

# **City of Gainesville**

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



## **Meeting Agenda**

**May 21, 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 - 3:05 PM

## AGENDA STATEMENT

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

## ROLL CALL

## INVOCATION

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 030121

#### **Proposed Cell Tower at Westside Park (NB)**

**This item involves a request to refer the issue of placement of a Cell Tower at Westside Park to the Recreation, Cultural Affairs and Public Works Committee for review.**

*Explanation: On July 24, 2003 the Recreation and Cultural Affairs Committee heard information from representatives from the cellular phone companies about the need and placement of a cellular tower at Westside Park. A motion was made and approved to work with the cell tower representatives on gathering additional information and presenting their findings to the full Commission at the January 28, 2004, City Commission meeting. This item was withdrawn and no further action was taken. In April 2009, the Parks, Recreation and Cultural Affairs Department was approached again about the potential placement of a cell tower at Westside Park.*

*Fiscal Note: There is no fiscal impact to the City of Gainesville.*

#### RECOMMENDATION

*Recommended Motion: The City Commission refer the issue and discussion of placement of a cell tower at Westside Park to the Recreation, Cultural Affairs and Public Works Committee for review.*

*Alternative Recommendation: The City Commission not authorize the referral of the proposed placement of*

*a cell tower at Westside Park to the Recreation, Cultural Affairs and Public Works Committee for review.*

**Legislative History**

6/26/03	Recreation and Cultural Affairs Committee	Heard
7/24/03	Recreation and Cultural Affairs Committee	Continued
8/28/03	Recreation and Cultural Affairs Committee	Continued
9/25/03	Recreation and Cultural Affairs Committee	Continued

**080931.**

**Consumption of Alcohol at the Thomas Center and Thelma Boltin Center (NB)**

**This item involves a request to amend the Code of Ordinances to permit consumption of alcohol in the Thomas Center and Thelma Boltin Center at non-profit events where admission is charged.**

*Explanation: In November of 2008, the question was raised as to whether charging admission to a non-profit event at the Thomas Center where alcohol is served constitutes the sale of alcohol. Staff was asked to review this in the context of the Thomas Center and the Thelma Boltin Center, both of which serve as rental venues. The current Code of Ordinances (Chapter 4, Sec. 4-4 (2)) generally states that consumption of alcohol is permitted at free, non-profit events, providing other sections of the Ordinance are met.*

*After a recent review of the State of Florida Statutes, it was determined that any admission charge, sale of art or other products, solicitation of donations or any exchange of value during an event constitutes a sale of alcohol even if the beverages are provided at no charge to the patrons. This limits the ability to serve alcoholic beverages to only events for which no charge or other consideration is incurred.*

*Not permitting consumption of alcohol at non-profit events that charge admission makes the Thomas Center and Thelma Boltin Center far less desirable as rental venues. The proposed change should increase the financial viability of the Thomas Center and Thelma Boltin Center as premier event locations in the City.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission direct the City Attorney to draft and the Clerk of the Commission to advertise an*

*amendment to the Code of Ordinances Chapter 4, Sec. 4-4 (2) to permit serving of alcohol at non-profit events at the Thomas Center and Thelma Bolton Center where admission is charged.*

*Alternative Recommendation*

*The City Commission do not direct the City Attorney to draft and the Clerk of the Commission to advertise an amendment the Gainesville Code of Ordinances Chapter 4, Sec. 4-4 (2) to permit serving of alcohol at non-profit events at the Thomas Center and Thelma Bolton Center where admission is charged.*

**Legislative History**

4/16/09 City Commission Withdrawn

**081022.**

**Bid Award - Remove and reinstall a new roof on the Gainesville Police Department (GPD) Operations Building (B)**

**This is a request for the City Commission to award the bid to A Plus Homes Inc. DBA Armstrong Homes for the removal and installation of the new roof on the GPD Operations Building located at 721 NW 6th Street, Gainesville, FL 32601**

*Explanation: On April 2, 2009, the City's Purchasing Division received (13) bids for the removal and installation of the roof on the GPD Operations building at 721 NW 6th Street. The lowest bid meeting specifications was submitted by A Plus Homes Inc. DBA Armstrong Homes with a bid amount of \$351,203. Staff is requesting a 10% contingency of \$35,120 to cover the cost of replacing the copper and gravel stop/drip edge for a total of \$386,323.*

*Fiscal Note: Funds for the project are included in the budgets for the Gainesville Police Department (GPD) and General Services (GSD) for FY 2009 (GPD=\$140,000 and GSD=\$300,000).*

**RECOMMENDATION**

*The City Commission: 1) award the bid to A Plus Homes Inc. DBA Armstrong Homes in the amount of \$351,203 and allow a 10% contingency of \$35,120; 2) authorize the City Manager to execute the contract, subject to approval by the City Attorney as to form and legality; and 3) issue a purchase order in an amount not to exceed \$386,323.*

081022\_Bid Tab\_20090521.pdf

**081046.**

**Strategic Plan Quarterly Report - FY 2009 2nd Quarter, City Commission Strategic Plan Update (B)**

**This item provides two strategic planning reports: the first report details the progress of the City Commission's Strategic Goals and Initiatives for the 2nd quarter of FY 2009, and the second report provides summary notes from the February 9, 2009 Strategic Planning Workshop and presentations to Commission Sub-Committees on the status of the strategic initiatives.**

*Explanation: Strategic Plan Quarterly Report: As part of the City of Gainesville Fiscal Year 2009 - 2010 Strategic Planning process, the City Manager prepares a quarterly report on accomplishments related to the City Commission strategic goals and initiatives for each quarter of the Fiscal Year. This is the second quarter report for Fiscal Year 2009.*

*City Commission Strategic Plan Update: Significant strategic planning activity has occurred over the past six months to shape the City of Gainesville Strategic Plan for FY 2010.*

*On October 2, 2008 the City Commission adopted the alignment of the City Commission strategic goals and initiatives with the City Commission Standing Committees and the Community Redevelopment Agency (CRA). In the winter of 2009, there were eight Sub-Committee Meetings, during which elected officials had the opportunity to receive updates on the progress of each strategic initiative and provide policy guidance.*

*On November 6, 2008 the City Commission approved the assignment of a Sponsoring Commissioner to many of the Strategic Initiatives. The Mayor and members of the Commission each sponsor three to four initiatives, which involves advocating for the accomplishment of the initiative and providing feedback to staff on strategic direction. There has been communication between staff and the Sponsoring Commissioner on many of the strategic initiatives to further enhance and guide the direction of the City's Strategic Plan.*

*On February 9, 2009 the City Commission held a Strategic Planning Workshop, where the Commission made some minor changes and/or additions to the strategic initiatives. Two new strategic initiatives were proposed for FY 2010 in the area of code compliance and weatherization. In addition, many components were added to existing strategic initiatives.*

*The City Commission Strategic Plan Update report provides a summary of feedback provided by the City Commission at each of these meetings. If accepted, this information will be incorporated into the FY 2010 Strategic Plan Update.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission (1) receives a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 2nd quarter of FY 2009; (2) accept the City Commission Strategic Plan Update report; and (3) direct the City Manager to update the City of Gainesville Strategic Plan for FY 2010 which would include the addition of two new initiatives and initiative changes as*

*recommended by the Sponsoring Commissioner.*

081046\_QtrlyReport\_20090521.pdf

081046A\_StrategicPlanUpdate.pdf

**081047.**

**Bid Award - Depot Avenue Segment 3 Roadway Project (B)**

**This item is a request for the City Commission to authorize the bid award to Commercial Industrial Corporation for the Depot Avenue Segment 3 Roadway Project for reconstruction of Depot Avenue between South Main Street and SE 7th Street in the amount of \$1,531,000.**

*Explanation:* On March 19, 2009, the City Purchasing Division solicited bids for the Depot Avenue Segment 3 Roadway Project for reconstruction of Depot Avenue between South Main Street and SE 7th Street, including a new roundabout at SE 4th Street, curb and gutter, medians, drainage system, and other amenities. Seven (7) firms responded with bids. Commercial Industrial Corporation was the lowest responsible and responsive bidder in the amount of \$1,331,276.83.

*Fiscal Note:* Funding in the amount of \$1,331,276.83 plus a 15% contingency amount for a total of \$1,531,000, is allocated and identified in the Florida Department of Transportation Local Agency Program (LAP) Agreement for this project.

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the bid award to Commercial Industrial Corporation for the reconstruction of Depot Avenue between South Main Street and SE 7th Street, including a new roundabout at SE 4th Street, curb and gutter, medians, drainage system, and other amenities; and 2) authorize the City Manager to execute the contract and any necessary documents and issue a purchase order in an amount not to exceed \$1,531,000, subject to approval as to form and legality by the City Attorney.*

081047\_Bid Tab\_20080604.pdf

**081049.**

**Grant of a Temporary Construction Easement to Alachua County (B)**

**This item is a request for approval and authorization to grant a Temporary Construction Easement on North Main Street to Alachua County.**

*Explanation:* On August 7, 2001, the City of Gainesville was deeded the easterly nine (9) feet of the block located on the west side of North Main Street, between Northwest 10th and Northwest 14th Avenues, near the Main Street Publix location. This deed was for additional right of way in which the City constructed a sidewalk along the west side of North Main Street, adjacent the Alachua County right of way. Alachua County has plans to renovate North Main Street, from Northwest 8th Avenue to Northwest 16th Avenue. The renovations will include two lanes of travel and medians, including upgrading the handicap ramps on the sidewalk to meet the provisions of American with Disabilities Act. Alachua County has

asked for a Temporary Construction Easement over that portion of City property adjacent their right of way to complete these renovations. This temporary easement will give the County or its designee the use of the area for parking, equipment, possible regrading, and sodding or seeding. The County will indemnify the City over the use of this area and restore the area, as close as possible, to its current condition upon completion of the Project.

*Fiscal Note:* Funding in the amount of \$50 for administrative costs is available in the Public Works FY09 operating budget.

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) approve the County's temporary use of the approximately 9 feet of property, westerly and adjacent North Main Street, between Northwest 10th Avenue and Northwest 14th Avenue for the Project; and 2) authorize the Mayor to execute and Clerk of the Commission to attest the Temporary Construction Easement, subject to approval by the City Attorney as to form and legality.*

081049\_Temp Const Easement\_20090521.pdf

**090004.**

**US Fire Administration Grant for Firefighter Operations and Safety (NB)**

*Explanation:* Gainesville Fire Rescue Department is preparing a grant application to purchase staffing and personnel management software to support Fire Operations. The purchase of this equipment and associated materials is within the eligibility of the grant category of Fire Operations and Firefighter Safety.

*Various fire organizations nationally have been successful in securing federal funding for fire departments. These grants have been divided in three categories; Fire Operations and Firefighter Safety, Fire Prevention, and Health and Safety. There are restrictive rules that make it difficult to qualify, including the requirement that communities with a population greater than 50,000 must provide a 20% cash match. Grant applications were announced April 15, 2009, and are due at the U.S. Fire Administration by May 20, 2009.*

*This year's grant, for which we are requesting permission to apply, is to procure staffing software that will automate functions currently carried out by first response managers. It is estimated that scheduling functions impact approximately three hours of each manager's day; this equates to time spent behind a desk as opposed to supervising fire station personnel and responding to emergency incidents. This software and its functionality will enhance day-to-day operations as well as those during significant emergencies or events in which the necessity to call back personnel for specific functions arise. This automated system will accomplish that task instantaneously based on predetermined parameters such as; specific certification levels, existing hours of work accrued, geographical proximity to station, and so on. The benefit to migrate towards an automated system has become a necessity.*

*.Fiscal Note*

*The grant application is for \$69,750. If awarded, the Federal share will be \$55,800 with a local share of \$13,950. Funds for the local match of \$13,950 will be identified with currently available departmental funds.*

**RECOMMENDATION**

*The City Commission authorize the City Manager to: 1) apply for the Federal FIRE Grant of up to \$69,750 and if awarded; 2) execute the grant award contract, pending approval by the City Attorney as to form and legality; and 3) if awarded, approve payments for expending the grant funds.*

*Alternative Recommendation: The City Commission not authorize the application.*

## GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

### 090017.

#### **Reimbursement for Reclaimed Water Facilities at Oakmont Phase 1 Planned Development (NB)**

**This is a request to reimburse the developer of Oakmont Phase 1 Planned Development for reclaimed water facility construction in accordance with the GRU Water Reuse Program adopted by the City Commission on September 24, 2001.**

*Explanation: Oakmont is a mixed use planned development located in the 2400 block of Parker Road (SW 122nd Street). A reclaimed water distribution system must be constructed to provide reclaimed water service for the project. The developer's cost to construct the reclaimed water system, for which reimbursement is being sought, is \$825,403.00.*

*The recommended amount of \$825,403.00 includes all design, construction, labor, and materials associated with reclaimed water system construction to satisfactorily complete the work.*

*Fiscal Note: Monies for this project are available in the FY 2010 Water and Wastewater Capital Improvements Budget.*

**RECOMMENDATION**

*The City Commission authorize the General Manager or his designee to negotiate and execute an agreement for reimbursement to Oakmont at Gainesville, LLP for construction of reclaimed water facilities in an amount not to exceed \$825,403.00 subject to approval of the City Attorney as to form and legality.*

## CITY ATTORNEY, CONSENT AGENDA ITEMS



**081033.****Laura Roberts f/k/a Laura Demetree and Nathan Roberts vs. City of Gainesville and United Services Automobile Association; Eighth Judicial Circuit, Court Case No. 01-2009-CA-2046 (B)**

*Explanation:* On April 23, 2009, the City was served with a Summons and Complaint filed by Laura Roberts and Nathan Roberts in the Circuit Court. Mr. and Mrs. Roberts allege that on April 18, 2006, Mrs. Roberts was struck while a pedestrian in a crosswalk by a Regional Transit System bus when the driver of the bus negligently operated the bus in such a manner that she sustained serious injuries. She claims to have sustained bodily injury, loss of capacity for the enjoyment of life, aggravation of a previous condition, expenses for medical care and treatment in the future, loss of ability to earn money, mental anguish, and disability/disfigurement. Mr. Roberts alleges a consortium claim due to Mrs. Roberts's injuries. Mr. and Mrs. Roberts seek money damages.

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City of Gainesville in the case Laura Roberts f/k/a Laura Demetree and Nathan Roberts vs. City of Gainesville and United Services Automobile Association; Eighth Judicial Circuit, Court Case No. 01-2009-CA-2046.

081033\_Roberts\_Laura\_20090521.pdf

**081051.****Christian Prison Ministries Request for Relief under Section 70.51 in re: Ordinance No. 080227, prohibited Uses in Five Points Special Area Plan (B)**

*Explanation:* On April 29, 2009 the City of Gainesville received a Request for Relief under Section 70.51, Florida Statutes, the Florida Land Use and Environmental Dispute Resolution Act. Under this Act, Christian Prison Ministries requests the appointment of a special magistrate to conduct a hearing on the land use restrictions in regard to the Ministries' property in the Five Points Special Area.

The special magistrate conducts a hearing to determine "whether the action by the governmental entity... is unreasonable or unfairly burdens the property". Within 14 days after the hearing, the special magistrate issues a written recommendation which must be accepted, modified, or rejected by the City Commission.

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the matter styled Christian Prison Ministries Request for Relief under the Florida Land Use and Environmental Act in re: Ordinance No. 080227, Prohibited Uses in Five Points Special Area Plan.

081051\_Five Points\_20090521.pdf

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****090001.****City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of April 30, 2009 (Joint City/County); May 4, 2009 (District Meeting); May 7, 2009 (Swearing-In Ceremony) and May 7, 2009 (Regular Meeting); as circulated.*

090001\_district\_mtg\_20090521.pdf  
090001\_joint\_city\_cty\_20090521.pdf  
090001b\_swearing-in\_20090521.pdf  
090001c\_reg minutes\_20090521.pdf

**090026.****Regional Transit System Transit Development Plan (B)****RECOMMENDATION**

*The City Commission appoint Thomas Hawkins to the Regional Transit System Transit Development Plan.*

090026\_appointment\_20090521.pdf

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****081018.****Election Date 2010 (B)****RECOMMENDATION**

*The City Commission schedule the 2010 election for March 2, 2010, with a run-off scheduled, if needed, for March 23, 2010 (with no early voting for run-off) or March 30, 2010 (with early voting for run-off).*

**Legislative History**

5/7/09 City Commission Continued

081018\_MOD\_20090521.pdf  
 081018\_draftordinance\_20090604.pdf

## CITY MANAGER

### 080701.

#### Summer HeatWave 2008 Final Report Update (NB)

*Explanation: HeatWave is a youth program that was devised as a three-pronged summer program model in 2008, providing youth with constructive activity options during the summer months. The program is administered jointly by City of Gainesville and Alachua County departments. During the summer of 2008, over 400 youths were served in the HeatWave Basketball Summer Camp and "Girls to Young Ladies" programs. Oversight and design of program elements were championed by the HeatWave Committee, which consisted of City staff and representatives from throughout the community.*

*On January 15, 2009 the City Commission approved a request by the HeatWave Committee for summer 2009 HeatWave in-kind contributions consisting of the following: Gainesville Police Department providing security service for the HeatWave basketball program and special events valued at \$9,000; scholarships for 150 youth to attend six weeks of summer camp provided by the Parks, Recreation and Cultural Affairs Department valued at \$27,900 for a total in-kind contribution of \$36,900 by the City of Gainesville.*

*A request made during the January 15th HeatWave presentation for 170 RTS monthly bus passes was delayed until May, due to the moratorium on City Commission Contingency funds, to allow staff and the Commission to have a better sense of the City's financial condition.*

*At this time, staff recommends that the City not provide free bus passes to participants. During the 2008 HeatWave program, participants were required to provide their own transportation to program events. This policy was effective and without incident, so staff is recommending that this policy continue for the 2009 HeatWave Program.*

*Fiscal Note: The City of Gainesville will provide \$36,900 in in-kind contributions to the 2009 HeatWave program consisting of Gainesville Police Department security services and summer camp scholarships. The cost of providing 170 bus passes is approximately \$9,000.*

#### RECOMMENDATION

*The City Commission receive the HeatWave update.*

#### Legislative History

1/15/09	City Commission	Approved as Amended (6 - 0 - 1 Absent)
5/7/09	City Commission	Withdrawn

080701\_MOD-PPT\_20090115.PDF  
 080701\_Contingency Request\_20090507.PDF

**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 discussions with citizen advocacy groups and requests approval of additional projects and creation of set-aside funding to cover operating costs.**

*Explanation: On February 19, 2009, the City's Department of Parks, Recreation and Cultural Affairs provided an update to the Gainesville City Commission regarding development of an Implementation Plan for the Wild Spaces Public Places One-Half Cent Sales Tax. This plan outlined the dedicated resources needed to provide project management; land acquisition; develop an internal review panel made up of the various City Departments and Divisions; designate staff to provide reports to the Public Oversight Committee, and outline internal processes to help streamline project completion.*

*At that meeting, the City Commission approved an amended motion which stipulated holding off on a final decision on the set-aside of \$1,150,000 for a five year period to cover operating expenses for those projects with estimated annual operating costs of \$50,000 or less. The Commission also directed staff to return to the Commission with an update on discussions with advocacy groups for the Cone Park track and multi-purpose fields, the NE Pool heating/cooling, and the Northwest Soccer complex projects, regarding whether these groups would be able to fund recurring operating costs associated with these projects. Staff was also asked to provide information and seek funding approval for additional projects.*

*Fiscal Note: Funds are available through the Wild Spaces Public Places Capital Improvement Projects One-Half Percent Infrastructure Sales Surtax.*

**RECOMMENDATION**

*The City Commission: 1) Approve funding for NE Pool Heating/Cooling and direct the City Manager to draft and execute an agreement with pool advocates addressing pool use and operating expenses; and 2) take no further action at this time.*

**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)

080128a\_200807141300.PDF  
 080128b\_200807141300.pdf  
 080128c\_200807141300.pdf  
 080128b\_PPT\_MOD\_20080714.PDF  
 080128a\_PPT\_MOD\_20080714.PDF  
 080128\_Interlocal Agmt - land park\_20080728.pdf  
 080128\_interlocalagmnt\_20080728.pdf  
 080128\_PPT\_20090219.PDF  
 080128b\_CIP List\_20090219.pdf  
 080128\_WSPP presentation\_20090521.PDF

**080511.****Ironwood Golf Course Update (B)**

**The City Commission receive an update on Ironwood Golf Course in response to directions provided by the Commission on February 19, 2009.**

*Explanation: On February 19, 2009, staff provided an update to the Gainesville City Commission regarding Ironwood Golf Course. Staff has been diligently following up on the Commission's guidance and will provide an update, including introduction of consultants from the National Golf Foundation ("NGF"), and a presentation that will include information regarding: 1) information from NGF on the release of an RFP for management or lease of the golf course and the restaurant facilities; 2) a plan transitioning Ironwood from an enterprise fund; 3) a prioritized capital projects listing and schedule; 4) a proposal for immediate fee increases, and 5) an update regarding discussions with Mr. Simensky.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: 1) receive an update on Ironwood Golf Course; 2) endorse the proposed plan for transitioning Ironwood Golf Course from an enterprise fund; 3) approve proposed prioritization and timing of capital improvements; 4) approve proposed fee increase, and 5) provide other feedback and direction as appropriate.*

*Alternate Recommendation*

*The City Commission: 1) receive an update on Ironwood Golf Course; 2) not endorse the proposed plan for transitioning Ironwood Golf Course from an enterprise fund; 3) not approve proposed prioritization and timing of capital improvements; 4) not approve proposed fee increase, and/or 5) provide other feedback and direction as appropriate.*

**Legislative History**

11/6/08	City Commission	Approved as shown above and Referred (7 - 0)	Recreation, Cultural Affairs and Public Works Committee
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1/8/09 Recreation, Cultural Affairs and Public Works Committee Approved as Amended

2/19/09 City Commission Approved as shown above (See Motion) (6 - 1)

080511\_PPT\_20081106.PDF  
 080511\_PPT\_20090219.PDF  
 080511\_IHA\_LET\_20090219.pdf  
 080511\_MOD\_PPT\_20090521.PDF

**090009.****Request for City Commission Contingency Funds for the Tenth Annual Stop the Violence Rally (B)**

**This is a request for City Commission Contingency Funds for the People Against Violence Enterprises (PAVE) in support of the Tenth Annual Stop the Violence Rally.**

*Explanation: The People Against Violence Enterprises is hosting the Tenth Stop the Violence Rally to be held on August 15, 2009. The PAVE organization is requesting \$2,558 to help defray the cost of expenses to raise awareness to the whole community concerning violence prevention. This year's area of concentration is Strengthening the Family. The organization will use the funds to pay for Gainesville Police Department security and banner fees.*

*Fiscal Note: The People Against Violence Enterprises is requesting a total of \$2,558 from the City Commission Contingency Fund. The balance as of May 7, 2009 is \$4,520.*

**RECOMMENDATION**

*The City Commission consider the request for City Commission Contingency funds in the amount of \$2,558 to cover the cost of GPD Security and banner fees.*

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

090009\_Request Form\_20090521.pdf

**090010.****2009 American Recovery and Reinvestment Act - Energy Efficiency and Conservation Block Grant (B)**

*Explanation: The 2009 American Recovery and Reinvestment Act (ARRA) included funding for the Energy Efficiency and Conservation Block Grant (EECBG) program administered by the United States Department of Energy (DOE). DOE provides EECBG funds to local governments, states, territories, and Indian tribes to fund projects that reduce energy use, cut fossil fuel emissions and improve energy efficiency. \$3.2 billion was allocated to the EECBG program through the ARRA, of which, \$1.86 billion went to local governments as formula grants. The City of Gainesville received a direct formula allocation of \$1,198,500. The remaining funds were distributed to tribes, DOE competitive grants, DOE*

*technical assistance and administration, and state energy offices.*

*As a recipient of a direct formula allocation, the City of Gainesville must submit an application for funding to DOE by June 25, 2009. General Government and GRU staff have met and compiled a list of projects that are eligible for EECBG funding. These projects have been evaluated and ranked using the following EECBG performance metrics: jobs created and/or retained; energy (kwh/therms/gallons/BRUs/ets.) saved; renewable energy generated; GHG emissions reduced; and cost savings. Staff determined that the following criteria should also be considered in the ranking process: the project meets one or more City Commission strategic initiative and cost per kwh saved.*

*Once projects are approved by the City Commission, staff will submit an application to the DOE EECBG program by the June 25, 2009 deadline. The City will also be required to submit an Energy Efficiency and Conservation strategy that must be submitted no later than 120 days after the date of award.*

*Fiscal Note: The City of Gainesville has been notified the annual allocation will be \$1,198,500.*

**RECOMMENDATION**

*The City Commission: 1) approve the EECBG eligible projects as submitted and ranked by staff; 2) direct staff to submit the EECBG application and authorize the City Manager/General Manager to execute all grant related documents pending approval by the City Attorney as to form and legality.*

*Alternative Recommendation A*

*The City Commission: 1) review the EECBG eligible projects; 2) determine which projects are approved to submit to DOE and include additional projects for consideration that are not listed; 3) prioritize the revised list; and 4) direct staff to submit the EECBG application and authorize the City Manager/General Manager to execute all grant related documents pending approval by the City Attorney as to form and legality.*

090010\_MOD EECBG Matrix\_20090521.pdf

090010\_MOD EECBG Activity Worksheets\_20090521.pdf

090010\_MOD PPT\_20090521.PDF

**080621.**

**Presentation of Butterfly Education Project Proposed Criteria for Cities Seeking Certification as a Butterfly City (B)**

**This item is in response to a City Commission request to receive regular updates at appropriate times on "First Butterfly City" activities.**

*Explanation: On October 16, 2008, Mr. Gabriel Hillel appeared before the City Commission to request the City be designated as a "Butterfly City." On December 4, 2008, the Communications Office presented a report to the City Commission on the*

*feasibility of self-designating the City of Gainesville as a Butterfly City.*

*The City Commission received the report, and clarified its intent that community activities related to the self-designation of Gainesville as the First Butterfly City remain a grassroots initiative with minimal active involvement of City staff and resources. The Commission amended and approved the staff recommendation to self-designate the City of Gainesville as the "First Butterfly City in coordination with October 2009 ButterflyFest planned activities and programs."*

*During Citizen Comment at the City Commission meeting on February 5, 2009, Mr. Hillel appeared before the City Commission to discuss Butterfly City activity. The City Commission requested that updates be provided to the Commission on Butterfly City activities. On March 5, 2009 the Butterfly Education Project submitted a proposed Community Implementation Plan to Promote the Self-Designation of Gainesville, Florida as the "First Butterfly City." The City Commission referred the plan to the City Manager for further review to determine the extent of assistance that can be provided through City resources. On March 25th, City staff met with the Butterfly Education Project to discuss limited support activities for the initiative.*

*In response to staff recommendations developed at the March meeting, the Butterfly Education Project prepared and provided City staff with a list of ten criteria on April 21st. The criteria were developed to aid other municipalities seeking Butterfly Education Project certification as "Butterfly Cities." The City of Gainesville has the distinction of previously self-designating itself as "The First Butterfly City" and appears to comply with the recommended criteria. The Project requests that the City take an additional next step by reviewing and adopting the ten Butterfly City criteria in order to become the first Butterfly City to receive certification by the Project. The City of Coconut Creek, Florida, also known as the Butterfly Capital of the World, has recently expressed interest in becoming the next Butterfly City.*

*Fiscal Note: There are no funds currently budgeted to support this initiative.*

**RECOMMENDATION**

*The City Commission receive, review, and adopt a list of ten criteria developed by the Butterfly Education Project to aid cities in achieving certification by the Project as a "Butterfly City."*

*Alternative Recommendation*

*The City Commission receive the recommended "Butterfly City" criteria from the Butterfly Education Project and take no action.*

**Legislative History**

12/4/08	City Commission	Approved as Amended (6 - 0 - 1 Absent)
3/5/09	City Commission	Approved as Amended (6 - 0 - 1 Absent)
4/16/09	City Commission	Placed on File



080621\_WHITE PAPER\_20081204.PDF  
080621A\_Power Point\_20090305.pdf  
080621B\_Implementation Plan\_20090305.PDF  
080621C\_White Paper\_20090305.pdf  
080621\_butterflyproj\_20090305.pdf  
080621\_Criteria\_doc\_20090416.pdf  
080621\_Butterfly City Requirements\_20090521.PDF

**090008.****Preliminary Design Approval of the Administration Building Addition at the Public Works Center (B)**

**This is a request for the City Commission to approve the preliminary site plan, floor plan, and elevations in the design of the Administration Building Addition at the Public Works Center located at 405 NW 39th Ave, Gainesville, FL 32609**

*Explanation: On January 29th, 2009 the City entered into an agreement with BBI Construction for the Design Build of the Administration Building Addition at the Public Works Center. The approximate 17,000 sf office space will be located adjacent to the existing Building A at the Public Works Center. The hardened and LEED "Silver" level certified building will accommodate staff from various Public Works departments such as Solid Waste and Traffic Management, as well as administrative offices of General Services. The office space will be designed for use by emergency management operations and will have emergency power via a generator. The design team includes representatives from the neighborhood and two (2) neighborhood workshops have been held to date. A major concern regarding storm water retention was voiced at a neighborhood workshop. This concern was addressed in the site design by Eng Denman. Positive feedback from the neighborhood about items already addressed by the design were the green features being incorporated due to the LEED Silver level certification being sought on the project. One feature specifically mentioned was the green roof area. In addition, there were suggestions made about landscape that have not yet been addressed, as these are preliminary designs, and the landscape has not yet been incorporated. Staff believes this project falls under Administrative Procedure No. 22A-Vertical Capital Improvement Projects and in accordance with said procedure the preliminary design is being presented to the City Commission for approval*

*Fiscal Note: This agenda item has no fiscal impact unless the Commission recommends major changes to the Building Design. Funding for the project was approved by the City Commission as part of the FY 2009 to FY 2013 CIP.*

**RECOMMENDATION**

*The City Commission: 1) confirm that this project falls under Administrative Procedure No. 22A for Vertical Capital Improvement Projects, 2) approve the preliminary design and approve the architect to start construction drawings for review by the City Commission at 30%.*

*Alternate Recommendation A: The City Commission rejects the recommendation and directs staff to obtain*

*new design plan.*

090008\_PPT\_20090521.pdf

**090019.**

**City of Gainesville Letter of Support for Projects Submitted by the University of Florida for Federal Transportation Funding (NB)**

*Explanation: The University of Florida (UF) has submitted two project requests to the federal government for transportation funding. The projects are: a bicycle/pedestrian overpass across SR 121/SW 34th Street and bus terminal improvements throughout the university campus. The bicycle/pedestrian overpass is a \$4.4 million project and is included in the MTPO's adopted long range transportation plan. The bus shelter project has a total cost of \$780,000 and involves the installation of a minimum of nine bus shelters. UF has asked that the City of Gainesville submit letters of support for these projects to the House Transportation and Infrastructure Committee.*

*Fiscal Note: None at this time.*

**RECOMMENDATION**

*The City Commission: 1) approve City of Gainesville support for the University of Florida's transportation projects; and 2) authorize the Mayor to draft a letter of support.*

*Alternative Recommendation: The City Commission deny the request to support the University of Florida's transportation projects.*

**GENERAL MANAGER FOR UTILITIES**

**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 - 6:17 PM**

**RECONVENE - 6:45 PM**

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

**GATOR DETACHMENT OF THE MARINE CORP LEAGUE**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**090011.**

**Aphasia Awareness Month - June 2009 (B)**

**RECOMMENDATION** *Betty J. Daniels to accept the proclamation.*

090011\_Proc\_20090521.pdf

**090012.**

**Memorial Day - May 25, 2009 (B)**

**RECOMMENDATION** *Gainesville Detachment of the Marine Corp League  
World War II Veteran Bob Gasche, and WASP  
Program Promoter - Representative and Pilot Susan  
King to accept the proclamation.*

090012\_Proc\_20090521.pdf

**090013.**

**Women Airforce Service Pilots Recognition Day - May 25, 2009 (B)**

**RECOMMENDATION** *Gainesville Detachment of the Marine Corp League  
World War II Veteran Bob Gasche, and WASP  
Program Promoter - Representative and Pilot Susan  
King to accept the proclamation.*

090013\_Proc\_20090521.pdf

**090014.**

**Fern Gators Day - May 21, 2009 (B)**

**RECOMMENDATION** *Kevin Jorden and Coach Justin Burgess to accept the  
proclamation.*

090014\_Proc\_20090521.pdf

**090015.**

**Tacachale Bombers Day - May 21, 2009 (B)**

**RECOMMENDATION**

*Steven Mack and Coach Thaddis Merricks to accept the proclamation.*

090015\_Proc\_20090521.pdf

**CITIZEN COMMENT****PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****ORDINANCES, 2ND READING- ROLL CALL REQUIRED****080860.****UTILITY SERVICE CHARGES (B)****Ordinance No. 0-09-11**

**AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (7) OF THE GAINESVILLE CODE OF ORDINANCES BY AMENDING CERTAIN SERVICE CHARGES AND DECREASING LATE FEE FOR COMBINED STATEMENT; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.**

*Explanation: Staff has performed cost studies on the service charges, such as activation charges to open a new account or relocate service, and after hour charges to reconnect power after hours at a customer's request, and has identified the appropriate prices for the charges based on actual cost of service. Adjusting these service charges to the correct levels will allocate costs to those customers utilizing these services, rather than having these items spread over the entire customer base.*

*Finally, included in the changes is a decrease to the late payment fee from 2% to 1.5% of the outstanding balance due.*

*The rate changes will be applied to services rendered after 12:01 A.M., June 1, 2009.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

4/2/09 City Commission Approved as Amended (7 - 0)

5/7/09 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

080860\_presentation\_20090402.pdf

080860\_ordinanceGRU\_20090507.pdf

080860\_ordinance\_20090521.pdf

**080988.****UTILITY SERVICE CHARGES (B)****Ordinance No. 0-09-12**

**AN ORDINANCE AMENDING APPENDIX A, SECTION UTILITIES (3) WATER, OF THE GAINESVILLE CODE OF ORDINANCES BY INCREASING THE REFUNDABLE DEPOSITS, THE INSTALLATION AND REMOVAL FEE, AND THE MONTHLY BASE CHARGE FOR TEMPORARY SERVICE ON WATER METERS AND FIRE HYDRANTS; PROVIDING FOR TIME LIMITS; PROVIDING LANGUAGE FOR DAMAGE AND TAMPERING CHARGES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE IN ACCORDANCE WITH THE SCHEDULE PROVIDED HEREIN.**

*Explanation: Currently, the deposits required and monthly fees charges for use of temporary hydrant meters (for water use on construction sites, primarily) do not recover the full cost of the meter if not returned or the cost of installation and removal of the meters by GRU personnel. With the low charges in place, there is no incentive on the part of the customer using the meter to return the meter when construction is complete or to transfer the meter to a regular residential or commercial service, which may be at a higher rate for use. Costs not recovered by those using these services are being passed on to all ratepayers.*

*Staff is proposing revising the deposit, monthly service charge and usage charge for temporary hydrant meters to recover costs appropriately. Staff has performed a study of charges by peer utilities and the recommended changes leave GRU at the low end of the scale when compared to others.*

*Finally, staff is proposing language to provide for fees for damage and tampering to temporary meters.*

*The rate changes will be applied to services rendered after 12:01 A.M., June 1, 2009.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

5/7/09 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

080988\_ordinancehydrantfees\_20090507.pdf

080988\_ordinance\_20090521.pdf

**080545.****LAND DEVELOPMENT CODE (B)****Ordinance No. 0-08-82; Petition No. 120TCH-08 PB**

**An ordinance of the City of Gainesville, Florida, correcting minor scrivener's errors throughout the Land Development Code, by amending**

subsection 30-41(a)(4) relating to MU-1 and MU-2 zoning districts; by amending Table 2 of section 30-52 relating to principal structures within the residential low density districts; by amending subsection 30-98(m)(9) relating to wireless communication facilities; by amending subsection 30-112(a)(2) relating to historic preservation/conservation; by amending subsection 30-160(d)(33) relating to preliminary development plans; by amending subsection 30-318(b)(4)b relating to I-75 corridor signs; amending subsection 30-353(d) relating to the City Plan Board; by amending Appendix A, Section 6, relating to the Special Area Plan for University Heights; by amending Appendix A, Section 7 relating to the Special Area Plan for S.W. 13th Street, providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*This petition is intended to correct minor scrivener's errors in the Land Development Code of the City of Gainesville that have been noticed by staff over time. The changes include items such as missing footnotes or references that did not get codified or were inadvertently left unchanged during subsequent revisions.*

*Public notice was published in the Gainesville Sun on October 7, 2008. The Plan Board held a public hearing on October 23, 2008, and by a vote of 6-0, recommended the City Commission approve the petition.*

#### *CITY ATTORNEY MEMORANDUM*

*Should this ordinance pass on first reading, second and final reading will be held on Thursday, May 21, 2009.*

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

#### **Legislative History**

5/7/09            City Commission            Approved (Petition) and Adopted on First Reading  
(Ordinance) (6 - 0 - 1 Absent)

080545\_staff report\_20090507.pdf

080545\_Scrivener's Errors LDC\_20090507.pdf

080545\_ordinance\_20090521.pdf

## **RESOLUTIONS- ROLL CALL REQUIRED**

**080994.**

**Resolution to Enter into a Maintenance Agreement with the State of Florida Department of Transportation (B)**

**This item is a Resolution for approval and authorization to enter into a Maintenance Agreement with the State of Florida Department of Transportation (FDOT), allowing the City of Gainesville to provide maintenance of the painted gloss black pedestrian railing.**

*Explanation: The State of Florida Department of Transportation, according to the FDOT Financial Project ID 207849-9-52-01, proposes to renovate and replace the existing pedestrian chain-link fence and pedestrian railing along Northwest 13th Street on the Northwest 8th Avenue overpass. At the City's request, FDOT is willing to install pedestrian handrails with a painted gloss black finish. FDOT has experienced failure of these painted surfaces, and therefore requests the City to assume the maintenance of the painted gloss black finish to the pedestrian handrails. The City of Gainesville would like to enter into a Maintenance Agreement allowing the City of Gainesville to maintain the painted gloss black finish on the pedestrian railing.*

*Fiscal Note: Funding in the amount of \$100 for administrative costs is available in the Public Works FY09 operating budget.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute the Maintenance Agreement with the State of Florida Department of Transportation, subject to approval by the City Attorney as to form and legality*

080994\_Resolution\_20090507.pdf

080994b\_Agreement\_20090521.pdf

080994\_resolution\_20090521.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)**