

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

November 7, 2013

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

Mayor Ed Braddy (At Large)

Commissioner 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)

Mayor-Commissioner Pro Tem 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**

Prophet George Young

CONSENT AGENDA**CITY MANAGER, CONSENT AGENDA ITEMS**

[130345.](#)

Agreement Between the School Board of Alachua County (SBAC) and the City of Gainesville for the School Resource Officer Program (B)

This is a request for City Commission approval for the continuation of the Gainesville Police Department's agreement with the School Board of Alachua County (SBAC) for the School Resource Officer Program.

Explanation: The Gainesville Police Department and the School Board of Alachua County desire to continue to work in partnership to provide 13 School Resource Officers (SRO) to city-wide schools in Gainesville. This crime prevention initiative shares the cost of staffing and training. This year's contract reflects an increase of four SRO's over last year's contract (13 versus 7). Additional staffing has been placed in city elementary schools. The agreement was approved at the School Board of Alachua County's Board Meeting held on September 17, 2013.

Fiscal Note: The total cost for one GPD officer including fringe benefits for one year is \$71,848 (salary = \$46,773.00, fringe benefits = \$25,075.00). The total cost paid for each SRO by the Alachua County School Board is \$26,031.60. The total cost incurred to GPD and the city of Gainesville

for 13 officers based on the salary and fringe listed above is \$934,024. The total annual allocation for SRO's received by the Alachua County School Board is \$338,410.80. Additionally, a \$9,900 allocation will be received for training and overtime expenses incurred by the 13 School Resource Officers for the FY 2013-14.

RECOMMENDATION

The City Commission: 1) approve the agreement for \$348,310.80 between the City of Gainesville and the Alachua County School Board; and 2) authorize the City Manager to accept and execute any other necessary documents subject to approval by the City Attorney as to form and legality.

[130345_SchoolResourceOfficerAgreementWithSchBd\)20131107](#)

[130383.](#)

Authorization to Purchase Equipment for the Gainesville Police Department using State Law Enforcement Contraband Forfeiture Trust Funds (B)

This is a request for City Commission authorization to purchase tasers, extra training cartridges and four year extended care warranties for the Gainesville Police Department using state forfeiture funds.

Explanation: This item requests that the City Commission appropriate and expend an amount not to exceed \$24,000 from the State Law Enforcement Contraband Forfeiture Fund for the purchase of 20 tasers from DGG Taser and Tactical Supply, an authorized distributor for the manufacturer of Taser International X 26E Advanced Tasers, associated holsters, training cartridges and four year extended customer care warranties for the Gainesville Police Department. The X 26E Advanced Tasers provide a safer more effective tool for law enforcement officers facing situations that pose threats to their safety and the safety of others. The tasers are reliable devices that utilize innovative technology to stop resistive suspects and provide effective alternatives to other types of force. The Gainesville Police Department currently employs tasers in patrol and has assessed this to be an effective tool for law enforcement. As of 2006, Florida State Statute 943.1717, sets forth the criteria for the employment of tasers by agencies and officers. It also mandates that the Criminal Justice Standards and Training Committee (CJSTC) create specific training topics, hours and recertification requirements. The Gainesville Police Department complies with both the Florida State Statutes and CJSTC requirements in both policy and training for employment of tasers.

Fiscal Note: Funding in the amount of \$24,000 is available from the State Law Enforcement Contraband Forfeiture Trust Fund. Based on the Comparative Balance Sheet dated August 31, 2013, the available balance of this account is \$51,181.

RECOMMENDATION

The City Commission authorize the appropriation of an amount not to exceed \$24,000 from the State Law Enforcement Contraband Forfeiture Trust Fund and issuance of a purchase order to DGG Taser Inc for the purchase.

Alternative Recommendation

The City Commission deny funding at this time.

[130383_TaserQuoteAndSoleSource_20131107](#)

[130407.](#)

Grant match for Non-point Source (319 (h)) and Total Maximum Daily Load Water Quality (TMDL) Restoration Grants from the Florida Department of Environmental Protection for the Paynes Prairie Sheetflow Restoration Project (NB)

This item is to designate the source of matching funds for grants awarded by the Florida Department of Environmental Protection (FDEP) for Agreement G0312- Amendment 3 in the amount of \$2,506,270 for the Paynes Prairie Sheetflow Restoration Project.

Explanation: The FDEP administers the USEPA 319 (h) Grant Program and the State of Florida TMDL Grant Program which together provides funding for implementing best management practices (BMPs) designed to reduce urban stormwater pollutant discharges to impaired waters. Over several application cycles the City of Gainesville applied for grants for the Paynes Prairie Sheetflow Restoration Project which uses several BMPs to address non-point source and TMDL issues.

FDEP recently determined that Amendment 2 understated the matching funds required for the first two awards. The pending Amendment 3 corrects the match amounts for the prior awards and includes the required match for the third award. The 319 Grant funding in the amount of \$1,217,270 has been awarded for the project and requires a local match of \$324,514 and a TMDL Grant match of \$487,000. The TMDL Grant funding in the amount of \$1,289,000 has been awarded for the project and requires a local match of \$1,289,000.

Fiscal Note: The total local match of \$1,613,514 (\$324,514 plus \$1,289,000), is available in the Stormwater Management Utility capital account 414-800-KA11-5380 and the TMDL match of \$487,000 is available in 115-800-X299-5380.

RECOMMENDATION

The City Commission authorize the City Manager or designee to designate the match funding sources as presented in the fiscal note.

[130408.](#)

National League of Cities Institute for Youth, Education and Families Grant (B)

This item involves a request to accept a grant, if awarded, from the National League of Cities (NLC) Institute for Youth, Education and Families (YEF Institute) to assist the City in Expanding Access to Health Care for Children and Families.

Explanation: In 2009, the Children Health Insurance Program Reauthorization Act (CHIPRA) was signed into law by President Obama. This legislation launched a new era in Children's health insurance coverage by providing states with significant new funding and a range of new opportunities for covering children eligible for Medicaid and the Children's Health Insurance Program (CHIP). The CHIP in conjunction with Title XXI of the Social Security Act funds the Florida KidCare Program.

The Florida KidCare Program provides low cost health Insurance for children under 19 years of age even if one or both parents are working. The program provides four different parts. When the individual applies for the Health Insurance, Florida KidCare will determine which part of the insurance coverage the child may qualify for based upon age and family income. Despite the Florida KidCare program being available for families, in 2009 there was more than 600,000 uninsured kids in Florida. There were over 6,000 uninsured kids in Alachua County. The 2011 CHIRPA Annual Report indicated that there were still approximately 475,000 uninsured kids within the state. The State of Florida has made big strides to reduce the number of uninsured kids, however, Florida still ranked fourth in the nation behind Nevada, Texas, and Arizona with the highest rates of Uninsured Children.

Earlier this year, the City Of Gainesville (City) worked in cooperation with the Gainesville/Alachua County Office on Homelessness (OOH) to submit a pre-grant application to the National League of Cities (NLC) expressing an interest to increase access to health care for children and families in our community. In the pre-grant application, the City identified a representative from the Office of Homelessness, the City Manager's Office, and the Mayor (or designee) as the official delegation. The City's application was selected during the first stage in the grant application process and the delegation participated in the in the Cities Expanding Access to Health Care for Children and Families Leadership Academy on September 17th and September 18th in Baltimore, Maryland. Up to 10 grants will be awarded to cities represented at one of two leadership academies hosted by the YEF Institute.

During the next phase of the grant application process, the City was required to submit additional information by October 18th. The next portion of the application to the NLC planning grant program focused on the City's plan to expand access to health care services to uninsured children. One main purpose of the grant is to reduce the number of uninsured kids within the Gainesville community by working with existing community partners to inform working families about their eligibility to participate in the Florida KidCare Program which is the state's low cost Health Insurance Program for kids.

The NLC is providing a window of opportunities for twenty two cities including the City of Gainesville to submit a grant to participate a program to reduce the number of uninsured kids within their community. The grant program is eligible only to the Cities that participated in the Regional workshop. The City only had approximately two and half weeks to gather the data and submit the second portion of the grant application to NLC, as the deadline was October 18, 2013. The delegation worked diligently to submit the second phase of the application as to not preclude the City's ability to compete for this funding.

When awarded, this grant will be provided in phases. The first phase includes a Planning Grant of up to \$30,000; the second phase includes the implementation phase in which the cities are eligible to receive a grant up to \$260,000 for the first year and \$260,000 in the second year. Cities cannot go on to the second round without participation in the first round of the grant process. The City would like to work with the various community partners including the business community to take advantage of the Florida KidCare Program. Only three cities will be selected for the large grant award in phase two.

Fiscal Note: At this time, the only cost has been staff time spent working on the grant application. The grant amount of \$30,000, if awarded to the City, will be used to work with the community partners outlining a detailed strategy to reduce the number on uninsured kids in the Gainesville community and increase the enrollment in the Florida KidCare Program. There are no matching funds required for this grant.

RECOMMENDATION

The City Commission: 1) approve the request to accept a grant, if awarded, from the National League of Cities (NLC) Institute for Youth, Education and Families to assist the City in Expanding Access to Health Care for Children and Families; and 2) if awarded, authorize the City Manager or designee to execute the grant award agreement and other grant-related documents, subject to approval by the City Attorney as to form and legality.

[130408 NLC Grant Application 20131107.pdf](#)

[130434.](#)

Letter of Support for a Co-located Child Advocacy Center (B)

This is a request for City Commission authorization to send a letter of support for a co-located Child Advocacy Center.

Explanation: The City Commission is requested to authorize Mayor Braddy to sign and send a letter supporting a co-located Child Advocacy Center. The City Commission adopted from 2007 - 2012 a Strategic Initiative

facilitating a co-located Child Advocacy Center. A co-located center will address in a holistic manner the needs of children who are battered or abused and potentially involved in the criminal justice system as victims. In 2013 the City Commission modified our strategic plan in recognition that this community based initiative was proceeding in a rapid manner and did not need the concentrated focus from the City Commission to achieve the objective. The requested letter of support reiterates that the City Commission is strongly supportive of the concept of co-located programming and a co-located facility to address children's needs. A letter to this effect has been attached to the agenda item which will be transmitted to Ms. Marian Lee board chair of the Child Advocacy Center. It is the intent of Ms. Lee to announce the City of Gainesville and other entities support of a co-located child advocacy center.

Fiscal Note: There are no direct financial impacts from authorizing the letter of support.

RECOMMENDATION The City Commission authorize Mayor Ed Braddy to sign and transmit the letter of support.

[130434_Letter of Support_20131107.pdf](#)

[130438.](#)

Employment Agreement - Interim General Manager for Utilities (B)

Explanation: At a special meeting on October 31, 2013, the City Commission selected Kathy Viehe as the Interim General Manager for Utilities and authorized Mayor Braddy to negotiate an employment agreement with Ms. Viehe.

The attached ESMT outlines the terms of the agreement.

Fiscal Note: Funds are available in the GRU operating budget.

RECOMMENDATION The City Commission approve the terms of the agreement in the attached document.

[130438_ESMT_20131107.pdf](#)

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

[130412.](#)

ROBERT WILLIAMS v. CITY OF GAINESVILLE; CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT IN AND FOR ALACHUA COUNTY, FL; CASE NO. 01-2012-CA-1984 (B)

Explanation: On January 20, 2011, Plaintiff Robert Williams tripped and fell while walking on a City sidewalk located in the unit block of SE 3rd Street in downtown Gainesville. Mr. Williams sought emergency medical treatment, and, ultimately, surgeries for injuries sustained in the accident. He was hospitalized for in excess of one week, and

underwent home healthcare and physical rehabilitation. His physicians opined that he suffered permanent injuries resulting from this accident, and he incurred medical bills exceeding \$130,000.00. At trial, Mr. Williams also anticipated presenting claims for lost income, pain and suffering, loss of earning capacity, and future medical expenses.

Mr. Williams filed suit in May 2012 and served the City in August 2012. Both parties engaged in discovery in preparation for trial, and participated in Court-ordered mediation on July 24, 2013. The mediation initially reached an impasse, but both parties continued to negotiate as discovery continued. Per the application of Florida's limited waiver of sovereign immunity contained in section 768.28, Florida Statutes, the City's liability and authority to settle claims such as this is limited to \$100,000 per person, and \$200,000 per incident. After mediation and further negotiations, on October 16, 2013, representatives for the City reached a settlement of all claims with Mr. Williams and his attorneys in the amount of \$28,000.00, subject to the approval of the City Commission of the City of Gainesville. It is the recommendation of the City Attorney's Office and the Risk Management Department that the case be settled for that amount.

RECOMMENDATION

The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of Robert Williams v. City of Gainesville; Circuit Court of the Eighth Judicial Circuit in and for Alachua County, FL; Case No.: 01-2012-CA-1984, on behalf of the City.

[130412 Williams Settlement 20131107.pdf](#)

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[130391.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of October 2 and October 7, 2013.

[130391_minutes_20131107.pdf](#)

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

[100523.](#)

City of Gainesville Registry of Protected Public Places Phase II-B

Listing (B)**This item is regarding the potential listing of four properties to the Registry of Protected Public Places as per Ordinance #080576.**

Explanation: On December 18, 2008, the City Commission passed and adopted an amendment to Ordinance #080576. On March 24, 2009, the citizens of Gainesville voted in favor of the amendment. This ordinance pertains to the protection of City-owned lands acquired or used for conservation, recreation, or cultural purposes. The amendment specifically refers to the sale or conversion of City-owned lands used or acquired for conservation, recreation, or cultural purposes and states that a registry will be created for the purpose of identifying fee simple properties owned by the City of Gainesville that are deemed to be worthy of the highest level of protection. It further states that properties placed on this registry may not be sold or converted to a use that will result in a loss of value for which the property was placed on the registry, except by a majority vote of the electors in a city-wide election.

Parks, Recreation and Cultural Affairs (PRCA) staff reviewed all fee-simple City-owned properties purchased for the purpose of conservation and/or passive recreation and identified properties that could be potentially listed on the registry. Of those properties, eleven were previously listed in March 2011, four were previously listed in March 2013 as Phase II-A.

On September 23, 2013, staff gave a presentation on the Registry of Protected Public Places to the Recreation, Cultural Affairs and Public Works Committee. The ordinance states that the registry is created to identify the property owned by the City of Gainesville worthy of the highest level of protection and when listed, the property cannot be sold or converted to a use that creates a loss of value except by majority vote of the electors. Four additional nature parks are proposed for Phase II-B: NW 34th Street Property, Colclough Pond Nature Park, Loblolly Woods Nature Park and Terwilliger Pond Conservation Area. The listing notice has been reviewed by other City departments, the City Attorney's Office and GRU. The Recreation, Cultural Affairs and Public Works Committee approved the Phase II-B list to move forward to the City Commission.

The property listing document provides legal descriptions, a location map, and acquisition plans for the four properties to be listed on the Registry of Protected Public Places and exhibits for a draft ordinance have been provided as per direction from the City Attorney.

Fiscal Note: There is no cost to the City to list properties on the Registry of Protected Public Places.

RECOMMENDATION

The City Commission direct the City Attorney to draft and the Clerk of the Commission to advertise an ordinance placing the recommended Phase II-B properties in the City of Gainesville Registry of Protected Places.

Legislative History

12/16/10	City Commission	Approved as Recommended
1/31/11	Recreation, Cultural Affairs and Public Works Committee	Approved as Recommended
3/3/11	City Commission	Approved as Recommended
3/21/13	City Commission	Approved as Recommended
9/5/13	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee

[100523 PPT 20110131.pdf](#)

[100523A Land Registry Phase I Listing 20110303.pdf](#)

[100523B Land Resistry Ordinance 20110303.pdf](#)

[100523C PPT 20110303.pdf](#)

[100523A Reg Narr20130321.pdf](#)

[100523B LandRegOrdFinal 20130321.pdf](#)

[100523A-MOD RegistryPPT 20130905.pdf](#)

[100523B-MOD 080576Ordinance 20130905.pdf](#)

[100523C-MOD PropertyList 20130905.pdf](#)

[100523 MOD LoblollyNeighborsPP 20130905.pdf](#)

[100523A Land Reg PowerPt 20130923.pdf](#)

[100523B Listing Plan 20130923.pdf](#)

[100523C OrdFinal 20130923.pdf](#)

[100523D Registration 20130923.pdf](#)

[100523E Land Reg Map 20130923.pdf](#)

[100523A OrdExh 20131107.pdf](#)

[100523B PhasedListPln 20131107.pdf](#)

[100523C RegNotc 20131107.pdf](#)

[100523D IIBListMap 20131107.pdf](#)

[130008.](#)

Land Conservation and Acquisition Program (B)

This item is to request the City Commission to approve adding the Elks Lodge/Glen Springs property to the priority acquisition list for the Land Conservation and Acquisition Program.

Explanation: This item was referred to the Recreation, Cultural Affairs and Public Works Committee at the May 16, 2013, City Commission meeting for review and recommendation to the Commission. It was requested that the Committee hear staff evaluation, review and consider approval of the Elks Lodge/Glen Springs property to the City's priority land acquisition

list.

Since 2009, the City has been attempting to acquire properties listed on the priority land acquisition table. To date, sixteen (16) parcels on the priority table have been acquired by the City and more are still in negotiations. Staff evaluated the Elks Lodge/Glen Springs property on June 26, 2013 and has provided a summary evaluation and associated maps for review.

On October 28, 2013, the Recreation, Cultural Affairs and Public Works Committee met and received an update from staff regarding the evaluation of the Elks Lodge/Glens Springs property and discussed this item.

Fiscal Note: In 2012, the Alachua County Property Appraiser assessed the Elks Lodge/Glen Springs property at \$309,000. The exact for sale amount of this property is dependent upon an official appraisal. As of mid-October, the Wild Spaces/Public Places acquisition funding has a remaining balance of \$1,788, and \$1,524,897 remains in the Greenspace Acquisition fund. The approved FY14 and FY15 budgets do not include any additional funds allocated for the Greenspace Acquisition Fund.

RECOMMENDATION

The Recreation, Cultural Affairs and Public Works Committee recommends that the City Commission approve an updated priority land acquisition list for the Land Conservation and Acquisition Program with the addition of the Elks Lodge/Glens Springs property.

Legislative History

5/16/13 City Commission Referred to the Recreation, Cultural Affairs and Public Works Committee

[130008A_Acq priority table_20131028.doc.pdf](#)

[130008B_Elks Lodge Dog Map_20131028.pdf](#)

[130008C_Elks Lodge Natcomm Map_20131028.pdf](#)

[130008D_Odum Institute Rpt_20131028.pdf](#)

[130008E_Glen Springs Land Eval Summary_20131028.pdf](#)

[130008F_Acquisition Priority PPT_20131028.pdf](#)

[130008-MOD_List_20131107.pdf](#)

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER**[080471.](#)

**Status Update on the City Commission Strategic Initiative 3.3:
Analyze the availability and accessibility of child and youth
programs and identify a role for City Government (B)**

This item is an action step for the City Commission's Strategic Initiative 3.3, providing an update on juvenile crime reduction efforts presented jointly by the Gainesville Police Department, the State Attorney's Office and the Parks, Recreation and Cultural Affairs Department.

ESTIMATED STAFF PRESENTATION 20 MINUTES

Explanation: Chief Tony Jones, Gainesville Police Department; Shannon Keleher, Recreation Manager, Parks, Recreation and Cultural Affairs Department; and Gretchen Casey, Director of Victim Services, State Attorney's Office, 8th Judicial District, have worked together in partnership for the past five years to reduce juvenile crime each summer.

The State Attorney's Office has recently updated its statistics and through a PowerPoint presentation by Ms. Casey, the status of juvenile delinquency will be provided for information purposes.

Fiscal Note: No funds are being requested.

RECOMMENDATION

The City Commission receive this update on progress with Strategic Initiative 3.3: Analyze the Availability and Accessibility of Youth Programs and Identify a Role for Government.

Legislative History

10/2/08	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee
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1/8/09	Recreation, Cultural Affairs and Public Works Committee	Approved
10/8/09	Recreation, Cultural Affairs and Public Works Committee	Heard
8/19/10	City Commission	Heard
7/7/11	City Commission	Heard
10/4/12	City Commission	Heard

[080471_PPT_20100819.PDF](#)

[080471_FY10_Qtr 3 Update_20100513.pdf](#)

[080471_4th Quarter Updates_20091008.pdf](#)

[080471_Strategic Initiatives_20090108.pdf](#)

[080471A_PPT_20110707.pdf](#)

[080471B_Data_20110707.pdf](#)

[080471_Presentation_20121004.pdf](#)

[080471_PPT_20131107.pdf](#)

[130359](#)

**The City of Gainesville Strategic Plan for Fiscal Years 2013 and 2014
(B)**

This item seeks approval of adjustments to the City of Gainesville Strategic Plan for Fiscal Years 2013 and 2014.

ESTIMATED STAFF PRESENTATION 20 MINUTES

Explanation: The City Commission Strategic Planning Retreat was held on August 6th at the GRU Eastside Operations Center. This year's retreat focused on reviewing, recommending adjustments as needed, and prioritizing initiatives in the current two-year Strategic Plan originally developed in 2012. Commissioners began the day by presenting their respective key strategic issues for the upcoming fiscal year. Staff then provided detailed updates of the cost estimates, estimated completion dates, and stage of progress for each existing strategic initiative. Also, staff recommended to sunset initiatives that were accomplished, have become part of everyday operations, or are outside of the sole capacity of the City. Commissioners completed scorecards based upon the staff presentation in order to develop a starting point for a prioritization discussion. Following input from several citizens, the Commission collaboratively sunset 11 initiatives and organized the remaining 24 initiatives into three categories: highest priority, higher priority, and high priority. The established prioritization will assist staff in resource allocation when there is more than one initiative competing for the same pool of resources.

Throughout the day, the Commission provided various ideas which were

captured on an idea board for the review of staff following the retreat. Staff has since evaluated each idea discussed at the retreat, categorized into five areas, and have begun taking action wherever possible.

Using a ballot process, the Commission selected initiatives to sponsor. Each Commission member was given the opportunity to select and rank up to four initiatives for which they would like to sponsor. Each participating member was assigned their number one, number two and number three choices, with some initiatives having co-sponsors. During discussion, Commission members may elect to sponsor additional initiatives.

Each of the Strategic Initiatives will be aligned with City Commission Standing Committees and the Community Redevelopment Agency through ongoing referrals. Since many of the goals and initiatives were re-organized and re-worded, all existing referrals will be removed from the referral lists this year and re-referred for Fiscal Year 2014.

Fiscal Note: The strategic planning and budgeting processes are linked to assure that the City's budget reflects the City Commission's Strategic Plan.

RECOMMENDATION

The City Commission: 1) receive a presentation on the City Commission Strategic Plan; 2) accept the assignment of initiatives to each member of the City Commission to sponsor; 3) remove all existing strategic initiative referrals from the committee referral lists; 4) refer all strategic initiatives to the aligned Committee; and 5) adopt the adjustments to the City of Gainesville Strategic Plan for Fiscal Years 2013 and 2014.

[130359A_FY14_Initiative_Sponsors_20131107.pdf](#)

[130359B_FY14_StrategicPlanUpdate_20131107.pdf](#)

[130359C_Presentation_20131107.pdf](#)

[130413.](#)

2014 State Legislative Agenda (B)

This is a request for the City Commission to approve the 2014 State Legislative Agenda and provide policy direction on future referrals to the Legislative Agenda.

Explanation: Annually, the City Commission adopts a State Legislative Agenda for presentation to the Alachua County Legislative Delegation. The legislative agenda is a compilation of the city's priority needs for the upcoming legislative session and provides delegation members with comprehensive information in order for them to focus their efforts on specific legislative priorities and initiatives related to the city. Initiatives included in the agenda include: General Legislative Policy, General Government, Economic Development, and Capital Projects.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) approve the 2014 State Legislative Agenda; 2) direct that all new referral items to the Legislative Agenda be forwarded to the Audit, Finance and Legislative Committee for review and recommendation; and 3) direct staff to provide the 2014 State Legislative Agenda to the Alachua County Legislative Delegation; the Florida League of Cities, and other interested parties.

[130413_2014 State Legislative Agenda_20131107.pdf](#)

GENERAL MANAGER FOR UTILITIES

[130310.](#)

GREC Right of First Offer (NB)

Explanation: At the October 21, 2013 City Commission meeting, the Commission authorized City Staff to exercise its right of first offer (ROFO) to purchase the 100 MW Biomass Plant at a price of \$400,000,000. An Offer Letter was prepared and submitted to GREC on October 21, 2013.

City Staff met with GREC via teleconference to present and negotiate the purchase of the 100 MW Biomass plant as authorized by the City Commission on October 17, 2013. In attendance on behalf of the City of Gainesville were:

*Commissioner Wells
Bob Hunzinger
Russ Blackburn
Nicolle Shalley
Brent Godshalk
David Richardson (Lead Negotiator)
John Stanton
Kathy Viehe
Becky Rountree
Shayla McNeill
Mark Benton
Carl Lyon - Orrick, representing GRU*

Members of the GREC Board of Directors participated in the teleconference representing GREC.

The meeting lasted several hours, and the results were as follows:

There are no terms and conditions at the city's authorized purchase price of \$400M that are acceptable to GREC;

GREC indicated that their estimate of the Fair Market Value of the 100 MW Biomass plant was "hundreds of millions of dollars higher" than the

City's \$400M offer price;

GREC indicated that they have an interest in options besides the purchase, such as a prepayment agreement, that may be mutually beneficial to both parties;

Both parties agreed that at this time and without further direction from the City Commission or changed interest from GREC, no further meetings will be beneficial;

The negotiating period will expire on November 20, 2013.

RECOMMENDATION

The City Commission consider the status of the offer to purchase the 100 MW Biomass Plant and take further actions as it deems appropriate.

Recommendation from Mayor-Commissioner Pro Tem Randy Wells

Move that we add to our Federal legislative agenda legislation and/or regulations that would remove the disadvantage for municipal utilities to acquire eligible renewable energy projects that were funded in part by a 1603 grant.

Legislative History

9/19/13	City Commission	Approved, as shown above
10/2/13	City Commission	Heard
10/7/13	City Commission	Approved, as shown above

[130310_ltr_20130919](#)

[130310_ppt_20130919](#)

[130310_MOD GREC_20131002.pdf](#)

[130310_MOD GREC_20131003.pdf](#)

[130310_spreadsheet_20131003](#)

[130310_nfrontppt_20131003](#)

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[130310_ppt3_20131007](#)

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[130310_ppt_20131017](#)

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

[130433.](#)

Commissioner Yvonne Hinson-Rawls - Flooding Issues (NB)

RECOMMENDATION

The City Commission discuss flooding issues South of NE 8th Avenue in the Duval Community and take action deemed appropriate.

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

[130414.](#)

Survivors of Suicide Memory Garden Dedication Day - November 14, 2013 (B)

RECOMMENDATION

Friends of the Crisis Center President Wendy Brant, Project Manager, SOS Memory Garden Judy Broward and Alachua County Crisis Center Director Marshall Knudson to accept the proclamation.

[130414_SurvivorsProc_20131107.pdf](#)

[130415.](#)**Veterans Day - November 11, 2013 (B)****RECOMMENDATION**

Gator Detachment of the Marine Corp League Bob Gasche, Sr. and Young Marine Master Gunnery Sergeant Emily Kidwell to accept the proclamation.

[130415_VeteransProc_20131107.pdf](#)

[130416.](#)**Pancreatic Cancer Awareness Month - November 2013 (B)****RECOMMENDATION**

Pancreatic Cancer Action Network Advocacy Coordinator Amy Osteryoung to accept the proclamation.

[130416_PancreaticProc_20131107.pdf](#)

[130417.](#)**National Association for the Advancement of Colored People (NAACP) Day - November 10, 2013 (B)****RECOMMENDATION**

National Association for the Advancement of Colored People (NAACP) President Evelyn Foxx to accept the proclamation.

[130417_NAACPProc_20131107.pdf](#)

[130418.](#)**Hunger Awareness Month - November 2013 (B)****RECOMMENDATION**

The Long Foundation, Inc. President & CEO Honorable Rodney Long to accept the proclamation.

[130418_HungerProc_20131107.pdf](#)

[130429.](#)**Milton Reid Conference Room (B)****RECOMMENDATION**

City of Gainesville General Services and Fleet Management Director Milton Reid to accept the proclamation.

[130429_MiltonReidProc_20131107.pdf](#)

CITIZEN COMMENT (6:00pm)**PUBLIC HEARINGS**

RESOLUTIONS- ROLL CALL REQUIRED**ORDINANCES, 1ST READING- ROLL CALL REQUIRED**[130180.](#)**TEXT CHANGE - REGULATING CHICKEN-KEEPING AS AN ALLOWABLE ACCESSORY USE BY RIGHT IN SINGLE-FAMILY RESIDENTIAL DISTRICTS AND RC DISTRICT (B)**

Ordinance 130180; Petition No. PB-13-64 TCH

An ordinance of the City of Gainesville, Florida, relating to chicken-keeping in residential zoning districts; amending the Code of Ordinances by amending the definition of Fowl in Section 5-1. Definitions; amending the Land Development Code by creating Section 30-124. Chicken-keeping to allow by right and provide applicable regulations regarding the keeping of chickens as an accessory use to any single-family dwelling in the residential zoning districts of RSF-1, RSF-2, RSF-3, RSF-4, and RC; 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 ordinance will allow up to 10 chickens as an accessory use to a single-family dwelling in the residential zoning districts of RSF-1, RSF-2, RSF-3, RSF-4, and RC. This ordinance seeks to control nuisance issues and public health concerns with applicable conditions. This issue is currently regulated through Chapter 5, Animal Control and not the Land Development Code. The current regulations allow up to two chickens (hens) and no roosters.

After public notice was published in the Gainesville Sun on July 9, 2013, the City Plan Board held a public hearing on July 25, 2013 and recommended approval of the petition with amendments by a vote of 5-1. On September 5, 2013, the City Commission approved the petition as amended by staff by a vote of 5-2.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective immediately upon final adoption.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/5/13 City Commission Approved (Petition)

[130180A_CPB Recommendations_20130905.pdf](#)

[130180B_Staff report_20130905.pdf](#)

[130180C_Chapter 5 Animal Control_20130905.pdf](#)

[130180D_Article_Raising backyard chickens_20130905.pdf](#)

[130180E_UF IFAS reports_20130905.pdf](#)

[130180F_Residential Urban Chicken Keeping_20130905.pdf](#)

[130180G_Proposed code changes_20130905.pdf](#)

[130180H_CPB minutes_20130905.pdf](#)

[130180I_staff ppt_20130905.pdf](#)

[130180A_draft ordinance_20131107.pdf](#)

[130397.](#)

AMENDMENTS TO ELECTIONS CODE RELATING TO EARLY VOTING SITES (B)

Ordinance No. 130397

An ordinance of the City of Gainesville, Florida, amending Chapter 9 of the Code of Ordinances relating to elections; amending Section 9-6.5 as it relates to early voting sites; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of October 3, 2013, authorized the City Attorney to draft an ordinance changing sections of the City's Election Code to allow for additional early voting sites for municipal elections in accordance with state law.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

[130397_draft ordinance_20131107.pdf](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[130171.](#)

AMENDMENTS TO ELECTIONS CODE RELATING TO CAMPAIGN FINANCE REPORTS (B)

Ordinance No. 130171

An ordinance of the City of Gainesville, Florida, amending Chapter 9 of the Code of ordinances relating to elections; amending Section 9-11 as it relates to campaign contribution limitations and campaign finance reports; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an

immediate effective date.

Explanation: The City Commission, at its meeting of August 15, 2013, authorized the City Attorney to draft an ordinance changing sections of the City's Election Code relating to campaign finance reports.

In this past session, the Florida Legislature changed the dates and frequency for filing campaign finance reports. These changes apply to municipal elections to the extent that the timing of the municipal election permits compliance with the timelines in the statute. The City's Code currently provides that reports shall be filed on the 32nd, 18th and 4th days immediately preceding the election and on the 4th day immediately preceding a run-off election. The new law, effective November 1, 2013 provides that once a campaign treasurer is appointed, reports must be filed monthly thereafter. Reports are also due on the 25th, 11th and 4th days preceding an election. The new law also eliminates "committees of continuous existence". Based on discussions with the Supervisor of Elections and review of guidance from the State Division of Elections, minor revisions to the proposed ordinance amendments were made after first reading to delete the reporting requirement for the 25th day preceding the runoff election due to the short time between regular and runoff elections, and to enhance clarity.

RECOMMENDATION

The City Commission adopt the proposed ordinance, as revised on second reading.

Legislative History

10/17/13 City Commission Adopted on First Reading (Ordinance)

[130171 Amendments to City's Election Code 20131017.pdf](#)

[130171 draft ordinance 20131107.pdf](#)

PLAN BOARD PETITIONS

[130382.](#)

Vacate, abandon and close the 50-foot right-of-way abutting the north property line of 4820 NW 13th Street (B)

Petition PB-13-66 SVA. Thomas A. Daniel, agent for Streit's, Inc. Vacate, abandon and close the 50-foot right-of-way abutting the north property line of 4820 NW 13th Street.

ESTIMATED STAFF PRESENTATION 5 MINUTES

Explanation: This petition is a request to vacate the remaining east 338 feet of NW 49th Avenue, (formerly NW 3rd Street right-of-way), immediately west of NW 13th Street (US 441). That right-of-way was established with approval of the Paradise Plat, as recorded in Plat Book "A", Page 4. Most of the roads approved through that plat were not constructed, leaving only "paper streets". In 1990 most of the rights-of-way

associated with the Paradise Plat were vacated through Resolution 90-12, leaving a few east/west sections including the subject right-of-way immediately west of NW 13th Street. The east portion of NW 49th Avenue was left in place to provide access to interior parcels with no direct frontage to NW 13th Street. Those interior parcels have since been aggregated into larger parcel through Minor Subdivision Book 2, Page 85 of the Public Records of Alachua County. One of those parcels is now owned by the City of Gainesville and developed as a City park. Due to the design of alternate access points, the right-of-way scheduled to be vacated is no longer needed to serve the City park. That 50-foot wide right-of-way runs between two properties that front NW 13th Street, under one ownership. The right-of-way prevents full and efficient development of those parcels. The owners of the two adjacent parcels are therefore requesting that the City vacate the right-of-way separating the two parcels in order to allow a more efficient and economical use of the two properties.

The petition satisfies the requirements for a street vacation and complies with the appropriate policies of the Comprehensive Plan. The City Plan Board reviewed the petition and recommended approval.

Public notice was published in the Gainesville Sun on August 6, 2013. The Plan Board held a public hearing on August 22, 2013.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission -Approve Petition PB-13-66 SVA, and authorized the City Attorney to draft the Ordinance.

Staff to City Commission- Approve the City Plan Board's recommendation.

Staff to City Plan Board - Approve Petition PB-13-66 SVA.

*Alternative Recommendation:
City Commission - Deny the petition and retain right-of-way for future Park access.*

[130382A staff report 20131107.pdf](#)

[130382B Appendix 1 Adopted Resolution 90-12 Paradise Plat 20131107.pdf](#)

[130382C Appendix 2. Copy of Sec. 30-192 of the Land Development Code 20](#)

[130382D Appendix 3 Petition Application and Legal Description 20131107.pdf](#)

[130382E Appendix 4 Associated Maps 20131107.pdf](#)

[130382F CPB minutes 20131107.pdf](#)

[130382G staff ppt 20131107.pdf](#)

Wellfield Protection and TCEA Special Use Permit with development plan review to allow construction of a new gas station with underground fuel storage tanks (B)

Petition CC-13-60 WSU. Scott Stannard, agent for Commercial Site Solutions, Inc. Requesting a Wellfield Protection and TCEA Special Use Permit with development plan review to allow construction of a new gas station with underground fuel storage tanks. Zoned: MU-2 (12-30 units/acre mixed use medium intensity district). Located at 6360 NW 13th Street.

ESTIMATED STAFF PRESENTATION 15 MINUTES

Explanation: This petition addresses a request to grant a Wellfield Special Use Permit and a TCEA Special Use Permit to allow a new gasoline station (8 fueling positions) with a retail/convenience store and underground storage of hazardous materials in the Wellfield Protection Zone. The development must comply with Sections 30-203(b) and 30-233 of the Land Development Code as well as the Concurrency Management Element, Policy 1.4.9 of the Comprehensive Plan.

The project site is located at 6360 NW 13th Street and includes tax parcels 06014-032-002 and 06014-032-003 which consists of approximately 39,640 square feet. The site has a land use designation of Mixed use Medium (MUM) and a zoning of MU-2 (Mixed use medium intensity 12-30 units per acre). The development proposal includes a site plan showing the layout of the development, a free-standing building of approximately 1,355 square feet, a new gas canopy, eight fueling positions, an off-street parking area, paved access to the pumps, landscape areas, and a stormwater management system.

In considering the petition, the City Commission is required to review the City Plan Board's recommendation, evidence presented in the public hearing, City staff report, the findings of Sections 30-202 and 30-203 and the development plan review process found in Article VII. The staff report addressing all the above issues was presented to the City Plan board on September 26, 2013. The board approved all Special Use Permits and granted development plan review by a unanimous vote of 5 to 0.

NOTE: Subsequent to the City Plan Board hearing on September 26, 2013 where this petition was approved unanimously, the City's Evaluation and Appraisal Process amendments to the Comprehensive Plan became effective on October 12, 2013. As a result of the update to the Comprehensive Plan, all references to the Transportation Concurrency Exception Area (TCEA) and the Concurrency Management Element should now be to the newly adopted Transportation Mobility Program Area (TMPA). The Concurrency Management Element was deleted from the Comprehensive Plan, and the Transportation Mobility Program is adopted in the Transportation Mobility Element under Goal 5. All references to Concurrency Management Element Policy 1.4.9 should

now be considered references to Transportation Mobility Element Policy 10.4.9 due to the transition.

Public notice was published in the Gainesville Sun on September 10, 2013. The Plan Board held a public hearing on September 26, 2013.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission -Approve Petition CC-13-60 WSU.

Staff to City Plan Board - Approve Petition CC-13-60 WSU with conditions and the associated development plan.

Alternative Recommendation

Alternate Staff to City Commission - Continue Petition CC-13-60 WSU and provide directions to staff and the applicant to address concerns of the Commission.

[130398A_Staff report_20131107.pdf](#)

[130398B_ Exhibit A Justification Report Special use Permit Report_20131107.pc](#)

[130398C_ Exhibit B Murphy Express Develop Plans & Maps_20131107.pdf](#)

[130398D_ Exhibit C Final TRC3 Comments_20131107.pdf](#)

[130398E_ Exhibit D Application and Neighborhood Workshop Information_2013](#)

[130398F_ Exhibit E Comp Plan and LDC References_20131107.pdf](#)

[130398G_ CPB minutes_20131107.pdf](#)

[130398H_ staff ppt_20131107.pdf](#)

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

[100672.](#)

Update on the Status of the Cabot-Koppers Superfund Site (B)

This item involves receiving an update from staff on the draft Offsite Remediation Action Plan for the Cabot-Koppers Superfund Site.

ESTIMATED STAFF PRESENTATION 15 MINUTES

Explanation: This item supports the City Commission Strategic Initiative 6.4: Actively participate in the clean-up and redevelopment of the Cabot/Koppers Superfund site.

On September 5, 2013 the City Commission received a presentation from Environmental Manager Mitchell Brouman, P.G., of Beazer East,

Inc. on the next steps in the process and upcoming activities such as the Remedial Design and Remedial Action plans for the onsite activities at the Koppers site. He also provided an update on the plans for the remediation occurring offsite in a specified area of the Stephen Foster Neighborhood.

The City Commission directed staff to draft an Offsite Remediation Action Plan for public review and input; that draft is attached for review. The draft will be posted on the City's webpage and public input and comments will be accepted by staff for a minimum of 30 days. City staff will also be coordinating with stakeholders such as citizens, City Departments and Divisions, Protect Gainesville's Citizens (PGC), the Local Intergovernmental Team (LIT) and other interested parties who wish to submit comments on the draft. A revised draft plan will be brought back to the City Commission for final approval.

Fiscal Note: Per the City Commission's direction on September 5, 2013, the part-time Temporary Project Manager position has been changed to full time for up to 4 months in order to keep moving forward on this project expeditiously. The fiscal impact of this change is approximately \$30,000.

RECOMMENDATION

The City Commission: 1) accept the draft Offsite Remediation Action Plan; and 2) approve the plan by staff to receive input on the draft Offsite Remediation Action Plan.

Legislative History

2/17/11	City Commission	Approved as shown above (See Motion)
3/7/13	City Commission	Approved as Amended
9/5/13	City Commission	Approved, as shown above - See Motion(s)

[100672 MOD Koppers PPT 20110217.pdf](#)

[100672A-MOD Presentation 20130307.pdf](#)

[100672B-MOD Letter 20130307.pdf](#)

[100672 citizen attachment 20130307.pdf](#)

[100672 citizenPearce 20130307.pdf](#)

[100672 Beazer Presentation 20130905.pdf](#)

[100672 Koppers Off-Site Action Plan 20131107.pdf](#)

[100672 Robert Pearce Koppers 20131107.pdf](#)

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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

