

City of Gainesville

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



Meeting Agenda

June 21, 2012

1:00 PM

MODIFIED AGENDA - SECOND REVISION

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

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

120059.

Firefighter Personal Accountability System Upgrade (NB)

This item requests that the City Commission authorize the City Manager or designee to approve the issuance of a purchase order to upgrade the TPASS personal accountability system.

Explanation: Gainesville Fire Rescue (GFR) originally purchased the Grace Industries TPASS personal accountability system in 2003 through a Fire Act Grant for the price of \$265,247. This system supplied both Alachua County Fire Rescue and GFR with TPASS devices, repeaters, and command units. The TPASS devices were purchased for each GFR Operations employee. The cost per unit in 2003 was \$749, that purchase also included the command units at a cost of \$6995 per device. The repeater units cost \$398 per device.

In 2010, GFR began an upgrade process of the TPASS system with a new communications package that allowed the incident commander to perform monitoring and communication with individual TPASS devices via a laptop computer. This upgrade significantly increased the safety of individual firefighters with a higher level of dependability and communication. The cost of this upgrade was \$15,990 for two communication packages, one for each District Chief's vehicle, which translates to a cost of \$7995 per vehicle setup.

Gainesville Fire Rescue is now moving to complete the upgrade started in 2010

by the replacement of the TPASS3 devices originally purchased in 2003. These devices are nearly nine years old and have now developed cost of maintenance issues. The purchase cost of a new TPASS3 unit is \$800.25 per unit. The TPASS3 does not meet the new NFPA standard for personal accountability devices. The TPASS4 device that we will be purchasing meets the new NFPA standard for heat protection, audible alarm, and survivability. This purchase also includes another command communications package for the spare District Chief's vehicle, more of the stand-alone repeaters required for large area responses, and TPASS devices designed specifically for hazardous materials response.

The technology used for this system is proprietary and cannot be provided by any other manufacturer other than Grace Industries.

Fiscal Note: Funding in the amount of \$189,500 has been approved in the FY11 Capital Improvement Plan.

RECOMMENDATION

The City Commission authorize the City Manager or designee to approve the issuance of a purchase order to upgrade the TPASS system.

120060.

Elected Official's Retirement Benefit Options (NB)

Explanation: During Fiscal Year 2001-2002, the City Commission made a policy decision to provide access to a retirement system for City Commissioners. The result of this decision was to pass a resolution making City Commissioners members of the Florida Retirement System (FRS) on February 11, 2002. Every City Commissioner since that date has participated in the Florida Retirement System in either the Elected Officials Class or, if dually employed by another FRS participant, the general employee class, and had employer contributions made to FRS on their behalf except one. An issue that was not anticipated to impact this policy decision arose when FRS notified staff that their rules prevented individuals from participating in two different retirement systems administered by the State. The State University System also has a supplemental retirement plan administered by the State. This system, State University System Optional Retirement Program (SUSORP) provided a defined contribution retirement option for University Administrators and Faculty that allowed for portability of the benefit that FRS did not offer at the time. Therefore, if an individual who was participating in the SUSORP is an elected official, they would not have the same access to the retirement benefit as other elected officials unless they withdraw from the SUSORP and enter FRS. FRS has added a defined contribution plan option since that allows for portability of a member's employer contributions after one year for those who prefer portability over the longer vesting and non-portability of the traditional defined benefit program. This has become the choice for non-dually employed elected officials as the City has term limits that would prevent elected officials from vesting in the current FRS, which has an eight year vesting period.

To correct the inequity created by the rules that don't allow individuals to participate in two retirement plans administered by the State, staff suggests providing a retro-active "catch up" contribution for the former elected officials via a deferred compensation program already in existence. The lost value of those contributions is \$16,611.70. To ensure the inequity does not occur in the future, staff recommends amending to the City's current 401(a) to include elected officials not eligible to participate in FRS.

Fiscal Note: Funds of \$16,611.70 necessary for catch up contributions were previously budgeted and are currently available in the General Fund.

RECOMMENDATION

The City Commission: 1) approve the "catch up" contribution payment of \$16,611.70; and 2) authorize the City Manager or his designee to amend the 401(a) to include elected officials as eligible members, subject to the approval of the City Attorney as to form and legality.

120063.

Request To Increase Trespass Towing Rates (B)

This item requests the City Commission consider raising the Trespass Towing Rates for the upcoming year (2013).

Explanation: In accordance with Section 14.5-30 of the Code of Ordinances of the City of Gainesville, the City Manager must receive requests to adjust trespass towing rates by September 30th of each year. The City Commission has the sole authority of establishing towing rates.

On June 1, 2012 the City Manager received an email from Ultimate Towing requesting an increase in their maximum trespass towing fees.

Current trespass towing rates are Class 1 through 2 Light Duty vehicles \$76, Class 3 through 6 Medium Duty Vehicles \$133, and Class 7 through 8 Heavy Duty Vehicles \$288.

The requested increase by Ultimate Towing is Class 1 through 2 Light Duty vehicles \$100.

The last request to increase towing fees came to the City in the fall of 2007. The request was denied by the Public Safety Committee and the City Commission because the towing companies backup did not support the request. It was recommended at that time that companies bring documentation giving the specific breakdown of how many tows they do locally and what percentage their insurance, gas and, expenses have increased in the past year.

RECOMMENDATION

The City Commission refer this item to the Public Safety Committee to review and address the proposed rate increase.

120063_TowingRateEmail_20120621.pdf

120029.

Contract for Wilhelmina Johnson Resource Center (NB)

This is a request to authorize staff to negotiate a contract with the Cultural Arts Coalition for annual operation of the Wilhelmina Johnson Resource Center.

Explanation: Over the past five years the Cultural Arts Coalition, Inc. (CAC) has had a contract with the City of Gainesville to manage and coordinate the Wilhelmina Johnson Resource Center (WJRC), a city-owned facility. The current contract expired on September 30, 2011. The contractor has been on a month-to-month contract while the RFP process is in progress.

The City recently requested Proposals for the management, operations and programming of the WJRC. Two proposals were received, one from the CAC to continue their existing program and one from Yopp! Inc. for cultural and artistic programming for children. Yopp! Inc. has expressed interest in implementing their proposal at the Rosa B. Williams Recreation Center.

Staff is requesting authorization to begin negotiations with the CAC to finalize a contract for the management and operation of the WJRC. The initial term of the contract is for two years with an option by the City to negotiate and extend the contract for up to two additional one-year periods.

Fiscal Note: The City has proposed a budget of \$45,000 in FY2013 and FY2014 for this contract.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager or his designee to begin contract negotiations with the Cultural Arts Coalition subject to approval by the City Attorney as to form and legality.

120030.

Contract for Services at Rosa B. Williams Recreation Center (NB)

This is a request to authorize staff to negotiate a contract with Yopp! Inc. for annual operation of the Rosa B. Williams Recreation Center.

Explanation: The City recently requested Proposals for the management, operations and programming of the Wilhelmina Johnson Resource Center. Two proposals were received, one from the Cultural Arts Coalition, and one from Yopp! Inc. for cultural and artistic programming for children. In consideration of Yopp!'s excellent proposal and the need for programming at the Rosa B. Williams Recreation Center, staff saw the opportunity to provide a much needed service for an underserved community at the Rosa B. Williams Recreation Center. Yopp! Inc. agreed that the Rosa B. Williams Center met their needs and the type

of programming they provide could greatly benefit the community.

Staff is requesting authorization to negotiate a contract with Yopp! Inc. for the management and operation of the Rosa B. Williams Recreation Center. The initial term of the contract is for two years with an option by the City to negotiate and extend the contract for two additional one year periods.

Fiscal Note: The City has \$45,000 from WSPP Set-Aside funds annually through 2016 for this Contract.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager or his designee to begin contract negotiations with Yopp! Inc. for annual operation of the Rosa B. Williams Recreation Center subject to approval by the City Attorney as to form and legality.

120064.

Grant Application for Hoggetowne Medieval Faire (NB)

This item involves a request to authorize submission of an application by the Parks, Recreation and Cultural Affairs Department for a grant from the Alachua County Tourist Product Development Program for funds to provide marketing and promotion for the Hoggetowne Medieval Faire.

Explanation: The Department of Parks, Recreation and Cultural Affairs wishes to submit a grant application to the Alachua County Tourist Product Development Program for funds to provide advertising and promotion of the 2013 Hoggetowne Medieval Faire. The grant request 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 grant 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 2008-2011.

Fiscal Note: No matching funds are required.

RECOMMENDATION

The City Commission: 1) approve the submission of a grant application to Alachua County Tourist Product Development Program; 2) authorize the City Manager to execute the application; and 3) if awarded, authorize the City Manager to execute the grant agreement 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 a

grant application to the Alachua County Tourist Product Program.

120039.**C. R. Layton United States Army Reserve Center - 1125 NE 8th Avenue (B)**

Explanation: The C. R. Layton United States Army Reserve Center is located at 1125 NE 8th Avenue and includes approximately 6.8 acres of land improved with four structures: an administrative building, two petroleum, oil and lubricant (POL) storage buildings and a closed wash pad. Military equipment parking (MEP) area and a privately owned vehicle (POV) parking area are also located on the property.

The property was transferred to the Department of the Army in 1950 from the City of Gainesville and developed in 1951 to be utilized as a United States Army Reserve Center. The deed transferring the property to the federal government included a reverter clause indicating that the property would revert back to the City of Gainesville if no longer needed by the federal government. The City has been notified by the Army Corps of Engineers that the property is no longer needed and the City has been provided with a draft reverter agreement and a copy of an environmental report prepared for the property.

The City would need to determine a future use of the property. Commissioner Wells has been engaged on this issue with local residents who have been interested in seeing the City acquire the property. City staff recommends additional review of the property.

Fiscal Note: A limited Phase II Environmental Assessment of the property can be performed for \$6,860; funds are available in the FY12 operating budget. Once the City acquires the property, there will be recurring maintenance costs. A future use for the property will need to be identified which may have capital and recurring operating and maintenance costs.

RECOMMENDATION

The City Commission direct the City Manager to proceed with the Phase II Environmental Assessment of the property.

120039A_Site Map_20120607.pdf

120039B_Property Deed_20120607.pdf

120107.**First Amendment to Interlocal Agreement Between Alachua County and the City of Gainesville for the Charter County and Regional Transportation System Surtax (B)**

The Alachua County Board of County Commission authorized the advertisement of a public hearing on July 10, 2012 to consider an ordinance to levy a 0.75 percent (3/4 percent) sales surtax for a period of 15 years to improve county and municipal roads, subject to voter approval and amended to delete the prohibition on the use of revenue for sidewalks. This prompts

the need to amend the Interlocal Agreement between Alachua County and the City of Gainesville.

MODIFICATION: New Item added 6/19/2012 @ 3:40 PM.

Explanation: On June 12, 2012, the Alachua County Board of County Commission authorized the advertisement of a public hearing on July 10, 2012 to consider an ordinance to levy a 0.75 percent (3/4 percent) sales surtax for a period of 15 years to improve county and municipal roads, subject to voter approval and amended to delete the prohibition on the use of revenue for sidewalks. The Interlocal Agreement dated May 22, 2012 entered into by the City of Gainesville and Alachua County included a provision in Section 4. stating "however, the surtax proceeds shall not be used for the planning, development, construction, operation and maintenance of sidewalks. For the purposes of this agreement, sidewalks are hard-surfaced paths alongside a road." Based on the action taken by the County Commission on June 12, the Interlocal Agreement should be revised to delete the prohibition as well.

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

RECOMMENDATION

The City Commission approve the First Amendment to Interlocal Agreement Between Alachua County and the City of Gainesville For Use and Distribution Of Funds Generated By a Charter County and Regional Transportation System Sales Surtax To Be Used For Improvement and Maintenance of Roads and Bridges.

120107_Agreement_20120621.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

110952.

TRAFFIC AND MOTOR VEHICLE OVERTIME METERED PARKING (B)

Explanation: Section 26-76 pertaining to the Exception for governmental vehicles in the parking codes exempts government vehicles that either have government license plates or have government markings on the vehicles. By definition, this exception does not apply to unmarked government vehicles. For example, covert (aka "undercover") law enforcement vehicles driven by federal, state and local law enforcement officers are not exempted from overtime parking at meters, when on government business. This leads to inequitable results for those driving unmarked vehicles. For example, if an FBI agent attends a hearing at the Federal Courthouse while under subpoena, and parks an unmarked government vehicle in a metered parking spot and pays for the maximum of 2 hours parking and ends up testifying for three hours, the agent has violated the City of Gainesville parking ordinance. Alternatively, a patrol officer who parks a marked vehicle, in the same situation, would qualify for the exception and not be in violation of the city ordinance. There is no exception for unmarked

government vehicles, only marked government vehicles.

In practice, the officers in covert vehicles who receive a parking citation can now request a hearing. On occasion the hearing officer may dismiss the ticket at the hearing. When this happens, the city has to pay the non-prevailing party fee, which is now \$40.00 per case. Not only is the City out the non-prevailing party fee, but the parking officers have to attend the hearing, instead of patrolling the streets. Under the proposed amendment, if the driver of an unmarked government vehicle, who otherwise meets the criteria of the exception, gets a citation because a vehicle is an unmarked government vehicle, the driver would file an Affidavit of Explanation and the citation could lawfully be dismissed pursuant to the proposed amendment to the exception.

The proposed amendment is not intended to excuse the initial payment of the parking meter fees, nor is it to be used as a substitute for normal government employee parking.

Therefore, amending the ordinance so that unmarked vehicles are also exempt, not only corrects an inequity, but it will save the city money, and keep the offending officer and parking officers from having to spend time at hearings when the citations are going to be dismissed as a matter of course. The only change proposed is to include unmarked government vehicles to the exception that already exists, with all of the other already existing requirements remaining as they are.

RECOMMENDATION

The City Commission authorize the City Attorney to draft, and the Clerk to advertise, an ordinance amending Section 26-76 of the City of Gainesville Code of Ordinances to provide that overtime metered parking, or overtime signs, shall not be applicable to employees on official business in governmental owned vehicles, whether or not marked by governmental license plates or other official governmental marking.

110952_Overtime Metered Parking_20120621.pdf

120056.

RODRICK THOMPSON, AND DEBORAH THOMPSON VS. CITY OF GAINESVILLE, A POLITICAL SUBDIVISION; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2012-CA-2040(B)

Explanation: On May 29, 2012, the City was served with a Summons and Complaint filed by Rodrick and Deborah Thompson in the Circuit Court. Rodrick Thompson alleges that he was involved in an automobile accident with a City vehicle on March 22, 2011 on SR 20, in Gainesville. Rodrick Thompson 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. Plaintiff Deborah Thompson has filed a loss of consortium claim. Mr. Thompson 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 Rodrick Thompson, and Deborah Thompson vs. City of Gainesville, a political subdivision; Eighth Judicial Circuit, Case No. 2012-CA-2040.

120056_Rodrick and Deborah Thompson Consent_20120621.pdf

120066.**RAY LEWIS VS. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2012-CA-838 (B)**

Explanation: On June 4, 2012, the City was served with a Summons and Complaint filed by Ray Lewis in the Circuit Court. Ray Lewis alleges that on March 3, 2008 while a passenger on a RTS bus, he slipped and fell on a slippery wet surface. Ray Lewis claims to have suffered bodily injury and resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, the expense of medical and nursing care, lost wages, loss of capacity to earn future wages and the activation or aggravation of a preexisting condition. Mr. Lewis 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 Ray Lewis vs. City of Gainesville; Eighth Judicial Circuit, Case No. 2012-CA-838.

120066_Ray Lewis Consent_20120621.pdf

120080.**GENENE BARTLEY V. CITY OF GAINESVILLE CASE NO.:01-2010-CA-6601; EIGHTH JUDICIAL CIRCUIT, IN AND FOR ALACHUA COUNTY (B)**

Explanation: On December 8, 2010, the Plaintiff, Ms. Bartley, served the City in this lawsuit for damages related to an automobile accident. Ms. Bartley's claim against the City arose from an automobile accident that occurred on October 23, 2008 at the intersection of NE 1st Avenue and NE 11th Street. A Gainesville Police Department vehicle was travelling east on NE 1st Avenue, and Ms. Bartley's vehicle was travelling south on NE 11th Street. The intersection was regulated only by stop signs controlling East-West traffic.

Subsequent to the accident, Ms. Bartley received emergency medical attention, and then follow-up care in Gainesville and New York where she now resides. She has incurred medical expenses secured by liens in excess of \$27,000, primarily for injuries to the lumbar area of her back, and also for treatment of her neck and shoulder. Ms. Bartley initially demanded payment of the statutory cap of \$100,000.

This matter is set for jury trial in July 2012. All parties to this litigation and their respective legal counsel attended Court-ordered mediation on May 23,

2012. After mediation and continued negotiations, a mediated settlement agreement was arrived at whereby the City would pay the sum of \$35,000.00 in full and final settlement of Ms. Bartley's claims along with \$618.75 in costs to the mediator, subject to approval by the City Commission. It is the recommendation of the City Attorney's Office and the Risk Management Department that the Mediated Settlement Agreement is approved, and the case be settled.

RECOMMENDATION

The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the lawsuit styled *Genene Bartley v. City of Gainesville; Alachua County Circuit Court; Case No.: 01-2010-CA-6601*, on behalf of the City.

120080_Bartley Settlement_20120621.pdf

120045.

**STEPHEN LOCKE v. THE CITY OF GAINESVILLE, FLORIDA,
OFFICER JOEY DEVORE AND OFFICER DANIEL SURRENCY,
COURT CASE NO. 1:12-CV-00099-SPM-GRJ (B)**

Explanation: On June 4, 2012, the City was served with a Summons and Complaint filed by Stephen Locke in Federal Court. The Plaintiff alleges that he is a victim of false arrest, false imprisonment, and malicious conduct which occurred in 2009. He claims to have sustained economic injuries, pain and suffering, embarrassment, humiliation, mental anguish, loss of earning capacity and the capacity for the enjoyment of life. Plaintiff is seeking compensatory damages, punitive damages, and attorney's fees and costs.

RECOMMENDATION

The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available to represent the City of Gainesville and the individual officers in the case styled *Stephen Locke v. the City of Gainesville, Florida, Officer Joey Devore and Officer Daniel Surrency, Court Case No. 1:12-CV-00099-SPM-GRJ*

120045_Stephen Locke Consent_20120621.pdf

120054.

**AMANDA ARCE VS. CITY OF GAINESVILLE, AND BRETT ROBISON
INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY; EIGHTH
JUDICIAL CIRCUIT, COURT CASE NO. 12-CA-2144 (B)**

Explanation: On May 29, 2012, the City was served with a Summons and Complaint filed by Amanda Arce in the Circuit Court. The Plaintiff alleges injuries suffered as a result of conduct by former Police Officer Brett Robison. She claims to have suffered damages, including pain and suffering, mental anguish and loss of capacity for the enjoyment of life. Ms. Arce seeks money damages in excess of

\$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney, and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville in the case styled Amanda Arce vs. City of Gainesville, and Brett Robison individually and in his official capacity; Eighth Judicial Circuit, Court Case No. 12-CA-2144.

120054_Amanda Arce Consent_20120621.pdf

120065.

CHASE NELSON VS. THE CITY OF GAINESVILLE, FLORIDA, A MUNICIPAL CORPORATION, AND OFFICER DAVID REVEILLE, IN HIS INDIVIDUAL CAPACITY, COURT CASE NO. 1:12-CV-00113 (B)

Explanation: On June 4, 2012, the City was served with a Summons and Complaint. The Plaintiff alleges that he is a victim of false arrest, excessive force, and malicious conduct which occurred in 2008. He claims to have suffered severe and permanent injuries, including permanent injuries to his body, psychological damages, pain and suffering, medical expenses, lost wages and loss of ability to earn. Plaintiff is seeking compensatory damages, and attorney's fees and costs.

RECOMMENDATION

The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available to represent the City of Gainesville and the individual officer in the case styled Chase Nelson vs. the City of Gainesville, Florida, a municipal corporation, and Officer David Reveille, in his individual capacity, Court Case No. 1:12-CV-00113.

120065_Chase Nelson Consent_20120621.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

120083.

Appointments to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION

The City Commission appoint:

Avery Strickland and Nina Ring to the City Beautification Board for a term to expire 11/1/15.

Amy Schafer to the Fire Safety Board of Adjustment for a term to expire 11/1/15.

Claire Manley and Gina Van Blokland to the Public Recreation and Parks Board for a term to expire

6/1/15.

Christopher Coleman to the Pension Review Committee for a term to expire 7/31/17.

Ivor Kincaide to the Tree Advisory Board for a term to expire 1/1/15.

Ivor Kincaide to the Tree Board of Appeals for a term to expire 1/1/15.

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

120025.

City Commission Referral List (B)

RECOMMENDATION

The City Commission review the attached referral list and take appropriate action.

120025_referral_status_update_20120621.pdf

CITY MANAGER

100948.

Homeless Medical Respite Program (B)

This item requests that the City Commission hear a report update on the results of the Homeless Respite Pilot Program and consider ongoing funding for the Homeless Medical Respite Program.

Explanation: On March 28, 2011, the Implementation Committee heard a presentation from the Respite for the Homeless Sub-Committee and decided to develop a plan for a Homeless Respite Pilot Program (Pilot Program) to be presented to the City

and County Commissions for consideration. The Plan required coordination between potential providers of shelter and other services (such as St. Francis House) and the funding agencies. The recommended time frame for the initial two-bed Pilot Program was 6 months. The estimated cost for the 6-month Pilot Program, which would be shared equally between the City and the County, was \$5,200 (or \$2,600 each).

On June 16, 2011 the City Commission heard a presentation from the Implementation Committee and approved a three part motion related to Respite Care for Homeless Persons in Gainesville and Alachua County. That motion approved the following: (1) allocating \$1,500 to fund the Homeless Respite Pilot Program for the remainder of Fiscal Year (FY) 2011; (2) authorizing the City Manager to execute the necessary agreements to create the Homeless Respite Pilot Program with Alachua County; and (3) directing the City Manager to consider including \$5,200 for the Homeless Medical Respite Program in the City's FY 2012 Budget.

As part of the FY 12 budget, the City Commission approved \$5,200 for the Homeless Medical Respite Program.

In September 2011, the City and County executed an interlocal agreement regarding the Homeless Respite Program. The term of that agreement ends on September 30, 2012.

On May 3, 2012, at the request of the Implementation Committee, the City Commission approved an additional payment of \$1,100 from the FY 12 budget to fund completion of the Homeless Respite Pilot Program. The balance of the FY 12 budget for the Homeless Respite Program is \$4,100, which can be used to continue the Homeless Respite Program through September 30, 2012.

The Implementation Committee has requested that the City Commission 1) hear a report from the Implementation Committee on the Homeless Respite Pilot Program; and 2) If the City Commission approves the report, direct the City Manager to include \$5,200 (to be matched by the County) for the Homeless Medical Respite Program in the 2012-13 Fiscal Year and future budgets.

Fiscal Note: To continue the ongoing implementation of the Homeless Medical Respite Program, the City Commission and Board of County Commissioners are expected to each contribute matching funding in the amount of \$5,200 annually pursuant to the terms and conditions of an Interlocal Agreement to support the provision of respite care services for the purposes of ensuring the health and safety of homeless individuals during brief periods of recovery after discharge from local area hospitals. The City's and County's performance and obligation to provide matching funding for the Homeless Medical Respite Program is contingent upon a specific annual appropriation by the City Commissioners and the Board of County Commissioners.

RECOMMENDATION

The City Commission: 1) hear a report update from the Implementation Committee on the results of the Homeless Respite Pilot Program; 2) direct the City Manager to include \$5,200 (to be matched by the

County) for the Homeless Medical Respite Program in FY 2012-13; and future annual fiscal budgets as appropriated; and 3) authorize the City Manager to execute amendment(s) to the existing Interlocal Agreement or a new Interlocal Agreement as necessary to continue the Homeless Respite Program, subject to review as to form and legality by the City Attorney's Office.

Legislative History

6/16/11 City Commission Approved as shown above (See Motion) (7 - 0)

5/3/12 City Commission Approved as Recommended (7 - 0)

100948A_Respite PPT_20110616.pdf

100948B_Comm Minutes_20110616.pdf

100948_Interlocal Agreement_20120503.pdf

100948A_Presentation_20120621.pdf

100948B_Letter from IMCOM_20120621.pdf

100948C_Report_20120621.pdf

120049.

Community Development Review Committee (CDRC) Recommendations - 120 Day Update (B)

Explanation: On March 1, 2012, the City Commission reviewed recommendations provided by the Community Development Review Committee (CDRC) regarding various facets of the development review process. These recommendations were made following study of the process over the course of calendar year 2011.

The City Commission directed that an update on staff implementation be provided on the recommendations with several of the recommendations specified. Those specified included:

- *Request an update regarding (3a) continued improvement of communication/coordination between approved site plans, Code Enforcement and Building Inspection and (4a) coordination between Public Works, the CRA and GRU on design standards for each agency to use eliminating conflicting requirements;*
- *Request an update on proposed incremental funding for training for quasi-judicial board members and for legal counsel for quasi-judicial board members at quasi-judicial meetings;*
- *Request an update on (4c) modifications to site plan requirements.*

Fiscal Note: No impact at this time.

RECOMMENDATION

City Commission: 1) hear a presentation from staff regarding a 120 day update on implementation of CDRC recommendations.

120049A_Memo Staff Action Plan_20120621.pdf

120049B_Final Bldg Inspection Matrix_20120621.pdf

110631.**Downtown Gainesville Hotel and Conference Center (B)**

Explanation: In April 2010, the CRA issued a Request for Information for a publicly owned conference center/hotel in order for the CRA to respond to Alachua County's (the County) Request for Proposals for Capital Projects that Promote Tourism." The proposed development required this funding source to achieve financial feasibility and was envisioned as a publicly-owned, multi-level conference center with highly flexible space, and a privately-owned, full service hotel with the potential for street-level retail. The project submitted by the CRA was not chosen for award by the County.

Since that time, there had been continued interest in a hotel and conference center in Gainesville's urban core. At the September 19, 2011 CRA Board meeting, staff was requested to draft language for a competitive solicitation for a hotel and conference center to be located on either the City-owned Lot 10 parcel or elsewhere in or near Gainesville's downtown. At the November 21, 2011 CRA Board meeting, specific boundaries for the solicitation area were defined as: a western boundary of NW/ SW10th Street, an eastern boundary of NE/SE 3rd Street, a northern boundary of 8th Avenue and the southern boundary of Depot Avenue.

A solicitation process was authorized by the City Commission on February 2, 2012. A multi-step Invitation to Negotiate (ITN) was jointly issued by the City and the CRA on February 29, 2012. The ITN was structured in two phases. The first phase requested the qualifications of developers demonstrating successful completion of similar projects elsewhere, a description of the development team composition, as well as a general description of any CRA or City financial assistance that would be sought for the project. This information was sought in order for the City and CRA to gain an understanding of the financial assistance needed for such a project.

A total of two responses to the first phase were received from Acquest Realty Advisors, Inc. and Gainesville Hotel & Conference Center, LLC. The purpose of this agenda item is to inform the City of the financial assistance needs identified by the respondents in order for a hotel and conference center project to be financially feasible. For the solicitation to move forward to the second phase, the City Commission and CRA Board will need to make a policy decision identifying what assistance, if any, either can make available for a hotel conference center project.

If no assistance can be made available, the solicitation process can be terminated. If assistance is offered by the City and/or the CRA and phase two of the solicitation is authorized, staff will issue a phase two addendum to the two respondents identifying potential financial assistance offered and other requirements for phase two. Proposals submitted in the second phase will be evaluated based on a thorough assessment of the respondents understanding of and experience and financial ability to carry out the project. Additionally the project's potential economic impacts and benefits to the City's downtown area

will be considered as well. The proposals will be ranked by a staff evaluation team and upon approval of the ranking by the CRA Board and/or City Commission, negotiations would begin with the top ranked respondent.

The ITN makes clear that given the variables involved in this solicitation, such as, but not limited to, location, cost, ownership structure and availability of requested City and/or CRA resources or assistance, the CRA and City each reserve the right to terminate this solicitation at any time, even after ranking and negotiation with the proposer(s).

The following information is provided to give a rough estimate of the costs that the City might incur if it underwrote the costs of the conference center portion of a potential hotel and conference center development project. The 2010 hotel and conference center feasibility assessment identified a minimum \$8 million gap in project financing costs. At that time, it was contemplated that this gap could be financed via bed tax funding, as the project was under consideration by the Board of County Commissioners.

To demonstrate potential financial impacts of a project today, City Finance Department has estimated costs related to financing \$8 million in gap funding to build a conference center. Under this potential scenario, the City's potential debt service would be in the range of \$550,000 - \$600,000 annually for 20 years. If the City was also to be involved in operating the conference center, it is estimated that the City could face approximately \$100,000 - \$200,000 in operating losses per year.

Fiscal Note: Please see reference above for potential long term financial impact to the City if it were to finance construction and/or operations of a downtown conference center facility.

RECOMMENDATION

The City Commission: 1) receive a presentation from staff on financial assistance requested by the phase one respondents; 2) discuss requested assistance and whether it is feasible for the City to make any assistance available; and 3) provide direction to staff on whether to terminate the ITN or, if assistance is made available, to initiate phase two of the ITN.

Legislative History

2/2/12 City Commission Approved as Recommended (7 - 0)

110631_Map_20120202.pdf

110631_Presentation_20120621.pdf

GENERAL MANAGER FOR UTILITIES

120094.

St. Johns River Water Management District Water Conservation Project for Indoor Retrofits (B)

Staff recommends GRU's participation in a water conservation pilot study

funded by a St. Johns River Water Management District through a cost share grant for Optimization and Reliability of Selected Indoor Water Conservation Retrofits.

Explanation: On April 13, 2010 the St. Johns River Water Management District (SJRWMD) approved a cost share grant to GRU for an Indoor Water Conservation Retrofits Project. The grant was for a pilot study that examines the optimization and reliability of indoor water conservation change-outs and retrofits of multi-family residential ultra-high-efficiency toilets and pre-rinse spray valves for commercial kitchens. Due to a budget shortfall at SJRWMD, funding was lost and the grant was placed on hold. In April of this year, SJRWMD awarded an amended grant in the amount of \$151,527 allowing the project to proceed. The amended pilot study will include four-hundred (400) ultra-high-efficiency toilets and five-hundred (500) low-flow spray valves with a projected budget of \$303,054 which includes materials, matching funds and in-kind services.

As a condition of the grant, GRU and project participants must provide matching funds or in-kind labor services that match the grant award amount. For in-kind services, GRU will install spray valves, and residential project participants will be responsible for the cost of toilet installation services.

Fiscal Note: Upon satisfactory completion of the pilot project, SJRWMD shall pay GRU fifty (50%) of the total cost of the project, not to exceed \$151,527. Project participants shall pay a projected \$52,600 in toilet installation costs, the balance will be paid by GRU and the funds are included in GRU's approved budget.

RECOMMENDATION

City Commission: 1) authorize the General Manager, or his designee, to accept a cost share grant in the amount of \$151,527 from the St. Johns River Water Management District (SJRWMD) for GRU's participation in a water conservation pilot study; and 2) authorize the General Manager, or his designee to negotiate and execute procurement contracts necessary to perform the scope of the Optimization and Reliability Water Conservation Retrofits pilot study, including in-kind services and matching funds not to exceed \$303,054.

120094_revised ppt_20120621.pdf

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

120062.

Affirmative Action Plan (B)

Explanation: Pursuant to Resolution No. 951377, the Office of Equal Opportunity has now completed the 2012 Affirmative Action Plan and will share the results, goals, and associated steps with the Equal Opportunity Committee.

RECOMMENDATION

The City Commission: 1) hear a summary of the 2012 Affirmative Action Plan; and 2) receive the 2012 Affirmative Action Plan as prepared.

120062_2012 AA PLANS PPT_20120621.pdf

120062a_2012 AA PLAN(GG)_20120621.pdf

120062b_2012 AA PLAN (GRU)_20120621.pdf

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

120086.

Nominations - Library District Board of Trustees (B)

RECOMMENDATION

The City Commission nominate three applicants for consideration of appointment by the Library District Governing Board.

120086_librarynomination_20120621.pdf

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

120081.

Americans with Disabilities Act Awareness Month - July 2012 (B)

RECOMMENDATION

Office of Equal Opportunity Director Cecil Howard and Citizens Disability Advisory Committee Chair Mark Mayfield to accept the proclamation.

120081_ADA_20120621.pdf

120082.**Tacachale Special Olympians Day - June 21, 2012 (B)****RECOMMENDATION**

Tacachale Center Administrator Michael S. Mayfield and Tacachale Residents, Ernestine B., Darrel F., Jerald L., Mary M., Elida D., William C., Steve M., Allan M., Tammie R., Teresa S., David D., Laura H. and Ron Jr. to accept the proclamation.

120082_Tacachale_20120621.pdf

120087.**Nursing Home Week - May 13-19, 2012 (B)****RECOMMENDATION**

Parks and Rehabilitation Chief Operating Officer Cheryl Scharoun and President Council President Linda Rainey to accept the proclamation.

120087_NursingHome_20120621.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****120097.**

A RESOLUTION INCORPORATING BY REFERENCE AND ADOPTING, AND AUTHORIZING THE EXECUTION AND DELIVERY OF, (A) A TWENTY-FOURTH SUPPLEMENTAL UTILITIES SYSTEM REVENUE BOND RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE, SALE, EXECUTION AND DELIVERY OF NOT TO EXCEED \$100,000,000 OF THE CITY OF GAINESVILLE, FLORIDA'S UTILITIES SYSTEM REVENUE BONDS, 2012 SERIES A IN ORDER TO PROVIDE A PORTION OF THE MONEYS NECESSARY TO REFUND CERTAIN OF THE CITY'S OUTSTANDING UTILITIES SYSTEM REVENUE BONDS, AND DELEGATING THE AUTHORITY TO DETERMINE CERTAIN MATTERS IN CONNECTION THEREWITH AND (B) A TWENTY-FIFTH SUPPLEMENTAL UTILITIES SYSTEM REVENUE BOND RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE, SALE, EXECUTION AND DELIVERY OF NOT TO EXCEED \$105,000,000 OF THE CITY'S VARIABLE RATE UTILITIES SYSTEM REVENUE BONDS, 2012 SERIES B IN ORDER TO PROVIDE THE MONEYS NECESSARY TO REFUND CERTAIN OF THE CITY'S OUTSTANDING UTILITIES SYSTEM REVENUE BONDS, AND DELEGATING THE AUTHORITY TO DETERMINE CERTAIN MATTERS IN CONNECTION THEREWITH; APPROVING THE

NEGOTIATED SALE OF THE 2012 SERIES A BONDS AND APPROVING THE FORM, AND AUTHORIZING THE EXECUTION AND DELIVERY, OF A CONTRACT OF PURCHASE WITH RESPECT THERETO, AND DELEGATING THE AUTHORITY TO DETERMINE CERTAIN MATTERS IN CONNECTION THEREWITH; APPROVING THE NEGOTIATED SALE OF THE 2012 SERIES B BONDS AND APPROVING THE FORM, AND AUTHORIZING THE EXECUTION AND DELIVERY, OF A CONTRACT OF PURCHASE WITH RESPECT THERETO, AND DELEGATING THE AUTHORITY TO DETERMINE CERTAIN MATTERS IN CONNECTION THEREWITH; APPROVING THE FORM, AND AUTHORIZING THE EXECUTION AND DELIVERY, OF CONTINUING DISCLOSURE CERTIFICATES WITH RESPECT TO THE 2012 SERIES A AND B BONDS; APPROVING THE FORM, AND AUTHORIZING THE EXECUTION AND DELIVERY, OF A REMARKETING AGREEMENT, A TENDER AGENCY AGREEMENT AND A STANDBY BOND PURCHASE AGREEMENT WITH RESPECT TO THE 2012 SERIES B BONDS; APPROVING THE FORM, AND AUTHORIZING THE EXECUTION AND DELIVERY, OF AN ESCROW DEPOSIT AGREEMENT RELATING TO THE 2012 SERIES A BONDS; AUTHORIZING, WITH RESPECT TO THE 2012 SERIES A BONDS, THE DEPOSIT OF BOND PROCEEDS AND CERTAIN OTHER AMOUNTS INTO THE ESCROW ACCOUNT TO BE ESTABLISHED PURSUANT TO THE ESCROW DEPOSIT AGREEMENT AND THE INVESTMENT OF SUCH MONEYS; AUTHORIZING THE AUTHENTICATION AND DELIVERY OF THE 2012 SERIES A AND B BONDS; APPROVING THE FORM AND USE OF THE PRELIMINARY OFFICIAL STATEMENT AND THE OFFICIAL STATEMENT RELATING TO THE 2012 SERIES A BONDS AND AUTHORIZING THE EXECUTION AND DELIVERY OF SAID OFFICIAL STATEMENT; APPROVING THE FORM AND USE OF THE OFFICIAL STATEMENT RELATING TO THE 2012 SERIES B BONDS AND AUTHORIZING THE EXECUTION AND DELIVERY OF SAID OFFICIAL STATEMENT; AUTHORIZING THE REGISTRATION OR QUALIFICATION OF THE 2012 SERIES A AND B BONDS UNDER THE BLUE SKY LAWS OF VARIOUS STATES; AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE 2012 SERIES A AND B BONDS; AUTHORIZING THE EXTENSION OR SUBSTITUTION OF THE LIQUIDITY FACILITY FOR THE 2012 SERIES B BONDS; AUTHORIZING THE REMOVAL OF THE REMARKETING AGENT AND/OR THE TENDER AGENT FOR THE 2012 SERIES B BONDS AND APPOINTMENT OF SUCCESSOR(S) THEREFOR; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

MODIFICATION: Revised agenda language and additional back-up added June 19, 2012 @ 2:45 PM.

SECOND MODIFICATION: Revised ppt, replacement pages to Exhibits J and K, revised authorizing resolution added 6/20/2012 @3:33 PM.

THIRD MODIFICATION: Corrected title added to the agenda language on 6/20/2012 @ 5:26 PM.

Explanation: In March 2012, the City Commission, among other things, (1) authorized (a) the refunding of all or a portion of the 2005 Series B Bonds, the 2005 Series C Bonds, the 2006 Series A Bonds, the 2008 Series A Bonds and the City's tax-exempt Utilities System Revenue Bonds, 2010 Series C through the issuance of variable rate, tax-exempt bonds and (b) the refunding of all or a portion of the 2003 Series A Bonds and the 2005 Series A Bonds through the issuance of fixed-rate, tax-exempt bonds; and (2) approved the selection of a Senior Manager for the refunding bonds, and authorized the appointment of additional Co-Managers if doing so would enhance the distribution of the refunding bonds.

With respect to the fixed-rate refunding portion of the financing, GRU staff and our Financial Advisor have determined that it is advantageous that up to approximately \$1.605 million of the 2003 Series A Bonds and \$91.820 million of the 2005 Series A Bonds be refunded through the issuance of the tax-exempt 2012 Series A Bonds, in order to produce debt service savings.

With respect to the variable rate refunding portion of the financing, it also has been determined that it is advantageous that up to approximately \$31.560 million of the 2005 Series B Bonds, \$31.775 million of the 2005 Series C Bonds, \$30.750 million of the 2006 Series A Bonds and \$40.605 million of the 2008 Series A Bonds be refunded through the issuance of the tax-exempt 2012 Series B Bonds, in order (a) in the case of the refunded 2005 Series B Bonds and the refunded 2008 Series A Bonds, to (i) replace taxable debt with lower-cost tax-exempt debt and (ii) extend the amortization of the debt to more closely match the useful life of the assets to which such debt relates and (b) to restructure debt service and thereby permit the Utility to mitigate the effect of the biomass plant coming on-line (which is scheduled to occur in late 2013) on the Utility's retail electric rates.

Since market conditions may change up until the respective times of the pricing of the 2012 Series A and B Bonds, we are recommending that the General Manager be authorized to determine which of the refunding candidates (or portions thereof) are to be refunded, as follows:

(a) in the case of the 2012 Series A Bonds, the General Manager shall select such Bonds (or portions thereof) to be refunded based upon a determination by the System's Financial Advisor that, in its opinion, the refunding of such Bonds (or portions thereof) will result in the maximum achievable amount of net present value savings, on an aggregate basis, based upon market conditions then in effect, calculating such savings assuming a discount rate equal to the arbitrage yield of the 2012 Series A Bonds; and

(b) in the case of the 2012 Series B Bonds, the General Manager shall select such Bonds (or portions thereof) to be refunded based upon a determination by the System's Financial Advisor that, in its opinion, the refunding of such Bonds (or portions thereof) will result in the maximum achievable amount of net present value savings, on an aggregate basis, based upon market conditions then in effect, calculating such savings assuming (i) a discount rate of 4.00% (which is lower, and thus more conservative, than both the current and historical long-term borrowing cost of the Utility) and (ii) an interest rate for

the variable rate 2012 Series B Bonds of 3.25% (which is approximately 0.50% higher than the average variable rate for comparable variable rate debt programs over the past ten years, inclusive of all financing costs).

The issuance of the 2012 Series A and B Bonds for the purposes referred to above is scheduled to occur in early August. We recommend that the City Commission adopt the attached Authorizing Resolution which approves the sale of the 2012 Series A and B Bonds and delegates certain authority to the General Manager or his designee to determine specific details with respect to the 2012 Series A and B Bonds. In the case of the fixed-rate 2012 Series A Bonds, such delegation is necessary in order to afford Utilities staff the flexibility to determine when market conditions are best for pricing such Bonds. In the case of the variable rate 2012 Series B Bonds, such delegation is necessary in order to determine the actual aggregate principal amount of such Bonds to be issued, since such amount will be a function of the make-whole redemption price of the refunded taxable 2005 Series B and 2008 Series A Bonds, which cannot be determined until 10 days prior to the delivery of the 2012 Series A and B Bonds.

This delegation authorizes the General Manager or his designee:

(i) to determine, among other things:

(a) in the case of the 2012 Series A Bonds:

(1) the aggregate principal amount of the 2012 Series A Bonds;

(2) the maturity dates of the 2012 Series A Bonds and the principal amounts of the 2012 Series A Bonds maturing on each maturity date and, if any 2012 Series A Bonds maturing on a particular date are to be issued as term bonds subject to mandatory redemption to satisfy sinking fund installments, the due dates and amounts of such sinking fund installments;

(3) the interest rates or rates to be borne by the 2012 Series A Bonds of each maturity;

(4) certain optional redemption provisions for the 2012 Series A Bonds;

(5) the particular refunding candidates (or portions thereof) to be refunded, determined in the manner described above; and

(6) the underwriters' discount and the price at which the 2012 Series A Bonds will be sold to the underwriters;

provided, however, that:

(A) the maximum aggregate principal amount of the 2012 Series A Bonds shall not exceed \$100 million;

(B) the final maturity date of the 2012 Series A Bonds shall not be later than October 1, 2036;

(C) the maximum rate of interest that the 2012 Series A Bonds may bear shall be 5.00%;

(D) the earliest date on which the 2012 Series A Bonds may be redeemed at the election of the City shall be not later than October 1, 2022, and the highest redemption price at which those Bonds may be so redeemed shall be not greater than 100% of the principal amount thereof, plus accrued interest to the date of redemption;

(E) the net present value savings, on an aggregate basis, resulting from the issuance of the 2012 Series A Bonds and the refunding of the Bonds to be refunded thereby shall not be less than 3.00% of the principal amount of the 2012 Series A Bonds, calculated as described above; and

(F) the true interest cost for the 2012 Series A Bonds shall not exceed 4.50%;

(b) in the case of the 2012 Series B Bonds:

(1) the aggregate principal amount of the 2012 Series A Bonds and the respective due dates and amounts of the sinking fund installments therefor;

(2) the initial Interest Mode (as defined in the Twenty-Fifth Supplemental Resolution) for the 2012 Series B Bonds, which shall be either the Daily Mode or the Weekly Mode (as such terms are defined in the Twenty-Fifth Supplemental Resolution);

(3) the particular refunding candidates (or portions thereof) to be refunded, determined in the manner described above; and

(4) the underwriter's discount for the sale of the 2012 Series A Bonds to JP Morgan Securities;

provided, however, that:

(A) the maximum aggregate principal amount of the 2012 Series B Bonds shall not exceed \$105 million;

(B) the net present value savings, on an aggregate basis, resulting from the issuance of the 2012 Series B Bonds and the refunding of the Bonds to be refunded thereby shall not be less than 2.50% of the principal amount of the 2012 Series B Bonds, calculated as described above; and

(C) the maximum amount of the underwriter's discount shall not exceed \$3.00 per \$1,000 principal amount of the 2012 Series B Bonds; and

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

The Clerk of the Commission, the General Manager or other Authorized Officers of the City may be required to take certain other actions and hire certain other professionals to proceed with the issuance of the 2012 Series A and B Bonds. Therefore, we recommend that these officials be authorized to take such other actions that may be necessary or desirable to proceed with the issuance and closing of the bond issue in accordance with this City Commission authorization and delegation.

Fiscal Note: The financings described herein (a) are expected to achieve present value debt service savings, in part through the issuance of fixed-rate debt to refund fixed-rate debt at currently low fixed interest rates and in part through the issuance of variable rate debt to refund fixed-rate debt and (b) will restructure the Utility's debt service and thereby permit the Utility to mitigate the effect of the biomass plant coming on-line on the Utility's retail electric rates.

RECOMMENDATION

The City Commission:

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

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

(i) a Twenty-Fourth Supplemental Utilities System Revenue Bond Resolution (Twenty-Fourth Supplemental Resolution), which authorizes the issuance, sale, execution and delivery of not to exceed \$100 million in aggregate principal amount of the City's tax-exempt Utilities System Revenue Bonds, 2012 Series A (2012 Series A Bonds) in order to refund portions of (X) the City's tax-exempt Utilities System Revenue Bonds, 2003 Series A (2003 Series A Bonds), and (Y) the City's tax-exempt Utilities System Revenue Bonds, 2005 Series A (2005 Series A Bonds), and delegates the authority to determine certain matters in connection therewith; and

(ii) a Twenty-Fifth Supplemental Utilities System Revenue Bond Resolution (Twenty-Fifth Supplemental Resolution), which authorizes the issuance, sale, execution and delivery of not to exceed \$105 million in aggregate principal amount of the City's tax-exempt Variable Rate Utilities System Revenue Bonds, 2012 Series B (2012 Series B Bonds) in order to refund portions of (W) the City's Utilities System Revenue Bonds, 2005 Series B (Federally Taxable) (2005 Series B Bonds), (X) the City's tax-exempt Variable Rate Utilities System Revenue Bonds, 2005 Series C (2005 Series C Bonds), (Y) the City's tax-exempt Variable Rate Utilities System Revenue Bonds, 2006 Series A

(2006 Series A Bonds) and (Z) the City's Utilities System Revenue Bonds, 2008 Series A (Federally Taxable) (2008 Series A Bonds), and delegates the authority to determine certain matters in connection therewith;

(b) in the case of the 2012 Series A Bonds:

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

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

(iii) approves the form and use of the preliminary official statement and the official statement relating to the 2012 Series A Bonds and authorizes the execution and delivery of said official statement; and

(iv) approves the form, and authorizes the execution and delivery, of an escrow deposit agreement with U.S. Bank Trust National Association, the Trustee for our Utilities System Revenue Bonds (U.S. Bank Trust), authorizes the deposit of 2012 Series A Bond proceeds and certain other amounts into the escrow account to be established pursuant to said escrow deposit agreement and authorizes the investment of such monies in such Defeasance Securities as an Authorized Officer of the City (as such terms are defined in the Utilities Bond Resolution) shall determine (including, without limitation, United States Treasury Securities - State and Local Government Series);

(c) in the case of the 2012 Series B Bonds:

(i) approves the form, and authorizes the execution and delivery, of a contract of purchase between the City and JP Morgan Securities, which will serve as sole underwriter, and delegates the authority to determine certain matters in connection therewith;

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

(iii) approves the form and use of the official statement relating to the 2012 Series B Bonds and authorizes the execution and delivery of said official statement;

(iv) approves the form, and authorizes the execution and delivery, of a remarketing agreement between the City and JP Morgan Securities, pursuant to which JP Morgan Securities will serve as the initial remarketing agent for the 2012 Series B Bonds;

(v) approves the form, and authorizes the execution and delivery, of a tender agency agreement between the City and U.S. Bank Trust, pursuant to which U.S. Bank Trust will serve as the initial tender agent for the 2012 Series B Bonds;

(vi) approves the form, and authorizes the execution and delivery, of a standby bond purchase agreement between the City and JPMorgan Chase Bank, National Association (JP Morgan Chase Bank), pursuant to which JPMorgan Chase Bank will provide liquidity support for any 2012 Series B Bonds that are tendered for purchase and not remarketed;

(vii) delegates the authority to extend the term of any facility providing liquidity support for the 2012 Series B Bonds or to procure another facility in substitution therefor; and

(viii) delegates the authority to remove the remarketing agent and/or the tender agent for the 2012 Series B Bonds and to appoint successor(s) therefor; and

(d) in the case of the 2012 Series A and B Bonds:

(i) authorizes the authentication and delivery of the 2012 Series A and B Bonds;

(ii) authorizes the registration or qualification of the 2012 Series A and B Bonds under the blue sky laws of various states; and

(iii) authorizes certain City officials to take other actions in connection with the issuance, sale and delivery of the 2012 Series A and B Bonds.

2. Authorize the Clerk of the Commission, the General Manager and other Authorized Officers of the City to

execute such documents as may be necessary to proceed with the transactions authorized above and to take such other actions as may be necessary or advisable to proceed with the issuance of the 2012 Series A and B Bonds in accordance with this City Commission authorization.

120097_ppt_20120621.pdf
 120097_MOD_authorizing resolution_20120621.pdf
 120097_MOD_PFM Ltr_Exhibit A_20120621.pdf
 120097_MOD_Twenty Fourth supp res_Exhibit B_20120621.pdf
 120097_MOD_Twenty fifth Supp Res_Exhibit C_20120621.pdf
 120097_MOD_Exhibit D_Contract of Purchase Series A_20120621.pdf
 120097_MOD_Exhibit E_Contract of Purchase_20120621.pdf
 120097_MOD_Escrow Dep Agmt_Exhibit F_20120621.pdf
 120097_MOD_Tender Agency Agmt_Exhibit H_20120621.pdf
 120097_MOD_Exhibit I_Standby Bond Purchase Agmt_20120621.pdf
 120097_MOD_POS to Series A_Exhibit J_20120621.pdf
 120097_MOD_OS to Series B_Exhibit K_20120621.pdf
 120097_MOD_Remarketing Agmt_Exhibit G_20120621.pdf
 120097_MOD2_Authorizing Resolution.pdf
 120097_MOD2_GRU Authorizing Resolution (blackline)_20120621.pdf
 120097_MOD2_Replacement Pgs. Exhibit K.pdf
 120097_MOD2_Replacement PGS_Exhibit j.pdf
 120097_MOD2_Revised Power Point_20120621.pdf
 120097_MOD3_Revised_ppt_CCOM Presentation.pdf

ADOPTION READING-ROLL CALL REQUIRED

110821.

LAND USE CHANGE - VICINITY OF 2320 SW 34TH STREET (B)

Ordinance No. 110821; Petition No. PB-11-136 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of property located in the vicinity of 2320 SW 34th Street, as more specifically described in this ordinance, from Alachua County Commercial to City of Gainesville Urban Mixed-Use 2; 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 petition and ordinance amends of the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of property located in the vicinity of 2320 SW 34th Street, as more specifically described in the ordinance, from Alachua County Commercial to City of Gainesville Urban Mixed-Use 2 (UMU-2). The approximately .25 acre property, which is within the Urban Village area, contains a vacant 2,288 square-foot building with a 440 square-foot canopy.

Amendment of the Future Land Use Map is proposed because a City of Gainesville Future Land Use category is required to be placed on annexed land. The proposed change from Alachua County Commercial to Urban Mixed-Use 2 is consistent with the City's Comprehensive Plan and with the land use designation of surrounding properties, and will allow many of the same uses now permitted under the County category.

After public notice was published in the Gainesville Sun on November 17, 2011, the City Plan Board held a public hearing on December 5, 2011, and by a vote of 4-0, recommended approval of this petition.

CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan is treated as a small-scale development amendment. Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes.

If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall become effective 31 days after adoption.

RECOMMENDATION

The City Commission: (1) approve Petition PB-11-136 LUC and (2) adopt the proposed ordinance.

110821A_draft ordinance_20120621.pdf
110821B_staff report_20120621.pdf
110821C_Exhibit A-1_20120621.pdf
110821D_Exhibits B-1 - B-3_20120621.pdf
110821E_Exhibit C-1_20120621.pdf
110821F_CPB minutes_20120621.pdf
110821G_staff ppt_20120621.pdf

TRANSMITTAL HEARING

110814.

FUTURE LAND USE MAP CHANGE (B)

Ordinance No. 110814; Petition No. PB-11-137 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 24.7 acres of property located in the vicinity of 2000 SW 43rd Street, as more specifically described in this ordinance, from the Alachua County land use category of Recreation to the City of Gainesville land use categories of Recreation (REC), Conservation (CON), and Public Facilities (PF); 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 Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of certain property, as more specifically described in the ordinance, from Alachua County Recreation to City of Gainesville Recreation (REC), Conservation (CON), and Public Facilities (PF). The approximately 24.7 acre property is located in the vicinity of 2000 SW 43rd Street, on the southwest corner of SW 43rd Street and SW 20th Avenue. The property includes Forest Park, a community park with active recreational facilities and an off-leash dog area. Also included is Alachua County Fire Rescue Station #19 and approximately 7.5 acres of land designated as Strategic Ecosystem by Alachua County.

This land use change is required to apply City land use designations on property annexed in 2009. This proposed land use amendment promotes the stable continuation of the existing uses. Specifically, the REC land use designation was chosen for the active recreation portion of the site because it is compatible with the existing Alachua County Recreation designation as well as with the existing active recreation uses. In addition, the PF land use designation is most appropriate for the fire rescue station and the CON land use designation is appropriate for the areas deemed to have sensitive environmental features.

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. On April 19, 2012, the City Commission approved the petition by a vote of 7-0.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing.

Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing.

If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments. If not timely challenged, the amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order

determining this adopted amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

4/19/12 City Commission Approved (Petition) (7 - 0)

110814A_staff report_20120419.pdf
 110814B_Comp Plan GOPs_20120419.pdf
 110814C_Land Development Code_20120419.pdf
 110814D_Supplemental Documents_20120419.pdf
 110814E_Application_20120419.pdf
 110814F_cpb minutes.pdf
 110814G_staff ppt_20120419.pdf
 110814A_draft ordinance_20120621.pdf

110925.

COMPREHENSIVE PLAN AMENDMENT - CAPITAL IMPROVEMENTS ELEMENT (B)

Ordinance No. 110925; Petition No. PB-11-140 CPA

An ordinance amending the Capital Improvements Element of the City of Gainesville Comprehensive Plan; by amending Policies 1.1.1 and 1.1.12; by adding Policy 1.1.13; by amending Policies 1.2.1, 1.2.4, 1.2.6, and deleting Policy 1.2.5; by amending Policies 1.3.6 and 1.4.1; by deleting Objective 1.10 and its Policy 1.10.1; by updating Table 14: 5-Year Schedule of Capital Improvements (FY 10/11-14/15); by deleting Table 15. School Board of Alachua County 5-Year District Facilities Work Program (FY 10/11-14/15); 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 petition and ordinance:

1. *Update the Capital Improvements Element of the City of Gainesville Comprehensive Plan;*
2. *Update the 5-Year Schedule of Capital Improvements; and,*
3. *Add a policy to incorporate the School Board of Alachua County 5-Year District Facilities Work Program by reference and delete Table 15: School Board of Alachua County 5-Year District Facilities Work Program.*

Capital improvements are defined as: land, non-structural improvements to land, and structures (including the costs for design, permitting, construction, furnishings and equipment) with a unit cost of \$25,000 or more. The improvement shall have an expected life of at least 2 years. The Capital

Improvements Element (CIE) contains information about projects and/or facilities that are needed to: correct existing deficiencies in levels of service (LOS); maintain existing LOS; or deal with projected LOS deficiencies that will occur during the 5-year planning period. For this update, the planning period is FYs 2011/2012 - 2015/2016.

Several policies in the Capital Improvements Element are being amended for internal consistency with the City's Comprehensive Plan and to reflect new state law. In addition, Planning staff finds that the proposed 5-Year Schedule is consistent with the various elements of the Comprehensive Plan.

Amendments to Policies 1.1.1, 1.2.4, and 1.2.6 are being made to reflect the new Water Supply level of service (LOS) recently adopted in the City's Potable Water & Wastewater Element (internal consistency). References to Rule 9J-5 Florida Administrative Code (FAC) are deleted in Policy 1.1.1 because Rule 9J-5 was eliminated by Chapter Law 2011-139 F.S.

Policy 1.1.12 is being amended because the term 'financial feasibility' was eliminated by Chapter Law 2011-139 F.S. The new language in the policy better reflects new state law provisions. A new Policy 1.1.13 is being added (concerning adoption of the School Board capital improvements by reference).

Changes in Policy 1.2.4 reflect the new timing requirements for meeting concurrency for potable water, wastewater and recreation facilities. Policy 1.2.5 is deleted as the requirements are stated in Policy 1.2.4. Policy 1.3.6 was amended to reflect the City's concerns with overall transportation mobility and not just traffic circulation.

Objective 1.10 and Policy 1.10.1 are being deleted because they are duplicative of an existing objective and policy in the Conservation, Open Space and Groundwater Recharge Element (see Objective 1.2 and Policy 1.2.1 in that element).

Public notice was published in the Gainesville Sun on March 6, 2012. On March 22, 2012 the City Plan Board held a public hearing and, by a vote of 7-0, recommended the City Commission approve the petition with the updated Table 14: 5-Year Schedule of Capital Improvements.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing.

Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must

consider any written comments received during the second hearing.

If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments. If not timely challenged, the amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.

RECOMMENDATION *The City Commission (1) approve petition PB-11-140 CPA and (2) adopt the proposed ordinance.*

110925B_staff report_20120621.pdf
 110925C_capital improvement element_20120621.pdf
 110925D_Table 14-5 Yr Schedule_20120621.pdf
 110925E_map_20120621.pdf
 110925F_comp plan text application_20120621.pdf
 110925G_cpb minutes_20120621.pdf
 110925H_staff ppt_20120621.pdf
 110925A_draft ordinance_20120621.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

110672.

REGULATION OF NOISE (B)

Ordinance No. 110672

An ordinance of the City of Gainesville, Florida, amending Chapter 15 of the Code of Ordinances of the City of Gainesville relating to the regulation of noise; amending Sec. 15-3, Prohibited acts, to provide identical noise restrictions for commercial and noncommercial amplified sounds; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: Recently, the Fifth District Court of Appeal held that Florida Statute Section 316.3045, a state law regulating sounds from motor vehicles, was unconstitutionally overbroad as a content-based restriction on free expression. Montgomery v. State, 2011 WL 4102292 *8 (Fla. 3d DCA 2011). In particular, the Court took issue with the content-based restrictions in Section 316.3045 which exempted sounds from the law's prohibitions if they came from motor vehicles used for commercial or political purposes, but prohibited other types of sounds from motor vehicles, including classical music and religious programming. Because the state failed to show that these content-based restrictions served a compelling state interest or were narrowly drawn to achieve those interests, the court held that the statute was unconstitutional under the First Amendment. Id. at *7-8. The Montgomery court's holding was*

consistent with State v. Catalano, 2011 WL 1801204 (Fla. 2d DCA 2011), in which the Second District Court of Appeal also found Section 316.3045 to be an unconstitutional content-based restriction of free expression.

Based on a recent review of the City of Gainesville's noise ordinance and in light of this recent case law, it appears that the City treats some forms of noncommercial speech better than commercial speech under its noise ordinance. Because of the distinction in the City's ordinance between commercial and noncommercial speech, a court may find that the ordinance contains unconstitutional content-based provisions aimed at commercial expression. Therefore, it is recommended that the City Commission adopt the proposed ordinance which amends Sections 15-3(d)(3) and (e)(7) of the City of Gainesville Code of Ordinances.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on July 19, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/17/12 City Commission Approved as Recommended (7 - 0)

110672b_Draft Ordinance_20120517.pdf

110672a_Draft Ordinance_20120621.pdf

110698.

LAND DEVELOPMENT CODE - ENVIRONMENTAL MANAGEMENT, ENVIRONMENTAL OVERLAYS, SUBDIVISION II FLOOD CONTROL DISTRICT (B)

Ordinance No. 110698, Petition No. PB-11-155 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code related to the Flood Control District; by amending Section 30-23 to add definitions; by amending Article VIII. - Environmental Management, Division 3. - Environmental Overlays, Subdivision II. - Flood Control District consisting of Sections 30-280 through 30-299, by repealing certain sections, amending certain sections, and renumbering certain sections; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance amend Article VIII. Environmental Management, Division 3. Environmental Overlays, Subdivision II. Flood Control District in the Land Development Code by updating nomenclature and clarifying the text. Identified during a pro-active review of the regulations, these amendments will better recognize the best available data and will improve the development review process. The amendments include new definitions, amendments to existing

definitions, and improved references to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) or best available data in development review.

Public notice was published in the Gainesville Sun on January 10, 2012. On January 26, 2012, the City Plan Board, by a vote of 4-0, recommended approval of the petition with modifications to the definitions. In addition, staff has moved definitions from Section 30-280 within the Flood Control District subdivision to a more appropriate location within Section 30-23 because of their applicability to other portions of the Land Development Code.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on Thursday, July 19, 2012.

RECOMMENDATION *The City Commission (1) approve Petition PB-11-155 TCH and (2) adopt the proposed ordinance.*

110698A_draft ordinance_20120621.pdf

110698B_staff report_20120621.pdf

110698C_text changes to Flood Control Dist regulations_20120621.pdf

110698D_applications for LDC text amendment_20120621.pdf

110698F_staff ppt_20120621.pdf

110698E_cpb minutes-20120621.pdf

110863.

LAND DEVELOPMENT CODE - COLLEGE PARK SPECIAL AREA PLAN (B)

Ordinance No. 110863; Petition No. PB-12-25 TCH

An ordinance of the City of Gainesville, Florida, amending Appendix A. Special Area Plans, Section 3. Special Area Plan for College Park, Exhibit B. College Park Special Area Plan; by amending the permitted uses within the Type I - Shopfront/Office/Apartment designation; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance amends Appendix A. Special Area Plans, Section 3. Special Area Plan for College Park of the Land Development Code by amending the permitted uses of buildings designated Type I - Shopfront/Office/Apartment." Parcels with Type I buildings are shown on the College Park Special Area Plan (SAP) Master Plan & Regulating Plan for New Construction map. Currently, the College Park SAP states the permitted uses for Type I buildings are those uses allowed within the Urban Mixed-Use 1 (UMU-1) zoning district. This amendment is necessary because not all parcels within the College Park SAP overlay zoning district have an underlying UMU-1 zoning. This amendment will clarify that the permitted uses for Type I buildings are those uses permitted

by the parcel's underlying zoning district or those uses permitted by an adopted Planning Development (PD) ordinance for the parcel.

Public notice was published in the Gainesville Sun on March 6, 2012. On March 22, 2012, the City Plan Board held a public hearing and, by a vote of 7-0, approved the petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on July 19, 2012.

RECOMMENDATION *The City Commission (1) approve Petition PB-12-25 TCH and (2) adopt the proposed ordinance.*

110863A_draft ordinance_20120621.pdf
 110863B_staff report_20120621.pdf
 110863C_Exhibit A-1_20120621.pdf
 110863D_exhibit A-2_20120621.pdf
 110863E_exhibit A-3_20120621.pdf
 110863F_exhibit A-4_20120621.pdf
 110863G_exhibit B-1_20120621.pdf
 110863H_cpb minutes_20120621.pdf
 110863I_staff ppt_20120621.pdf

110865.

LAND DEVELOPMENT CODE - MIXED-USE ZONING DISTRICTS (MU-1 AND MU-2) (B)

Ordinance No. 110865; Petition No. PB-12-17 TCH

An ordinance of the City of Gainesville, Florida, amending the text of the Land Development Code; by adding an exemption to the minimum density requirements in Section 30-64 Mixed use low intensity district (MU-1); by adding an exemption to the minimum density requirements in Section 30-65 Mixed use medium intensity district (MU-2); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance amend the Mixed use low intensity (MU-1) and Mixed use medium intensity (MU-2) zoning districts by adding an exemption to the minimum density requirements. This amendment will make these zoning districts consistent with their respective future land use categories of the City of Gainesville Comprehensive Plan as updated by Ordinance No. 100684 adopted on July 21, 2011.

Public notice was published in the Gainesville Sun on March 6, 2012. On March 22, 2012, the City Plan Board held a public hearing and, by a vote of 7-0, recommended approval of the petition.

CITY ATTORNEY MEMORANDUM

Upon review by staff, this petition appeared to address two unrelated text change amendments. Section 166.041(2), Florida Statutes, requires ordinances to embrace a single subject. Therefore, staff has prepared two ordinances (this ordinance and Ordinance No. 110941) based on Petition No. PB-12-17 TCH.

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on July 19, 2012.

RECOMMENDATION *The City Commission (1) approve petition PB-12-17 TCH and (2) adopt the proposed ordinance.*

110865B_staff report_20120621.pdf
 110865C_comprehensive plan GOPs_20120621.pdf
 110865D_application_20120621.pdf
 110865E_cpb minutes_20120621.pdf
 110865F_staff ppt_20120621.pdf
 110865A_draft ordinance_20120621.pdf

110941.

LAND DEVELOPMENT CODE - ADDING ZONING DISTRICTS TO THE CORRESPONDENCE OF ZONING DISTRICTS WITH FUTURE LAND USE CATEGORIES (B)

Ordinance No. 110941; Petition No. PB-12-17 TCH

An ordinance of the City of Gainesville, Florida, amending the text of the Land Development Code; by adding additional zoning districts to the Correspondence of Zoning Districts with Future Land Use Categories table in Section 30-46; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance amend the 'Correspondence of Zoning Districts with Future Land Use Categories' table in Sec. 30-46 by adding zoning districts to several of the land use categories. This amendment will add flexibility to the impacted land use categories and is consistent with the City of Gainesville Comprehensive Plan.

Public notice was published in the Gainesville Sun on March 6, 2012. On March 22, 2012, the City Plan Board held a public hearing and, by a vote of 7-0, recommended approval of the petition.

CITY ATTORNEY MEMORANDUM

Upon review by staff, this petition appeared to address two unrelated text change amendments. Section 166.041(2), Florida Statutes, requires ordinances to embrace a single subject. Therefore, staff has prepared two ordinances (this ordinance and Ordinance No. 110865) based on Petition No. PB-12-17 TCH.

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on July 19, 2012.

RECOMMENDATION *The City Commission (1) approve petition PB-12-17 TCH and (2) adopt the proposed ordinance.*

110941A_draft ordinance_20120621.pdf
 110941B_staff report_20120621.pdf
 110941C_comprehensive plan GOPs_20120621.pdf
 110941D_application_20120621.pdf
 110941E_cpb minutes_20120621.pdf
 110941F_staff ppt_20120621.pdf

110076.

LAND DEVELOPMENT CODE - PROTECTION OF NATURAL AND ARCHAEOLOGICAL RESOURCES (B)

Ordinance No. 110076, Petition No. PB-10-143 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code and amending Appendix A. Fees, Rates, and Charges of the Code of Ordinances, related to regulation of natural resources, archaeological resources and surface waters and wetlands; by amending Section 30-23 (c) definitions; by repealing Section 30-250 (c) Environmental review; by amending Section 30-275 Applicability and effect of overlay districts; by adding a new Section 30-300 Regulated surface waters and wetlands; by amending Section 30-301 Regulated surface waters and wetlands; by amending Section 30-307 Nature park district; by repealing Section 30-309 Significant ecological communities district and repealing Section 30-309.1 Rezoning to significant ecological communities district; by adding a new DIVISION 4. REGULATED NATURAL AND ARCHAEOLOGICAL RESOURCES and adding new Sections 30-310 generally, 30-310.1 Resources assessment, 30-310.2 Regulation of natural and archaeological resources, 30-310.3 Conservation management areas and management plans, 30-310.4 Avoidance, minimization, mitigation, and monitoring, and 30-310.5 Alternative compliance; by re-numbering existing DIVISION 4. RELIEF AND ENFORCEMENT to DIVISION 5. and amending and renumbering the sections within DIVISION 5; by amending Appendix A. of the City Code of Ordinances related to Fees, Rates and Charges for Environmental Review; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

MODIFICATION: Additional back-up added 6/19/2012 @ 2:40 PM.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance significantly revises the text of the Land Development Code related to regulation of natural and archaeological resources by:

- 1. adding new definitions related to natural and archaeological resource protection;*

2. *amending the Nature Park District by renaming it to include public conservation/preservation areas and by including new buffering requirements for developments adjacent to a Nature Park;*
3. *specifying the level of review (Basic, Level 1, and Level 2);*
4. *adding review requirements for most development applications in order to determine the impacts on natural and archaeological resources;*
5. *providing several exemptions from review, including: certain small (equal to or less than five acres) parcels of record; bona-fide agriculture/silviculture activities; removal of invasive non-native vegetation on conservation lands; vegetation in park land; activities authorized by a city-approved management plan; existing utility installations, drainage or easement, and road right-of-way; fencing and firebreaks; survey or other required test; text amendment; de minimus impact; and certain strategic ecosystems;*
6. *requiring that parcels containing strategic ecosystems or significant natural communities not be disaggregated such that there is lesser natural resource protection;*
7. *setting requirements for natural and archaeological resources assessments;*
8. *setting further regulations for parcels with confirmed regulated natural or archaeological resources (regulated resources include: significant natural communities, listed species, strategic ecosystems, Floridan aquifer high recharge areas, significant archaeological resources, and significant geological resource features);*
9. *providing for conservation management areas and management plans;*
10. *establishing avoidance, minimization, mitigation and monitoring requirements with respect to the regulated natural and archaeological resources;*
11. *amending the Relief and Enforcement provisions of Article VIII, Environmental Management;*
12. *deleting the Significant Ecological Communities section of the Code (Sections 30-309 & 30-309.1); and,*
13. *amending the fees for reviews.*

The manner in which the City addresses the protection of significant ecological communities, particularly with respect to Alachua County-designated Strategic Ecosystems that have been annexed by the City, was referred to the Community Development Committee in October 2007. A staff team subsequently worked for approximately one year to develop draft regulations to protect designated Strategic Ecosystems once they are annexed and to protect other natural and

archaeological resources.

On September 24, 2009, the Plan Board heard and unanimously approved Petition PB-09-125. The City Commission heard that petition on December 3, 2009 (Legistar No. 090536) and continued it to an unspecified later date for further work by staff. Petition PB-09-125 was later deemed denied without prejudice (per Sec. 30-347.8 of the Land Development Code) because the petition was not finally acted upon within six months of the filing of the Plan Board's recommendation with the City Commission.

Staff then worked with the City Attorney's Office in developing the current petition (Petition PB-10-143 TCH) and this ordinance. The proposed regulations focus on the preservation of significant natural communities and features through the normal development review process. In addition, Alachua County's land development regulations were reviewed and County staff was consulted in the preparation of these regulations.

Public notice was published in the Gainesville Sun on March 8, 2011. On March 24, 2011, the City Plan Board, by a vote of 5-1, recommended approval of the petition with modifications. As part of the Plan Board's recommendation, they encouraged staff to continue working on the regulations and communicate with stakeholders. Planning staff held a meeting with stakeholders on May 9, 2011. There were additional comments and suggestions for improving the proposed regulations, and many of these have been incorporated into the final version of the proposed ordinance. Planning staff also held a meeting on June 9, 2011 with GRU staff to discuss their concerns about the regulations and explain certain provisions. Additional changes were made to the regulations based on GRU's comments.

On August 4, 2011, the City Commission approved the petition with one modification (by a vote of 6-1) that the threshold for review be raised from 2 acres to 5 acres, except when listed species are present or the parcel contains an archaeological site identified by a Florida Master Site file number. Staff has made that revision in the draft ordinance.

In addition, the City Commission requested (by a vote of 5-2) that, at first reading of the ordinance, staff present a fee-in-lieu mitigation option that focuses more on ecological value of the property rather than market value. In response to this request, staff researched other methods for fee-in-lieu calculations and consulted with professionals from the University of Florida and local land conservation and appraisal firms and was unable to find an alternative valuation methodology that was uniformly accepted, easy or cost effective to undertake. In further consultation with the City Attorney's Office, staff became concerned that, as written, the fee-in-lieu provision is problematic because the fee collected is based solely on real estate market value and would be used for general green space acquisition. In order for such a fee to be legally defensible, the amount of the fee and use of the fee should be rationally related to addressing the loss/destruction of the resource caused by the development. In the opinion of staff it would be burdensome for the City to establish such a fee structure and set up funds and processes to ensure the

amount of such fees and their usage was defensible. As a result, staff has not included a fee-in-lieu mitigation option in the draft ordinance. It is the opinion of staff that this is consistent with the purpose and intent of the ordinance, which is to protect resources, and that the ordinance provides other viable mitigation and alternative compliance options for property owners. Staff has also removed the provisions for alternative compliance by use of an Environmental Master Plan, as that concept was not developed enough to provide the requirements of such a Plan, its effect and the criteria by which it would be evaluated and approved or denied. Again, it is the opinion of staff that the ordinance provides other viable mitigation and alternative compliance options for property owners.

In addition, staff evaluated the current review fee structure and recommends reducing the level 1 fee from \$1,000 down to \$500. Staff believes this amount is commensurate with the staff effort required for a level 1 review and in recognition that these reviews are now conducted in-house by the City's environmental coordinator and no longer require the City to contract for more costly reviews by an outside party.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, July 19, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/7/11	City Commission	Continued (Petition) (7 - 0)
8/4/11	City Commission	Approved as shown above (Petition)

110076A_exhibit 8_post cpb chgs_20110707.pdf
110076B_staff report_20110707.pdf
110076C_exhibit 1 timeline_20110707.pdf
110076D_exhibit2_envtl petition Table1_20110707.pdf
110076E_exhibit 3_envtl LDC chgs_20110707.pdf
110076F_exhibit 4_remove envtl LDC_20110707.pdf
110076G_exhibit 5_strategic ecosystems map_20110707.pdf
110076H_exhibit 6_sec 30-300_20110707.pdf
110076I_exhibit 7_sec 30-275_20110707.pdf
110076J_cpb minutes.110324_20110707.pdf
110076K_staff ppt_20110707.pdf
110076L_MOD_Fowler Ltr to O Lazzari_20110707.pdf
110076M_MOD_Fowler Ltr to COG_20110707.pdf
110076N_MOD_Supplemental Staff PPT Slides_20110707.pdf
110076A_exhibit 8_post cpb chgs_20110804.pdf
110076B_staff report_20110804.pdf
110076C_exhibit 1 timeline_20110804.pdf
110076D_exhibit2_envtl petition Table1_20110804.pdf
110076E_exhibit 3_envtl LDC chgs_20110804.pdf
110076F_exhibit 4_remove envtl LDC_20110804.pdf
110076G_exhibit 5_strategic ecosystems map_20110804.pdf
110076H_exhibit 6_sec 30-300_20110804.pdf
110076I_exhibit 7_sec 30-275_20110804.pdf
110076J_cpb minutes.110324_20110804.pdf
110076K_staff ppt_combined_20110804.pdf
110076L_Fowler Ltr to O Lazzari_20110804.pdf
110076M_Fowler Ltr to COG_20110804.pdf
110076N_7-6-11 Memo to Comm Hawkins_20110804.pdf
110076 O_responses to GACAR comments_20110804 .pdf
110076_MOD_EC&D.CoG.LDCSuggestions_20080804.PDF
110076-MOD_Memo&Maps(slides)_20110804.pdf
110076B_staff ppt_20120621.pdf
110076A_draft ordinance_20120621.pdf
110076B-MOD_Memo_20120621.pdf
110076C-MOD_Rare Species List_20120621.pdf
110076D-MOD_Map Over 5 acres_20120621.pdf
110076E-MOD_Eastside 5 Acres_20120621.pdf

110077.**REZONING - SIGNIFICANT ECOLOGICAL COMMUNITIES
OVERLAY DISTRICT (B)****Ordinance No. 110077**

An ordinance of the City of Gainesville amending the Zoning Map Atlas by removing the Significant Ecological Communities Overlay District from certain property located generally east of Southeast 24th Street, south of East University Avenue and north of Southeast Hawthorne Road; 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*

The properties that are the subject of this ordinance are located east of Southeast 24th Street, between East University Avenue and Southeast Hawthorne Road. These eight parcels are contiguous and total approximately 47 acres. The Significant Ecological Communities Overlay zoning district was applied to them by adoption of Ordinance No. 051019 on July 10, 2007.

The proposed removal of the Significant Ecological Communities Overlay District from these properties is necessitated by the related, amended land development regulations proposed by Ordinance No. 110076, which if approved, will amend the Land Development Code to provide additional and updated regulations for the protection of natural and archaeological resources and to delete the Significant Ecological Communities Overlay District.

The City Commission created the Significant Ecological Communities Overlay District in 2004. Although various properties were rezoned between 2005 and 2007 to this overlay district, legal issues pertaining to the district arose. In 2009, staff presented a new concept for environmental protection to the City's Community Development Committee, the City Commission, and to the City and County Commissions at a joint meeting. The concept was approved and staff was directed to develop draft regulations.

Staff presented draft regulations (Petition PB-09-125 TCH) in September 2009 to the Plan Board, which by a 7-0 vote recommended approval to the City Commission. Staff was prepared to present them in December 2009 to the City Commission, but the petition was continued to allow for further review and revision by the City Attorney's office and other City Staff. During 2010, staff worked to revise the draft regulations, which were presented as new Petition PB-10-143 TCH to the Plan Board in February and March of 2011. On March 24th, the Plan Board voted 5-1 to recommend that petition and on August 4, 2011, the City Commission approved the petition. That petition is now Ordinance No. 110076 and is scheduled to be heard at the same meetings as this Ordinance.

Public notice was published in the Gainesville Sun on April 12, 2011. On April 28, 2011, the Plan Board discussed Petition PB-11-16 ZON and recommended approval with a 4-0 vote. However, the Plan Board requested that approval of this Petition PB-11-16 ZON be contingent on the approval of the natural and archaeological resources regulations (PB-10-143 TCH, now Ordinance No. 110076).

On August 4, 2011 the City Commission approved the Petition by a vote of 5-1. Pursuant to Section 6 of this Ordinance, the rezoning is not effective until the date that Ordinance No. 110076 is adopted.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, July 19, 2012.

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

7/7/11 City Commission Continued (Petition) (7 - 0)
 8/4/11 City Commission Approved (Petition) (5 - 1 - 1 Absent)

110077A_staff report_20110707.pdf
 110077B_append A_exhibit A-1 - A-3_20110707.pdf
 110077C_append B_application_20110707.pdf
 110077D_cpb minutes 110428_20110707.pdf
 110077E_staff ppt_20110707.pdf
 110077A_staff report_20110804.pdf
 110077B_append A_exhibit A-1 - A-3_20110804.pdf
 110077C_append B_application_20110804.pdf
 110077D_cpb minutes 110428_20110804.pdf
 110077E_staff ppt_20110804.pdf
 110077A_draft ordinance_20120621.pdf

110078.**REZONING - SIGNIFICANT ECOLOGICAL COMMUNITIES OVERLAY DISTRICT (B)****Ordinance No. 110078**

An ordinance of the City of Gainesville amending the Zoning Map Atlas by removing the Significant Ecological Communities Overlay District from certain property commonly known as Hatchet Creek PUD generally located south of Northeast 53rd Avenue, east of Northeast 15th Street, north of Northeast 39th Avenue and west of Waldo Road, as more specifically described in this ordinance; 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

The approximately 368-acre property that is the subject of this rezoning petition is known as the Hatchet Creek PUD located south of Northeast 53rd Avenue, east of Northeast 15th Street, north of Northeast 39th Avenue and west of Waldo Road. It surrounds the City's Ironwood Golf Course. The Significant Ecological Communities Overlay zoning district was applied to this property by Ordinance No. 050160 adopted on November 17, 2005.

The proposed removal of the Significant Ecological Communities Overlay District from this property is necessitated by the related, amended land development regulations proposed by Ordinance No. 110076, which if approved, will amend the Land Development Code to provide additional and updated regulations for the protection of natural and archaeological resources and to delete the Significant Ecological Communities Overlay District and its regulations.

The City Commission created the Significant Ecological Communities Overlay

District in 2004. Although various properties were rezoned between 2005 and 2007 to this overlay district, legal issues pertaining to the district arose. In 2009, staff presented a new concept for environmental protection to the City's Community Development Committee, to the City Commission, and to the City and County Commissions at a joint meeting. The concept was approved and staff was directed to develop draft regulations.

Staff presented draft regulations (Petition PB-09-125 TCH) in September 2009 to the Plan Board, which by a 7-0 vote recommended approval to the City Commission. Staff was prepared to present them in December 2009 to the City Commission, but the petition was continued to allow further review and revision by the City Attorney's office and other city staff. During 2010, staff worked to revise the draft regulations, which were presented as new Petition PB-10-143 TCH to the Plan Board in February and March of 2011. On March 24th, the Plan Board voted 5-1 to recommend approval of that petition and on August 4, 2011, the City Commission approved the Petition. That petition is now Ordinance No. 110076 and is scheduled to be heard at the same meetings as this Ordinance.

Public notice was published in the Gainesville Sun on April 12, 2011. On April 28, 2011, the Plan Board discussed this Petition PB-11-17 ZON and recommended approval with a 4-0 vote. However, the Plan Board requested that approval of this Petition PB-11-17 ZON be contingent on the approval of the new natural and archaeological resources regulations (PB-10-143 TCH, now Ordinance No. 110076).

On August 4, 2011 the City Commission approved this petition by a vote of 5-1. Pursuant to Section 6 of this Ordinance, the rezoning is not effective until the date that Ordinance No. 110076 is adopted.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, July 19, 2012.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

7/7/11	City Commission	Continued (Petition) (7 - 0)
8/4/11	City Commission	Approved (Petition) (5 - 1 - 1 Absent)

110078A_staff report_20110707.pdf
 110078B_append A_exhibits A-1 - A-3_20110707.pdf
 110078C_append B_application_20110707.pdf
 110078D_cpb minutes 110428_20110707.pdf
 110078E_staff ppt_20110707.pdf
 110078A_staff report_20110804.pdf
 110078B_append A_exhibits A-1 - A-3_20110804.pdf
 110078C_append B_application_20110804.pdf
 110078D_cpb minutes 110428_20110804.pdf
 110078E_staff ppt_20110804.pdf
 110078A_draft ordinance_20120621.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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