordinance of the City of Gainesville, Florida, amending Appendix A, Schedule of Fees, Rates and Charges by increasing fees and charges for Adult Performance Establishments, Escort Services, and Escort Licenses; Alcoholic Beverage bottle club licenses; Cable Franchises; Cemetery; Controlled Vehicular Parking Area Decals/Permits; Fire/Rescue false alarm, Prohibited devices, Fire alarm monitoring companies, Fire alarm system contractors and Fire inspections; Home Occupation Permits; Land Development Code petitions, applications, development services and zoning permits; Annual Spring Arts Festival permits; Burglar alarm operators, monitoring companies, systems, and systems contractors; Roam towing; Registered Domestic Partners; Secondhand Goods Dealers; Permits for use of and work in streets, sidewalks and other public places; Business tax receipt transfers; Traffic and Motor Vehicle parking violations and delinquency; Stormwater Management; Vehicles for Hire; and Vending booth and Itinerant food vendor permits; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: BUDGET AND FINANCE DEPARTMENT STAFF REPORT

On July 27, 2009, the City Commission adopted Resolution No. 090208, to approve the Proposed Tentative General Government Financial and Operating Plan, and authorized staff to take appropriate actions to implement new and increased fees, effective October 1, 2009.

CITY ATTORNEY MEMORANDUM

This ordinance increases certain existing fees and charges. There are additional new fees and charges authorized by the City Commission as part of

the adoption of the Proposed Tentative General Government Financial and Operating Plan that are being processed as separate ordinances.

This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be September 17, 2009.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

090325_Draft Ordinance_20090903.pdf

090325_Appendix A Fees_20090903.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

090201.

REZONING - 39 N.W. 39TH AVENUE (THE VILLAS) (B)

Ordinance No. 0-09-42, Petition No. PZ-09-44ZON

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 the City of Gainesville zoning category of "MH: 12 units/acre mobile home residential district" to the City of Gainesville zoning category of "BUS: General business district"; consisting of approximately 7.5 acres, located in the vicinity of the Southwest corner of Northeast 2nd Street and 39th Avenue, a/k/a 39 N.W. 39th Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF MEMORANDUM

The purpose of this petition is to rezone property located at 39 Northwest 39th Avenue, tax parcel no. 08247-000-000. The subject property is approximately 7.5 acres, and would rezone the property from MH (12 units/acre mobile home district) to BUS (General business district). The property currently has a land use designation of Residential Low-Density (up to 12 units per acre), which is proposed to change to Commercial. The property is part of the Villas at 39th development, which has residential lots that are available for the placement of manufactured homes that lie to the south of the subject property. This petition for general business zoning will have no impact on the provision of affordable housing. The lots for the placement of manufactured housing in the Villas at 39th development are to the south of the subject property.

A variety of uses are in the general vicinity of the subject property. The City's Public Works Center has a public facilities and industrial character because of the fleet maintenance operations. On the east side of the subject property, there are motor scooter sales, automobile sales and warehouse/storage uses. The warehouse/storage uses continue to the south, adjacent to the manufactured home lots that are part of the Villas at 39th development. These uses include a wholesale grocery distribution facility with significant truck traffic. To the north of the subject property across 39th Avenue, is residential development, in the form of another mobile home community and a subdivision composed

mainly of duplexes. On either side of these residential developments along N.W. 39th Avenue are properties with BA zoning and Commercial land use. The proposed commercial land use and general business zoning would be compatible with the surrounding land uses. The proposed land use and subsequent zoning change will facilitate development of this property and will promote urban infill.

The subject property is currently vacant. The proposed zoning change would allow for compatible commercial, office and service developments in an appropriate location that is near to other commercial activities. The BUS zoning category is consistent with and will implement the proposed Commercial land use category.

Planning Division staff recommended approval of Petition PZ-09-44 ZON.

The City Plan Board reviewed the petition and recommended approval, Plan Board vote 4-2.

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

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/20/09 City Commission Adopted on First Reading (Ordinance) (7 - 0)

090201_staff report_20090820.pdf

090201A_maps_aerial_existing_proposed zoning_20090820.pdf

090201B_zoning appl_workshop_20090820.pdf

090201C_cpb minutes_20090820.pdf

090201_draft ordinance_20090820.pdf

090201D_staff ppt_20090820.PDF

081040.

DEPOT PARK REZONING (B)

Ordinance No. 0-09-18, Petition No. PZ-09-37 ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning certain property located generally south of Depot Avenue, east of South Main Street, north of Southeast Veitch Street and west of Southeast 4th Street, commonly known as "Depot Park", from "PS: Public services and operations district," "I-1: Limited industrial district" and "I-2: General industrial district" to "PS: Public services and operations district"; specifying permitted uses; specifying dimensional requirements; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This is a petition to rezone property located generally south of Depot Avenue, east of South Main Street, north of Southeast Veitch Street and west of

Southeast 4th Street, commonly known as "Depot Park", from Public services and operations (PS), Limited industrial (I-1) and General industrial (I-2) to Public services and operations (PS). A small portion of the property is already zoned PS; however, it is included in this ordinance for the purpose of further specifying its uses and dimensional requirements for development. The properties that are the subject of this Petition (tax parcels 16004-000-000 and 15706-000-000), consist of approximately 34 acres owned by the City of Gainesville. The current land use classification for the subject property is Industrial and PS zoning is an implementing zoning district for the current land use. The PS zoning district is established for public and private uses of land that serve and are used by the public.

The Depot Park project is an effort to clean up and restore brownfield properties in the area of Depot Avenue and South Main Street. A brownfield is an abandoned, idle, or underused industrial or commercial site where redevelopment is hampered by environmental contamination. The City of Gainesville through Gainesville Regional Utilities will clean up the environmental contamination, which was the result of a coal gasification plant that operated on Depot Avenue. The City will initially develop the site as a stormwater treatment facility to serve the downtown area, and as a public park to provide green space and recreation activities, that will provide an economic boost to this area of the community.

In addition to the rezoning, this Petition also establishes the minimum setback for certain principal and accessory structures on the property, not otherwise specified in the Code, and specifies the State Historic Preservation Office will determine the exact location for the Depot building at such time it is moved back to its traditional location.

The City Plan Board heard this petition at a public hearing held April 23, 2009, and by a vote of 6-0, recommended the City Commission approve the Petition.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/20/09 City Commission Adopted on First Reading (Ordinance) (7 - 0)

081040_staff report_20090820.pdf

081040A_maps_aerial_existing_proposed zoning_20090820.pdf

081040B_concept site plan_renderings_20090820.pdf

081040B_concept site plan_renderings_20090820.pdf

081040C_zoning appl_workshop_20090820.pdf

081040D_cpb minutes_20090820.pdf

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081040E_staff ppt_20090820.PDF

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

080128.**Update on the Wild Spaces Public Places One-Half Cent Sales Tax Initiative's Implementation Plan for Capital Improvement Projects and Sensitive Lands Acquisition (B)**

This item involves an update on the Wild Spaces Public Places One-Half Cent Sales Tax Initiative's implementation. It includes information on referral discussions at the July 9, 2009 Recreation, Cultural Affairs and Public Works Committee meeting, and requests approval of projects and creation of set-aside funding to cover operating costs.

Explanation: On February 19, 2009, the Department of Parks, Recreation and Cultural Affairs provided an update to the City Commission regarding development of an Implementation Plan for the Wild Spaces Public Places (WSPP) One-Half Cent Sales Tax. At that meeting, the City Commission approved funding for projects currently underway including full funding for the Senior Recreation Center and Smokey Bear Park and partial funding for the Thomas Center Renovations, NE & Westside Pool Renovations and Northeast Park Infrastructure. The Commission decided to hold off on a final decision on the possible set-aside of \$1,150,000 for a five year period to cover operating expenses for projects with estimated annual operating costs of \$50,000 or less. Staff was asked to return to the Commission with updates on discussions with advocacy groups for: 1) Cone Park with track & multi-purpose fields, 2) NE Pool with heating and 3) NW Soccer Complex regarding whether these groups would be able to fund recurring operating costs associated with these projects.

At the May 21, 2009 meeting, the City Commission approved funding for the NE Pool with heating and directed the City Manager to draft agreements with the pool advocacy groups formalizing their commitments to the NE Pool heating project. The Commission took no further action other than to refer the City Commission's priority list of WSPP projects to the Recreation, Cultural Affairs and Public Works (RCAPW) Committee for further review. In addition, information was requested on what projects would be lost if the remaining unallocated funds were reprioritized to Cone Park.

On July 9, 2009 staff presented an update to the RCAPW Committee. Commissioners Donovan and Hawkins also attended. Staff presented the funding priority list, along with a series of five different options for Committee consideration in recommending Commission approval of additional projects based on projected revenue:

Option 1 included: 1) Approve full or remaining funding for projects 1 - 9, 11 (\$3,357,000); 2) Approve partial funding for project 13 (\$330,000) to replace the filter at Westside Pool (the filter may not last much longer and needs to be replaced); 3) Approve partial funding for project 12 (\$800,000). Total estimated cost of projects recommended for approval is \$4,487,000.

Option 2 included: 1) Approve funding for project 20 Cone Park original Master Site Plan Development (\$2,727,850 revised estimate); 2) Approve full funding for projects 1, 2, 4 & 5 (\$1,280,000); 3) Project 3 cost would be

included in project 20 funding; 4) Approve partial funding for project 13 (\$330,000) to replace the filter at Westside Pool (the filter may not last much longer and needs to be replaced). Total estimated cost of projects recommended for approval is \$4,337,850.

Option 3 included: 1) Approve funding for project 20 Cone Park original Master Site Plan Development (\$2,727,850 revised estimate); 2) Approve funding for project 12 Depot Park (\$1,000,000); 3) Approve partial funding for project 1 (\$425,000); 4) Approve partial funding for project 13 (\$330,000) to replace the filter at Westside Pool (the filter may not last much longer and needs to be replaced); and 5) Total estimated cost of projects recommended for approval is \$4,482,850.

Option 4 included: 1) Fund all of the staff's recommended # 1 priority improvements for eligible parks/facilities; and 2) Based on the current list, all of the staff's high priorities portions of the projects is \$4,488,000.

Option 5 was: Committee may propose alternate priorities.

During the July 9th meeting there was much discussion of the options and the RCAPW Committee members expressed their preference for options 1 and 3, and they requested that their perspective be forwarded to the Commission. The Committee members were supportive of establishing an operating cost set-aside, and requested that the WSPP Citizen Oversight Committee look at this issue.

The first meeting of the WSPP Oversight Committee was held on August 5th and included Committee discussion of the possible creation of an operating cost set-aside. The Committee passed a motion stating "we recognize that the resolution passed by voters gives the City Commission authority to establish an operating cost set-aside". The Committee went beyond this acknowledgement in their discussions expressing an understanding of the City's interest in an operating cost set-aside and the Committee's support should the City decide to do so. Pamela Hightower, a Gainesville appointee to the Committee, will be present at the Commission meeting to share the Committee's perspective.

Staff Perspective:

There was not a consensus recommendation from the RCAPW Committee as shown below. Staff has the following perspective and guidance.

Option 4 allows some projects to be completed in all parks on the list based on a staff ranking of the itemized projects for each park. The primary advantage is that it allows all parks on the list to benefit from improvements so it spreads the benefits to the greatest degree. The primary disadvantage is that it creates a piecemeal approach so that some but not all of the identified improvements are implemented in each park.

Option 1 retains the prioritization of projects approved by the Commission and funds complete park projects based on their priority. The primary advantage is

that it sticks with the existing prioritization. The primary disadvantage is that there would be inadequate funding to implement improvements in a number of parks.

Options 2 and 3 allow funding to be focused on new facilities to provide a big impact in selected parks. The primary advantage of these options is that they provide significant expansions of parks and recreation facilities. The primary disadvantage is that a smaller number of parks would see improvements.

If the City Commission is inclined towards options 2 or 3, staff recommends that Cone Park be funded with the exception of the track and splash pad. The track would be the single most expensive WSPP project and could have significant operating costs. Staff believes the track should be a future project if funding becomes available and advocates are able to address operating cost issues. Also, staff has concerns about building splash pads at sites other than City pools where they can operate during the same hours pools are open with existing pool staff. A stand-alone splash pad could have significant operating costs including treating water to pool standards, utilities and the need for staff to monitor splash pad operation during operating hours.

Staff is geared up and ready to proceed with implementation of additional Wild Spaces Public Places projects once funding for additional projects has been approved.

Fiscal Note: Funds are available through the WSPP Capital Improvement Projects One-Half Percent Infrastructure Sales Surtax. Based on additional receipts, staff is not modifying the March 2009 revenue projection of \$10,920,084 over the two year period that the surtax is in effect. Revenue amounts continue to fluctuate. It is likely that additional revenue could be collected. Any additional revenue received above and beyond the current estimate can be made available to complete additional projects upon Commission approval.

Staff is concerned about the operating cost impact of these projects especially if an operating cost set-aside is not established. It will be difficult to find general fund dollars to cover these new costs when revenue sources are expected to continue to decline. Without an operating cost set-aside, WSPP project operating costs will add to already large expected budget deficits for FY 11 and beyond.

RECOMMENDATION

RCAPW to City Commission: The City Commission: 1) review and approve the preferred project prioritization option for WSPP funding, the RCAPW Committee identified preferences for options 1 and 3; and 2) approve creation of an operating cost set-aside from WSPP funding to address recurring operating expenses for new surtax-funded capital projects for a 5-year period.

Staff to City Commission: The City Commission: 1) review and approve the preferred project prioritization option for WSPP funding, City staff recommends options 4 or 1 and 2) approve creation of an

operating cost set-aside from WSPP funding to address recurring operating expenses for new surtax-funded capital projects for a 5-year period.

Alternative Recommendation: The City Commission provide other direction as appropriate.

Legislative History

7/14/08	City Commission	Approved as shown above (Divided Question) (7 - 0)	
7/28/08	City Commission	Approved as Recommended (5 - 0 - 2 Absent)	
2/19/09	City Commission	Approved as Amended (7 - 0)	
5/21/09	City Commission	Continued	
5/21/09	City Commission	Approved as shown above and Referred (6 - 0 - 1 Absent)	Recreation, Cultural Affairs and Public Works Committee
7/9/09	Recreation, Cultural Affairs and Public Works Committee	Approved, as shown above	

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UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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

MODIFICATIONS TO THE AGENDA

090383.

Modifications to the Agenda (B)

RECOMMENDATION

Please see attachment for modifications to the September 3, 2009 agenda.

September 3, 2009_MODS.PDF