

# **City of Gainesville**

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



## **Meeting Agenda**

**April 14, 2008**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Rick Bryant (At Large)  
Commissioner Jeanna Mastrodicasa (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Ed Braddy (District 2)  
Commissioner Jack Donovan (District 3)  
Commissioner Craig Lowe (District 4)*

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

## CALL TO ORDER

## 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

### 070953.

#### **Request to Declare as Surplus and Dispose of City Owned Property (B)**

#### **Request to declare as surplus and dispose of City owned property - a portion of Tax Parcel 15697-000-000 located at 1403 Southwest 22nd Place.**

*Explanation: The City acquired the property known as Tax Parcel 15697-000-000, located at 1403 Southwest 22nd Place, by Warranty Deed on May 24, 2005, from Earl C. May Trust FBO Jack Campbell May (1/4 interest), James D. Salter and Arch Roberts, Trustees of the Jack C. May Trust, dated October 1, 1971 (1/4 interest) and Sarah L. Gregg, Trustee, under that certain unrecorded Trust Agreement dated February 1997 (1/2 interest), for the purpose of building and maintaining the Tumblin Creek trash trap. The parcel is 4.7 acres, predominately wetland, and was acquired for \$85,000.00. The acquisition included two residential structures located north and south of the extension of Southwest 22nd Place on the upland portion of the property. The upland portion of the property and the two residential structures are out of the 100-year flood plain. The structure to the north was demolished January 2007 for \$2,990.00.*

*Staff believes it would be in the best interest of the City to return the remaining structure to the housing market by creating a 120 foot by 150 foot lot containing the structure with a 20 foot by 40 foot access easement, then surplusing the parcel through the bid process with a minimum bid of \$40,000.00. The original parcel and the creation of the surplus parcel render Tax Parcel 15697-001-000, owned by Charles M. and Nancy L. LaPoe, "land locked" unless easements are granted. Staff also believes it would be in the best interest of the City to grant a*

15 feet by 170 feet ingress and egress easement to provide a legal access to Tax Parcel 15697-001-000. GRU recommends retaining a utility easement over the east 15 feet for existing overhead electric service which will be incorporated in the same ingress and egress easement. The required lot split and Boundary Survey will be created in-house.

*Fiscal Note:* Funding in the amount of \$800 for administrative costs is available in the Public Works Fiscal Year 2008 operating budget. The balance of the proceeds will be deposited into Stormwater Funds.

**RECOMMENDATION**

*The City Commission: 1) declare the remnant of Tax Parcel 15697-000-000, located at 1403 Southwest 22nd Place as surplus; 2) authorize the City Manager to execute a Purchase and Sale Agreement for the remnant of Tax Parcel 15697-000-000, located at 1403 Southwest 22nd Place with the successful bidder; 3) authorize the Mayor to execute, and the Clerk to attest, a Special Warranty Deed, subject to approval by the City Attorney as to form and legality, to convey the property at Tax Parcel 15697-000-000, located at 1403 Southwest 22nd Place to the successful bidder, retaining a utility easement over the easterly 15 feet of the newly created parcel; 4) authorize the Mayor to execute, and the Clerk to attest, a 20 foot by 40 foot ingress/egress easement onto the successful bidder; and 5) authorize the Mayor to execute, and the Clerk to attest, a 15 foot by 170 foot ingress/egress easement onto Charles M, and Nancy L. LaPoe, subject to approval by the City Attorney as to form and legality.*

*Alternative Recommendation: The City Commission denies this request and the City retains maintenance and other associated liabilities.*

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**070964.**

**Reallocation of Capital Improvement Revenue Bonds (CIRB), Series 2005 Proceeds and Interest Earnings (B)**

**This item recommends projects for reallocation of Capital Improvement Revenue Bonds, Series 2005 proceeds and interest earnings.**

*Explanation:* The Capital Improvement Plan Coordinating Committee (the Committee) met in February 2008 to review the financial status of projects funded through the Capital Improvement Revenue Bonds (CIRB), Series 2005 and to make a recommendation on the reallocation of CIRB proceeds and interest. Project managers supplied the Committee with information on which projects had been completed as well as updated cost estimates on those projects still in process. Based on this information attached, we are projecting that \$1,452,300 can be reallocated to other projects.

*Interest earned to date on CIRB proceeds totals \$2,203,907. After adjusting for the \$200,000 in interest earnings appropriated last year by the City Commission to address unanticipated costs related to Northeast Pool improvements and setting aside \$300,000 for potential arbitrage rebate liability, another \$1,703,907 was deemed available for reallocation, bringing the total pool of dollars available for reallocation to \$3,156,207.*

*In considering potential projects to which to allocate funds, the Committee gave priority to providing resources to current CIRB projects that were projected to require funds in excess of the initial allocation in order to complete the projects in a satisfactory manner. These projects, and the incremental funding required are:*

<i>Fire Station 8</i>	<i>\$1,925,000</i>
<i>Depot Park</i>	<i>140,000</i>
<i>Possum Creek skate park</i>	<i>63,083</i>
<i>Westside Pool improvements</i>	<i>37,536</i>
<i>Nature Park improvements</i>	<i>37,209</i>
<i>Neighborhood Park improvements</i>	<i>8,449</i>

*The other project given consideration by the Committee was the replacement of GPD laptops for \$848,100. The warranties on the existing laptops purchased over four years ago have expired, and GPD is reporting that existing units are beginning to fail. While not directly a part of the CAD System project funded through the CIRB, the laptops are a critical component in GPD's communications system and have become integral to patrol officers' efficiency.*

*Therefore the Committee's recommendation for reallocation of the available CIRB funds is as follows:*

<i>Fire Station 8</i>	<i>\$1,925,000</i>
<i>GPD laptops</i>	<i>848,100</i>
<i>Depot Park</i>	<i>140,000</i>
<i>Possum Creek skate park</i>	<i>63,083</i>
<i>Westside Pool improvements</i>	<i>37,536</i>
<i>Nature Park improvements</i>	<i>37,209</i>
<i>Neighborhood Park improvements</i>	<i>8,449</i>

*The Committee is further recommending that the balance of the funds available for reallocation (\$96,830) remain unallocated at this time, to be considered as part of the full FY09 - FY13 Capital Improvement Plan process for potential projects that fall within the constraints of the CIRB bond covenants.*

*Fiscal Note: Funds are available in the CIRB, Series 2005 Capital Projects Fund.*

**RECOMMENDATION**

*The City Commission: approve staff's recommendation to reallocate unused funds and interest earnings as outlined above.*

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**071024.****Request to Refer Public Art Project (B)**

**The Department of Parks Recreation and Cultural Affairs requests that the City Commission consider the Art in Public Places Trust's recommendation to pursue a suggested site for the "Indigenous" gator public art project and refer this item to the Recreation, Cultural Affairs and Public Works Committee for further discussion and implementation.**

*Explanation: In August 2006, the Community Redevelopment Agency (CRA) requested that the Cultural Affairs division of the Parks, Recreation and Cultural Affairs department assist them with selection of public art as an enhancement to the SW 5th Avenue Triangle urban pocket park. A project specific, Art in Public Places Trust (APPT) was created, as per Chapter 5.5 Section 5.5-4 of the Gainesville Code of Ordinances, to include voting representatives from the CRA, University of Florida Preservation of Historic Sites Committee (PHBS) and College Park/University Heights (CPUH) Advisory Board.*

*A second invitational call for artists was issued after the first call produced a limited selection. Proposals were reviewed and the APPT selected three finalists, Bradley Rex Smith, Peter Davidson and Nitin Jayaswal. On January 10, 2007, the APPT recommended that Bradley Rex Smith's proposal be ranked first, Peter Davidson's ranked second and Nitin Jayaswal's ranked third, and that these proposals be presented to the City Commission.*

*On July 23, 2007 the City Commission approved the SW 5th Avenue Triangle APPT Advisory Board's first ranked recommendation and requested the City Manager to contract with Bradley Rex Smith to produce his artwork for the amount of \$20,000. At that time, the Trust believed that Peter Davidson's "Indigenous" proposal was not as site-appropriate as Brad Smith's proposal; however, the Trust decided to make every effort to pursue an appropriate site for the "Indigenous" gator project.*

*On October 3, 2007 the Trust requested staff to contact the artist asking that the maquette design more clearly represent an alligator by adjusting the shape of the eyes and adding a snout. On December 5, 2007, the City of Gainesville's Art in Public Places Trust Advisory Board, unanimously approved artist Peter Davidson's updated "Indigenous" design.*

*Fiscal Note: The total budget of \$12,500, which includes materials, artist fees and installation, would be paid from the Art in Public Places Trust project fund.*

**RECOMMENDATION**

*Recommended Motion: The City Commission consider the Art in Public Places Trust Advisory Board's request to pursue an appropriate location for Peter Davidson's "Indigenous" sculpture and refer the item to the Recreation, Cultural Affairs and Public Works Committee for further discussion and implementation.*

*Alternative Recommendation: The City Commission deny the Art in Public Places Trust Advisory Board's*

*request to pursue an appropriate location for the  
"indigenous" sculpture.*

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**071058.**

**Florida Department of Environmental Protection Invasive Upland Plant Removal Program Grant Application (B)**

**This item involves a request for the City Commission to authorize the Department of Parks, Recreation and Cultural Affairs to submit an application to the Florida Department of Environmental Protection for a grant to aid in invasive plant removal.**

*Explanation: The City received notice of funding availability through the Florida Department of Environmental Protection (DEP) Upland Invasive Plant Removal Program for non-native invasive plant control activities in conservation areas of the State. The intent of these grants is to provide funding to public organizations who wish to control non-native invasive plant species on public lands managed for the conservation of natural resources.*

*Non-native invasive plants are recognized as a significant threat to native plants and wildlife. The Nature Operations division controls non-native invasive plants in City of Gainesville nature parks for the benefit of both the public and the natural resources in the parks.*

*Nature Operations is requesting permission to write a grant to obtain contract services in the amount of approximately \$30,000 to treat invasive plants in the Hudson addition of Bivens Arm Nature Park from the Florida Department of Environmental Protection Upland Invasive Plant Removal Program. This grant application will be submitted jointly with the University of Florida. All contract services awarded to the City will be for invasive weed control in Bivens Arm Nature Park under the supervision of the City's Nature Operations Division Natural Resource Management staff. All services awarded to the University of Florida will be for treatment of invasive plants in the Bivens Rim Forest, under the supervision of University of Florida staff. A contract between the City and the DEP will be required to allow the contractors' activities on City property.*

*The DEP requires that follow-up monitoring and the maintenance of the control site by the managing site steward be available in perpetuity. This commitment requires the City to manage and maintain City nature parks and conservation areas. The perpetuity of these activities is also required by the City's Comprehensive Plan.*

*Fiscal Note: The value of contract services through this grant is approximately \$30,000. The City provides approximately \$30,000 in in-kind services for existing City invasive weed removal and education programs as matching funds.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager or his designee to submit a grant application to the Florida Department of Environmental Protection Upland Plant Management Program; and 2) authorize*

*the City Manager to execute the contract and other grant-related documents, pending approval by the City Attorney as to form and legality, if awarded.*

*Alternative Recommendation*

*The City Commission deny the request to submit the grant application for the Upland Plant Management Program.*

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**071059.**

**Ranking for Professional Engineering Services for the NE Safetea-LU Roadways Project (B)**

**This item involves a request for the City Commission to approve the ranking of Engineering Firms/Teams and authorizing a contract for engineering services for the NE Safetea-LU Roadways Project that include NE 19th Street/19th Terrace from 3rd to 8th Avenues, NE 19th Drive/20th Street from University to 8th Avenues, and NE 25th Street from University to 8th Avenues.**

*Explanation: On January 15, 2008, the City Purchasing Division solicited written statements of qualifications to provide engineering services for the NE Safetea-LU Roadways Project (RFQ No. PWDA080041-DH). Nine (9) engineering firms submitted statements on February 12, 2008. Evaluation of the written submittals resulted in the invitation of three (3) firms to present orally to the evaluators. These presentations held March 11, 2008, further established the qualifications, project approach and methodology for the project.*

*The evaluators rank the firms as follows:*

- 1. Jones Edmunds*
- 2. Comprehensive Engineering Services, Inc.*
- 3. HDR Engineering, Inc.*

*Fiscal Note: Funding is available through the Safetea-LU grant that provides \$2,100,000 for the project. The required Local Agency Program Agreement between the City of Gainesville and the Florida Department of Transportation has been previously executed.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) accept the selection of the three most qualified firms in the order of ranking; 2) authorize the City Manager or designee to initiate contract negotiations and execute a contract for professional services in accordance with Consultants Competitive Negotiation Act (CCNA); and 3) authorize the City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.*

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**071062.****Contract for Design Services for the Sixth Street Corridor Rail Trail Project (B)**

**This item involves a request for the City Commission to authorize the City Manager to execute the design services contract with Volkert & Associates and issue the associated purchase order for the Sixth Street Corridor Rail Trail Project.**

*Explanation: Several years ago, the City of Gainesville secured design services for the Rail Trail projects, both the Downtown Connector and the Sixth Street Corridor, with Volkert & Associates. The design and construction of the Downtown Connector Rail Trail project has been completed. The Sixth Street Corridor Rail Trail Project has been delayed due to issues with the State's purchase of the CSX abandoned rail right of way. With the State purchase imminent and the lease between the City of Gainesville and the State to allow the City to construct, operate, and maintain a rail trail facility on that right-of-way to immediately follow the land purchase, provisions for the City of Gainesville to initiate the rail trail project are appropriate. Staff has negotiated the design scope of services and compensation with Volkert & Associates.*

*Fiscal Note: Funding in the amount of \$227,993.66 is available in the FFGFC 02 Capital Project Fund.*

**RECOMMENDATION**

*Recommended Motion: The City Commission authorizes the City Manager or designee to execute a contract for professional services in an amount not to exceed \$227,993.66, including all contract documents and other necessary documents subject to approval by the City Attorney as to form and legality, contingent upon the City of Gainesville obtaining the required land rights from the State of Florida to construct, operate, and maintain a rail trail facility on the rail right-of-way.*

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**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****071081.****Kanapaha Water Reclamation Facility (WRF) and Main Street WRF Disinfection Facilities (B)**

**Staff recommends awarding a contract to Beach Construction Company, Inc. for construction services for the Kanapaha WRF and Main Street WRF Disinfection Facilities.**



*Explanation: W/WW Systems has a Capital Improvements Program to fund various improvement projects at the Kanapaha WRF and Main Street WRF. This project will install new disinfection facilities at the Kanapaha WRF and Main Street WRF. The work required at Kanapaha WRF includes constructing a sodium hypochlorite containment facility for disinfection purposes which includes two fiberglass reinforced plastic tanks, constructing chemical metering pumps and yard piping to convey the sodium hypochlorite from the containment facility to feed points on the site, and provide Reclaimed Water Pump No. 3 and associated variable frequency drive. The work required at Main Street WRF, includes constructing a sodium hypochlorite containment facility for disinfection purposes which includes two fiberglass reinforced plastic tanks, constructing a sodium bisulfite containment facility for de-chlorination purposes which includes one fiberglass reinforced plastic tank, and constructing chemical metering pumps and yard piping to convey the sodium hypochlorite and sodium bisulfite from their respective containment facilities to feed points on the plant site.*

*Invitations to bid for the Kanapaha WRF and Main Street WRF Disinfection Facilities project were sent by Utilities Purchasing to six companies that perform this type of work. Two bids were received with Beach Construction Company, Inc. submitting the lowest, responsible, responsive bid. A tabulation of the bids received is attached for your information. The recommendation includes authorization for 10 percent in contingencies for staff to procure other materials, equipment and services as required to complete the project. Any additional purchases will be made in accordance with Purchasing policies.*

*Fiscal Note: Funding for this work is in the Water/Wastewater FY 2008 budget and will be requested in FY 2009.*

**RECOMMENDATION**

*The City Commission 1) authorize the General Manager, or his designee, to execute a contract with Beach Construction Company, Inc. to perform construction services for the Kanapaha WRF and Main Street WRF Disinfection Facilities Project, subject to approval of the City Attorney as to form and legality, and 2) approve the issuance of a purchase order to Beach Construction Company, Inc. in an amount not to exceed \$2,482,700, and 3) authorize staff to procure services, equipment and materials, as required, to complete the project as budgeted.*

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**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**071082.**

**Progressive Express Insurance Co., a/s/o Rasila Kapadia vs. City of Gainesville, a political subdivision of the State of Florida; Alachua County Court; Case No.: 01-08-SC-1079 (B)**

*Explanation: On March 28, 2008, the City of Gainesville was served with a Notice to Appear*

for Pre-Trial Conference/Mediation and Complaint. The Plaintiff alleges that on February 8, 2006, a vehicle owned by Plaintiff's insured and a GPD vehicle driven by then City employee John A. Torres collided. Progressive Express Insurance Company seeks money damages.

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled Progressive Express Insurance Co., a/s/o Rasila Kapadia vs. City of Gainesville, a political subdivision of the State of Florida; Alachua County Court; Case No.: 01-08-SC-1079.

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**071083.**

**Charles Dunbar vs. Gainesville Regional Utilities, c/o Jennifer L. Hunt, Chief Financial Officer and Customer Services – GRU, c/o Mr. White and Octavia; Case No.: 01-08-SC-001077. (B)**

*Explanation: On February 27, 2008, the City of Gainesville was served with a summons and statement of claim. The Plaintiff alleges that his electric bill is too high and GRU would not investigate without a service charge. Mr. Dunbar is claiming damages in the amount of \$336.00 plus court costs and fees.*

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled Charles Dunbar vs. Gainesville Regional Utilities, c/o Jennifer L. Hunt, Chief Financial Officer and Customer Services – GRU, c/o Mr. White and Octavia; Case No.: 01-08-SC-001077

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## CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

**071070.**

**City Commission Minutes (B)**

**RECOMMENDATION**

The City Commission approve the minutes of March 18, 2008; March 20, 2008; and March 24, 2008; as circulated.

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**071097.**

**Advisory Board/Committee Appointment to the Art in Public Places Trust (NB)**

**RECOMMENDATION**

The City Commission appoint Peggy A. Richardson to the Art in Public Places Trust for a term to expire

September 30, 2010.

Commissioner Braddy: Carrol  
Commissioner Bryant: Richardson  
Commissioner Donovan: Richardson  
Commissioner Henry: Richardson  
Commissioner Lowe: Richardson  
Commissioner Mastrodicasa: Carrol  
Mayor Hanrahan: Richardson

**071098.**

**Advisory Board/Committee Appointment to the Bicycle/Pedestrian  
Advisory Board (NB)**

**RECOMMENDATION**

*The City Commission re-appoint Justin D. De Leo to the Bicycle/Pedestrian Advisory Board for a term to expire December 31, 2010.*

Commissioner Braddy: De Leo  
Commissioner Bryant: De Leo  
Commissioner Donovan: De Leo  
Commissioner Henry: De Leo  
Commissioner Lowe: De Leo  
Commissioner Mastrodicasa: De Leo  
Mayor Hanrahan: De Leo

**071099.**

**Advisory Board/Committee Appointment to the Board of Trustees of the  
Consolidated Police Officers' and Firefighters' Retirement Plan (NB)**

**RECOMMENDATION**

*The City Commission re-appoint Glenda Currie to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan for a term to expire April 14, 2010.*

Commissioner Braddy: Daunic  
Commissioner Bryant: Daunic  
Commissioner Donovan: Currie  
Commissioner Henry: Currie  
Commissioner Lowe: Currie  
Commissioner Mastrodicasa: Currie  
Mayor Hanrahan: Currie

**071101.**

**Advisory Board/Committee Appointment to the Citizens' Advisory**

**Committee for Community Development (NB)****RECOMMENDATION**

*The City Commission appoint K. Richard Blount to the Citizens' Advisory Committee for Community Development for a term to expire April 14, 2010.*

*Commissioner Braddy: Grundy and Readvertise*

*Commissioner Bryant: Grundy and Blount*

*Commissioner Donovan: Blount*

*Commissioner Henry: Grundy and Blount*

*Commissioner Lowe: Blount and Readvertise*

*Commissioner Mastrodicasa: Blount and Readvertise*

*Mayor Hanrahan: Blount and Readvertise*

**071102.****Advisory Board/Committee Appointments to the City Beautification Board (NB)****RECOMMENDATION**

*The City Commission appoint Shawn B. Gaston for a term to expire November 1, 2011, appoint Paul L. Grant for a term to expire November 1, 2010, appoint Rebecca S. Howard for a term to expire November 1, 2009, appoint Edi E. Walker for a term to expire November 1, 2009, and re-appoint Dr. Anita Spring for a term to expire November 1, 2010 on the City Beautification Board.*

*Commissioner Braddy: Gaston, Grant, Howard, Walker and Spring*

*Commissioner Bryant: Gaston, Grant, Howard, Walker and Spring*

*Commissioner Donovan: Gaston, Grant, Howard, Walker and Spring*

*Commissioner Henry: Gaston, Grant, Howard, Walker and Spring*

*Commissioner Lowe: Gaston, Grant, Howard, Walker and Spring*

*Commissioner Mastrodicasa: Gaston, Grant, Howard, Walker and Spring*

*Mayor Hanrahan: Gaston, Grant, Howard, Walker and Spring*

**071103.****Advisory Board/Committee Appointment to the City Plan Board (NB)****RECOMMENDATION**

*The City Commission re-appoint Laura D. High to the City Plan Board for a term to expire November 1,*

2010.

*Commissioner Braddy: Gilbert*

*Commissioner Bryant: High*

*Commissioner Donovan: High*

*Commissioner Henry: Carroll*

*Commissioner Lowe: High*

*Commissioner Mastrodicasa: High*

*Mayor Hanrahan: High*

**071104.**

**Advisory Board/Committee Appointments to the Development Review Board (NB)**

**RECOMMENDATION**

*The City Commission appoint Angelina C. Gant and James C. Miller to the Development Review Board for terms to expire November 1, 2010.*

*Commissioner Braddy: Gant and Miller*

*Commissioner Bryant: Gant and Miller*

*Commissioner Donovan: Miller and Readvertise*

*Commissioner Henry: Readvertise*

*Commissioner Lowe: Gant and Miller*

*Commissioner Mastrodicasa: Gant and Readvertise*

*Mayor Hanrahan: Buhler and Miller*

**071105.**

**Advisory Board/Committee Appointments to the Fire Safety Board of Adjustment (NB)**

**RECOMMENDATION**

*The City Commission re-appoint Carl L. Osberg and Fred Vyverberg to the Fire Safety Board of Adjustment for terms to expire November 1, 2010.*

*Commissioner Braddy: Osberg and Vyverberg*

*Commissioner Bryant: Osberg and Vyverberg*

*Commissioner Donovan: Osberg and Vyverberg*

*Commissioner Henry: Osberg and Vyverberg*

*Commissioner Lowe: Osberg and Vyverberg*

*Commissioner Mastrodicasa: Osberg and Vyverberg*

*Mayor Hanrahan: Osberg and Vyverberg*

**071106.**

**Advisory Board/Committee Appointment to the Gainesville Code Enforcement Board (NB)**

**RECOMMENDATION**

*The City Commission appoint Hugh Rhea to the Gainesville Code Enforcement Board for a vacancy to expire August 1, 2009.*

*Commissioner Braddy: Rhea  
Commissioner Bryant: Rhea  
Commissioner Donovan: Rhea  
Commissioner Henry: Rhea  
Commissioner Lowe: Rhea  
Commissioner Mastrodicasa: Rhea  
Mayor Hanrahan: Rhea*

**071107.****Advisory Board/Committee Appointment to the Gainesville Energy Advisory Committee (NB)****RECOMMENDATION**

*The City Commission re-appoint Robert W. Brinkman and Kim Van Vliet, PhD for terms to expire September 30, 2010, and appoint Eldo Varghese to a term to expire September 30, 2011 on the Gainesville Energy Advisory Committee.*

*Commissioner Braddy: Brinkman, Van Vliet and Varghese  
Commissioner Bryant: Brinkman, Van Vliet and Varghese  
Commissioner Donovan: Brinkman, Van Vliet and Varghese  
Commissioner Henry: Brinkman, Van Vliet and Varghese  
Commissioner Lowe: Brinkman, Van Vliet and Readvertise  
Commissioner Mastrodicasa: Brinkman, Van Vliet and Varghese  
Mayor Hanrahan: Brinkman, Van Vliet and Varghese*

**071108.****Advisory Board/Committee Appointments to the Gainesville Enterprise Zone Development Agency (NB)****RECOMMENDATION**

*The City Commission re-appoint Juanita Miles Hamilton (#5-Employer operating within area) and Tony R. Jones (#8-Member Law Enforcement Agency) to the Gainesville Enterprise Zone Development Agency for terms to expire March 31, 2011.*

*Commissioner Braddy: Hamilton and Jones*

*Commissioner Bryant: Hamilton and Jones*  
*Commissioner Donovan: Hamilton and Jones*  
*Commissioner Henry: Hamilton and Jones*  
*Commissioner Lowe: Hamilton and Jones*  
*Commissioner Mastrodicasa: Hamilton and Jones*  
*Mayor Hanrahan: Hamilton and Jones*

**071109.****Advisory Board/Committee Appointment to the Gainesville Human Rights Board (NB)****RECOMMENDATION**

*The City Commission appoint Uwe M. Dietz to the Gainesville Human Rights Board for a term to expire February 22, 2010.*

*Commissioner Braddy: Readvertise*  
*Commissioner Bryant: Dietz*  
*Commissioner Donovan: Dietz*  
*Commissioner Henry: Dietz*  
*Commissioner Lowe: Dietz*  
*Commissioner Mastrodicasa: Dietz*  
*Mayor Hanrahan: Dietz*

**071110.****Advisory Board/Committee Appointment to the Nature Centers Commission (NB)****RECOMMENDATION**

*The City Commission reappoint Amy Carpus to the Nature Centers Commission for a term to expire November 1, 2010.*

*Commissioner Braddy: Carpus*  
*Commissioner Bryant: Carpus*  
*Commissioner Donovan: Carpus*  
*Commissioner Henry: Carpus*  
*Commissioner Lowe: Carpus*  
*Commissioner Mastrodicasa: Carpus*  
*Mayor Hanrahan: Carpus*

**0711191.****Advisory Board/Committee Appointments to the Public Recreation and Parks Board (NB)****RECOMMENDATION**

*The City Commission re-appoint Lew Welge to a term to expire June 1, 2010 and appoint William M. Alday*

*to a vacancy to expire June 1, 2009 on the Public Recreation and Parks Board.*

*Commissioner Braddy: Welge and Alday  
 Commissioner Bryant: Welge and Alday  
 Commissioner Donovan: Welge and Alday  
 Commissioner Henry: Welge and Alday  
 Commissioner Lowe: Welge and Alday  
 Commissioner Mastrodicasa: Welge and Alday  
 Mayor Hanrahan: Welge and Alday*

**071112.**

**Advisory Board/Committee Appointments to the Regional Transit System Advisory Board (NB)**

**RECOMMENDATION**

*The City Commission appoint Zachary Andrews (disabled) for a term to expire June 1, 2010, and appoint Kyle S. Blair (disabled & regular user) for vacancy to expire June 1, 2009 on the Regional Transit System Advisory Board.*

*Commissioner Braddy: Andrews, KS Blair and Grundy  
 Commissioner Bryant: Andrews, KS Blair and Grundy  
 Commissioner Donovan: Andrews, KG Blair and KS Blair  
 Commissioner Henry: Andrews, KG Blair and KS Blair  
 Commissioner Lowe: Andrews and Readvertise  
 Commissioner Mastrodicasa: Andrews, KG Blair and Grundy  
 Mayor Hanrahan: Andrews*

**071113.**

**Advisory Board/Committee Appointments to the Tree Advisory Board (NB)**

**RECOMMENDATION**

*The City Commission re-appoint John A. Dickinson for a term to expire January 1, 2010, re-appoint Joseph Durando for a term to expire January 1, 2011, and re-appoint Francis E. Putz for a term to expire January 1, 2011 on the Tree Advisory Board.*

*Commissioner Braddy: Dickinson, Durando and Gold  
 Commissioner Bryant: Dickinson, Durando and Putz  
 Commissioner Donovan: Dickinson, Durando and Putz  
 Commissioner Henry: Dickinson, Gold and Putz*



*Commissioner Lowe: Dickinson, Durando and Putz*

*Commissioner Mastrodicasa: Dickinson, Durando and Putz*

*Mayor Hanrahan: Dickinson, Durando and Putz*

**071114.**

**Advisory Board/Committee Appointment to the Tree Board of Appeals (NB)**

**RECOMMENDATION**

*The City Commission re-appoint Joseph Durnado for a term to expire January 1, 2010, and appoint Frances E. Putz to a term to expire January 1, 2011 on the Tree Board of Appeals.*

*Commissioner Braddy: Durando and Putz*

*Commissioner Bryant: Durando and Putz*

*Commissioner Donovan: Durando and Putz*

*Commissioner Henry: Durando and Putz*

*Commissioner Lowe: Durando and Putz*

*Commissioner Mastrodicasa: Durando and Putz*

*Mayor Hanrahan: Durando and Putz*

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT**

**071052.**

**Health Services Coordinator (B)**

**This item involves the request for approval to add a position to the Risk Management Department that would coordinate scheduling of health services to City employees.**

*Explanation: Health Services within Risk management is responsible for administering and providing several health related services to City employees. As a result of increases, Federal Regulations and City Policies and Procedures with respect to the administering of these health services, the activities associated with coordination of these activities have grown more complex and knowledge intensive. Coordination of health services activities requires knowledge of the City's Drug Free Workplace Program(s), HIPPA regulations, FMLA, and includes various activities such as facilitating the Employee Health Clinic work flow, coordination with external medical providers, preparation and submittal of reports to DOT, and coordination of drug inventory. Until September 2007, these activities were being done by the Staff Assistant. The resignation of the*

*Staff Assistant has left a significant void in the department. A needs assessment made it clear that this level of work requires a professional designation and salary range commensurate with the responsibilities assigned to this position.*

*Fiscal Note: The midpoint of the Health Services Coordinator (M3) is \$43,809. The Staff Assistant midpoint is \$32,328. This results in an increase (including FICA and pension contribution) of \$12,933. The department will pay for the impact through recurring savings generated by an effective Safety Program and reduced Insurance Premiums. In addition, since this item was originally presented, the Group Benefits Manager retired. We do not anticipate filling this position and are considering removing the FTE through the Budget Process for FY 2009.*

**RECOMMENDATION**

*The Personnel and Organizational Structure Committee met on March 27, 2008 and recommend the City Commission approve adding a Health Services Coordinator position and delete the vacant Staff Assistant position; and adding the Health Services Coordinator position to the Occupational Index.*

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**071053.**

**Addition of the Chief Plans Examiner to the Occupational Index (B)**

**This item involves the request for approval to add the Chief Plans Examiner classification to the Occupational Index and to add this position to the Building Inspection Department. The addition of this position will allow the department to reduce its current twelve-week turnaround on submitted plans.**

*Explanation: The current staffing level in the Building Inspection Department has not been sufficient to keep up with the number of building plans submitted for review. The current turnaround for submitted plans has increased from four weeks to twelve weeks. This is not acceptable to department goals and objectives nor is it acceptable to the local construction industry. The department has obtained estimates from external services and it has determined that using these resources is prohibitively expensive. Therefore, the above position is requested. This position would add resources to the department while providing opportunity for upward advancement within the department.*

*Fiscal Note: At the M8 mid-point, the increase in salary cost to the department is \$69,913. Adequate funding is available in the Building Code Enterprise Fund.*

**RECOMMENDATION**

*The Personnel and Organization Structure Committee met on March 27, 2008 and recommend the City Commission approve adding a Chief Plans Examiner (Pay Grade M8) to the Occupational Index.*

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**071054.****Addition of the Concurrency Management Planner to the Occupational Index (B)**

**This item involves the request for approval to add a new classification, Concurrency Management Planner, to the Occupational Index and approval for reclassifying one of the Planning and Development Services Department's Senior Planner positions to a new classification.**

*Explanation: In order to ensure compliance with Florida Statutes regarding mandated concurrency provisions of the Growth Management Law, the City needs a position responsible for Concurrency Management. This is critical to the City's ability to manage growth and to facilitate orderly urban development. The duties of this position are currently being executed by a Senior Planner. The requested new classification, Concurrency Management Planner, is a true reflection of the position duties.*

*Fiscal Note: The budget impact of the proposed Concurrency Management Planner is an upgrade from Grade M6 to M7 of the 2008 Pay Plan. The difference in mid-point is \$6,000/year. Adequate funding is included in the FY08 budget.*

**RECOMMENDATION**

*The Personnel and Organizational Structure Committee met on March 27, 2008 and recommend the City Commission approve adding the Concurrency Management Planner classification to the Occupational Index and reclassifying one Senior Planner (Pay Grade M6) position to the Concurrency Management Planner (Grade M7).*

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**071057.****Human Resources Policy and Procedure Promulgation (B)**

*Explanation: A comprehensive review of the City's Personnel Policies and Procedures has not occurred since the 1970s. Significant changes in human resources practices have not been reflected in our policies, and there are several outstanding audit findings regarding outdated personnel policies.*

*In order to solve this problem, the Charter Officers are working together as a team with the Human Resources Department (hereafter referred to as the Team) to revise and re-title these policies.*

*The first two policies developed by this Team are Human Resources Policy and Procedure Promulgation Policy and Classification Plan Policy. The Team intends to continue to work together until a complete new set of policies has been developed.*

*Fiscal Note: There is no fiscal impact.*

**RECOMMENDATION**

*The Personnel and Organizational Structure*

*Committee met on March 27, 2008 and recommend the City Commission approve the two new policies - the Human Resources Policy and Procedure Promulgation Policy and the Classification Plan Policy.*

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## **PUBLIC SAFETY COMMITTEE, CONSENT**

### **071007.**

#### **Gainesville Police Explorer Funding for State Competitions from State LECFTF (NB)**

*Explanation: For the past thirty six years Gainesville Police Explorer Post 917 has operated a successful program for youth between the ages of 14-20. The Post currently has 25 members. The Post Explorers assists the City of Gainesville and the Gainesville Police Department in numerous special events throughout the year to include, but not limited to, parking and pedestrian assistance at the Downtown Arts Festival, 5th Avenue Arts Festival, the Hoggetowne Medieval Fair, and others. The Post members completed over 4000 community service hours.*

*In appreciation for the Explorer's service to our City and Department, and as a challenge with other Law Enforcement Explorer Posts, the Department would like to offer Post 917 members an opportunity to attend a Florida State competition. Total cost for the State competition is approximately \$4,000. The Post has collected corporate sponsorships and donations this year, as they have in the past, which will pay for part of the travel. This request is for \$3,000.00 and will assist covering a part of the cost for the competition.*

*The Public Safety Committee approved this item at its meeting on March 20, 2008.*

*Fiscal Note: Funds, of an amount not to exceed \$3,000.00, for this expenditure are available in the State Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of the Federally Forfeited Property for the State and Local Law Enforcement Agencies." The balance in the account is \$70,000.00. Balance is adjusted to account for pending items.*

#### **RECOMMENDATION**

*The City Commission approve the appropriation and expenditure of an amount not to exceed \$3,000.00 from the State Law Enforcement Contraband Forfeiture Trust Fund for travel and other expenses for the Police Explorers, Post 917 to be used for them to attend their State competition in 2008.*

### **071009.**

#### **State LECFTF Funding for Corner Drug Store Interface Youth Program**

**and Spotlight on Youth Campaign (B)**

**This item requests that the City Commission appropriate and expend funds from the State Law Enforcement Contraband Forfeiture Fund for the Corner Drug Store Interface Youth Program and Spotlight on Youth campaign**

*Explanation:* The annual Spotlight on Youth fundraiser is a unique program that features talented youth throughout Gainesville/Alachua County and exhibits their artistic talents in one gala event held annually at the University Performing Arts Center. LECFTF of an amount not to exceed \$5,000 will be used to enhance services in the Interface Youth Program/Shelter Central for at-risk youth who are in the early stages of system penetration and may be diverted from incarceration. The facility is a twenty bed operation that provides short-term residential care to truants, runaways, and ungovernable youth. Tickets for under-privileged youth to attend the gala will be issued at no cost and credited as compliments of the Gainesville Police Department.

The Public Safety Committee approved this item at its March 20, 2008 meeting.

*Fiscal Note:* Funds in an amount not to exceed \$5,000 for this project are available in the State Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." Available balance is \$78,000.00

**RECOMMENDATION**

The City Commission authorize the appropriation of an amount not to exceed \$5,000 from the State Law Enforcement Contraband Forfeiture Trust Fund, for the Corner Drug Store Interface Youth Program and Spotlight on Youth campaign.

*Alternative Recommendation A:* The City Commission decline the appropriation and advise staff to not fund the request from the Corner Drug Store. There is no fiscal impact.

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**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT****EQUAL OPPORTUNITY COMMITTEE, CONSENT****070788.****National Summit on Your City's Families (B)**

*Explanation:* Nearly 450 municipal leaders from over 100 cities and towns across the country attended the National League of Cities (NLC) 2007, "National Summit on Your City's Families" from September 30-October 2, 2007. A key focus of the summit was on the importance of municipal leadership in building and sustaining partnerships between city government and other key community stakeholders.

*Attendees were encouraged to adopt "A City Platform" for strengthening families and improving outcomes for children and youth. More than 70 communities have adopted the platform which represents a framework to guide and assess local progress on behalf of young people and their families.*

*On January 14, 2008, the City Commission referred the issue of whether the City of Gainesville should adopt the NLC's platform for strengthening families and improving outcomes for children and youth to the Equal Opportunity Committee.*

*At the March 20, 2008, EOC meeting, Commissioner Jack Donovan and staff EO Director Jimmie Williams gave a report on information obtained at the Summit. The Committee discussed the platform and referred the matter back to the Commission.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Attorney to draft a resolution to adopt "A City Platform" for strengthening families and improving outcomes for children and youth; and 2) remove this item from the referral list.*

**Legislative History**

1/14/08	City Commission	Approved as Recommended and Referred (6 - 0 - 1 Absent)	Equal Opportunity Committee
3/20/08	Equal Opportunity Committee	Approved as Recommended	
		070788_20080114.pdf	
		070788_20080414.pdf	

## REGIONAL UTILITIES COMMITTEE, CONSENT

### **061214.**

#### **Net Metering Referral Item #061214 - Photovoltaic Policies (NB)**

*Explanation: On April 23, 2007, the City Commission referred the issue of GRU's policy for the purchase of excess electricity generated from privately installed photovoltaic systems to the RUC for review. The RUC discussed this item at the June 12 and July 10, 2007 meetings. The RUC submitted an item back to the City Commission on August 27, 2007 recommending that: 1) GRU maintain existing rebate levels and dual metering policies for residential photovoltaic electric systems through FY 08; and 2) retain this item on the RUC referral list.*

*The Public Utility Regulatory Policies Act of 1978 (PURPA) was enacted as part of the National Energy Act by President Jimmy Carter. The Energy Policy Act of 2005 (EPAct 2005) added standards for net metering to PURPA that state commissions and non-regulated utilities must consider according to a specific process. Net metering requires a utility to purchase excess electricity from private renewable energy systems at the full retail value of electricity, including cost elements for distribution and transmission.*

*On December 18th, 2007 the Florida Public Service Commission (FPSC) initiated a rulemaking to amend Rule 25-6.065, Florida Administrative Code, relating to Interconnection and Net Metering of Customer-Owned Renewable Generation, and adopted net metering standards.*

*On March 19, 2008 the RUC received a presentation from staff reviewing current practices, recent Florida Public Service Commission actions, requirements under the Public Utility Regulatory Policies Act, and results to date of GRU's photovoltaic rebate program, and the basis for staff recommendation that current policies be changed pursuant to the PURPA process requirements to replace the current dual metering policy with a net metering policy consistent with the FPSC standards.*

*Fiscal Note: The policy changes as proposed will not result in material fiscal impact on the system.*

**RECOMMENDATION**

*The Regional Utilities Committee (RUC) recommends that the City Commission: 1) initiate the process for adopting net metering for privately installed renewable energy generation systems; 2) schedule a public hearing on May 12, 2008 to receive considerations, determinations and public input as part of the requirements of the Public Utility Regulatory Policies Act; and 3) retain this item on the referral list.*

**Legislative History**

4/23/07	City Commission	Referred (7 - 0)	Regional Utilities Committee
6/12/07	Regional Utilities Committee	Discussed	
7/10/07	Regional Utilities Committee	Approved as shown above (See Motion)	
8/27/07	City Commission	Approved as shown above (See Motion) (5 - 1 - 1 Absent)	
3/19/08	Regional Utilities Committee	Recommended for Approval, as shown above	

Backup to RUC item #061214 Mar 19 2008.pdf

Backup for RUC item #061214 PV policies Mar 19 2008.pdf

**070744.**

**Delinquent Processing Policies Review by the Regional Utilities Committee - Outstanding Referral Item #070744 (NB)**

*Explanation: On March 19, 2008, the Regional Utilities Committee received a presentation on delinquent processing policies by staff. After review, the Regional Utilities Committee decided to combine the fee for disconnection with the separate fee for reconnection into a single fee.*

*Under current policies, customers who are delinquent in making payments are charged a \$20 fee for the field visit to disconnect service for nonpayment. Once payment is made in full, the customer is charged another \$40 fee to have service reconnected the same day payment is made. Timing issues between the*

*disconnection action and customer payments on the same day often yield customer complaints that are difficult to explain. Staff recommended the separate \$40 reconnection fee be eliminated and the delinquent service fee be increased by \$20 to cover the two field visits required to disconnect then reconnect service. This recommendation effectively reduces delinquent processing fees by \$20. All customers making delinquent payment in full by close of business would be reconnected that same day with no additional fee.*

*Fiscal Note: Increasing the delinquent service fee by \$20 combined with eliminating the application of the same day express service fee should have minimal, if any, impact on budgeted fiscal revenues.*

**RECOMMENDATION**

*The Regional Utilities Committee recommends the City Commission: 1) accept the recommendation to lower the delinquent processing fees for disconnection and reconnection by \$20; 2) authorize the City Attorney to prepare and the Clerk of the Commission to advertise amendments to the Code of Ordinances relating to changes to the delinquent processing fees; and 3) remove the item from the referral list.*

**Legislative History**

12/10/07	City Commission	Referred (5 - 0 - 2 Absent)	Regional Utilities Committee
1/30/08	Regional Utilities Committee	Deferred	
3/19/08	Regional Utilities Committee	Approved as Recommended	

Backup for #070744 Delinquent Policy Review Jan 8 081.pdf

Backup for #070744 Delinquent Policy Review Revised Jan 30 2008.pdf

Attachment to Item #070744 Delinquent Policy Referral Mar 19 2008.pdf

## COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

### END OF CONSENT AGENDA

### ADOPTION OF THE REGULAR AGENDA

### CHARTER OFFICER UPDATES

### CLERK OF THE COMMISSION

#### **071071.**

#### **City Commission Referrals (B)**

**RECOMMENDATION**

*The City Commission review the attached referral status reports and take appropriate action.*

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**CITY MANAGER****071061.****Master Planning of the RTS Maintenance Facility Renovations/Expansion Update (B)****This item involves a presentation on the status of the Master Planning of the Regional Transit System (RTS) Maintenance Facility Renovations/Expansion.**

*Explanation:* On October 9, 2006, the City Commission approved the staff recommendation for the selection of Wendel Duchscherer Architects & Engineers for Professional Design Services for the Concept/Master Planning of the RTS Maintenance Facility Project in accordance with the Consultants' Competitive Negotiations Act (CCNA). RTS entered into an agreement with this consultant on January 19, 2007.

*As a result of the Master Planning efforts the consultant, Wendel Duchscherer Architects & Engineers, wishes to give the City Commission a presentation regarding three proposed options for the facility renovations/expansion.*

*Option A will explore preliminary concepts based upon expansion at the existing site. The estimated project budget for Option A is \$51,600,000 (Based on estimated construction cost in 2011).*

*Option C will explore preliminary concepts based upon building a facility at a new site. The estimated project budget for Option C is \$47,900,000 (Based on estimated construction cost in 2011).*

*Option D will explore preliminary concepts based upon expanding the existing facility. The estimated project budget for Option D is \$4,302,046 (Based on estimated construction cost in 2009).*

*Fiscal Note:* Currently RTS has received \$2,100,000 for this project through FTA Section 5309 grants and expects to receive another \$2,200,000 in the next 2 years for a total of \$4,300,000 for FY09.

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) hear a presentation; and 2) direct staff to continue with the planning/design of Option D as outlined in the presentation.*

*Alternative Recommendation A: The City Commission: 1) hear a presentation; and 2) direct staff to continue with the planning/design of Option A or C as outlined in the presentation.*

*Alternative Recommendation B: The City Commission: 1) hear a presentation; and 2) deny either Option presented by the consultant and provide specific direction as to how to proceed.*

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**071073.**

**Certificate of Achievement for Excellence in Financial Reporting (B)**

**The City was awarded GFOA's Certificate of Achievement for Excellence in Financial Reporting for its 2006 Comprehensive Annual Financial Report (CAFR). The 2007 CAFR is hereby presented to the Commission and will be also submitted to GFOA for the award.**

*Explanation: The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Gainesville for its Comprehensive Annual Financial Report for the fiscal year ended September 30, 2006. The Certificate of Achievement is a prestigious national award-recognizing conformance with the highest standards for preparation of state and local government financial reports.*

*In order to be awarded a Certificate of Achievement, a governmental unit must publish an easily readable and efficiently organized Comprehensive Annual Financial Report, whose contents conform to program standards. The report must satisfy both generally accepted accounting principles and applicable legal requirements.*

*A Certificate of Achievement is valid for a period of one year only. The City of Gainesville has received a Certificate of Achievement in each year in which it has been eligible since the inception of the program in 1951. The City believes that its current report for the fiscal year ended September 30, 2007 continues to comply with Certificate of Achievement program requirements, and is submitting it to the GFOA for review and consideration.*

*Fiscal Note: There is no fiscal impact associated with this item.*

**RECOMMENDATION**

*The City Commission: 1) accept the Certificate of Achievement for Excellence in Financial Reporting for fiscal year 2006; 2) receive the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2007; and 3) endorse submittal of the FY2007 report to the GFOA.*

*NOTE: Document is available for viewing in the Clerk's Office and on the City's internet.*

**071077.**

**Proposed Modifications to the Alachua County Boundary Adjustment Act (B)**

**The Countywide Visioning and Planning Committee (CVPC) has created a task force for modifying the Alachua County Boundary Adjustment Act**

**(BAA). City staff has reviewed the BAA, and is proposing limited modifications.**

*Explanation: On January 24, 2008, the newly re-instituted Countywide Visioning and Planning Committee held its first meeting with Commissioners Craig Lowe and Scherwin Henry serving as Gainesville's representatives on the Committee. The CVPC is chaired by County Commission Chairman Rodney Long.*

*In the effort to collectively look at the BAA, each municipality in Alachua County was asked to provide a letter to Chairman Long with their position on potential changes to or elimination of the BAA. The City Commission discussed this issue at the regular February 25, 2008 City Commission meeting.*

*At the March 6, 2008 CVPC meeting, each municipal representative on the CVPC presented their particular municipality's position on the BAA and provided the Committee with comments. Based on the input received from the City representatives, the overall consensus was to keep the BAA and provide modifications. Chairman Long appointed a task force consisting of five individuals (two city representatives in favor of the BAA, two representatives against the BAA, and one neutral member) to work on possible modifications to the BAA. The following CVPC members were appointed by Chairman Long to the task force: Jean Calderwood (Chair/City of Alachua), John Glanzer (Newberry), Jim Gabriel (High Springs), Craig Lowe (Gainesville), and Kit Randall (Hawthorne).*

*The Task Force has scheduled a series of meetings in April with the intent of bringing back their BAA modifications and recommendations to the CVPC during the first week of May.*

*The current plan for modification of the BAA includes a request from Representative Debbie Boyd that each city have a town hall meeting regarding the modification of the BAA. The information would then be presented to the legislative delegation for consideration in the fall session.*

*Staff has done a side-by-side comparison of Chapter 171 of the Florida State Statutes, which governs annexation activity in other counties throughout the state, and the Boundary Adjustment Act. In addition, staff has analyzed current annexation procedures in the BAA for potential improvements.*

*Fiscal Note: None at this time*

**RECOMMENDATION**

*The City Commission: 1) hear a report from staff on possible changes to the BAA, and 2) discuss any other possible changes to the BAA, and 3) approve the Commission's position on possible recommended changes to the BAA that can be conveyed to the CVPC Task Force.*

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**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****071079.****Annual Performance, Salary, and Benefits Review for the Equal Opportunity Director (B)**

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

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

**RECOMMENDATION**

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

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**COMMISSION COMMENTS (if time available)****RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS**

**071085.****Administrative Professionals Week, April 20-26, 2008, and Administrative Professionals Day - April 23, 2008 (B)**

**RECOMMENDATION**      *Gainesville Chapter of International Association of Administrative Professionals President-Elect Melonie Bradley, Vice President Rachel DiSesa McGriff, and Chair Kathryn McGregor to accept the proclamation.*

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**071086.****Child Abuse Prevention Month - April 2008 (B)**

**RECOMMENDATION**      *Alachua County Child Abuse Prevention Task Force Chair Annie McPherson, Joyce LeBlanc (Healthy Families), and Sherry Kitchens (Child Advocacy Center) to accept the proclamation.*

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**071087.****National Public Safety Telecommunications Week - April 13-19, 2008 (B)**

**RECOMMENDATION**      *Combined Communications Center Technical Services Division Manager Linda Jones to accept the proclamation.*

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**071088.****Creeks Week - April 19-26, 2008 (B)**

**RECOMMENDATION**      *Clean Water Partnership Coordinator Sally Adkins to accept the proclamation.*

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**071089.****29th Annual Fifth Avenue Arts Festival - April 18-20, 2008 (B)**

**RECOMMENDATION**      *Cultural Arts Coalition Director NKwanda Jah to accept the proclamation.*

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**071090.****National Fair Housing Month - April 2008 (B)**

**RECOMMENDATION**      *City of Gainesville Equal Opportunity Director Jimmie*

*Williams and Specialist Rodney Bickel to accept the proclamation.*

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**071115.**

**Library Appreciation Month - April 2008 (B)**

**RECOMMENDATION**

*Alachua County Library District Director Sol Hirsh to accept proclamation.*

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

**PUBLIC HEARINGS**

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

**070722.**

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

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

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area, commonly known as the Butler Plaza and Vicinity Area, and Butler Plaza Southwest Area, pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area, as more specifically described in this ordinance, generally located south of the vicinity of SW 20th Avenue, west of SW 34th Street and the City limits, north of SW Archer Road and the City limits, and east of the vicinity of Interstate 75; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing for the application of a fire services special assessment to the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing effective dates.**

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, August 27, 2007, September 10, 2007, September 24, 2007, October 22, 2007, November 19, 2007, December 10, 2007, and January 14, 2008, at regular City Commission meetings, the City Commission received and accepted the petitions for annexation, and determined that the petitions bore the signatures of the owners of the properties that are the subject of this annexation. On November 26, 2007 and December 10, 2007, the City*

*Commission held advertised public hearings and adopted the Urban Services Reports as mandated by the Boundary Adjustment Act.*

#### *ANNEXATION ORDINANCE*

*The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.*

*In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.*

*If adopted on first reading, the second and final reading of this ordinance will be April 28, 2008. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading. If the Ordinance is adopted, the annexation of this Area will be effective 12:01 a.m. on June 1, 2008.*

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

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#### **070820.**

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

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

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

*Explanation: COMMUNITY DEVELOPMENT STAFF REPORT*

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

*The right-of-way to be vacated for Northwest 5th Street does not extend*

south completely to Northwest 7th Place because of the requirement to maintain the minimum lot width for tax parcel 14409. The property is currently vacant but may be built upon at some point in the future, requiring access to be provided to the lot. The lot is zoned MU-1 (Mixed use low intensity district), which allows residential use in accordance with the requirements of the RMF-6, RMF-7 or RMF-8 zoning districts (8-15, 8-21 or 8-30 units/acre multiple-family residential). A single-family lot in these districts must be a minimum of 50 feet in width. Only the amount of Northwest 5th Street right-of-way that can be vacated while maintaining at least 50 feet of width for parcel 14409 can be allowed.

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

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

#### CITY ATTORNEY MEMORANDUM

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

#### RECOMMENDATION

The City Commission adopt the proposed ordinance.

#### Legislative History

1/28/08 City Commission Approved (Petition) (6 - 0 - 1 Absent)

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### 070906.

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

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

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

*Explanation: COMMUNITY DEVELOPMENT STAFF REPORT*

*This request is to amend the Oakbrook Walk planned development to remove the*



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

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

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

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

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

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

*Planning staff finds that removing the subject parcel from the PD will not create any problems for the already developed Oakbrook Walk and the PD will remain fully viable without the subject parcel because it is already fully developed.*

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

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

*CITY ATTORNEY MEMORANDUM*

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

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

**Legislative History**

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

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**070907.**

**REZONING - OAKBROOK WALK (B)**

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

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

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

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

*The current zoning on the subject property is PD (Planned Development). The current land use category is Urban Mixed-Use 1 (UMU-1: up to 75 units per acre). The proposed zoning of UMU-1 is fully consistent with the existing future land use category. The subject property is approximately 1.1 acre in size and it is located in the SW 13th Street Special Area Plan. A large portion of the parcel falls within the 10-year flood channel and some lies within the 100-year floodplain. This will severely limit future development potential for the parcel.*

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

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

*densities to spur redevelopment efforts. The subject property fell within this area for land use and zoning change.*

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

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

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

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

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

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

#### *CITY ATTORNEY MEMORANDUM*

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

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

#### **Legislative History**

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

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## **ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

### **070706.**

#### **PLANNED DEVELOPMENT AMENDMENT – GAINESVILLE AUTO TOWN CENTER (B)**

**Ordinance No. 0-07-120, Petition No. 69PDV-07PB**

**An Ordinance of the City of Gainesville, Florida; rezoning certain lands in**

**the City, as more specifically described in this Ordinance, from “BUS: general business district” to “Planned Development”, commonly known as “Gainesville Auto Town Center”, located in the vicinity of the 3900 block of N. Main Street, west side; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

*This petition is a request to change the zoning on the subject property from BUS (General Business District) to Planned Development for an automotive sales center and related accessory uses. The subject property is comprised of five tax parcels listed as 08159-002-000, 08159-002-001, 08159-002-002, 08159-002-006 and 08159-002-010, totaling 18.4 acres. The property is located at the northwest corner of North Main Street and Northwest 39th Avenue, having 229 feet of frontage on Northwest 39th Avenue and 1,238 feet along North Main Street. The south east corner of the subject property is developed with an office building, the round bar, a bank and other retail uses. The remaining northwest portion is undeveloped and contains four well defined wetlands areas. A north/south ditch runs along the west boundary of the subject property and traverses the southern portion.*

*The applicant wishes to develop the property with three, new and used car sales establishment, combined with a community/learning center and an alternative fuels, fueling station. The principal use is classified under SIC (Standard Industrial Classification) MG-55 Automotive dealers and gasoline service stations, which is not allowed in the BUS zoning district. In order to implement the proposed use, the property would have to be rezoned to BA or Planned Development. The applicant decided to request a rezoning to Planned Development in order to address intended unique aspects of the site, the operations of the proposed development and the adjacent residential development to the west.*

*The property is also located in the Secondary Zone of the city's Wellfield Protection Zone and may require a Wellfield Protection Special Use Permit due to the proposed underground storage of hazardous materials*

*Three issues of primary importance with this petition are avoidance and mitigation of impacts to the site's wetlands, staff's concerns regarding relocation/reorientation of buildings to the northwest corner of 39th Avenue and north Main Street and general neighborhood compatibility concerns.*

*The Plan Board heard the request and expressed concerns about the removal of wetland areas from the site, and the location of building on the site. Staff and some Plan Board members felt that the applicant did not do enough to avoid or minimize the development's impact on the northern wetland area. The Plan Board kept as part of their condition of approval that buildings should be removed from the wetlands and relocated to realize the least possible negative impacts to both the environmental aspects and the residential development to the west and north. At the Plan Board meeting the applicant offered to provide*

*funding in the amount of \$100,000 for the enhancement of +/- 49.0 acres at the Prairie Creek Basin property, including hydrologic restoration, re-establishing a historic connection, instituting a fire management regime, and vegetative restoration by removing planted pines and replanting with long-leaf pines and native ground-cover species. The Plan Board voted 4-0 to recommend approval of the petition with modified conditions to the City Commission.*

*On December 10, 2007, the city commission conducted a public hearing and voted to authorize the City Attorney's office to draft an ordinance for its consideration. Staff collaborated with the applicant to arrive at a mutual understanding and agreement on conditions included in the attached ordinance for First Reading. Some of the conditions presented to you at the public hearing have been modified to provide clarification of intent and to reflect what the city commission intended.*

*Public notice was published in the Gainesville Sun on August 1, 2007. Letters were mailed to surrounding property owners on October 3rd 2007. The Plan Board held a public hearing October 18, 2007 and continued the hearing to October 25, 2007.*

#### CITY ATTORNEY MEMORANDUM

*The City Commission, at its meeting of December 10, 2007 authorized the city attorney's office to prepare and advertise the necessary ordinance rezoning certain lands within the city to planned development commonly known as "Gainesville Auto Town Center" within the City of Gainesville.*

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

#### Legislative History

12/10/07	City Commission	Approved (Petition) with Staff Conditions as Modified (7 - 0)
3/24/08	City Commission	Adopted on First Reading (Ordinance) (6 - 1)

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## **070872.**

### **SHIP AFFORDABLE HOUSING ADVISORY COMMITTEE (B)**

#### **Ordinance No. 0-08-09**

#### **An ordinance of the City of Gainesville, Florida, amending Chapter 14**

relating to the State Housing Initiatives Partnership (SHIP) Program; by adding definitions in section 14-1; by deleting existing section 14-6 in its entirety and replacing with new section 14-6 creating and establishing an Affordable Housing Advisory Committee; by deleting existing section 14-7 and replacing with a new section 14-7 providing for the adoption of local housing initiative strategies; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: HOUSING DIVISION STAFF REPORT*

*During the 2007 legislative session, legislation was passed that required municipalities to re-establish their local affordable housing advisory committees. Pursuant to s. 420.9072 and s. 420.9076, Florida Statutes, municipalities seeking approval to receive their share of State Housing Initiative Partnership Program (SHIP) funds must adopt an ordinance creating an affordable housing assistance committee ("AHAC"), establishing the terms of the AHAC members, defining the duties of the AHAC and providing for the adoption of local housing initiative strategies. Pursuant to state law, the AHAC must consist of 11 members with specific qualifications as set forth in the proposed ordinance.*

*Pursuant to state law, the AHAC shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing municipalities and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The initial AHAC report of recommendations must be submitted to the City Commission by December 31, 2008 and every three years thereafter. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, the AHAC shall submit a report to the City Commission that includes recommendations on the items set forth in the proposed ordinance.*

*The AHAC may perform other duties related to affordable housing at the request of the City Commission.*

*The Housing Division will provide primary staff support to the AHAC with assistance from the Planning and Development Services Department as necessary to ensure City Departments implement integrated strategies involving the work of the AHAC. The AHAC must be established and appointed by June 30, 2008.*

*CITY ATTORNEY MEMORANDUM*

*At its meeting of February 11, 2008, the City Commission authorized the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance*

*creating the Affordable Housing Advisory Committee in accordance with s. 420.9072 and s.420.9076, Florida Statutes.*

*The proposed ordinance replaces existing Sections 14-6 and 14-7 of the City Code of Ordinances, which do not conform to the current state law requirements.*

*This ordinance requires two public hearings. If the ordinance passes on the first reading, second and final reading will be held on April 14, 2008. Pursuant to state law, the ordinance will not take effect until at least 30 days after formal adoption.*

*Following the effective date of the approved ordinance, the City Commission shall by resolution appoint the members of the AHAC.*

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

**Legislative History**

2/11/08	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
3/24/08	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
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**070890.**

**ELECTRONIC AND ANIMATED SIGNS (B)**

**Ordinance No. 0-07-80; Petition No. 139TCH-06 PB**

**An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to signs; amending section 30-23 by revising the definition of animated sign, deleting the definition of changing message device and adding a definition of electronic sign; amending section 30-316 to prohibit electronic signs; providing directions to the codifier; providing for a mandatory review; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*The City Plan Board heard this Petition at its public hearing on March 15, 2007, and by a vote of 5-0 recommended that electronic signs be prohibited and that definitions of animated signs, electronic signs and changing message devices be revised. On April 23, 2007, the City Commission heard this petition and approved the concept of allowing electronic portions of signs up to 20 square feet, directed staff to bring back visual examples and design standards, and approved a temporary moratorium on electronic signs until October 23, 2007.*

*On September 24, 2007, the City Commission held another public hearing on this petition and voted to (1) extend the moratorium on electronic signs until April 14, 2008, (2) refer this petition back to the City Plan Board to consider allowing portions of electronic signs limited to 20 square feet, and (3) direct*

staff to coordinate electronic signs with other parts of the sign ordinance to incentivize bringing into compliance legal non-conforming signs and other aesthetic benefits.

Staff held a public workshop with stakeholders on November 16, 2007. Discussion included previously presented criteria for electronic signs, limitation of electronic signs to one bulb color, whether LED signs violate city code provisions regarding light trespass, non-conforming signs, amortization of non-conforming signs, and possible reduction of maximum height and area of ground-mounted signs.

The City Plan Board held a public workshop on November 29, 2007, discussed this petition and voiced its support for a 5-year prohibition on electronic signs, an amortization process in which iconic, historical signs could be designated and preserved with some type of criteria, and a variance procedure that could allow for a longer amortization period for a non-conforming sign.

On January 24, 2008, the City Plan Board held another workshop on signs and concluded that electronic signs should be prohibited for 3-5 years and that it does not support changing the sign code to require amortization of non-conforming signs, it does not support lowering the maximum allowable 10-foot height of ground-mounted signs, and it is not in favor of prohibiting pole signs. The Plan Board also advised staff to keep the electronic signs petition separate from the other sign issues addressed in the workshop.

#### CITY ATTORNEY MEMORANDUM

On February 4, 2008, the Gainesville City Commission held a special meeting regarding electronic signs. Following staff presentation, comments from the public, and discussion by the Commission, the Commission approved a prohibition of electronic signs, subject to a mandatory review within three years and directed staff to separate other sign code topics (e.g., sign aesthetics, limitations on non-conforming signs) to be considered under a different petition in the future.

This ordinance requires two public hearings. If the ordinance passes on the first reading, second and final reading will be held on April 14, 2008.

#### RECOMMENDATION

The City Commission adopt the proposed ordinance.

#### Legislative History

2/4/08	City Commission	Approved as Amended (4 - 3)
3/24/08	City Commission	Adopted on First Reading (Ordinance) (4 - 3)

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**Ordinance No. 0-08-08**

**An ordinance of the City of Gainesville, Florida, amending Appendix A, Schedule of Fees, Rates and Charges, for Land Development Code Petitions, Applications and Development Fees, by adding traffic study review fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: FINANCE DEPARTMENT STAFF REPORT*

*On July 26, 2007, the City Commission adopted Resolution No. 070229, to approve the Proposed Tentative General Government Financial and Operating Plan, and authorized the City Attorney to draft and the Clerk of the Commission to advertise certain ordinances increasing certain existing fees and charges and creating new fees and charges.*

*PUBLIC WORKS STAFF REPORT*

*At its meeting of February 25, 2008, the City Commission continued first reading of this ordinance to March 24, 2008, in response to concerns expressed by a representative of the Gainesville Builders Association. On March 3, 2008, Public Works staff attended the monthly meeting of the Gainesville Builders' Association to discuss the proposed fees. At its meeting, the Builders' Association recommended that: (1) the references to numeric thresholds (i.e., peak hour trips) be removed from the ordinance text, and (2) the amount of the fees be reduced by 50% until the city's fee study (currently underway) is concluded.*

*Public Works Staff does not object to removing the numeric thresholds as the thresholds are defined in the traffic study guidelines promulgated and maintained by the Public Works Department and can be referenced as such in the ordinance. In regards to the fee structure, the original budget proposal in July 2007 was to establish a flat rate of \$2,000 for each traffic study review. In reviewing the matter further, Public Works Staff recommended a tiered fee structure to allow for "minor traffic study" reviews at the \$1,000 rate and "major traffic study" reviews at the \$2,000 rate. Public Works staff estimates the actual staff time and resource cost for each "minor traffic study" review to be an average of \$1,300 and each "major traffic study" review to be an average of \$3,700. Therefore, staff does not recommend a further reduction in the proposed fees.*

*CITY ATTORNEY MEMORANDUM*

*Certain of the new fees, including the fees created by this ordinance, required further review and development by the Office of the City Attorney and the Public Works and Planning and Development Services Departments before being brought back to the City Commission.*

*This ordinance requires two hearings. Should the Commission adopt this*

ordinance on first reading, second and final reading of the ordinance will be April 14, 2008.

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

**Legislative History**

2/25/08         City Commission         Continued (1st Reading) (5 - 1 - 1 Absent)  
3/24/08         City Commission         Adopted on First Reading (Ordinance) (6 - 1)

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## RESOLUTIONS- ROLL CALL REQUIRED

### **071060.                                         Resolution for the Regional Transit System FY 2008 Program of Projects (POP) and FY 2005-2006 Performance Measures (B)**

**This item involves a Resolution authorizing the filing of an application with the Federal Transit Administration (FTA) and Florida Department of Transportation (FDOT).**

*Explanation: In order to remain eligible for state and federal funding, the Regional Transit System is required annually to submit a Program of Projects to the FTA and a budget application for Capital and Operating projects to the FDOT after seeking public comment. A public hearing was held December 6, 2007, and there were no comments from the public. On November 29, 2007, Performance Measures for FY2005-2006 were published in the Gainesville Sun, as required by the FTA.*

*Fiscal Note: The costs for the Program of Projects in the amount of \$3,617,108 are included in the Transportation Improvement Program (TIP) approved by the MTPO.*

**RECOMMENDATION**                         *The City Commission: 1) adopt the Resolution; and 2) approve the Program of Projects for FY 2008.*

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### **071063.                                         Local Housing Assistance Plan - State Fiscal Years 2009-2011 (B)**

**The Local Housing Assistance Plan meets the City Commission's Economic Development and Redevelopment Initiative to increase the amount of affordable housing and low cost housing throughout the City. This item discusses the proposed changes to the Local Housing Assistance Plan for State Fiscal Years 2009-2011.**

*Explanation: The Local Housing Assistance Plan (LHAP) was prepared for the City's participation in the State Housing Initiatives Partnership (SHIP) Program, in compliance with Section 420.907, Florida Statutes and Chapter 67-37, Florida Administrative Code. The LHAP describes program activities and management*

plans for the utilization of funds through public/private partnerships which expand the production and preservation of affordable housing within the city limits of the City of Gainesville. The LHAP addresses affordable housing needs in the community such as homeownership, housing rehabilitation, new construction, rental housing, purchase assistance, mortgage foreclosure intervention, and special needs housing. The LHAP will provide affordable housing opportunities for income eligible residents within the incorporated areas of the City, except as may otherwise be provided through an Inter-Local Agreement with Alachua County (County) for the Special Needs Housing Program (see Exhibit H in the LHAP). The Inter-Local Agreement sets forth: 1) the City and County to jointly advertise the availability of funds and approve project applications; and 2) the City and County to each separately handle its financial expenditures and compliance monitoring for each funded project by the City or County respectively. The Inter-Local Agreement does not restrict eligible special needs housing facilities as to geographical location, but the facilities providing the services must be located within the incorporated areas of Alachua County.

The LHAP proposes to continue on-going housing programs as outlined in the plan, with the following program modifications: 1) Increase the Purchase Assistance Program maximum award from \$5,000 to \$10,000; 2) Increase the New Construction Program maximum award from \$25,000 to \$35,000; 3) Increase the Mortgage Foreclosure Intervention Program maximum award from \$4,000 to \$5,000; 4) Increase the Replacement Housing Program award from \$100,000 to \$125,000; 5) Increase the Disaster Relief Program from \$3,000 to \$5,000; 6) Increase the Special Needs Housing Program maximum award from \$6,000 to \$10,000; 7) Revise the New Construction Rental Program to Rental Construction Program and add the rehabilitation of existing rental units; and 8) Increase the Purchase Price Limit from \$200,000 to the maximum allowable limit as established by the SHIP Program for the Gainesville area which is currently \$237,037. These program changes are required due to changes in market conditions.

During the development of the LHAP, public input and citizen participation was solicited through a series of workshops and meetings in February 2008 and March 2008 with housing providers, local lenders, citizens and other groups involved in the provision of affordable housing. The public comments received during the process are incorporated in the design parameters of each housing strategy. Public input was solicited through media press releases and local newspapers in the advertising of the LHAP. The LHAP has been prepared in accordance with the SHIP Program regulations. On March 3, 2008, the Florida Housing Finance Corporation (FHFC) conducted a courtesy review of the LHAP, and issued a preliminary approval of the plan as submitted.

**Fiscal Note:** The estimated SHIP Program allocation for the City is \$1,093,123 for each state fiscal year 2009-2011 of the LHAP respectively.

**RECOMMENDATION**

The City Commission: 1) adopt the attached resolution, as required by State law, approving the Local Housing Assistance Plan for State Fiscal Years 2009-2011 and authorizing the Mayor to execute all necessary documents and certifications pertinent to the

*Local Housing Assistance Plan, subject to review by the City Attorney as to form and legality ; and 2) authorize the submission of the Local Housing Assistance Program for review and approval by the Florida Housing Finance Corporation.*

*Alternative Recommendation A:*

*The City Commission could choose not to approve the Resolution. This will result in a fiscal impact on the affordable housing programs funded through the SHIP Program, which is estimated at \$1,093,123 for each state fiscal year 2009-2011.*

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## PLAN BOARD PETITIONS

### 071066.

#### **Re-establish Planned Development with Design Plat Review for Walnut Creek Phase II (Quasi-Judicial) (B)**

**Petition 83PDA-06 PB. Cousseaux, Hewitt & Walpole, Inc. agent for Legacy Property Development, Inc. Re-establishment of the expired Walnut Creek Residential Planned Development to allow subdivision of the second phase of the Walnut Creek Residential Development. Zoned: PD (Planned Development) Located in the 2500 block of Northwest 39th Avenue.**

*Explanation: Walnut Creek is a proposed single-family residential subdivision located in the 2500 Block of Northwest 39th Avenue, between Northwest 39th Avenue and Northwest 31st Avenue (Glen Springs Road). It is bounded on the east by Palm Grove, which is a fully developed single-family residential development, consisting of 107 lots. West of the proposed development is Hidden Pines, a single-family residential development, consisting of 76 lots. The subject property consists of approximately 30 acres. It was re-zoned to Planned Development for a single-family residential subdivision called Walnut Creek, Petition 44PDV-00, which was approved by the City Commission on October 9, 2000, by Ordinance 991267. The project included a total of 138 lots to be developed in two phases; the first phase with 73 lots and the second with 65 lots. The applicant received final plat approval for Phase I on May 22, 2003, and proceeded to develop 73 lots. After completion of Phase I, but prior to accepting the infrastructure improvements, the city discovered that the stormwater management system did not function as anticipated. The stormwater problems of Phase I had to be corrected prior to or during the implementation of Phase II.*

*The solution to the stormwater problem proposed by the applicant is to incorporate a portion of the stormwater management system from Phase I into the new design for Phase II. This solution required an increase in the initial size of the Phase II basin and a reduction in number of lots from 65 to 55. The*

applicant filed the necessary applications and proceeded through the review process; however, prior to obtaining final approval, the Planned Development expired. Since the project was substantially into the review process, it was staff's intent to proceed to the City Commission with the petition and request an extension of the Planned Development. However, due to a number of restricting factors, the redesign and review of the project did not proceed as anticipated. The Planned Development expired on November 22, 2004 and the last redesigned version of Phase II was submitted to staff on December 13, 2007. Given the amount of time which has elapsed since expiration of the Planned Development, a request to re-establish the Planned Development was submitted.

The applicant wishes to proceed with development of Phase II and is hereby requesting authorization to re-establish the expired Walnut Creek Planned Development, and to modify the PD layout plan. The proposed modification will affect the following aspects of the Planned Development:

- A reduction in the number of lots proposed on Phase II from 65 to 55;
- A change in the language requiring the collection of all surface water run-offs to be contained on site;
- An increase in the size of the area devoted to stormwater;
- A change in the location and size of common areas;
- A change in the direction of the main roadway alignment as it approaches NW 31st Avenue;
- A change in the number of trees to be removed;
- A change in the layout of lots on the south side, adjacent to Palm Grove Phase 2; and
- A change in the expiration date, providing for an additional 3 years.

The City Plan Board conducted a public hearing on February 21, 2008 and considered a request to re-establish the Expired Walnut Creek Planned Development with an associated design plat for Phase II. The Plan Board expressed concerns about tree preservation and the need to provide adequate separation from proposed utilities. The board also expressed concerns about the implementation of design criteria in the completed Phase I portion and encouraged the applicant to provide a variety of house design, to implement the Traditional Neighborhood design concept, expressed in the Planned Development. The Plan board approved the request to re-establish the Walnut Creek Residential Planned Development by a vote of 5-1. The applicant has agreed to all conditions of the Planned Development.

Public notice was published in the Gainesville Sun on February 5, 2008. Letters were mailed to surrounding property owners on February 5, 2008. The Plan Board held a public hearing February 21, 2008.

*Fiscal Note: None*

**RECOMMENDATION**

City Plan Board to City Commission - The City Commission approve Petition 83PDA-06PB. Plan Board vote 5-1.

Staff to Plan Board - Approve with staff conditions.

*Alternative Recommendation A*

*Approve Petition 83PDA-06PB to re-establish the Walnut Creek Planned Development with associated design plat and staff conditions as attached.*

*Alternative Recommendation B*

*Deny the petition as recommended by the City Plan Board*

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**071067.**

**Design Plat Review and Conditional Final Plat Review for Walnut Creek (Quasi-Judicial) (B)**

**Petition 156SUB-06PB. George E. Fletcher, agent for Legacy Property Development Inc. Design Plat Review of Phases II and III of Walnut Creek Subdivision, on 15.8 acres, M.O.L. Zoned: PD (Planned Development) Located in the 2500 block of Northwest 39th Avenue (Related to Petition 83PDA-06PB).**

*Explanation: The entire Walnut Creek residential Planned Development was approved by the City Commission on October 9, 2000. Final plat for Phase I, 76 lots, was approved on May 22, 2003 and the project was constructed. After completion of Phase I, but prior to accepting the infrastructure, the City discovered that the stormwater management system did not function as anticipated. The second portion of Walnut Creek, Phase II, is therefore designed to accommodate the deficiencies of Phase I. Phase II includes 55 lots instead of the 65 lots approved at design plat. The reduction in lots is due to the redesign necessary to accommodate an approvable stormwater management system.*

*The City Plan Board conducted a public hearing on February 21, 2008 and considered a request to approve the design plat for Phase II of the Walnut Creek Subdivision. The Plan Board heard the petition and expressed concerns about tree preservation, the need to provide adequate separation from proposed utilities and the need to implement the design criteria of the approved planned development. By a vote of 4-2, the Plan Board approved Petition 156SUB-06PB together with the related Petition 83PDA-06PB. The applicant has agreed to all conditions of the subdivision.*

*Public notice was published in the Gainesville Sun on February 5, 2008. Letters were mailed to surrounding property owners on February 5, 2008. The Plan Board held a public hearing February 21, 2008.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 156SUB-06PB. Plan*

*Board vote 4-2.*

*Staff to Plan Board - Approve with staff conditions.*

*Alternative Recommendation*

*Deny the petition*

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## DEVELOPMENT REVIEW BOARD PETITIONS

### 071068.

#### **Blues Creek Subdivision, Unit 5, Phases 2 and 3 (B)**

**Petition 76SUB-07DB. Legislative Matter No. 000000. Eng, Denman & Associates, Inc., agent for Blues Creek Development. Design plat approval of Unit 5, Phases 2 and 3 of Blues Creek Subdivision, for 44 lots on 36.7 acres MOL, having a density of 1.19 dwelling units per acre. Located at the 7900 Block of NW 78th Road.**

*Explanation: In 1981, the Alachua County Board of County Commissioners approved the Blues Creek Subdivision as a residential Planned Unit Development (PUD). The subdivision was annexed into the City of Gainesville in 2001. And, on March 17, 2003, the City Commission voted to adopt a resolution approving the final plat for Blues Creek, Unit 5, Phase 1.*

*The subject property is located immediately south of Blues Creek, Unit 5, Phase 1 and north of Blues Creek. It consists of regulated wetlands, vegetation, and wildlife, and it abuts a 90-acre area identified as Drainage Easement, Developed Recreation & Conservation Area on the County-adopted Blues Creek Master Plan. The land use designation is SF (up to 8 units per acre). The zoning designation is PD (Planned Development).*

*The City Development Review Board considered a request to approve a design plat for Unit 5, Phases 2 and 3 of Blues Creek Subdivision for 44 residential lots on 36.7 (MOL) acres at a public hearing held February 14, 2008. By a vote of 3 - 2, (Abstain: Clay Sweger), the City Development Review Board denied Petition 76SUB-07DB with a finding that it did not fulfill the requirements of the City Land Development Code.*

*Prior to February 14, 2008, the applicant filed for design plat approval of Unit 5, Phases 2 and 3 of the Blues Creek Subdivision for 46 lots on 36.7 (MOL) acres under Petition 11SUB-06DB. The City Development Review Board voted 6-0 on September 14, 2006 to deny the petition based on the following findings of fact: 1) design plat not meeting all the requirements for the PD; 2) incomplete application; 3) unacceptable proposed wetland impacts for the design plat; and 4) unacceptable wetland mitigation plan. The applicant chose not to appear before the City Commission with a recommendation of denial from the Development Review Board and*

*re-applied for design plat approval on June 13, 2007 under Petition 76SUB-07DB.*

*Fiscal Note: None*

**RECOMMENDATION**

*Development Review Board to City Commission - The City Commission deny Petition 76SUB-07DB. Vote 3-2 (Abstain: Clay Sweger).*

*Staff to Development Review Board - This petition shall comply with all applicable regulations, as well as all adopted conditions and recommendations.*

*Alternate Recommendations*

*The City Commission approve Petition 76SUB-07DB as submitted.*

*The City Commission approve Petition 76SUB-07DB with staff conditions and recommendations.*

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**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)**