

City of Gainesville

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



Meeting Agenda

June 07, 2012

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro-Tem Lauren Poe (At Large)

Commissioner Thomas Hawkins (At Large)

Commissioner Yvonne Hinson-Rawls (District 1)

Commissioner Todd Chase (District 2)

Commissioner Susan Bottcher (District 3)

Commissioner Randy Wells (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 line at 334-2069 at least two business days in advance.

CALL TO ORDER - 1:34 PM

AGENDA STATEMENT

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

ROLL CALL

INVOCATION

Prophet George Young

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

120004.

Edward Byrne Memorial Justice Assistance Grant Application (NB)

This item request City Commission authorization to apply for and accept Edward Byrne Memorial Justice Assistance Grant funds (State Solicitation) in the amount of \$10,000 for the Sexual Predator and Offender Tracking Program and \$15,000 for the You and the Law Program.

Explanation: The Edward Byrne Memorial Justice Assistance Grant (State Solicitation) is a competitive grant opportunity consisting of \$109,733 in federal funding allocated for government entities within Alachua County. The Alachua County Sheriff's Office serves as the Grant Administrator and automatically receives 10% (\$10,973) leaving the county \$98,760 to fund continuing and new programs. On May 16, 2012, the Gainesville Police Department presented two programs for consideration by the Policy Board. Both programs are continuing efforts: the Sexual Predator and Offender Tracking Program which requests funding for overtime details and You and the Law which is a community outreach program. The Sexual Predator and Offender Tracking Program monitors and enforces the terms of probation for sexual predators and offenders within the City of Gainesville. You and the Law has been designed to inform youth and adults about their rights, the law, police policy and practices and the development of appropriate communication strategies. Funding for this

program provides partial support for a part-time coordinator that will oversee the assessment of the program.

Fiscal Note: Each application is for a one-year funding cycle that will begin in FY 2012-13. The current Federal regulations do not require a match for this grant. The total award amount for all three programs is \$25,000.

RECOMMENDATION

The City Commission authorize the City Manager to: execute the grant application, grant award, and any other necessary documents, pending review by the City Attorney as to form and legality.

120022.

Agreement for Medical Director Services for Gainesville Fire Rescue (B)

This item requests approval to execute the "Agreement Between the City of Gainesville and the University of Florida Board of Trustees for EMS Medical Director Services" to meet statutory requirements for the provision of advanced life support services by Gainesville Fire Rescue.

Explanation: The City of Gainesville is granted a Certificate of Public Convenience and Necessity by Alachua County to provide advanced life support services (ALS). The Fire Rescue Department has successfully provided (ALS) emergency medical services since January 1990. Florida State Statute 401.265 Medical directors requires each ALS provider to employ or contract with a medical director. The original Agreement for Medical Director Services Between the City of Gainesville and the University of Florida "went into effect in September 1989 and provides the City with medical direction for emergency medical services. In June 2011, the existing medical director left the University of Florida and a new agreement went into development.

The new agreement, effective September 1, 2011 through June 30, 2014, with an automatic renewal of one additional three-year period, records changes for the University of Florida from the previous agreement: 1) Assignment of a new Medical Director, Dr. David Meurer, to replace Dr. Layon; 2) Change of department providing services from College of Medicine Department of Anesthesiology to College of Medicine Department of Emergency Medicine;" and 3) Adjusting payment quarters to match the University's fiscal year.

Fiscal Note: Funding for the agreement in the amount of \$19,500 annually for a total of \$117,000 over a six-year period will be included in the department's Professional Services budget.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute the agreement subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order annually to the University of Florida, Contracts and Grants for Departmental Medical Director services not to exceed \$19,500 annually for a total of \$117,000 for the period

of September 1, 2011 through June 30, 2017.

120022_Agreement_20120607.pdf

120024.

Contract for Federal Lobbying Services (NB)

Explanation: The City of Gainesville originally entered in a contract with Marilyn Berry Thompson through the law firm of Jordan Burt et.al. to provide federal lobbying services and related government liaison services in April 1992. In 2008 the contract was amended to reflect Ms Thompson and the Jordan Burt Federal Government Relations Team's move to MWW Group, Inc. Through the years, the contract has been renewed and currently involves both General Government as well as Gainesville Regional Utility lobbying services. The City Commission last entered into a contract with MWW Group, Inc. on October 1, 2010.

City staff is pleased with the services provided by Marilyn Berry Thompson (MBT) and her staff. Through the twenty years of the contract, the City of Gainesville has secured over \$75 million in incremental federal support up to and through the FY 2012 Congressional appropriations and grant cycle. Based on previous performance, staff is recommending a new two-year contract.

Fiscal Note: Staff is proposing the City contract with MWW Group, Inc. for two years, FY 13 to FY 14. The fee for General Government for FY 13 and FY 14 will be \$113,000. The fee for Gainesville Regional Utilities (GRU) will be \$30,000 annually. The MWW Group, Inc. will continue to pay all expenses without reimbursement. Also, staff is recommending that the professional services by Marilyn Berry Thompson be considered as a specified source or non-competitive contract under the City's Purchasing Policies for the following reasons:

- * Extensive history with the City of Gainesville, negating an extensive learning curve relating to past legislative initiatives.*
- * Established relationships with existing elected officials and staff involved in legislative processes are already in place.*
- * Established track record and knowledge of the Washington legislative process, which has led to successful outcomes for the City of Gainesville.*
- * Firm's current activities handling certain existing initiatives for the City of Gainesville and in researching new ones already authorized by staff and the City Commission. Such ongoing work could be adversely impacted if a change in vendors were to be made at this time.*

RECOMMENDATION

The City Commission authorize the City Manager and the General Manager for Utilities to enter into a contract for fiscal years 2013-2014 with Marilyn Berry Thompson to provide professional federal legislative lobbying and related government liaison grant services through MWW Group, Inc. at a fee of \$113,000 for FY 13 and FY 14 for General Government's portion of the services and \$30,000 annually for Gainesville Regional Utility's portion of the services, subject to

approval of the City Attorney as to form and legality.

120026.**Strategic Plan Quarterly Report - 2nd Quarter of Fiscal Year 2012 (B)**

This item provides a report on the progress of the City Commission's Strategic Goals and Initiatives for the 2nd Quarter of Fiscal Year 2012.

Explanation: As part of the City of Gainesville Fiscal Year 2011 - 2012 Strategic Planning process, the City Manager prepares a quarterly report on accomplishments related to the City Commission strategic goals and initiatives for each quarter of the Fiscal Year. This is the second quarter report for Fiscal Year 2012.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission receives a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 2nd quarter of FY 2012.

120026_FY2012Q2 Report_20120607.pdf

120028.**U.S. Department of Agriculture Forest Service Community Forest Program 2012 Grant Application (NB)**

This item involves a request for the City to accept a grant from the U.S. Department of Agriculture Forest Service, if awarded, to assist the City in the acquisition of 61.21 acres of forested property adjacent to Fred Cone Park.

Explanation: In February 2012, City of Gainesville Parks, Recreation and Cultural Affairs staff was notified of a grant submittal announcement by the U.S. Department of Agriculture Forest Service, with a submittal deadline of May 15, 2012. Prior to the submittal deadline, staff prepared and submitted a grant application proposing the acquisition of 61.21 acres of forested land adjacent to the Fred Cone Park property. These parcels are on the Department's second priority tier of the priority land acquisition list. Acquisition of this forested community will provide necessary greenspace and water quality protection.

Fiscal Note: The total estimated acquisition amount is \$750,000. The U.S. Department of Agriculture Forest Service requires a 50% match. City funding in the amount of \$375,000 is currently available in Wild Spaces Public Places acquisition funds to contribute the required 50% match.

RECOMMENDATION

The City Commission: 1) approve the request to accept a grant, if awarded, from the U.S. Department of Agriculture Forest Service for the acquisition of 61.21 acres adjacent to Fred Cone Park; and 2) if awarded, authorize the City Manager or designee to execute the grant award agreement and other grant-related

documents, subject to approval by the City Attorney as to form and legality.

120032.**State Law Enforcement Contraband and Forfeiture Trust Fund Funding for the 2012 Summer Heat Wave/Operation Respect Yourself Program (NB)****This is a request for funding to support the 2012 Summer Heat Wave/Operation Respect Yourself Program.**

Explanation: The Gainesville Police Department is requesting \$10,000 for the 2012 Summer Heat Wave/Operation Respect Yourself Program. The funds will be used to facilitate recreational activities and supply food, drinks and recreational supplies. Heat Wave is a summer youth program in its fifth year aimed at providing focused and structured summer recreational activities complete with positive messaging and weekly positive themes. It is free to all youth participants.

In addition, Operation Respect Yourself focuses on social events for school age children combining music, food, and sport activities emphasizing non-violent conflict resolution. These events are scheduled at the City of Gainesville pools throughout the city. This is a joint partnership between the City of Gainesville's Parks, Recreation, and Cultural Affairs Department and the Gainesville Police Department. Additionally, in-kind services will be provided by City staff. Parks, Recreation and Cultural Affairs Department will utilize up to \$5,000 for the youth program.

Fiscal Note: Funds in the amount of \$10,000 for this expenditure are available in the State Law Enforcement Contraband and Forfeiture Trust Fund, as allowed under FSS 932.7055. The unreserved balance in the account is approximately \$27,765 before this expenditure.

RECOMMENDATION

The City Commission approve the use of State Law Enforcement Contraband Forfeiture Trust Funds not to exceed \$10,000 to support the Summer Heat Wave/Operation Respect Yourself 2012 Program.

Alternative Recommendation

The City Commission deny funding which will result in the Summer Heat Wave/Operation Respect Yourself 2012 Program being cancelled or scaled back

120034.**Contract for State of Florida Lobbying Services (NB)**

Explanation: Doug Bruce & Associates has provided the City with lobbying services since March 1, 2005. In that time, Mr. Bruce has provided the City of Gainesville

with satisfactory service lobbying the State of Florida on behalf of the City. The city's contract with Doug Bruce and Associates will expire on September 30, 2012. Staff is recommending that the City Commission issue a request for proposals for State of Florida lobbying services; however, if the City Commission approves entering into a new contract with Doug Bruce and Associates the new contract will begin on October 1, 2012 and continue through September 30, 2013.

Fiscal Note: The current contracted cost for State of Florida Lobbying Services is \$49,440. Up to \$50,000 is proposed in the FY 2013 budget and the City Commission has directed General Government and Gainesville Regional Utilities to split the cost of the contract for State of Florida Lobbying Services and each will pay up to \$25,000 annually.

RECOMMENDATION

The City Commission: 1) direct staff to issue a request for proposals for State of Florida lobbying services for an amount not to exceed \$50,000 which is included in the proposed FY 2013 budget; 2) authorize the City Manager or designee and the GRU General Manager or designee to negotiate an agreement with the winning respondent; and 3) authorize the City Manager or designee and the GRU General Manager or designee to execute the contract subject to approval of the City Attorney as to form and legality.

Alternative Recommendation

The City Commission: 1) approve the contract for State of Florida Lobbying Services provided by Doug Bruce & Associates; and 2) authorize the City Manager or designee and the GRU General Manager or designee to execute the contract including compensation up to \$50,000, subject to approval of the City Attorney as to form and legality.

120035.

Regional Transit System (RTS) Transit Operator Positions (NB)

This item is a request to approve the Regional Transit System (RTS) to add 10 additional transit operator positions.

Explanation: The issue of overtime at the Regional Transit System (RTS) was referred to the Audit, Finance and Legislative Committee (AFLC) during the City Commission meeting on March 1, 2012. RTS staff subsequently met with Budget and Finance staff and prepared a report that was presented to the AFLC on April 3, 2012. At that meeting, City Manager Russ Blackburn, Assistant City Manager Paul Folkers and the RTS Operations Manager discussed the need for additional transit operators. The Transit Operator position is unique in that when an operator is absent (i.e., sick, vacation, PTOS, PTOU, FMLA, etc.), they must be replaced with another operator. This can be accomplished voluntarily or

involuntarily. However, because RTS currently has 185 FTE positions and 185 assignments, open assignments must be filled at an overtime rate of pay. Forced overtime is assigned only when the number of open assignments exceeds the number of volunteers and is a last resort because it negatively affects retention, safety and employee morale.

The AFLC passed the recommendation that the City Commission authorize the City Manager to propose additional RTS driver-operator positions in the FY12 operating budget with implementation details to be provided to the City Commission by the City Manager.

Budget and Finance and RTS staff met on May 14, 2012 and determined that ten (10) additional transit operator positions would be appropriate at this time and recommended this to the City Manager. Budget and Finance and RTS staff will monitor the budget, expenses, and overtime to ensure that this recommendation meets the objective of reducing overtime.

Fiscal Note: The reduction of \$383,970 in the overtime budget will fund the ten (10) additional transit operator positions. These funds are available in the RTS FY12 operating budget.

RECOMMENDATION

The City Commission approve the addition of ten (10) transit operator positions for the Regional Transit System (RTS).

120041.

Non-Ad Valorem Assessment for Solid Waste Management (B)

This item is a request for the City Commission to authorize the City Attorney to draft an ordinance allowing the assessment for solid waste management to continue inside the city limits for an additional three years.

Explanation: Since October 1, 1997, the Alachua County Commission has approved a non-ad valorem assessment for solid waste management in order to cover the cost of the Waste Alternatives program, the Household Hazardous Waste program and approximately 36% of the Rural Collection Center program. Beginning with the 1997-98 fiscal year, all municipalities in Alachua County, except for LaCrosse, have approved ordinances allowing the collection of the assessment within their respective municipal limits. The City's ordinance expires September 30, 2012. The Board of County Commissioners is requesting that the City of Gainesville adopt an ordinance allowing the assessment for solid waste management to continue inside the municipal limits for an additional three years, effective October 1, 2012 through September 30, 2015.

The Waste Alternatives Program provides public education and resources for our community emphasizing a new philosophy in waste reduction: Embrace Zero Waste. Zero Waste encourages the elimination of the inefficient use of our resources. Waste Alternatives programs help accomplish this by focusing on source reduction, reuse, recycling, composting, household hazardous waste and

litter prevention through a variety of learning tools. Waste Alternatives Specialists visit schools throughout the County using a curriculum approved by the school board for students in grades Pre-K through 12. Waste Alternatives staff also provides presentations to civic groups and businesses. A large multi-media campaign supports the program and serves as an additional outreach mechanism to our community. Waste Alternatives also provides recycling containers for special events, manages the Alachua County commercial recycling program, sponsors special recycling events, operates a reusable resource center for teachers (Tools for Schools) in cooperation with the Alachua County School Board, and acts as liaison between the waste haulers and recyclers and residents and businesses. These activities are county-wide and include all municipalities.

The Alachua County Environmental Protection Department's Hazardous Waste program provides collection, recycling and disposal of Household Hazardous Waste (HHW) including automotive fluids, paints, toxic chemicals, fluorescent lamps and electronic scrap through the Alachua County Household Hazardous Waste Collection Center at the Leveda Brown Environmental Park, at the Rural Collection Centers and through periodic mobile HHW collection events throughout the county. In addition, the program provides emergency response for hazardous materials incidents, inspection and monitoring of small quantity hazardous waste generators and complaint investigations regarding hazardous materials and wastes. The program also provides, on a fee basis, hazardous waste disposal services for conditionally exempt small quantity generators of hazardous waste. All activities are county-wide and include all municipalities.

The Rural Collection Centers provide drop-off sites for residential solid waste, recycling and non-toxic household hazardous waste. The Rural Collection Centers are funded through two sources. Approximately 64% of the funds come from the Rural Collection Center assessment (assessed to rural residents of unincorporated Alachua County) and about 36% from the Solid Waste Management assessment (assessed to all residents of the county except for rural, unincorporated residents). The proportion from each funding source is based upon a survey of users of the collection centers to determine what percentage are rural residents as compared to municipal and County mandatory curbside collection residents.

The Solid Waste Facilities Cost includes the cost of providing, maintaining, operating, and monitoring the Solid Waste Management Facilities known as "closed landfills" (including the Northeast, the Northeast Auxiliary, the Southeast and the Northwest closed landfills) and the property intended for future Solid Waste Management Facilities known as Balu Forest. These costs are currently being accounted for in the tipping fee charges.

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

RECOMMENDATION

The City Commission authorize the City Attorney to draft an ordinance allowing the assessment for solid waste management to continue inside the municipal limits of Gainesville for an additional three years.

120041_Letter_20120607.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

120036.

Disposal of Surplus Electric Distribution Equipment (NB)

Staff recommends extending the contract with Solomon Corporation for the repair, analysis and disposal of used electric distribution equipment.

Explanation: The Energy Delivery apparatus repair group is responsible for the testing and evaluation of electric distribution equipment that is removed from service. The equipment includes conventional, single-phase and three-phase pad-mounted transformers. All units removed from service are evaluated for efficiency, physical and electrical condition and useful remaining life. If the unit meets GRU standards, it is returned to inventory for future use. Units that fail to meet these standards are decommissioned and sold to a licensed contractor. The utility is paid a salvage value for these units based on the type and size of the equipment and the current market value. Based on the condition of the unit, the Contractor determines if the equipment is best suited to be reconditioned, sold, or disposed and notifies GRU of the method of disposal along with supporting documentation for all decommissioned units. GRU has recovered \$235,610 since the start of the contract.

The City Commission approved a three-year contract with Solomon Corporation on June 18, 2009. The contract allows for three one-year extensions of the contract based on American Metal Market pricing and an established pricing formula.

Fiscal Note: This contract will allow for recovery of funds for units designated as surplus through June 30, 2015. GRU anticipates a return of approximately \$75,000 for each year of the contract.

RECOMMENDATION

The City Commission: 1) declare electric distribution equipment removed from service and classified as decommissioned as surplus; and 2) authorize the General Manager, or his designee, to execute amendments extending the contract with Solomon Corporation for up to three one-year periods.

120048.

Asset Management Software (B)

Staff recommends the purchase of asset management software from Digital Inspections, a division of KEMA, Inc. for the Substation and Relay Division

Explanation: GRU's Substation & Relay Division is responsible for ensuring that the electric utility's critical substation and relay infrastructure are properly and regularly

maintained. Staff uses an asset management software system to schedule maintenance of substation/relay equipment to assure optimum condition and compliance with the applicable North American Electric Reliability Corporation (NERC) operating standards. Currently these maintenance activities are scheduled and tracked by a software system purchased in the late 1990s that is no longer current or fully supported. The existing system uses a time-based maintenance program and lacks the functionality required to employ a more efficient health and risk-based maintenance approach.

A new asset management system will have the analytics required to make maintenance decisions based on health, condition, and criticality of the equipment. With robust performance management and reporting tools, the system will help ensure compliance with NERC operating standards. Non-compliance can result in significant fines and penalties.

A health-based approach allows decisions to be based on the current condition of the equipment, permits optimum adjustment to the maintenance cycle, extends equipment life, and provides insight in the development of replacement programs. Risk-based algorithms help prioritize maintenance based on the criticality of the equipment. These approaches improve reliability, extend equipment life and reduce maintenance costs.

Utilities Purchasing issued a Request for Proposals to eight companies that provide asset management systems. Three proposals were received and evaluated based on proposer's qualifications, approach/management/schedule, software solution, five-year overall cost, product usability and functionality, and local preference. Digital Inspections submitted the highest rated proposal based on a CASCADE software system. The five-year cost of the system including maintenance is \$229,100. The requested approval amount of \$172,700 reflects the cost of the software and first year of maintenance. Subsequent years for maintenance costs will be budgeted as required but will be below the threshold for City Commission approval. A summary of the evaluation is attached for your information.

Fiscal Note: Funds for this equipment are available in the FY 2012 budget.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a Software License, Consulting Agreement, and Software Support Contract with Digital Inspections, a division of KEMA, Inc. for CASCADE software licenses, installation, and support, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Digital Inspections for the purchase, implementation, and first year maintenance of their CASCADE asset management software in the amount of \$172,700.

2012-046 eval sum.pdf

CITY ATTORNEY, CONSENT AGENDA ITEMS

110938.**ALFREDO NOBLE-RODRIGUEZ V. CITY OF GAINESVILLE;
EIGHTH JUDICIAL CIRCUIT, CASE NO. 2012-CA-1399 (B)**

Explanation: On May 15, 2012, the City was served with a Summons and Complaint filed by Alfredo Noble-Rodriguez in the Circuit Court. Alfredo Noble-Rodriguez alleges that he was involved in an automobile accident with a City vehicle on January 15, 2009 at or near the intersection of US Hwy 441 (SR 25) and SR 331, in Gainesville. Alfredo Noble-Rodriguez claims to have suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and aggravation of a previously existing condition. Mr. Alfredo Noble-Rodriguez seeks money damages in excess of \$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Alfredo Noble-Rodriguez v. City of Gainesville; Eighth Judicial Circuit, Case No. 2012-CA-1399.

110938_Noble-Rodriguez Consent_20120607.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**120046.****City Commission Minutes (B)**

MODIFICATION - Minutes added to back-up 5/30/2012.

RECOMMENDATION

The City Commission approve the minutes of May 14, 2012 and May 17, 2012 (Swearing In and Regular Meeting), as circulated.

120046__MOD_may 14, 2012_special_mtg. minutes_20120607 (1).pdf

120046__MOD_may 17, 2012_regular_mtg. minutes_20120607 (3).pdf

120046__MOD_may 17, 2012_special mtg. minutes_20120607 (2).pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE,
CONSENT****COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****070777.****Partial Release of Lien Affecting 1245 Southeast 4th Avenue, Tax Parcel
#11669-000-000 and 1239 Southeast 3rd Avenue, Tax Parcel #11670-000-000**

(B)

Explanation: The City Commission referred the issue of partial release of liens following a request to release a lien affecting 1245 Southeast 4th Avenue and 1239 Southeast 3rd Avenue. The lien stemmed from a city ordinance violation on another property owned by the same property owner which resulted in fines accruing and a lien enforced by the City of Gainesville Code Enforcement Board. Liens are enforced when property owners fail to comply with a Code Enforcement Board (CEB) order and fines exist. Liens apply to all property owned by the subject property's owner. If the property comes into compliance, the CEB can rescind a fine the board imposes which effectively removes the lien, however, only the City Commission has the authority to release a lien imposed by the city. In the case which led to the referral to the Community Development Committee (CDC), a request was made to release a lien on properties owned by a property owner whose ordinance violations resulted in a lien but not the properties where the violations occurred.

The CDC discussed this item on February 27, 2012, and recommended that because liens may only be released by the City Commission, staff should continue to present requests for the partial release of liens on secondary properties to the City Commission for approval. When staff receives a request, staff will evaluate the request to determine if: 1) blight will be removed from the neighborhood; 2) the new property owner has a clear plan for productive use of the property; and 3) the actions are clear to achieve a positive impact on the neighborhood and community. Staff will also review the condition of the property to ensure that no city ordinance violations exist at the time of the request. If the aforementioned conditions are met, staff will recommend that the City Commission approve the request.

The City Commission has received two recent requests to release an administrative lien enforced by the city resulting from abatement actions taken by the city. These liens are in place to recover city funds used to abate a city ordinance violation. The committee recommended that the City Commission add an item regarding the reduction or rescission of administrative liens to the Community Development Committee referral list for further review and discussion.

Fiscal Note: None

RECOMMENDATION

The Community Development Committee to the City Commission: 1) remove item #070777 from the Community Development Committee referral list; and 2) refer the issue of the reduction or rescission of administrative liens to the Community Development Committee referral list.

Legislative History

1/14/08	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
1/14/08	City Commission	Referred	Community Development Committee

2/27/12 Community Development Committee Approved as Recommended
070777_200801141300.pdf
070777_20080114REVISED.pdf
070777_Memo_20090423.pdf
070777_PowerPoint_20120227.pdf
070777_CDC 2-27-12 Minutes_20120607.pdf

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

120042.

Follow-up to Annexation Strategy Workshop - 2012 Northwest Area Annexation Referendum (B)

This is a request for authorization to commence the process for an annexation by referendum of an area west of NW 43rd Street, north of W. Newberry Road, east of I-75 and south of NW 53rd Avenue.

MODIFICATION: Moved to the beginning of the afternoon portion of the Regular Agenda today 6/7/2012.

Explanation: On March 19, 2012 the City Commission held an annexation strategy workshop where three annexation scenarios were considered for inclusion on the general election ballot this November based on the financial impact to property owners and the cost of providing urban services to those areas. The areas analyzed for potential annexation followed existing voting precinct boundaries in Alachua County.

On March 26, 2012 staff learned from the Supervisor of Elections that the existing precinct boundaries would soon change due to the redistricting process in Florida, therefore the Commission delayed any further action on the proposed annexation area, pending new precinct boundaries.

On May 22, 2012 the Board of County Commissioners (BOCC) adopted new precinct boundaries, enabling staff to move forward with analyzing an area for annexation by referendum. Due to the delay in getting the new map, the timeline for the annexation process is compressed. The attached schedule outlines which Special and Regular City Commission meetings would be targeted for the first

and second readings of the ordinances to meet the Legislative requirements for annexation.

The Alachua County Boundary Adjustment Act (BAA) provides two mechanisms for annexation - voluntary annexations and annexations by referendum. An annexation by referendum is one in which the registered voters in a defined annexation area vote for or against annexation. As defined in the BAA, it is appropriate to consider annexation in order to ensure sound urban development and accommodation to growth, ensure the efficient provision of urban services to areas that become urban in character, and to encourage development in designated reserve areas that efficiently utilize services and prevent urban sprawl.

Based on these parameters, the areas in newly designated precincts 22 and 40 (excluding the parts already incorporated) would be appropriate for an annexation by referendum. The attached map shows the boundaries of each precinct and illustrates that each area is independently contiguous to the current city limits. The two precincts are generally located west of NW 43rd Street, north of W. Newberry Road, east of I-75 and south of NW 53rd Avenue.

The referendum would be conducted on November 6, 2012 in coordination with the General Election.

Fiscal Note: The fiscal impact of this annexation will be addressed in the Urban Services Report.

RECOMMENDATION

The City Commission: 1) direct the City Manager to analyze both precincts 22 and 40; 2) direct the City Manager to notify the Supervisor of Election of the desire to conduct the referendum on November 6, 2012; 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation referendum of the area, if appropriate; and 4) approve the dates for the ordinance readings as shown in the schedule and waive the rules to hear the ordinance reading before 5pm on July 17, if necessary.

Alternative Recommendation A:

The City Commission: 1) direct the City Manager to analyze precinct 22 only; 2) direct the City Manager to notify the Supervisor of Election of the desire to conduct the referendum on November 6, 2012; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation referendum of the area, if appropriate; and 4) approve the dates for the ordinance readings as shown in the schedule and waive the rules to hear the ordinance reading before 5pm on July 17, if necessary.

Alternative Recommendation B:

The City Commission: 1) direct the City Manager to analyze precinct 40 only; 2) direct the City Manager to notify the Supervisor of Election of the desire to conduct the referendum on November 6, 2012; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation referendum of the area, if appropriate; and 4) approve the dates for the ordinance readings as shown in the schedule and waive the rules to hear the ordinance reading before 5pm on July 17, if necessary.

Alternative Recommendation C:

The City Commission deny authorization to initiate the process for the annexation referendum.

120042A_Annexation Schedule_20120607.pdf

120042B_Map_20120607.pdf

120005.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2012 Formula Program: Local Solicitation (NB)

This is a request for the City Commission to hear a discussion on the proposed use of funds in the amount of \$70,083 from the Edward Byrne Memorial Justice Assistance Grant (JAG) and approve the grant application for these funds.

Explanation: The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, has announced available grant funds to local units of government through the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The City of Gainesville is eligible to receive \$70,083 in funding through this grant. The JAG program allows local governments to support a broad range of activities to prevent and control crime. The funding distribution is based on population and crime statistics, as well as law enforcement expenditure data. The JAG Program blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) programs to provide agencies with the flexibility to prioritize and place Justice Funds where they are needed the most. The Gainesville Police Department proposes to utilize the funds received under this grant to purchase Information Systems battery backup systems to support the network; as well as, gas mask filters, G-Unit cameras and equipment, stop sticks and three digital in-car cameras for patrol, an identification system for use at the Reichert House Youth Academy, forensic equipment and a vehicle conversion kit for crime scene investigation.

Fiscal Note: The \$70,083 in grant funds provided by the U.S. Department of Justice through the Edward Byrne Memorial Justice Assistance Grant is distributed up front instead of on a reimbursement basis. There are no required local matching funds for this grant award.

RECOMMENDATION

The City Commission: 1)hear a report from staff on the City's proposed use of these funds; 2) authorize the City Manager to accept and execute the grant award

and any other necessary documents, subject to approval by the City Attorney as to form and legality; and 3) approve the expenditures as outlined in the approved grant award.

110874.**Charter County and Regional Transportation System Surtax (B)**

This item is to provide an update to the City Commission on action that the Alachua County Board of County Commissioners took at their May 22, 2012 meeting.

MODIFICATION: Additional back-up added 6/7/2012 @ 12:30 PM.

Explanation: At their May 22, 2012 meeting the Alachua County Board of County Commissioners voted 3 -2 (Commissioners Byerly and DeLaney dissenting) to reject the transit portion of the surtax for the 2012 ballot. A second motion passed 3 - 2 (Commissioners Byerly and DeLaney dissenting) that included the acceptance of the City of Gainesville Agreement with the super majority language for the roads portion of the surtax.

Based on previous actions of the County Commission and negotiations between the City and County staff, the smaller municipalities were going to receive a combined 13.54% and the City of Gainesville and Alachua County would split the remaining revenue 50/50. This proposal provided 43.23% (\$12.9 million/year) of the total revenue to the City of Gainesville. After the County Commission took action to split the referendum into two ballots, the presumption was that the City of Gainesville would receive the total revenue from the ¼ cent transit surtax (\$7.5 million/year) and the 24.31% of the roads surtax (\$5.5 million/year). However, based on the most recent County Commission action the City of Gainesville will receive 24.31% (\$5.5 million) of the referendum.

Subsection 212.055(1)(d)(4), Florida Statutes, provides that proceeds from the surtax levied may be distributed according to an Interlocal agreement between the County governing body and the governing bodies of the municipalities. The City of Gainesville is required to enter into an Interlocal Agreement if we are to receive any of the funds that would be generated from the surtax if it was to pass. Staff recommends that the Commission send a letter to the County Commission requesting that they 1) reconsider the transit surtax Interlocal agreement and if not then 2) renegotiate the distribution formula for the ¾ cent road Interlocal Agreement to be a 50% split of the revenue (less the 13.54% to the smaller municipalities) and to eliminate the prohibition on the use of the proceeds on transit and sidewalks.

Fiscal Note: As currently contained in the Interlocal Agreement the ¾ cent surtax for roads is projected to raise \$337,500,000 over the 15 year period with 24.31% (approximately \$82,500,000) transmitted to the City of Gainesville or \$5,500,000 annually. Amounts will vary depending on actual revenues.

RECOMMENDATION

The City Commission discuss and take action as deemed appropriate.

Legislative History

3/29/12 City Commission No Action Taken
5/3/12 City Commission Approved as Amended (7 - 0)

110874A_City Sales Tax PPT_20120329.pdf
110874B_Overall Project Cost_20110329.pdf
110874C_Transit Route Cost_20110329.pdf
110874_PotentialTaxDistributionTable_20120503.pdf
110874_Presentation_20120607.pdf
110874_MOD_ppt_Per Capita Revenue_20120607.pdf
110874_precinct results_20120607.pdf
110874_MOD_new slide_20120607.pdf
110874_MOD_Thomas Hawkins memo_20120607.pdf

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****RECREATION, CULTURAL AFFAIRS & PUBLIC WORKS COMMITTEE****110398.****Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project (B)**

This item provides an update to the City Commission from the Recreation, Cultural Affairs and Public Works Committee regarding the public use elements of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project.

Explanation: During the June 17, 2010, meeting of the City Commission, staff was directed to investigate the possibility of privatizing the operation and maintenance of the public use facilities. It may be possible to operate the park in a manner similar to the Kanapaha Botanical Gardens model. Staff proposes to issue a Request for Letters of Interest from parties potentially interested in operating the wetland park. If privatization is determined to be feasible, the respondents may be invited to join the design team and help finalize the design of the public use facilities."

Staff pursued the City Commission's direction, and found that Kanapaha Botanical Gardens (Gardens) is a 62-acre facility founded, developed, funded and operated by the North Florida Botanical Society, a non-profit educational

organization. The Gardens' funding comes from a variety of sources: memberships, admissions, rentals, grants and donations. Staff completed a solicitation for a contract operator for the wetland park, which concluded on September 28, 2011; no responses were received. Staff presented this information to the City Commission on October 10, 2011, at which time the matter was referred to the Recreation, Cultural Affairs and Public Works (RCAPW) Committee for further discussion.

The capital construction costs of the project are being shared between GRU and the City's stormwater utility. GRU and Public Works will also share in the recurring operation and maintenance costs associated with the non-public use elements of the project. This leaves the question of how to address the recurring operation and maintenance costs for the public use elements of the project. The Parks, Recreation & Cultural Affairs (PRCA) Department prepared cost estimates for operation and maintenance of the public use facilities. It is important to note that no funding is budgeted or planned for future operation and maintenance of these public use facilities by PRCA and the Department does not have the capacity to take on these responsibilities without additional funding.

At the April 9, 2012 RCAPW Committee meeting, PRCA staff presented rough estimates of the costs for operation and maintenance of the public use facilities including: Option 1 for contract operation and Option 2 for PRCA operation of the public use elements of the facility. At the May 14, 2012 RCAPW Committee meeting an update was presented by Alice Rankeillor with GRU Water/Wastewater Planning. Ms. Rankeillor explained that the public use elements included in the base bid are a paved driveway, parking, walkways and shade shelters. The observation tower, visitor's center, welcome classroom and security residence are optional and could take place during later phases of the project. Completion of construction of the first phase is expected in 2014.

The water quality improvement project is on track and moving forward. The Committee suggested that feedback from other entities might assist the City formulate a better bid or path of approaching interested parties to handle the operations and maintenance of this wetland park. The Recreation, Cultural Affairs and Public Works Committee unanimously voted to recommend to the City Commission that this item be discussed as a potential increment during City Commission budget discussions.

Fiscal Note: No funding is budgeted or planned for future operation and maintenance of these public use facilities by PRCA and the Department does not have the capacity to take on these responsibilities without additional funding.

PRCA costs estimates for contractor or City staff operation and maintenance of the public use elements of the facility range from \$73,000 - \$102,000 in the first year of operation expected to be in FY 14. Additional public use elements that could be incorporated into Phase 1 of the project, based on construction cost bidding, would add additional operations and maintenance costs. Project construction bids are expected at the end of May. Phase 2 public use elements such as the Visitor's Center and other facilities would also increase the annual operations and maintenance costs.

RECOMMENDATION

The City Commission: 1) hear an update from staff on this item; 2) direct the City Manager to add this item to the list of increments to be discussed during City Commission budget discussions; and 3) remove this item from the Recreation, Cultural Affairs and Public Works Committee pending referral list.

Legislative History

10/20/11	City Commission	Referred (6 - 0 - 1 Absent)	Recreation, Cultural Affairs and Public Works Committee
4/9/12	Recreation, Cultural Affairs and Public Works Committee	Approved as Recommended	
5/14/12	Recreation, Cultural Affairs and Public Works Committee	Approved as shown above (See Motion)	

110398_MOD_PaynesPrairieSheetflow_60%_CC_20111020.pdf
 110398A_Sheetflow PPT_20120312.pdf
 110398B_Rate Information_20120312.pdf
 110398C_Cost Estimates_20120312.pdf
 110398A_Sheetflow PPT_20120409.pdf
 110398B_Rate Information_20120409.pdf
 110398C_Cost Estimates_20120409.pdf
 110398A_Sheetflow Presentation_20120514.pdf
 110398B_Phase I Cost Estimates_20120514.pdf
 110398B_MOD Phase I Cost Estimates_20120514.pdf
 110398A_May RCAPW PPT_20120607.pdf
 110398B_Cost Estimate Table_20120607.pdf
 110398_MOD_Boardwalk_20120607.pdf
 110398_MOD_RainGarden_20120607.pdf
 110398_MOD_WelcomeClassView_20120607.pdf

AUDIT, FINANCE & LEGISLATIVE COMMITTEE**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****110819.****Selection of Candidates for the City Attorney Recruitment/Replacement Process (B)**

Explanation: On July 31, 2012, City Attorney Marion Radson will be retiring. In order to prepare for his departure, it is necessary to actively pursue a replacement.

On January 5, 2012, the City Commission authorized the Human Resources/Organizational Development (HR/OD) Department to draft and publish for bids an RFP for a search firm to fill the soon-to-be vacant City Attorney position for the City of Gainesville.

On February 16, 2012, the City Commission selected the search firm to fill the soon-to-be-vacant City Attorney position.

The City received resumes of applicants for this position from the search firm, Bob Murray and Associates. Following screening of the candidates' applications, Bob Murray and Associates submitted a summary of the most highly qualified candidates for consideration along with their resumes.

Fiscal Note: There is no fiscal impact at this time.

RECOMMENDATION

The City Commission: 1) select at least three (3), but no more than eight (8), applicants to move forward in the selection process; 2) authorize Bob Murray and Associates to invite the selected candidates to participate in the interview process; and 3) approve a special meeting for City Attorney interviews and selection of the new City Attorney (and authorize the Mayor to negotiate a contract with the top ranked candidate if deemed appropriate) on June 26 at 9:00 a.m.

110819_candidate_booklet_20120607..pdf

110819_Commission Ballots_20120612.pdf

110819_Tally Sheet_20120607.pdf

120031.

Temporary Re-appointment of Marion J. Radson as City Attorney (NB)

Explanation: City Attorney Marion J. Radson will be retired from his regular employment with the City on July 31, 2012. The City is currently in the process of recruiting and selecting a candidate to succeed him as City Attorney; however, a new City Attorney may not be selected and available to start work with the City by August 1, 2012. Mr. Radson is agreeable to temporarily serve as City Attorney after July 31, 2012 should his successor not be selected or available to start work with the City by August 1, 2012.

During his temporary appointment as City Attorney, Mr. Radson would receive the same wages and benefits provided to him under his current employment agreement with the City except to the extent that such wages and benefits are not available to him in a temporary capacity. Those exceptions would be addressed as follows:

--In lieu of his receipt of longevity pay, a 6% increase to his base pay would be provided to Mr. Radson;

--In lieu of his participation in the City of Gainesville Employees Pension Plan,

Mr. Radson would be eligible to participate in the City's 401(a) plan, which provides for a City contribution of 10% of gross pay and employee contribution of 5% of gross pay;

--Since Mr. Radson's leave balance at the start of his temporary appointment would be zero, at the time of his temporary appointment he would be provided five (5) days of paid time off available for use immediately;

--In lieu of the termination and severance pay provisions set forth in his current employment agreement, either the City Commission or Mr. Radson would be permitted to terminate his employment as City Attorney without the payment of severance upon either party providing the other party with thirty (30) days written notice; and

It is anticipated that Mr. Radson's temporary appointment would not extend beyond October 1, 2012. Mr. Radson has reviewed, and is in agreement with this approach and resolution of this matter.

Fiscal Note: Wages and benefits will be paid from the Personal Services Budget of the City Attorney's Office.

RECOMMENDATION

The City Commission: 1) temporarily appoint Marion J. Radson to serve as City Attorney effective August 1, 2012 should his successor not be selected or available to start work with the City by August 1, 2012 in accordance to the terms and conditions of employment set forth in this agenda item; and 2) authorize the Mayor to execute an employment agreement with Mr. Radson outlining the terms and conditions of employment set forth in this agenda item.

120058.

**Request for Letter of Support for Cotton Club Grant from the City of Gainesville and the Gainesville Community Redevelopment Agency (CRA)
(B)**

MODIFICATION: New item added May 30, 2012 by Commissioner Hawkins.

RECOMMENDATION

The City Commission discuss the request for the letter of support for the Cotton Club Grant and take appropriate action.

120058_MOD-Ltr of support_20120607.pdf

COMMISSION COMMENTS (if time available)

RECESS - 5:26 PM

RECONVENE - 6:31 PM

PLEDGE OF ALLEGIANCE (5:30pm)**PROCLAMATIONS/SPECIAL RECOGNITIONS****CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****120037.****Approval of Resolution and Granting of a Pedestrian Trail Easement to the Florida Department of Transportation (B)**

The Florida Department of Transportation (FDOT) is constructing a pedestrian trail from 91st Street and Archer Road west to the SR 45 in the City of Archer and they require an easement on City property to complete the project.

MODIFICATION: New back-up added 6/4/2012 and revised 6/5/2012.

Explanation: The Florida Department of Transportation (FDOT) has secured Federal Transportation Enhancement Funds to facilitate the construction of a pedestrian trail along Archer Road beginning at SR 45 in the City of Archer and extending east to SW 91st Street. FDOT will construct the trail parallel to the City's utility corridor along Archer Road. The City's utility corridor runs within the old CSX Right-of-Way in this area. In order to facilitate the project, FDOT has requested that the City grant a 20' wide easement along the northern border of the utility corridor beginning in the 15000 block of Archer Road extending west to the City of Archer.

Staff has reviewed this request and has no objections to the granting of the easement. There are currently no City of Gainesville utilities located in the area of the utility corridor. Further, the location of the easement would allow for the City to utilize the remaining area of the corridor to the south of the easement, with minimal disruption of the trail.

Fiscal Note: There will be no fiscal impact to the City.

RECOMMENDATION

The City Commission: 1) adopt a Resolution, subject to approval by the City Attorney as to form and legality, granting FDOT an easement on City of Gainesville property in the 15000 block of SW Archer Road; and 2) authorize the Mayor to execute said Resolution and associated Pedestrian Trail Easement, subject to approval by the City Attorney as to form and legality.

Revised Alternative Archer Trail 3-23-121.pdf
Pedestrian Trail Easement.pdf
Archer Trail Resolution.pdf
120037_MOD_REVISED_RES_20120607.pdf

120050.**Resolution for Interlocal Agreement for the Allocation and Implementation of National Pollutant Discharge Elimination System (NPDES) Program Requirements and for Orange Creek Basin Management Action Plan (OCBMAP) Projects (B)**

This item is associated with a Resolution authorizing the City Manager to execute an Interlocal Agreement between the Florida Department of Transportation and the City of Gainesville for the Allocation and Implementation of NPDES Program Requirements and OCBMAP Projects

MODIFICATION: New item added 6/5/2012.

Explanation: The City, Alachua County (County), and the Florida Department of Transportation (FDOT) entered into a tri-party Interlocal Agreement for the joint implementation of the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Stormwater Systems (MS4) program in the Gainesville Urbanized Area in September of 2001. This Interlocal Agreement presented a financial plan for the implementation of programs to meet requirements of the Clean Water Act. Since that time, the City has served as the administrative body of the Gainesville Clean Water Partnership - a Partnership under which the City, County and FDOT have worked cooperatively on programs that meet Clean Water Act requirements.

Upon expiration of the tri-party agreement on September 30, 2012, FDOT and Alachua County have mutually agreed to enter into separate Interlocal Agreements with the City for continued collaborative implementation of programs that meet permit requirements. The reason for separate agreements is that FDOT has a different fiscal year (FY) than the City so the new FDOT agreement end date will coincide with the FDOT's FY.

Fiscal Note: Over the five year term of the Agreement FDOT will provide up to \$771,435 to the City of Gainesville for allocation and implementation of NPDES Programs and OCBMAP Projects. The City of Gainesville portion of the costs for implementation of the NPDES Programs and OCBMAP Projects is up to \$1,630,715 over the five year term contingent on Stormwater Management Utility funds (SMU) and the Capital Improvement Plan process allocation to meet the required match for these programs and projects.

RECOMMENDATION

The City Commission adopt the Resolution.

120050_Resolution_20120607.pdf
120050A_Agreement_20120607.pdf
120050B_AttachmentB_20120607.pdf
120050C_AttachmentC_20120607.pdf

ADOPTION READING-ROLL CALL REQUIRED

ORDINANCES, 1ST READING- ROLL CALL REQUIRED**ORDINANCES, 2ND READING- ROLL CALL REQUIRED****110283.****VENDING BOOTH VENDORS AND ITINERANT FOOD VENDORS
HOURS OF OPERATION (B)****Ordinance No. 110283**

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to vending booth vendors and itinerant food vendors; by amending Chapter 19, Article IV, sections 19-93(a) and 19-93(b) to extend permissible hours of operation for vending booth vendors and itinerant food vendors in the Central City District, and vending booth vendors in the College Park Special Area Plan; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting on March 15, 2012, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an amendment to the current Itinerant Food Vendors Ordinance to extend the hours of operation from 10:00 P.M. to 3:00 A.M. This change will allow both vending booth vendors and itinerant food vendors within the Central City District, and vending booth vendors in the College Park Special Area Plan to operate during the extended hours.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/18/11	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
9/28/11	Public Safety Committee	Discussed	
10/26/11	Public Safety Committee	Discussed	
2/29/12	Public Safety Committee	Discussed	
3/15/12	City Commission	Approved as Recommended (5 - 0 - 2 Absent)	
4/5/12	City Commission	Withdrawn (7 - 0)	
5/17/12	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)	

110283_Chapter 19_20110928.pdf
 110283_PlanningMaps_20111026.pdf
 110283b_FassEmail_20111026.pdf
 110293c_JeffBabikInfo_20111026.pdf
 110283_draft ordinance_20120405.pdf
 110283_draft ordinance_20120517.pdf

110642.**AMEND THE UMU-2 ZONING DISTRICT IN THE LAND**

**DEVELOPMENT CODE TO INCLUDE CLARIFICATIONS/UPDATES
AND ADD NEW REQUIREMENTS FOR THE URBAN VILLAGE (B)****Ordinance No. 110642**

An ordinance of the City of Gainesville, Florida, amending the Land Development Code related to the Urban Mixed-Use 2 (UMU-2) zoning district; by amending Section 30-23 to add definitions; by amending Section 30-65.2 Urban mixed-use district 2 (UMU-2) to add regulations regarding uses, site development, public realm, circulation, landscaping, parking, signage and other development standards and limitations specific to property zoned UMU-2 within the Urban Village area; by amending Section 30-65.2 to make general clarifications and revisions to the existing UMU-2 regulations; by amending Section 30-65.2 to repeal existing illustrative figures and adopt new illustrative figures, including a map defining the Urban Village area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF
REPORT*

In July 2011, the City adopted form-based zoning regulations for the Urban Mixed-Use District 2 (UMU-2) zoning district. While the City's special area plan overlay zoning districts are form-based in their approach, this was the first time the City took a form-based approach with an underlying zoning district. Form-based codes differ from conventional zoning in that they focus more on the integrated built form by regulating the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks, and generally depict those relationships through diagrams and other visuals. By contrast, conventional zoning focuses on segregating uses and controlling density and intensity.

The stated intent of the UMU-2 zoning regulations is to promote and encourage economic development in commercial and mixed-use areas near the University of Florida, while directing this development to occur with a certain urban vision for the design of streets and buildings. The goal for the form-based regulations is to provide a concise, straightforward, flexible framework that will facilitate high quality development, while also ensuring high quality design in the built environment.

As originally adopted, the UMU-2 regulations apply only to property that is zoned UMU-2 and is located within the University Heights area and the Archer Triangle area (as those areas are mapped in the UMU-2 regulations.) However, as planning staff was reviewing appropriate land use and zoning designations for the Urban Village area (an area immediately west of the University of Florida in the vicinity of SW 20th and SW 24th Avenues west of SW 34th Street that was annexed into the City in 2009), UMU-2 zoning appeared to be an excellent fit. While the area is currently dominated by multi-family residential development, there are large portions of the area that can be redeveloped with a mix of uses. Under the current real estate market conditions, allowing for a broader range of uses in this area will promote

redevelopment opportunities. In addition, transit service in the Urban Village area is excellent, which assists with the intent of encouraging multimodal mobility.

This ordinance proposes amendments to the UMU-2 zoning district (Section 30-65.2 of the Land Development Code) to clarify and revise the text of the existing UMU-2 zoning regulations and to add regulations for properties that are located in the Urban Village area and are zoned UMU-2. It should be noted that separate rezoning ordinances will be necessary to rezone land in the Urban Village to the UMU-2 zoning district.

This ordinance revises the text of the existing UMU-2 zoning regulations to incorporate the Urban Village area into the UMU-2 zoning district. The primary revisions include:

1. Minimum density regulations for properties in the Urban Village
2. Elimination of the Special Use Permit requirement for additional stories when only structured and on-street parking are used
3. Addition of minimum parking requirements in the Urban Village for residential uses
4. Block perimeter requirements for the Urban Village
5. Build-to lines associated with streets in the Urban Village (taking into account swale system roadways)
6. Allowing drive-through facilities by Special Use Permit in certain areas within the Urban Village
7. Addition of prohibited uses in the Urban Village
8. Optional hardscaping provisions for the landscape zone
9. Addition of provisions for drop-off drive-ways or porte-cocheres for certain uses
10. Addition of a Primary Frontage Streets map and regulations about Primary Frontage Streets
11. Addition of the Urban Walkway concept with a definition and regulations.
12. Addition of a requirement for a Circulation Plan for new development and redevelopment in the Urban Village for sites greater than 2 acres in size

In addition to the changes being made to accommodate the Urban Village parcels, several changes that will apply to all UMU-2 zoned properties are recommended to clarify the regulations, correct minor errors, and incorporate changes recommended by the Plan Board during discussion of this item at their meetings. These district-wide changes include:

1. Including minimum density regulations for consistency with the Comprehensive Plan
2. Changing the requirement for each unit to have a door on the street to make that applicable only to rowhouses and two-family dwellings. For other types of multi-family buildings, the requirement will be to have at least one functional entrance for every 150 feet of building fronting the street.
3. Changing the requirement for each unit to have a front porch on the street to make this applicable only to rowhouses and two-family dwellings
4. Addition of requirement that loading docks be prohibited along urban

throughways

5. Revised Urban Throughway diagram to correctly depict the build-to line requirements

The Plan Board discussed this petition at its June 23, July 28, August 25, September 22 and November 1, 2011 meetings. At the August 25, 2011 meeting, the Plan Board also discussed whether a new zoning district should be created to accommodate the Urban Village as opposed to incorporating it in the existing UMU-2 zoning district. The consensus opinion was to amend the existing UMU-2 zoning district in a way that would accommodate the Urban Village. After public notice, the City Plan Board held a public hearing on December 5, 2011 and, by a vote of 4-0, recommended the City Commission approve the Petition.

On February 16, 2012, the City Commission approved the Petition, by a vote of 7-0 and requested staff consider: 1) developing a definition for the term building frontage; 2) adding dimensions for urban walkways to the Dimensions Table for the Urban Village, and 3) whether the parking requirements of paragraph (d)(3)f. (now (d)(2)f.) address parking that is near or adjacent to an urban walkway.

To address these issues, staff has: 1) added a definition of building frontage to Sec. 30-23 and added an administrative modification provision for building frontage to Sec. 30-65.2(b)(2)b.; 2) added an urban walkway dimensions table and corresponding figure/illustration; and 3) added language to what is now paragraph (d)(2)f. to clarify that driveways and surface parking are prohibited between urban walkways and buildings.

In addition, in reviewing and preparing the ordinance, staff realized that the terms building frontage, structured parking, surface parking, and pedestrian forecourt used in the UMU-2 text are not defined, so staff has added those definitions to Sec. 30-23. Staff has also changed the formula for calculating bicycle parking in Section 30-65.2(f)(3)c. because the original formula resulted in an excess of bicycle parking.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on June 7, 2012.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

2/16/12	City Commission	Approved (Petition), as amended (7 - 0)
5/17/12	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

110642A_staff report_20120216.pdf
 110642B_Map 1 Urban Village_20120216.pdf
 110642C_text changes to UMU-2 zoning district regs_20120216.pdf
 110642D_adopted ordinance 100697_20120216.pdf
 110642E_application_20120216.pdf
 110642F_CPB Minutes_20120216.pdf
 110642G_staff ppt_20120216.pdf
 110642_MOD_Urban Village_3D Model_34th Scene (1).pdf
 110642A_draft ordinance_20120517.pdf
 110642B_staff ppt_20120517.pdf

110740.**PLANNED DEVELOPMENT AMENDMENT - GAINESVILLE AUTO TOWN CENTER PD (B)****Ordinance No. 110740, Petition No. PB-11-158PDA**

An ordinance of the City of Gainesville, Florida, amending Ordinance No. 070706 (as was subsequently amended by Ordinance No. 100520) related to Gainesville Auto Town Center Planned Development (PD); by deleting Condition 24, Section 2 of Ordinance No. 100520 relating to development time limits for Phase II; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This petition is a request to amend Ordinance #100520 for the Gainesville Auto Town Center Planned Development (PD). The property is located at 3900 North Main Street, northwest corner of NW 39th Avenue and North Main Street. The development site consists of five separate parcels totaling approximately 18.4 acres. The development was originally approved by the City Commission as Ordinance #070706 on April 14, 2008. The first phase of the PD is constructed and currently occupied by the Mercedes Benz dealership which occupies approximately 12.8 acres of the site. The remaining 5.6 acres of the site is proposed as phase II and regulated by both Ordinance #100520 and Ordinance #070706. On September 15, 2011 the City Commission approved a request to extend the valid period of the PD and to modify the list of uses applicable to the undeveloped Phase II portion.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of March 15, 2012 authorized the city attorney's office to prepare and advertise the necessary ordinance amending the planned development known as Gainesville Auto Town Center Planned Development."

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

3/15/12	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
5/17/12	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

110740A_staff report_20120315.pdf
 110740B_Technical Review Committe commnets_20120315.pdf
 110740C_Application_20120315.pdf
 110740D_Approved PD_Ord 100520_20120315.pdf
 110740E_cpb minutes_20120315.pdf
 110740_draft ordinance_20120517.pdf

110799.

REZONING - VICINITY OF 515 NW 13TH TERRACE (B)

Ordinance No. 110799; Petition No. PB-12-11 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville by rezoning property located in the vicinity of 515 NW 13th Terrace, as more specifically described in this ordinance, from multiple-family medium density residential district (RMF-8) to mixed use low intensity district (MU-1); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance amends the Zoning Map Atlas of the City of Gainesville by rezoning property located in the vicinity of 515 NW 13th Terrace, as more specifically described in the ordinance, from multiple-family medium density residential district (8-30 units per acre) (RMF-8) to mixed use low intensity district (8-30 units per acre) (MU-1).

The property is located within the College Park/University Heights Redevelopment District and within the College Park Special Area Plan overlay zoning district. The property, which currently contains two approximately 1,800 square-foot residential duplexes, abuts three MU-1 zoned parcels comprising the remainder of the block.

The proposed rezoning will facilitate future redevelopment of the property by expanding the allowable uses of the property and because the entire block will now be zoned MU-1. This is consistent with the City's Comprehensive Plan and the proposed Mixed-Use Low-Intensity (MUL) land use category. This zoning petition is also consistent with the redevelopment policies of Goal 2, Objective 2.1 and Policy 2.1.1 of the Future Land Use Element. These policies include, but are not limited to, improving the condition of blighted areas, promoting a healthy economy, and discouraging urban sprawl.

After public notice was published in the Gainesville Sun on February 7, 2012, the City Plan Board held a public hearing on February 23, 2012, and by a vote of 7-0, recommended approval of this petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first

reading, second and final reading will be held on Thursday, June 7, 2012. This ordinance shall become effective immediately upon final adoption; however, the rezoning shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 110798 becomes effective as provided therein.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/3/12	City Commission	Continued (1st Reading) (5 - 0 - 2 Absent)
5/17/12	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

110799B_staff report_20120503.pdf
 110799C_Future Land Use Element_20120503.pdf
 110799D_Maps_20120503.pdf
 110799E_Application packet_20120503.pdf
 110799F_CPB minutes_20120503.pdf
 110799G_staff ppt_20120503.pdf
 110799A_draftordinance_20120503.pdf
 110799B_staff report_20120517.pdf
 110799C_Future Land Use Element_20120517.pdf
 110799D_Maps_20120517.pdf
 110799E_Application packet_20120517.pdf
 110799F_CPB minutes_20120517.pdf
 110799G_staff ppt_20120517.pdf
 110799, MOD_CHW_ppt_20120517.pdf

110800.

REZONING - AMENDMENT TO SPECIAL AREA PLAN; VICINITY OF 515 NW 13TH TERRACE (B)

Ordinance No. 110800; Petition No. PB-12-12 ZON

An ordinance amending the Special Area Plan for College Park in the City of Gainesville Land Development Code; by deleting and replacing the "Master Plan & Regulating Plan for New Construction" map to reflect an amended building type for property located in the vicinity of 515 NW 13th Terrace, as more specifically described in this ordinance, from Type III - House to Type I - Shopfront/Office/Apartment; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance amends the College Park Special Area Plan (SAP) Master Plan & Regulating Plan for New Construction map in the City of Gainesville Land Development Code by changing property located in the vicinity of 515 NW 13th Terrace, as more specifically described in the ordinance, from Type III - House to Type I - Shopfront/Office/Apartment.

Appendix A - Special Area Plans, Section 3 - Special Area Plan for College Park

of the Land Development Code includes a map of the boundaries of the College Park SAP showing the four designated building types (Type I-Shopfront/Office/Apartment; Type II-Apartment/House; Type III-House; and Type IV-Civic) regulated by the associated special area plan. The property (which is located within the College Park/University Heights Redevelopment District) is currently designated Type III-House, which prohibits principal, non-residential uses.

This amendment to the College Park SAP will facilitate redevelopment of the site by expanding the allowable uses of the property from a single use (House) to a mix of uses (Shopfront/Office/Apartment). Additionally, the property is contiguous to three Type I designated lots to the east, southeast, and south, which comprise the remainder of the block. Designating the property a Type I building allows the opportunity for redevelopment of the entire block and provides greater design flexibility.

After public notice was published in the Gainesville Sun on February 7, 2012, the City Plan Board held a public hearing on February 23, 2012, and by a vote of 7-0, recommended approval of this petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on Thursday, June 7, 2012. This ordinance shall become effective immediately upon final adoption; however, the map amendment shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 110798 becomes effective as provided therein.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

5/3/12	City Commission	Continued (1st Reading) (6 - 0 - 1 Absent)
5/17/12	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

110800B_staff report_20120503.pdf
 110800C_Maps_20120503.pdf
 110800D_Applicant Package_20120503.pdf
 110800E_CPB minutes_20120503.pdf
 110800F_staff ppt_20120503.pdf
 110800A_draftordinance_20120503.pdf
 110800B_staff report_20120517.pdf
 110800C_Maps_20120517.pdf
 110800D_Applicant Package_20120517.pdf
 110800E_CPB minutes_20120517.pdf
 110800F_staff ppt_20120517.pdf
 110800_MOD_CHW_ppt_20120517.pdf

110898.

2013 CITY COMMISSION ELECTION DATES (B)

Ordinance No. 110898

An ordinance of the City of Gainesville, Florida, setting March 19, 2013 as the date for the 2013 regular city election and April 16, 2013 as the date for the 2013 run-off election, if necessary; setting the dates for qualifying for the 2013 regular election; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of April 19, 2012, authorized the City Attorney's Office to draft an ordinance setting the 2013 regular city election and run-off election dates.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

4/19/12 City Commission Approved as Recommended (6 - 0 - 1 Absent)
5/17/12 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

110898_Academic calendar_20120419.pdf
110898_ordinance 2013 election dates_20120517.pdf

PLAN BOARD PETITIONS**120023.****Modification to the Lighting Ordinance (B)**

Petition PB-12-40 TCH City Plan Board. Amend the Land Development Code to allow additional procedures for considering lighting intensities within off-street parking facilities, including parking structures.

Explanation: This petition was initiated as a result of a request from an existing development to redesign the lighting at its site to improve security and to enhance the night time experience of patrons at its facility. After reviewing the request in context of the existing lighting standards, staff considered the history of the current ordinance, its effectiveness in achieving the general purpose and intent of a lighting ordinance, and how the ordinance addresses variations in site characteristics. One observation is that while the current ordinance tracks fairly closely to those of comparable cities, it does not adequately address the spatial and use variations of outdoor lighting, vertical variations in light intensities, and lighting for parking structures. One key factor is that while the ordinance allows for oversight review of some uses it does not allow exceptions for open parking lots.

On March 15, 2012, staff submitted a referral to the City Commission asking for authorization to address a modification to the lighting ordinance. The City Commission voted 7 to 0 to refer the request to the City Plan Board to initiate a petition for commission consideration.

The petition reorganizes the current lighting standards which are found in several different sections of the code into one area and provides clarifying definitions. If approved it would also allow properties with more than 100,000 square feet of gross floor area to request an increase in pole heights from 30 feet

to 50 feet; it provides special lighting requirements for developments within 50 feet of single-family development and within 100 feet of all residential development; and establishes new standards for reviewing lighting of parking structures. The new standard also refines the waiver provision and extends its use to all aspects of outdoor lighting. It establishes a "Technical Consultation Fee" to allow for professional review of request for waivers and unique lighting plans.

The City Plan Board reviewed the petition and voted 6 to 0 to recommend approval with three modifications: Allow pole height modifications through board review instead of through staff review; require developments that change from daylight only operations to night-time operations to become compliant within ninety (90) days instead of the proposed six months; and request that staff address the concept of regulating the color of lighting at a later date through a separate petition.

Public notice was published in the Gainesville Sun on April 10, 2012. The Plan Board held a public hearing on April 26, 2012.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve petition PB-12-40 TCH as revised by the Plan Board. Plan Board vote 6-0.

Staff to City Commission - the City Commission approves Plan Board's recommendation without request that staff address the concept of regulating the color of lighting at a later date through a separate petition.

Staff to City Plan Board - Approve petition.

120023A_staff report_20120607.pdf

120023B_Referral to CCOM_20120607.pdf

120023C_Documents submitted to CCOM_20120607.pdf

120023D_CPB minutes_20120607.pdf

120023E_staff ppt_20120607.pdf

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

110659.

City of Gainesville Elections - Expanded Examination of Several Issues (B)

MODIFICATION: Additional back-up submitted - (Memo from Dan Smith, Ph.D, 6/6/2012).

RECOMMENDATION

The City Commission: 1) Approve a City Charter ballot initiative for Spring 2013 that would, if

approved by the voters, move City Commission elections to the Fall of even years and extend the term of office to four years; 2) discuss possible changes to City ordinances regarding qualification requirements for City Commission candidates; 3) maintain non-partisan elections; 4) Hold a community forum to receive input from the public on the proposed ballot initiative; and 5) refer an overall Charter review process to the Audit, Finance and Legislative Committee.

Legislative History

1/19/12	City Commission	Referred (6 - 0 - 1 Absent)	Audit, Finance and Legislative Committee
4/3/12	Audit, Finance and Legislative Committee	Retained in Committee	
5/21/12	Audit, Finance and Legislative Committee	Approved as shown above (See Motion)	

110659-1 City Attorney Memo to City Commission Regarding Previous Charter Review P
 110659-2 October 10, 2005 Charter Review Committee Final Report.pdf
 110659-3 Possible Transition Plan for 4 Year Terms with Fall Elections.pdf
 110659_Mayor's handout_20120521.pdf
 110659_MOD_dan_smith_memo_20120607.pdf

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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