

# City of Gainesville

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



## **Meeting Agenda**

**June 03, 2010**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

***Mayor Craig Lowe (At Large)***

***Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)***

***Commissioner Scherwin Henry (District 1)***

***Commissioner Lauren Poe (District 2)***

***Commissioner Jack Donovan (District 3)***

***Commissioner Randy Wells (District 4)***

***Commissioner Thomas Hawkins (At Large)***

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

## CALL TO ORDER - 1:04 PM

## AGENDA STATEMENT

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

## ROLL CALL

## INVOCATION

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 091032.

#### **Strategic Plan Quarterly Report - 2nd Quarter of Fiscal Year 2010 (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 2010.**

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

*Fiscal Note: None*

#### RECOMMENDATION

*The City Commission receive a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 2nd Quarter of FY 2010.*

091032\_Report\_2010060310.pdf

### 091048.

#### **Grant Applications for Hoggetowne Medieval Faire and Heart of Florida Asian Festival (NB)**

**This item involves a request to authorize submission of two applications by the Parks, Recreation and Cultural Affairs Department for grants from the**

**Alachua County Tourist Product Development Program for funds to provide marketing and promotion for the Hoggetowne Medieval Faire and the Heart of Florida Asian Festival.**

*Explanation: The Department of Parks, Recreation and Cultural Affairs wishes to submit grant applications to the Alachua County Tourist Product Development Program for funds to provide advertising and promotion of the 2010 Heart of Florida Asian Festival and the 2011 Hoggetowne Medieval Faire. Two separate grant applications will be submitted. The grant request for the Hoggetowne Medieval Faire is for the sum of \$36,524 and the grant request for the Heart of Florida Asian Festival is for the sum of \$50,000. The intent of the Tourist Product Development Program is to stimulate and encourage the development of new experiences for visitors to Alachua County. A condition of the grant funding is that a percentage of funds is to be spent on marketing outside of Alachua County. The grants will pay for advertising and promotion in daily and monthly print publications, and will include radio and television broadcasts. The remaining balance will be spent on entertainment and production. The Department has received grant funding from the Alachua County Tourist Product Development Fund in 2008, 2009 and 2010.*

*Fiscal Note: No matching funds are required.*

**RECOMMENDATION**

*The City Commission: 1) approve the submission of two grant applications to the Alachua County Tourist Product Development Program; 2) authorize the City Manager to execute the applications; and 3) if awarded, authorize the City Manager to execute the grant agreement(s) and other grant-related documents subject to approval by the City Attorney as to form and legality.*

*Alternative Recommendation*

*The City Commission decline the request to submit grant applications to the Alachua County Tourist Product Program.*

**091066.**

**Conservation Easement for Cone Park (B)**

**This item is requesting approval and authorization to grant a St. John's River Water Management District Conservation Easement over 12.15 acres of wetlands and upland buffer on City-owned Cone Park property, Tax Parcel #10888-000-000.**

*Explanation: Construction work is underway at Ironwood Golf Course, with a target completion date in October. The Parks, Recreation and Cultural Affairs Department (PRCA) is coordinating the construction with a number of agencies, including the St. John's River Water Management District (SJRWMD). Recently SJRWMD staff deemed that construction work is impacting wetlands in 0.86 acres of selected fairways. This represents some*

low spots and swales in fairways #3, #5, #6, and #17. The construction architect for Ironwood indicates these are high profile areas that are very much in need of drainage. SJRWMD has determined that the City needs to mitigate any impacts to these areas in order to receive a permit.

Ironwood did not have any on-site property that would satisfy the mitigation, but SJRWMD indicated off-site mitigation is an allowed alternative. PRCA staff researched additional department managed properties that are available for mitigation and would meet SJRWMD criteria. PRCA proposes to place 12.15 acres of wetlands and upland buffer on the Cone Park property for the purpose of conveying a conservation easement to St. Johns River Water Management District as mitigation to offset the wetland impact of the Ironwood project. The Cone Park acreage needed for the conservation easement is located on the east side of the active park development and is not part of any future plans for development. Senior Regulatory Scientist, Barbara Hatchitt, of the SJRWMD Environmental Resource Management office, indicated this conservation easement will satisfy the SJRWMD requirement for a permit to be issued to the City to proceed with construction at Ironwood. The permit application is not expected to delay the anticipated time of completion for the golf course renovations.

*Fiscal Note:* Funding is available in the Parks, Recreation and Cultural Affairs FY2010 operating budget for the permit application fee.

**RECOMMENDATION**

*The City Commission approve and authorize the Mayor to execute and the Clerk of the Commission to attest a Conservation Easement over 12.15 acres of wetlands and upland buffer on the Cone Park property onto the St. Johns River Water Management District over Tax Parcel 10888-000-000, subject to approval by the City Attorney as to form and legality.*

*Alternative Recommendation*

*The City Commission not approve execution and attesting by the Clerk of Commission of a Conservation Easement over 12.15 acres of wetlands and upland buffer on the Cone Park property onto the St. Johns River Water Management District over Tax Parcel 10888-000-000.*

091066A\_Easement Language\_20100603.pdf

091066B\_Owner Affidavit\_20100603.pdf

091066C\_Easement Area Map\_20100603.pdf

**091067.**

**Settlement of Worker's Compensation Claim - William Davis (NB)**

**This item involves the full and final settlement of Mr. Davis' worker's compensation claim(s), which will include all future medical and indemnity payments. The total settlement amount is \$120,420 and represents a significant cost advantage to the city.**

*Explanation:* While employed by GFR, Mr. Davis suffered a compensable heart attack. This led to ongoing medical treatment. As a result of his injuries, the present potential exposure to the City in future medical treatment is in the range of \$205,000 to \$240,000 including the potential for permanent total disability.

Recently, the City and Mr. Davis attempted to mediate a settlement of his worker's compensation claim. Mr. Davis and his attorney, Alan Aronson, have agreed to the proposed settlement. The City Attorney's Office, the Risk Management Department, GFR, Special Counsel and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount, \$120,420, includes all attorney fees, future medical costs, past and future indemnity payments and taxable costs.

*Fiscal Note:* The settlement of this case in the amount of \$120,420 will be paid out of the General Insurance Fund.

**RECOMMENDATION**

The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation Claim of Mr. William Davis in the amount of \$120,420.

## **GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

## **CITY ATTORNEY, CONSENT AGENDA ITEMS**

### **091060.**

#### **RICHARD AYCOX vs CITY OF GAINESVILLE; EEOC No. 510-2010-03561 (B)**

*Explanation:* On May 18, 2010, the City of Gainesville received a Notice of Charge of Discrimination from the Equal Employment Opportunity Commission. Mr. Richard Aycox alleges that he was discriminated against based on his gender which resulted in disciplinary action and harassment.

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled Richard Aycox vs. the City of Gainesville; EEOC No.: 510-2010-03561.

091060\_Aycox EEOC Complaint\_20100603.pdf

### **091061.**

#### **WILLIAM R. BILLINGS vs. CITY OF GAINESVILLE; EEOC No. 510-2010-02830 (B)**

*Explanation:* On May 13, 2010, the City of Gainesville received a Notice of Charge of Discrimination from the Equal Employment Opportunity Commission. Mr. William R. Billings alleges that he was discriminated against based on his disability when he was terminated by the City of Gainesville.

**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City in the case styled William R. Billings vs. the City of Gainesville; EEOC No.: 510-2010-02830.*

091061\_Williams EEOC Complaint\_20100603.pdf

**091068.****RAYFIELD RICHARDSON vs. CITY OF GAINESVILLE (B)**

*Explanation: Mr. Richardson has filed a claim alleging that on February 23, 2009 his vehicle was struck from behind by an RTS bus near the intersection of SW 23rd Street and SR 331. Mr. Richardson asserts that he stopped his vehicle on the side of the road, next to the curb, and that the RTS bus veered into him. The accident was investigated by the Gainesville Police Department, and the City bus driver was cited for careless driving. The impact caused Mr. Richardson's head to strike the windshield of his vehicle, resulting in a concussion and momentary loss of consciousness. Mr. Richardson alleges he has sustained permanent injuries. His treating chiropractor has assigned a permanent whole body injury impairment rating of eleven percent. Initially, Mr. Richardson sought damages in the amount of \$47,500.*

*The parties have engaged in settlement negotiations, and have reached a negotiated settlement for all claims of Mr. Richardson in the amount of \$25,000, subject to the approval of the City Commission and a full and final release executed by Mr. Richardson. It is the recommendation of Risk Management and the City Attorney's Office that the case be settled for that amount.*

**RECOMMENDATION**

*The City Commission 1) approve the terms of the settlement agreement; and 2) authorize the City Attorney to settle the case styled Rayfield Richardson vs. City of Gainesville.*

091068\_Rayfield Richardson Settlement\_20100603.pdf

**091069.****CARLOS DIEZ vs. CITY OF GAINESVILLE (B)**

*Explanation: Mr. Diez has filed a claim alleging that on December 30, 2008, a City of Gainesville Public Works vehicle was left running and unattended on a grass embankment on the north side of the 5500 block of West Newberry Road. Mr. Diez further alleges that he was astride a stopped motorcycle in the northbound turn lane of West Newberry Road, when the City vehicle rolled backwards, struck a concrete barrier, jumped the curb, and collided with Mr. Diez's motorcycle.*

*Mr. Diez asserts that he was thrown off the motorcycle and landed several feet away into the eastbound lane of traffic, resulting in surgery to his left wrist. His treating physician has assigned an impairment rating of two percent related to injuries to his wrist. Mr. Diez holds a medical degree, and is employed at the University of Florida as a research assistant professor performing*

*microsurgery on small animals for medical research. He claims over \$14,000 in medical expenses related to the wrist injury, and fears that the injury may have long-term effects on his future earning capacity. Initially, Mr. Diez sought damages in the amount of \$100,000.*

*The parties have engaged in settlement negotiations, and have reached a negotiated settlement for all claims of Mr. Diez in the amount of \$32,000, subject to the approval of the City Commission and a full and final release executed by Mr. Diez. It is the recommendation of Risk Management and the City Attorney's Office that the case be settled for that amount.*

**RECOMMENDATION**            *The City Commission 1) approve the terms of the settlement agreement; and 2) authorize the City Attorney to settle the case styled Carlos Diez vs. City of Gainesville.*

091069\_Carlos Diez Settlement\_20100603.pdf

## **CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

### **100011.**

#### **City Commission Minutes (B)**

**RECOMMENDATION**            *The City Commission approve the minutes of May 17, 2010, May 18, 2010 and May 20, 2010 (2 sets) as circulated.*

100011\_spec\_5-17\_20100603.pdf

100011a\_school bd\_5-18\_20100603.pdf

100011b\_reg\_20100520.pdf

100011c\_swearing-in\_may20\_20100603.pdf

## **EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

## **COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

## **END OF CONSENT AGENDA**

## **ADOPTION OF THE REGULAR AGENDA**

## **CHARTER OFFICER UPDATES**

## **CLERK OF THE COMMISSION**

## **CITY MANAGER**

**090572.****Business plans for City projects that could be funded from the recent two-percent increase in the Alachua County Tourism Development Tax (B)**

**This agenda item provides an opportunity for the City Commission to receive an update on submission of the Cade Museum, Downtown Conference Center and Hotel and expansion of the Martin Luther King Jr. Sports Complex for potential funding through an increase in the Tourism Development Tax.**

*Explanation: Last fall, the City Commission approved the submission of three projects for potential funding through an increase in the Alachua County tourism development tax including the Cade Museum, Downtown Conference Center and Hotel and expansion of the Martin Luther King Jr. Sports Complex. The City Commission did not prioritize the projects.*

*After discussing the projects submitted through the County Request for Information process, the County Commission decided to request business plans for the projects and subsequently approved a two-percent increase in the tourism development tax.*

*City staff completed business plans for the Downtown Conference Center and Hotel (through the CRA) and the expansion of the Martin Luther King Jr. Sports Complex (through Parks, Recreation and Cultural Affairs). CRA staff coordinated with representatives of the Cade Museum who prepared the business plan for that project. Business plans for all three projects were submitted to the County on May 18, 2010 in advance of the deadline for submission of the business plans.*

*The Business plans are scheduled to be discussed by the Tourism Development Council (TDC) on June 16 with the TDC providing recommendations to the County Commission by July 27.*

*Fiscal Note: This is an informational update. The fiscal impact of the projects is addressed in the business plans for the projects.*

**RECOMMENDATION**

*The City Commission: 1) hear an update on the three City projects; 2) consider prioritizing the projects; and 3) provide other guidance as appropriate.*

*Alternate Recommendation #1*

*The City Commission decline to hear an update and not consider prioritizing the projects.*

**Legislative History**

11/19/09	City Commission	Discussed
12/17/09	City Commission	Approved as Recommended (6 - 0 - 1 Absent)



090572A\_Letter from Mayor\_20091119.pdf  
090572B\_Alachua County Agenda\_20091119.pdf  
090572C\_Timeline\_20091119.pdf  
090572D\_Impact Figures\_20091119.pdf  
090572E\_Memo\_20091119.pdf  
090572F\_Projected Growth\_20091119.pdf  
090572G\_Memo Finance Options\_20091119.pdf  
090572A\_MOD-PPT\_20091217.PDF  
090572B\_MOD-Capital Projects\_20091217.PDF  
090572C\_MOD- Ltr of Interest\_20091217.PDF  
090572A\_Cade Museum Business Plan\_20100603.pdf  
090572B\_Hotel-Conference Ctr Business Plan\_20100603 .pdf  
090572C\_MLK Expansion Business Plan\_20100603.pdf

**091043.****Progress Report on Comprehensive Plan Evaluation and Appraisal Report (B)**

*Explanation: Planning staff has held a series of workshops with the City Plan Board regarding the Evaluation and Appraisal Report (EAR) of the Comprehensive Plan. On May 12, 2010 the Plan Board reviewed the Stormwater Management Element and the Conservation, Open Space & Groundwater Recharge Element. On May 27, 2010, the Plan Board reviewed the Capital Improvements Element and financial feasibility requirements.*

*The purpose of this item is to provide the City Commission and the public with a brief update on the progress of the EAR in regard to these comprehensive plan elements, as well as the EAR requirement (per Florida Statute 163.3191) pertaining to the financial feasibility of implementing the comprehensive plan.*

*The goals, objectives and policies of the above mentioned elements have substantially been met. Review of the Stormwater Management Element for the Evaluation and Appraisal Report indicates that a policy to address Low Impact Development should be added to address Major Issue 8 (Strengthen Natural Resource Protection). EAR review of the Conservation, Open Space & Groundwater Recharge Element shows that: policies need to be revised and added re: energy conservation and greenhouse gas reduction; a policy is needed to address the relationship between tree canopy and solar electrical energy generation; various policies will need to be updated to reflect stronger natural resource protections expected with the 2010 environmental update; and that policies to address potential changes to water supply planning will be determined in late 2010. Objective 2.1 (requires wetland acreage and function to be maintained in the listed basins) should be either revised so that the acreage requirement can be met, or revised by deleting the wetland acreage requirement. The City Plan Board at its May 12, 2010 EAR workshop expressed concern over wetland losses and recommended that this objective be revised so that the wetland acreage requirement can be met.*

*A review of the Capital Improvements Element (CIE) for the Evaluation and Appraisal Report indicates that there are two recommended changes related to major issues: 1) updating of the 5-Year Schedule of Capital Improvements*

annually to show new funding sources for Transportation Choice as they are identified, and 2) addition of a new policy addressing water supply concurrency requirements. Other minor updates are required to meet State law. A review of the City's Comprehensive Plan based on capital improvements listed in the 5-Year Schedule of Capital Improvements shows that the City has a financially feasible plan.

*Fiscal Note: None.*

**RECOMMENDATION**

*Staff to City Commission - the Commission hear a presentation by Planning staff on: 1. the draft EAR Report chapters on the following Elements: Stormwater Management; Conservation, Open Space & Groundwater Recharge; and Capital Improvements; and 2. financial feasibility of implementing the comprehensive plan.*

091043A\_stormwater mgmt element-20100603.pdf

091043B\_conservation, open space, grdwater recharge element\_20100603.pdf

091043C\_captial improvements element\_20100603.pdf

091043D\_financial feasibility\_20100603.pdf

091043E\_staff ppt\_20100603.PDF

**091047.**

**Community Grant Program (B)**

**The Community Grant Program is a new program that would provide small grants to non-profit organizations performing activities that support City goals.**

*Explanation: At the December 17, 2009 City Commission meeting, staff presented the general concept for a grant program for non-profit organizations based in the City. The intent of the grant program is to provide small amounts of funding to non-profit organizations performing community services that advance City goals.*

*Staff has developed a draft Community Grant Program for Commission consideration as part of the FY 11/12 budget process. Attached is a copy of the draft Community Grant Program for Commission review. Staff will provide a brief presentation and seek Commission approval of the grant program concept.*

*Fiscal Note: If the Commission approves the Community Grant Program in concept, the City Manager will recommend and the City Commission can consider appropriate funding levels as part of the FY 11/12 budget process.*

**RECOMMENDATION**

*The City Commission: 1) approve the Community Grant Program in concept and 2) direct the City Manager to recommend appropriate funding as part of the FY 11/12 budget process.*

*Alternative #1:*

*Do not approve the Community Grant Program in concept and provide other guidance to staff as appropriate.*

091047A\_Program Guidelines\_20100603.pdf

091047B\_PPT\_20100603.pdf

**091059.**

**30% Design Approval of the Alachua County/City of Gainesville Senior Recreation Center (B)**

**This is a request for the City Commission to approve the 30% design of the Alachua County/City of Gainesville Senior Recreation Center within Northside Park located at 5701 NW 34th Street, Gainesville, FL 32653.**

*Explanation: On February 18, 2010 the City entered into an agreement with WG Mills for the Design Build of the Alachua County/City of Gainesville Senior Recreation Center. The approximate 17,000 sf recreation center will be located within the existing Northside Park off of NW 34th Street, close to the intersection of US 441. The center will be built to meet 120 MPH wind speeds, able to be used as a shelter, and achieve a USGBC LEED "Silver" level certification. The building will accommodate staff from ElderCare of Alachua County who will oversee the programming and operations of the facility. The building will also include a large multi purpose room, a fitness area, several classroom style rooms, a library, a billiards room, and various other multi use areas to promote socialization and recreation for seniors in the community. Per Administrative Procedure No. 22A, the 30% design is being presented to the City Commission for approval.*

*Since this item came to the Commission on the April 15, 2010 agenda, the design team has held a design meeting which was attended by five volunteer citizens to discuss the revised floor plan, and elevations. The citizens shared positive feedback about the plans. The design team submitted the site plan for review to the City of Gainesville Planning Department on May 12, 2010. After City Commission approval, the architect will continue with the site plans and construction drawings.*

*The design team members present will discuss the inclusion of the bus shelter as suggested at a recent Commission meeting by Mayor Hanrahan, and the elevations for the exterior features of the building. In addition, the architect will meet with the Art in Public Places Trust on June 2, 2010 for the first meeting to discuss the opportunities for public art. In order to expedite the construction of the center, staff is requesting that the City Commission waive the 60% and 100% construction document presentation to the Commission.*

*Fiscal Note: This agenda item has no fiscal impact unless the City Commission recommends major changes to the building design. Funding for the project is through a State of Florida Grant with Elder Affairs, and City and County Wild Spaces Public Places funding.*

**RECOMMENDATION**

*The City Commission: 1) hear presentation; 2) approve the 30% design and instruct the architect to continue working on construction drawings; and 3) waive the 60% and 100% construction document presentation to the Commission.*

*Alternative Recommendation A: The City Commission approve the 30% design with suggestions.*

*Alternative Recommendation B: The City Commission reject the recommendation and direct staff to obtain a new design plan.*

091059\_Senior Rec PPT\_20100603.pdf

091059\_MOD Senior Rec PPT\_20100603.pdf

## **091046.**

### **Amendment 4 Informational Presentation (NB)**

**This item involves an informational presentation on the proposed Florida Constitutional Amendment 4 which will appear on the ballot in November, 2010.**

*Explanation: Amendment 4 is a proposed amendment to the Florida Constitution that voters will consider in the general election to be held on November 2, 2010. The proposed amendment, sometimes known as "Hometown Democracy," will be listed as the fourth constitutional amendment on the ballot and will bear the title: "Referenda Required for Adoption and Amendment of Local Government Comprehensive Land Use Plans." If Amendment 4 is approved, local government comprehensive plans and comprehensive plan amendments will be subject to approval by both the governing body and the voters of the local government having jurisdiction.*

*In an effort to provide the City Commission with an overview of Amendment 4, representatives of the various positions on the proposed Amendment will present their positions on Amendment 4. They will then be prepared to answer questions from the Commission regarding the Amendment. Later in the evening, a Resolution prepared by the City Attorney's Office, will be presented for consideration by the City Commission.*

*Fiscal Note: No fiscal impact.*

#### **RECOMMENDATION**

*The City Commission: 1) hear a presentation regarding Amendment 4; and, 2) direct questions as deemed appropriate.*

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE**

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

**PUBLIC SAFETY COMMITTEE**

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE**

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**RECESS**

**RECONVENE**

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

**Gainesville Detachment of the Marine Corp League**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**100012.**

**Flag Day 2010 - June 14, 2010 (B)**

**RECOMMENDATION**

*Gainesville Detachment of the Marine Corp League  
World War II Veteran Bob Gasche to accept the  
proclamation.*

100012\_FlagDay\_20100603.pdf

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

**PUBLIC HEARINGS**

**RESOLUTIONS- ROLL CALL REQUIRED**

**100015****Resolution to Dual-Name a Section of Northwest 55th Street to “Lance Corporal Philip Paul Clark Court” (B)**

*Explanation:* Lance Corporal Philip Paul Clark Court was born and raised in Gainesville, Florida, graduated from Buchholz High School in 2008 and was an exemplary and active student in sports and Air Force JROTC. He served faithfully in the U. S. Marine Corps for two years. While serving in Afghanistan, he gave his life in the Service of his Country on May 18, 2010. The City of Gainesville and the community wish to dedicate themselves to his memory and the supreme sacrifice he made by designating and dual-naming Northwest 55 Street from Newberry Road (SR 26) to Northwest 23rd Avenue as "Lance Corporal Philip Paul Clark Court" in his honor so that his sacrifice and dedication to his Country will always be remembered.

*Fiscal Note:* The funds for producing the signs are available in the Public Works Department FY10 operating budget.

**RECOMMENDATION**

*The City Commission: 1) adopt the Resolution.*

100015\_Resolution\_20100603.pdf

100015\_Petition\_20100603.pdf

100015\_resolution\_20100603.pdf

**091033.**

**2010 CAPITAL IMPROVEMENT REVENUE BONDS (B)  
A RESOLUTION OF THE CITY OF GAINESVILLE, FLORIDA,  
AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO  
EXCEED \$5,300,000 IN AN AGGREGATE PRINCIPAL AMOUNT OF  
CITY OF GAINESVILLE, FLORIDA CAPITAL IMPROVEMENT  
REVENUE BONDS, SERIES 2010 FOR THE PURPOSE OF FINANCING  
THE COSTS OF CONSTRUCTING, REFURBISHING, RENOVATING  
AND EQUIPPING OF VARIOUS CAPITAL PROJECTS AT THE  
IRONWOOD GOLF COURSE, ONE-STOP HOMELESS SHELTER AND  
CERTAIN OTHER CAPITAL PROJECTS IN THE CITY OF  
GAINESVILLE AND PAYING OTHER COSTS NECESSARY OR  
INCIDENTAL THERETO; PROVIDING FOR THE PAYMENT OF  
SUCH BONDS FROM LEGALLY AVAILABLE NON-AD VALOREM  
REVENUES OF THE CITY WHICH ARE BUDGETED AND  
APPROPRIATED BY THE CITY ON AN ANNUAL BASIS AND  
DEPOSITED INTO THE DEBT SERVICE FUND CREATED  
HEREUNDER FOR SUCH BONDS; PROVIDING FOR THE RIGHTS  
AND REMEDIES OF THE HOLDERS THEREOF, AND MAKING  
CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION  
THEREWITH; PROVIDING AN EFFECTIVE DATE; AND PROVIDING  
CERTAIN OTHER DETAILS.**

*Explanation:* CITY MANAGER MEMORANDUM

*During last summer's FY10 budget update the City Commission approved the issuance of debt to fund approximately \$1.2M in capital improvements to the City-owned Ironwood Golf Course. Staff is recommending that a portion of the*

costs associated with the site acquisition and construction of the proposed One Stop Homeless Assistance Center be included in this borrowing. In addition, staff is recommending the inclusion of \$300,000 in the proposed borrowing to cover the cost of LED metering for City traffic signals bringing the total issuance size to approximately \$4,100,000. The proposed resolution authorizes the issuance of this debt.

Given the relatively small size of the proposed borrowing, and the potential issues related to acquiring bond insurance for such a financing, staff is evaluating all options for accessing the capital markets, from a bank loan to a traditional public offering. The method selected will be that which provides the best overall rate, most flexible debt structuring, and lowest issuance costs available at the time of issuance.

This Resolution authorizes the issuance of Capital Improvement Revenue Bonds in an aggregate principal amount not in excess of \$5,300,000, payable from a covenant to budget and appropriate Non-Ad Valorem Revenues of the City. The Bonds shall not be a general indebtedness or pledge of the full faith and credit of the City, but shall be payable from budgeted and appropriated Non-Ad Valorem Revenues. Proceeds from the Bonds will be used to finance the acquisition and installation of LED metering equipment for traffic signals and constructing, refurbishing, renovating and equipping of the Ironwood Golf Course and One-Stop Homeless Shelter.

*Fiscal note:* Debt service costs for the Ironwood Golf Course renovations will be paid through incremental course revenues resulting from increased rounds played and greens fee increases associated with the improvements, as well as capital surcharge fees. Funding for debt service costs related to the One Stop Homeless Assistance Center will come from funds currently appropriated for One Stop Homeless Center operating costs. The debt service attributable to the LED metering will be paid from the energy savings associated with the change to LED signals.

**RECOMMENDATION**

*The City Commission: 1) adopt the proposed Resolution authorizing issuance of the 2010 Capital Improvement Revenue Bonds; 2) authorize the City Manager, Administrative Services director, and Finance Director to retain the required professional services to execute the proposed bond issue; and 3) authorize the Mayor, Clerk of the Commission, City Attorney, City Manager, Administrative Services Director, and Finance Director to execute documents required to close the proposed bond issue.*

091033\_draft resolution\_20100603.pdf

**091049.**

**2010 CAPITAL IMPROVEMENT REVENUE BONDS –  
SUPPLEMENTAL RESOLUTION (B)**

**A RESOLUTION OF CITY OF GAINESVILLE, FLORIDA,  
SUPPLEMENTING A RESOLUTION OF THE CITY ADOPTED ON  
THE DATE HEREOF AND PROVIDING FOR AND AUTHORIZING  
THE ISSUANCE OF THE CITY'S CAPITAL IMPROVEMENT**

**REVENUE BONDS, SERIES 2010, IN AN ORIGINAL AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$5,300,000 FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING, REFURBISHING, RENOVATING AND EQUIPPING OF VARIOUS CAPITAL PROJECTS AT THE IRONWOOD GOLF COURSE, ONE-STOP HOMELESS SHELTER AND CERTAIN OTHER CAPITAL PROJECTS IN THE CITY OF GAINESVILLE AND PAYING OTHER COSTS NECESSARY OR INCIDENTAL THERETO; DELEGATING CERTAIN AUTHORITY TO THE AUTHORIZED ISSUER OFFICER TO AWARD SAID BONDS PURSUANT TO A PUBLIC BID, PROVIDED THE BIDS SUBMITTED FALL WITHIN PARAMETERS SET FORTH HEREIN; APPROVING THE FORM OF AN OFFICIAL NOTICE OF SALE AND SUMMARY NOTICE OF SALE WITH RESPECT TO SAID BONDS; APPOINTING THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS PAYING AGENT AND REGISTRAR WITH RESPECT TO SUCH BONDS; APPROVING THE FORM AND AUTHORIZING THE CIRCULATION OF A PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT; AUTHORIZING THE AUTHORIZED ISSUER OFFICER TO DEEM FINAL THE PRELIMINARY OFFICIAL STATEMENT; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE CERTIFICATE; AUTHORIZING CERTAIN OFFICIALS OF THE CITY TO EXECUTE ANY DOCUMENTS AND TAKE ANY ACTIONS REQUIRED IN CONNECTION WITH THE ISSUANCE OF SAID BONDS; PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION; AND PROVIDING CERTAIN OTHER DETAILS WITH RESPECT THERETO**

*Explanation: CITY MANAGER MEMORANDUM*

*This Resolution supplements the resolution of the City that authorizes the issuance of Capital Improvement Revenue Bonds in an aggregate principal amount not in excess of \$5,300,000, payable from a covenant to budget and appropriate Non-Ad Valorem Revenues of the City. Proceeds from the Bonds will be used to finance the acquisition and installation of LED metering equipment for traffic signals and constructing, refurbishing, renovating and equipping of the Ironwood Golf Course and One-Stop Homeless Shelter. The Resolution approves the forms of a Preliminary Official Statement, Official Notice of Sale and the Summary Notice of Sale. The Resolution delegates to the Mayor, Mayor-Commissioner Pro Tempore, the City Manager, the Administrative Services Director or the Finance Director (each, an "Authorized Issuer Officer") the authority to award the sale of the Bonds pursuant to a public bid, provided that the bids submitted comply with certain parameters described in the Resolution. The Resolution further authorizes each Authorized Issuer Officer, the Clerk, any Deputy Clerk of the City, and such other officers and employees of the City as may be designated in writing by the Mayor, to take all actions and steps and to execute all instruments, documents and contracts on behalf of the City that are necessary or desirable in connection with the execution and delivery of the Bonds, and which are specifically authorized by, or are not inconsistent with, the terms and provisions of the Resolution or any*



*action relating to the Bonds heretofore taken by the City. The Resolution appoints Bank of New York Mellon Trust Company, N.A. as registrar and paying agent for the Bonds.*

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

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**091044.**

**INDUSTRIAL DEVELOPMENT REVENUE BONDS - GOODWILL INDUSTRIES OF NORTH FLORIDA, INC. (B)**  
**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA AUTHORIZING THE ISSUANCE OF THE CITY OF GAINESVILLE, FLORIDA INDUSTRIAL DEVELOPMENT REVENUE BONDS (GOODWILL INDUSTRIES OF NORTH FLORIDA, INC. PROJECT), SERIES 2010, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$4,800,000, FOR THE PURPOSE OF MAKING A LOAN OF FUNDS TO GOODWILL INDUSTRIES OF NORTH FLORIDA, INC. RELATED TO THE REFUNDING OF THE JACKSONVILLE ECONOMIC DEVELOPMENT COMMISSION VARIABLE/FIXED RATE DEMAND REVENUE BONDS (GOODWILL INDUSTRIES OF NORTH FLORIDA, INC. PROJECT) SERIES 2003 AND THE FINANCING AND/OR REFINANCING OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN SOCIAL SERVICE CENTER FACILITIES IN THE CITY OF GAINESVILLE, FLORIDA, THE CITY OF JACKSONVILLE, FLORIDA AND FLAGLER COUNTY, FLORIDA; PROVIDING THAT SUCH REVENUE BONDS SHALL NOT CONSTITUTE A DEBT, LIABILITY OR OBLIGATION OF THE CITY OF GAINESVILLE, FLORIDA, THE CITY OF JACKSONVILLE, FLORIDA, FLAGLER COUNTY, FLORIDA OR THE STATE OF FLORIDA OR ANY POLITICAL SUBDIVISION THEREOF, BUT SHALL BE PAYABLE SOLELY FROM THE REVENUES HEREIN PROVIDED; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH GOODWILL INDUSTRIES OF NORTH FLORIDA, INC. TO PROVIDE SECURITY FOR SUCH BONDS AND FOR OTHER MATTERS THEREIN PROVIDED; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST WITH RESPECT TO THE BONDS; APPOINTING U.S. BANK NATIONAL ASSOCIATION AS INITIAL TRUSTEE UNDER SUCH INDENTURE OF TRUST; AUTHORIZING THE MAYOR OR MAYOR-COMMISSIONER PRO TEM TO AWARD THE SALE OF THE BONDS TO SUNTRUST BANK AND APPROVING THE CONDITIONS AND CRITERIA OF SUCH SALE; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A TAX REGULATORY AGREEMENT; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN OTHER DOCUMENTS REQUIRED IN CONNECTION WITH THE FOREGOING; AND PROVIDING CERTAIN OTHER DETAILS IN CONNECTION THEREWITH.**

*Explanation: CITY MANAGER MEMORANDUM*

*The City Commission previously held a public hearing on January 21, 2010 and adopted Resolution No. 090677 (the "Initial Resolution") that approved (i) the holding of a public hearing regarding the issuance of the bonds and the facilities being financed or refinanced, (ii) the form of a Memorandum of Agreement between the Borrower and the City and the execution and delivery thereof, (iii) the form of an Interlocal Agreement between the City and Flagler County, Florida and the execution and delivery thereof, and (iv) the form of an Interlocal Agreement between the City and the City of Jacksonville, Florida and the execution and delivery thereof.*

*This Resolution supplements the Initial Resolution and approves the issuance of Industrial Development Revenue Bonds (Goodwill Industries of North Florida, Inc. Project), Series 2010 (the "2010 Bonds"), in an aggregate principal amount not exceeding \$4,800,000, for the purpose of making a loan of funds to Goodwill Industries of North Florida, Inc. (the "Borrower") in order to pay all of its obligations under a Loan Agreement dated as of June 1, 2003, between the Borrower and the Jacksonville Economic Development Commission ("JEDC"), thereby refunding the JEDC's Variable/Fixed Rate Demand Revenue Bonds (Goodwill Industries of North Florida, Inc. Project) Series 2003 (which financed social service center facilities in the City of Gainesville, Duval County and Flagler County) and to finance or refinance the acquisition, construction and equipping of improvements to social service center facilities in the City of Gainesville, Florida and the City of Jacksonville, Florida. The 2010 Bonds shall not constitute a debt, liability of obligation of the City of Gainesville, Florida or the State of Florida or any political subdivision thereof, but shall be payable solely from the amounts paid by the Borrower to the City under the terms of a Loan Agreement. This Resolution approves the form of and authorizes: (i) the execution and delivery to SunTrust Bank of the 2010 Bonds, (ii) the execution and delivery of a Trust Indenture between the City and U.S. Bank National Association, as trustee, (iii) the execution and delivery of a Loan Agreement between the City and the Borrower, (iv) the execution and delivery of a Tax Regulatory Agreement and No Arbitrage Certificate between the City and the Borrower, and (v) the execution and delivery of the Interlocal Agreement with the City of Jacksonville, Florida and the Interlocal Agreement with Flagler County, Florida.*

*The Resolution also waives the requirements of the City's Industrial Development Revenue Bond Policy requiring credit enhancement of the 2010 Bonds and a rating on the 2010 Bonds from a credit rating agency because the 2010 Bonds are being privately placed with SunTrust Bank, which will sign a certificate that it is purchasing the 2010 Bonds as an investment and not with a current intention of remarketing or re-selling the 2010 Bonds.*

*This matter has been reviewed by the City Manager who also recommends the adoption of this Resolution and issuance of the 2010 Bonds.*

*Fiscal Impact: All costs and expenses associated with the issuance of these bonds will be paid by the Borrower, Goodwill Industries of North Florida, Inc.*

*Attachments: Resolution. Due to bulk and size, the Form of Indenture of Trust, Form of Loan Agreement and Form of Tax Regulatory Agreement and No Arbitrage Certificate are on file in the Office of the Clerk of the Commission.*

**RECOMMENDATION**

*The City Commission adopt the proposed Resolution.*

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**090982.**

**RESOLUTION OPPOSING THE PROPOSED AMENDMENT 4 TO THE FLORIDA CONSTITUTION COMMONLY KNOWN AS THE "FLORIDA HOMETOWN DEMOCRACY" INITIATIVE (B)**

**A Resolution of the City Commission of the City of Gainesville, Florida opposing Amendment 4 to the Florida Constitution, commonly known as the "Florida Hometown Democracy" initiative, that would require a voter referendum prior to local government adoption of a comprehensive plan or comprehensive plan amendment; providing directions to the Clerk of the Commission; and providing an immediate effective date.**

*Explanation: The City Commission, at its meeting of April 1, 2010, requested the City Attorney draft a Resolution opposing the proposed Amendment 4 to the Florida Constitution commonly known as the "Florida Hometown Democracy" initiative.*

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

090982\_draft resolution\_20100603.pdf

**091050**

**FIRE SERVICES SPECIAL ASSESSMENT (B)**

**A resolution of the City of Gainesville, Florida, relating to the provision of fire services, facilities and programs in the City of Gainesville, Florida; describing the method of assessing fire services assessed costs against assessed property located within the City of Gainesville; directing the preparation of an assessment roll; authorizing a public hearing and directing the provision of notice; providing for severability and providing an immediate effective date. (B)**

*Explanation: On June 9, 2008, the City Commission adopted Ordinance 070623 which establishes the authority to implement a Fire Services Special Assessment if the Commission chooses to do so.*

*On May 24, 2010, the Commission authorized the drafting of an Initial Rate Resolution, which if adopted, would establish Initial Rates for the Fire Services Special Assessment and provide for notice to affected property owners of the proposed rates. The Initial Rate Resolution also provides for notice of a public hearing on a Final Rate Resolution to be held on dates as set forth in the Resolution.*

*In adopting the Initial Rate Resolution the Commission will have to determine the Initial Rate to be sent in the notice to affected property owners. (See for example page 24 of the Resolution.) The Initial Rate can be anywhere from 100% or less. It must be noted, however, that while the Initial Rate can change at the final hearing, it cannot be increased, but can only be adjusted downward.*

*In other words, if the Commission establishes the Initial Rate at 75% and notices that as the Initial Rate, at the Final Hearing the 75% Assessment can decrease, but it cannot go above the 75% rate.*

**RECOMMENDATION**      *The City Commission: 1) establish an Initial Rate for the Fire Services Special Assessment; 2) set a date for a public hearing on a Final Rate Resolution; and 3) adopt the proposed resolution.*

091050\_52610coverfireassess\_20100603.pdf  
 091050\_52610firespecialassessment\_20100603.pdf  
 091050\_MOD\_20100603.pdf  
 091050\_Fire Resolution Slideshow\_20100603.ppsx

## ORDINANCES, 1ST READING- ROLL CALL REQUIRED

### 080579.

#### LANDLORD PERMIT APPLICATION FEES (B)

##### **Ordinance No. 0-10-50**

**An ordinance of the City of Gainesville, Florida, amending Appendix A, City of Gainesville Code of Ordinances, relating to late fees for landlord permit initial applications; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: The City Commission at its April 14, 2010 meeting, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Appendix A, Schedule of Rates, Fees and Charges. This ordinance implements the recommendation of the Community Development Committee to implement a new tier of late fees for landlord permit applications that are received 1-15 days late, set at 50% of the current 30-day late fee. The new tier bifurcates the existing late fee in effect for one business day to 30 calendar days late tier to add the 16-30 calendar days late tier.*

*This ordinance requires two readings. Should the Commission pass this ordinance on first reading, second and final reading will be held on June 17, 2010.*

##### **Legislative History**

11/6/08	City Commission	Referred (7 - 0)	Community Development Committee
3/26/09	Community Development Committee	Approved as Recommended	
1/12/10	Community Development Committee	Approved as shown above (See Motion)	
4/15/10	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	

080579\_Late LLP Memo\_20090326.pdf  
080579\_Ordinance Excerpt\_20090326.pdf  
080579\_Memo\_20100112.PDF  
080579\_CDC Minutes\_20100415.pdf  
080579\_Draft Ordinance\_20100603.pdf

**090743.**

**FOOD DISTRIBUTION CENTERS FOR THE NEEDY (B)**

**Ordinance No. 0-10-04, Petition PB-09-153-TCH**

**An ordinance of the City of Gainesville, Florida, amending Section 30-111 of the Land Development Code relating to food distribution centers for the needy; by allowing food distribution centers for the needy to exceed the daily meal limitations on the federal holidays designated as Thanksgiving Day and Christmas Day and on one additional day to be selected by the food distribution center; by imposing a permit fee, requirements and conditions on the holiday meal service; by adding a reference to the permit in Appendix A of the City Code of Ordinances; 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*

*On November 5, 2009, the City Commission discussed options for allowing holiday meal service for the needy in the City. Citizens and representatives of the St. Francis House expressed concern with the 130 maximum daily meal limit established in the Land Development Code. As a short term solution, the City Commission agreed to open up the MLK Center for meal service during the 2009 Thanksgiving holiday and authorized staff to initiate a petition to allow expanded meal service on certain holidays. Specifically, the City Commission directed staff to initiate a petition to the Plan Board amending section 30-111 of the Land Development Code related to allowing food distribution centers for the needy to exceed the established 130 daily meal limitation on three (3) national holidays and to include any proposed amendments to other relevant sections of the code.*

*On December 7, 2009, the Plan Board heard the petition and received comments from the public. The Plan Board, by a vote of 6-0, recommended the City Commission approve no limit on the number of meals that can be served for all Federal Holidays, with a further recommendation to the City Commission that they rescind the 24-hour, 130 meal limit altogether. The Plan Board also directed staff to develop a proposal to: 1) identify adequate locations for food service of the needy at indoor locations in our community; 2) bring together individuals and groups that provide such services (indoor or outdoor) for the purpose of locating those services indoors; and, 3) regulate for actual impacts (such as loitering, behavior, management practice, or others identified). It is the opinion of the staff that the work that the Plan Board directed staff to complete was done as part of the planning for the One-Stop Center and does not need to be repeated.*

*On February 18, 2010, the City Commission heard the petition and, by a vote of 7-0, approved the petition with a modification that the 130 daily meal limitation is lifted on the federal holidays designated as Thanksgiving Day and Christmas Day and on one additional day to be chosen by the food distribution center.*

*CITY ATTORNEY MEMORANDUM*

*Should this ordinance pass on first reading, second and final reading will be held on Thursday, June 17, 2010.*

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

**Legislative History**

2/18/10      City Commission      Approved as shown above, (Main Motion) (7 - 0)

090743\_staff report\_20100218.pdf

090743A\_US office of pers mgmt oper status schd\_20100218.pdf

090743B\_sec 30-111 food dist ctrs\_20100218.pdf

090743C\_cpb mintues\_20100218.pdf

090743\_HENRY\_20100218.pdf

090743\_JACKSON\_20100218.pdf

090743\_draft ordinance\_20100603.pdf

**091006.**

**VOLUNTARY EARLY SEPARATION INCENTIVE PROGRAM (B)**

**Ordinance No. 0-10-15**

**An ordinance of the City of Gainesville, Florida, amending Article VII, Division 8 of Chapter 2 of the City of Gainesville Code of Ordinances relating to the Consolidated Police Officers and Firefighters Retirement Plan; creating a subsection (p) of Section 2-600; providing for additional service credit associated with an early separation program; 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 18, 2010, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the City's pension plans to provide three (3) years of credited service to certain eligible employees participating in a voluntary early separation program and a separate incentive program eliminating the penalties associated with early retirement. The City Commission authorized management to limit eligibility in the program to operational areas where reduction in forces are likely needed to address projected budget deficits and based on specific employee classifications, organizational functions, departments, or particular skill sets.*

*On May 6, 2010, the City Commission adopted an ordinance amending the General Employees Pension Plan to provide three (3) years of credited service or waive certain actuarial reductions associated with an early separation incentive to certain general government employees participating in a voluntary early separation program.*

Over the last several months, bargaining representatives for the City negotiated with the North Central Florida Police Benevolent Association, Inc. ("PBA") over amendments to the Consolidated Police Officers and Firefighters Retirement Plan providing for three (3) years of service credit associated with an early separation program to Police Lieutenants under certain circumstances. Recently, the PBA members ratified the amendments set forth in the proposed ordinance to the extent that such amendments applied to Police Lieutenants (the proposed ordinance also covers Police Captains, who are not members of the PBA). It is anticipated that the City Commission will ratify the amendments set forth in the proposed ordinance on June 17, 2010 (the same meeting date as second and final reading of the proposed ordinance). Accordingly, this second proposed ordinance is before the City Commission for adoption.

This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be June 17, 2010.

**RECOMMENDATION**            The City Commission strike from the agenda.

091006\_draftordinance\_20100603.pdf

#### **091041.**

#### **2011 CITY COMMISSION ELECTION DATES (B)**

##### **Ordinance No. 0-10-17**

**An ordinance of the City of Gainesville, Florida, setting March 15, 2011 as the date for the 2011 regular city election and April 12, 2011 as the date for the 2011 run-off election, if necessary; setting the dates for qualifying for the 2011 regular election; providing a severability clause; providing a repealing clause; and providing an immediate effective date. (B)**

*Explanation: The City Commission, at its meeting of May 17, 2010, authorized the City Attorney's Office to draft an ordinance setting the 2011 regular city election and run-off election dates.*

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

091041\_2011 Election Dates Ordinance\_20100603.pdf

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

#### **090487.**

#### **REZONING – 4306 AND 4322 NW 13TH STREET (B)**

##### **Ordinance No. 0-09-76, Petition No. PB-09-120ZON**

**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 "BUS: General business district" to "BA: Automotive-oriented business district"; located in the vicinity of 4306 and 4322 Northwest 13th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*This is a request to rezone property located at 4306 and 4322 Northwest 13th street. Tax parcel 07925-000-000 located at 4306 N.W. 13th Street is currently zoned BUS (General business district) with Commercial land use. North of this property is tax parcel 07910-000-000 located at 4322 N.W. 13th Street, which is zoned BUS and RSF-1 (3.5 units/acre single-family residential district) and has Commercial and Single Family (up to 8 units per acre) land use. The commercial portion of this property extends approximately 400 feet west from N.W. 13th Street before the single-family designated area of the property is reached. The request of this petition is to rezone the properties from BUS to BA (Automotive-oriented business district). The land use would remain Commercial because BA is one of the implementing zoning districts of the Commercial land use.*

*The character of the area in the general vicinity of the subject properties is commercial. South of the subject properties is a used automobile business with an automobile salvage yard and a former new car dealership. East of the rezoning site across N.W. 13th Street is a Badcock furniture store with MU-1 (8-30 units/acre mixed use low intensity) zoning and Mixed-Use Low-Intensity (8-30 units per acre) land use. Mobile home sales lie to the north of that with BA zoning and Commercial land use. South of the furniture store are two single-family homes and a gasoline station/convenience store, with MU-1 zoning and MU-L land use. North of the subject properties is Family Pool, Spa and Billiard with associated storage and an office building to the north of that, both with BA and OF (General office district) zoning and Commercial and Office land use. West of the subject site is low-density single-family residential use, with Single-Family land use and RSF-1 zoning. Properties with BA zoning and Commercial land use lie adjacent to the subject properties on the north and the south. The BA designation on the west side of N.W. 13th Street extends north from the site of the former new car dealership in the 4200 block up to the 4800 block, which is the point where N.W. 6th Street intersects with N.W. 13th Street. The exceptions are the subject properties which are zoned BUS. The proposed automotive-oriented zoning would be compatible with the surrounding land uses. The zoning change to BA will make the subject properties consistent with the zoning for other properties on the west side of N.W. 13th Street in this corridor. Future uses on the subject properties will likely be more compatible with uses typically found in the BA zoning district.*

*The City Plan Board reviewed the petition and recommended approval, Plan Board vote 6-1.*

*Public notice was published in the Gainesville Sun on September 8, 2009. The Plan Board held a public hearing on September 24, 2009.*

*CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of December 3, 2009, authorized the City Attorney to draft the proposed ordinance.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*



Legislative History

11/5/09 City Commission Continued (Petition) (7 - 0)  
 12/3/09 City Commission Approved (Petition) (4 - 1 - 2 Absent)  
 5/20/10 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

090487\_petition\_20091105.pdf  
 090487d\_Staff PPT\_20091203.pdf  
 090487F\_Revised Map\_20091203.pdf  
 090487\_staff report\_20091203.pdf  
 090487A\_maps\_aerial, existing land use\_existing & proposed zoning\_20091203.pdf  
 090487B\_rezoning report\_20091203.pdf  
 090487C\_land use & zoning appl\_workshop info\_20091203.pdf  
 090487d\_Staff PPT\_20091203.pdf  
 090487E\_cpb minutes\_20091203.pdf  
 090487\_petition\_20091203.pdf  
 090487\_draft ordinance\_20100520.pdf  
 090487\_draft ordinance\_20100520.pdf

**PLAN BOARD PETITIONS****DEVELOPMENT REVIEW BOARD PETITIONS****090844.****Hidden Lake Design Plat, Phase II (B)**

**Petition DB-09-88 SUB Causseaux, Hewett and Walpole, Inc., agent for Land Estates, LLC. Design plat review for Phase II of Hidden Lake Subdivision. Zoned PD (Planned Development). Located at NW 75th Place and NW 21st Way, Parcel No. 07814-002-001.**

*Explanation: Hidden Lake is a residential subdivision located in the 2700 block of SR121. It was approved by Alachua County in January 1983 as a Planned Unit Development with a gross density of 3.22 units per acre. City records indicate that Phase I, which includes 60 lots and associated open space was developed prior to January 8, 1991 on 31 acres. The PD was annexed into the City in 1992 (Ordinance 3769) and an application, Petition 61SUB-06 DB, was submitted to the City on August 10, 2006 for Phase II design plat review which includes 18 lots on 8.35 acres at a density of 2.2 units per acre.*

*This petition is the continuation of the April 1, 2010 hearing on Hidden Lake Design Plat, Phase II. The City Commission continued the petition so that the applicant could address several issues raised by residents at the April 1, City Commission hearing.*

*The issues included verification from Gainesville Fire Rescue as to whether a cul-de-sac was needed for a turnaround for fire trucks and directions to the applicant to hold a neighborhood workshop to address neighborhood concerns regarding wetlands, stormwater, traffic, sidewalks and the connection to Eryn's Gardens subdivision.*

*In response to the Commission's concerns, a neighborhood meeting was conducted on April 18, 2010 at 2:00pm; minutes of the meeting are attached.*

*Since the April 1, 2010 City Commission meeting, staff has determined that:*

- \* The cul-de-sac can be replaced with the new street-end design as shown on the modified design plat.*
- \* A vehicular connection cannot be constructed but a pedestrian/bicycle connection can be physically accommodated with coordination from the owners of Eryn's Garden.*
- \* The stormwater management system proposed for the development meets code and is adequate to handle the additional units proposed for Phase II.*
- \* The sidewalks should remain as part of the design for Phase II.*
- \* The proposed mitigation within the area to the south of Phase I will significantly enhance the overall environmental condition of the Hidden Lake area.*

*Public notice was published in the Gainesville Sun on January 27, 2010. The Development Review Board held a public hearing on February 11, 2010.*

*Fiscal Note: None.*

**RECOMMENDATION**

*Staff to City Commission - the City Commission approve the DRB's recommendation included in the report, including the following:*

- \* Approve a modification to allow removal of the cul-de-sac per the reviewing department.*
- \* Require the placement of sidewalks in Phase II as required by code.*
- \* Approve the wetland mitigation plan, finding that the Public Interest Test has been met; the avoidance and minimization criteria has been satisfied and approve the mitigation plan as proposed.*
- \* Require a 12-foot wide pedestrian/bicycle connection to the adjacent development to the north, subject to agreement by the owners of Eryn's Gardens.*
- \* Require compliance with GRU requirements including a 12-foot wide stabilized surface to service existing manholes managed by GRU.*

**Legislative History**

4/1/10 City Commission Continued (Petition) (6 - 0 - 1 Absent)

090844\_staff comments\_20100401.pdf  
090844A\_development plans\_20100401.pdf  
090844B\_maps\_20100401.pdf  
090844C\_alachua cty pd\_20100401.pdf  
090844D\_100211 drb minutes\_20100401.pdf  
090844E\_staff ppt\_20100401.PDF  
090844\_petitionform\_20100401.pdf  
090844a\_petitionform\_20100401.pdf  
090844\_hidden lake revised\_20100603.pdf  
090844A\_original hidden lake 100401 ccom\_20100603.pdf  
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090844\_petitionform\_20100401.pdf  
090844a\_quasijudicialform\_20100603.pdf  
090844\_petitionform\_20100603.pdf

### **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)**