

City of Gainesville

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



Meeting Agenda

October 15, 2009

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Scherwin Henry (District 1)
Commissioner Lauren Poe (District 2)
Commissioner Jack Donovan (District 3)
Commissioner Craig Lowe (District 4)
Commissioner Thomas Hawkins (At Large)
Commissioner Jeanna Mastrodicasa (At Large)*

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

CALL TO ORDER

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

090339.

Bid Award for Evergreen Cemetery Grounds Maintenance (B)

This item is a request for the City Commission to authorize the bid award to Oasis Landscape Services, Inc. for the grounds maintenance of Evergreen Cemetery in the amount of \$54,186.

Explanation: The Cultural Affairs Division issued a request for bids for grounds maintenance at Evergreen Cemetery. Twenty-four (24) vendors attended the mandatory pre-bid conference, with fourteen (14) vendors submitting bids. This was a best-evaluated bid. Staff considered price, past performance of Bidder (references), length of time in business, experience with cemetery grounds maintenance, equipment to be utilized, and location. Based on these criteria, Oasis Landscape Services, Inc. was ranked number one at a price of \$54,186. Grounds maintenance work at Evergreen Cemetery is complex, with 53 acres of graves, monuments, coping and irrigation that requires a high degree of expertise and sensitivity. Oasis Landscape Services, Inc. has seventeen years (17) of experience performing grounds maintenance at Evergreen Cemetery.

Fiscal Note: Funds in the amount of \$54,186 are available in the FY 2009-2010 Department of Parks, Recreation and Cultural Affairs, Cultural Affairs Division Contractual Services budget.

RECOMMENDATION

The City Commission: 1) award the contract for grounds maintenance at Evergreen Cemetery to Oasis Landscape Services, Inc. for a one-year period with the option to execute four (4) one-year extensions; 2)

authorize the City Manager or his designee to execute the contract; and 3) approve the issuance of a purchase order in an amount not to exceed \$54,186 per fiscal year, subject to funding availability (for the initial term and any subsequent extensions).

Legislative History

9/17/09 City Commission Withdrawn

090339_Bid Tabulation_20091015.pdf

090438.

First Amendment to the Contract for Inmate Work Crew for the Solid Waste Division (B)

This item is the First Amendment to the Contract between the City of Gainesville (City) and Florida Department of Corrections (FDOC) for Inmate Work Crew for Litter Clean-up for the term of December 16, 2009 through December 15, 2010.

Explanation: As part of the budget preparation process for fiscal year 2009-2010, funds were identified in the Solid Waste Enterprise Fund budget for a contract inmate work crew with the Florida Department of Corrections (FDOC). The inmate work crew consists of an FDOC supervisor and five inmates from their work camp.

This annual contract pays for the salary of the FDOC supervisor along with required tools and supplies in the amount of \$56,467. The City of Gainesville will be guaranteed five inmates and a supervisor on a daily basis for 40 hours per week, with the exception of City holidays and mandatory FDOC Training days. The major work focus of this crew will be litter cleanup along city roadways and assistance with graffiti removal. The inmate crew will also be responsible for the cleanup of illegal dumpsites.

Fiscal Note: Funding in the amount of \$56,467 for the inmate work crew contract is available in the Solid Waste Enterprise Fund annual operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the First Amendment to the contract with Florida Department of Corrections for a contractual inmate work crew through December 15, 2010, subject to approval by the City Attorney as to form and legality.

090438_Contract_20091015.pdf

090439.

Traffic Engineering Services Agreement Between the City of Gainesville and Alachua County for FY 2010 (B)

This item involves an agreement between the City of Gainesville (City) and Alachua County (County) for traffic engineering services in the amount of \$180,065.31 in revenue to the City during FY10.

Explanation: For thirty-one (31) years, the City of Gainesville and Alachua County have entered into an annual agreement for maintenance of traffic signals and traffic engineering services. Under terms of this agreement, the City of Gainesville maintains and operates all traffic signals, flashing school beacons, and flashing warning beacons in the unincorporated area of Alachua County. In addition, the City assists Alachua County with traffic signal design and construction inspection activities. The agreement was put into place in an effort to prevent duplication of services and has resulted in significant cost savings for both the City and County. The agreement provides a mechanism for the County to reimburse the City for traffic counts, traffic accident studies, and traffic signal design activities the City performs for the County. The County's contribution for traffic signal maintenance is based on the current number of traffic signals in operation in the unincorporated Alachua County.

Fiscal Note: The County will pay the City \$180,065.31, plus costs for materials for traffic signal maintenance and operation for FY10.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the renewal for Traffic Engineering Services between the City of Gainesville and Alachua County for the period of October 1, 2009 to September 30, 2010, subject to approval by the City Attorney as to form and legality.

090439_Agreement_20091015.pdf

090440.

Bid Award - Agreement for Annual Processing, Reuse, and Disposal of Vegetative Waste (B)

This item is a request for the City Commission to authorize bid awards to Wood Resource Recovery, LLC and County Line Landfill, Inc. for the Annual Processing, Reuse, and Disposal of Vegetative Waste generated by the City's Curbside Collection program and various City departments.

Explanation: The City of Gainesville and Alachua County jointly advertised Invitations to Bid (ITB) in May 2009 for the processing of clean, uncontaminated Yard Trash generated by the City of Gainesville and Alachua County and their respective Curbside Collection programs for FY2010. The ITB contained a provision that the City of Gainesville would negotiate a contract with each vendor for the services being obtained by the City of Gainesville. This step was taken in conjunction with the goal of the City and County to retain ownership of the collected material and maintain greater control over its final disposition. The Annual Processing, Reuse, and Disposal of Vegetative Waste contract is for a seven (7) year term with one option to renew, and requires the contractor to recycle and reuse the Yard Trash by methods subject to City/County approval.

Wood Resource Recovery, LLC and County Line Landfill, Inc. were the only two bidders at \$13.75 per ton and \$16.00 per ton respectively. The County has already executed contracts with both bidders. The City also wishes to award contracts to both bidders, Wood Resource Recovery, LLC and County Line

Landfill, Inc.

Fiscal Note: Funding is allocated and identified in the Solid Waste Fund through the monthly residential Refuse Rate.

RECOMMENDATION

Recommended Motion: The City Commission award the bid to Wood Resource Recovery, LLC and County Line Landfill, Inc. for the Annual Processing, Reuse, and Disposal of Vegetative Waste generated by the City's Curbside Collection program and various City Departments; and authorize the City Manager to execute any and all related documents, subject to approval of the City Attorney as to form and legality.

090440_BidTab_20091015.pdf

090447.

Base Level Transit Services Agreement with Alachua County Board of County Commissioners (B)

This item is a request to authorize the City Manager to execute the Base Level Transit Services Agreement between the City of Gainesville Regional Transit System (City) and the Alachua County Board of County Commissioners (County).

Explanation: The City and County had an Agreement for the City to provide public transit services to residents and visitors in the surrounding urbanized area that expired on September 30, 2009. The City and County have negotiated a new Agreement for the period of October 1, 2009 through September 30, 2010, for base level transit services, subject to funding and written consent of both parties.

Fiscal Note: The City will receive \$404,896 of revenue from the County in quarterly payments of \$101,224 for the period of October 1, 2009, through September 30, 2010.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to execute the Base Level Transit Services Agreement with Alachua County Board of County Commissioners for the period of October 1, 2009, through September 30, 2010, subject to approval by the City Attorney as to form and legality.

090447a_Exhibit_20091015.pdf

090447b_Exhibit_20091015.pdf

090447_BASE Agreement_20091015.pdf

090448.

Transit Services Agreement (Route 75) with Alachua County Board of County Commissioners (B)

This item is a request to authorize the City Manager to execute the Transit Services Agreement (Route 75) between the City of Gainesville Regional

Transit System (City) and the Alachua County Board of County Commissioners (County).

Explanation: The City and County had an Agreement for the City to provide public transit services to residents and visitors on Route 75 that expired on September 30, 2009. The City and County have negotiated a new Agreement for the period of October 1, 2009 through September 30, 2010, for Route 75 transit service, subject to funding and written consent of both parties.

Fiscal Note: The City will receive \$402,557 of revenue from the County in quarterly payments of \$100,639.25 for the period of October 1, 2009, through September 30, 2010.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to execute the Transit Services Agreement (Route 75) with Alachua County Board of County Commissioners for the period of October 1, 2009, through September 30, 2010, subject to approval by the City Attorney as to form and legality.

090448_Agreement_20091015.pdf

090448_Map_20091015.pdf

090461.

Human Resources Policy Revisions (B)

Explanation: A team of the Charter Officers and the Human Resources Director are continuing to update and re-title the outdated City Personnel Policies and Procedures.

The team has completed Policy L-5 (formerly Policy 13), Leave of Absence With or Without Pay, and Policy L-8 (formerly Policy 12), Military Leave. The changes to these policies are to be in compliance with new State and Federal requirements.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission approve the revised policies.

090461_L-5 Lv of Abs W-WO Pay_20091105.PDF

090461A_Policy 13 Lv of Abs W-WO Pay_20091105.PDF

090461B_L-8 Military Lv_20091105.PDF

090461C_Policy 12 - Military Trng_20091105.PDF

090463.

Application for FY 2009 HUD Continuum of Care Homeless Assistance Program Funding (NB)

The City of Gainesville will participate in the development of an application for HUD Continuum of Care Homeless Assistance Program funding by serving as the grantee for two local projects.

Explanation: Since 1995, the City of Gainesville has coordinated with other Gainesville/Alachua County organizations to submit applications for funding under HUD's Continuum of Care Homeless Assistance Program (CoC). The purpose of the CoC program is to reduce the incidence of homelessness in communities by assisting homeless individuals and families to move to self-sufficiency and permanent housing. Each annual CoC application has competed successfully with the results being fourteen projects, along with multiple renewals, funded in the past fourteen years. Local organizations again have an opportunity to apply for homeless assistance funding through HUD. Two projects, for which the City has served as the applicant and grantee, will be included in the FY 2009 HUD CoC consolidated application:

1) A request for the Meridian Behavioral Healthcare, Inc. "HOPE" Program, for an estimated \$100,699 one-year renewal. This project provides supportive services and transitional housing for up to nine mentally ill and dually diagnosed homeless individuals at leased scattered sites. This project was initially funded in 1995.

2) A request from VETSPACE, Inc. for an estimated \$105,098 for a one-year renewal to provide supportive services and transitional housing for up to 13 homeless veterans in leased scattered sites. This project was initially funded in 1999.

These projects have been developed in collaboration with over 30 participating agencies and organizations, including the City of Gainesville, that are part of the Alachua County Coalition for the Homeless & Hungry (Coalition). The Coalition is the designated lead agency in submitting the consolidated application. If funded, the City would act as fiscal agent for the receipt and disbursal of grant funds for the Meridian Behavioral Healthcare "HOPE" Program and VETSPACE transitional housing projects via subrecipient agreements. The other projects, if awarded, would be administered directly by the project sponsors. The deadline for submitting the CoC application to HUD is November 9, 2009.

Fiscal Note: This application requests an estimated \$205,797 in funding from HUD for two projects. This amount may vary based on HUD's final approval of the grant funding for the projects. The City of Gainesville would act as the fiscal agent for both projects, and all required matching funds will be provided by the project sponsors (Meridian Behavioral Healthcare, Inc. and VETSPACE, Inc.).

RECOMMENDATION

The City Commission: 1) authorize the City Manager or designee to apply for grant funding in collaboration with the Alachua County Coalition for the Homeless and Hungry under the U.S. Department of Housing & Urban Development (HUD) Continuum of Care Homeless Assistance Program and to act on behalf of the City of Gainesville in all matters pertaining to said grants; and 2) authorize the City Manager to execute subrecipient agreements with Meridian Behavioral Healthcare, Inc. and VETSPACE, Inc. if selected by HUD to receive funding through the Continuum of

Care Homeless Assistance Program, subject to approval by the City Attorney as to form and legality.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

090477. City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of October 1, 2009, as circulated.*

090477_oct. 1_minutes_20091001.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

090108. Purchasing Practice Regarding Price & Qualitative Factors (NB)

RECOMMENDATION *The Audit, Finance and Legislative Committee recommend the City Commission remove this item from the referral list.*

Legislative History

4/16/09	City Commission	Referred	Audit, Finance and Legislative Committee
9/28/09	Audit, Finance and Legislative Committee	Discussed	

090432. Fiscal Year 2009 Operating Funds Quarterly Monitoring Report General Government - Quarter Ending June 30, 2009 (B)

Explanation: The City's General Government Budget Policy requires staff to prepare and submit a quarterly Budget compliance report in substantially the same form as the final budget document, for all major operating funds, including the status of General Fund fund balances to the Audit, Finance and Legislative Committee.

RECOMMENDATION

The City Commission receive the quarterly budget monitoring report for the quarter ended June 30, 2009.

Legislative History

9/28/09 Audit, Finance and Recommended for Approval
 Legislative
 Committee

090432_gg_quarterly_20090928.pdf

090435.**Review of GRU Investments (B)**

Explanation: In accordance with our Annual Audit Plan, we have completed a Review of GRU Investments. Our report, which includes a response from the General Manager for Utilities, is attached for your review.

We request that the Committee recommend the City Commission accept our report and the General Manager's response. Also, in accordance with City Commission Resolution 970187, Section 10, Responsibilities for Follow-up on Audits, we request that the Committee recommend the City Commission instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.

RECOMMENDATION

The City Commission: 1) Accept the City Auditor's report and response from the General Manager for Utilities; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.

Legislative History

9/28/09 Audit, Finance and Recommended for Approval
 Legislative
 Committee

090435_gru_investments_20090928.pdf

090078.**City Election Issues (B)****RECOMMENDATION**

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise revisions to the Elections Ordinance regarding Canvassing Board composition and poll worker training, as recommended by the Audit, Finance and Legislative Committee.

Legislative History

5/21/09 City Commission Referred (6 - 0 - 1 Absent) Audit, Finance and
 Legislative Committee

9/28/09 Audit, Finance and Approved, as shown above
 Legislative
 Committee

090078_code_sec_20090928.pdf

090458.**2010 State Legislative Agenda (B)**

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. The statement includes funding requests and legislative initiatives. Project funding requests and legislative initiatives are listed in priority order as recommended by staff.

The Audit, Finance and Legislative Committee recommended that the State Legislative Agenda be approved with the following conditions: Add a statement supporting the funding of the State of Florida's Florida Forever program; and Remove the Instant Run-off Voting initiative.

Fiscal Note: Requesting \$2,925,000 in State funds for projects. If funds are not received the City will rely on other sources including other state, federal, and local support.

RECOMMENDATION

The City Commission approve the Audit, Finance and Legislative Committee's recommendation.

Legislative History

9/28/09 Audit, Finance and Recommended for Approval, as revised
 Legislative
 Committee

090458_2010 State Agenda_20090928.pdf
090458_legislative agenda_20091015.pdf

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**

090270.**Gainesville-Alachua County Hunger Abatement Plan (B)**

This item involves a request for the City Commission to hear a presentation on and adopt the Gainesville-Alachua County Hunger Abatement Plan (HAP).

Explanation: On June 3, 2009, Hunger Summit II was held at Trinity United Methodist Church in Gainesville, Florida. Six (6) Committees were formed at the original Hunger Summit on September 18, 2008. The Committees were:

- 1) Food Stamps Program Committee*
- 2) School Board Meals & Summer Youth Food Committee*
- 3) Adults & Aging Food Program Committee*
- 4) USDA Food & Nutrition Services Program Committee*
- 5) Food Bank & Food Pantries*
- 6) Self Sufficiency Committee*

The Committees worked from September 2008 through May 2009 developing recommendations contained within the HAP. The recommendations address actions that need to be implemented by federal, state, and local authorities as well as local non-profit organizations, all of which are engaged in providing nutritional assistance services to residents of the City of Gainesville and Alachua County. Mayor Pegeen Hanrahan and City Commissioner Jack Donovan headed the City's discussion on hunger on this community initiative, and County Commissioner Rodney Long headed the discussion on the County's side.

The City of Gainesville was one of six (6) co-sponsors of the Hunger Summit II. Other sponsors included Alachua County Board of County Commissioners, United Way of North Central Florida, Florida Department of Children and Families, Alachua County Medical Society, and the Alachua County School Board.

Hunger Summit I was the starting point for a community based initiative to identify causes and solutions to hunger in the City of Gainesville and Alachua County. Three major issues identified include:

- 1) the failure to enroll vast numbers of needy residents in federal programs for which they are eligible;*
- 2) the need for expanded and organized collaboration among local non-profit organizations and faith-based agencies; and*
- 3) the need to create local capacity to take advantage of local food resources now being discarded, plowed under, and otherwise wasted.*

The six (6) committees asked that the City of Gainesville and Alachua County Board of County Commissioners adopt the HAP and authorize their City and County Managers to assist with the implementation of the plans.

The Alachua County Board of County Commissioners adopted the HAP on July

14, 2009. The HAP recommendation includes the use of Channel 12 to promote existing nutrition programs and using the lobbying efforts of the City to promote Federal and State action.

In addition, the Committee requested that the City and County Communication offices help produce a DVD that could be provided to various local programs and services to use as a training tool to promote self sufficiency among agencies customers.

Co-Chairs/Representatives of the various Committees will be making the presentation to the City Commission.

Fiscal Note: Costs associated with the HAP would be mainly in-kind services and staff for the implementation of the HAP. These in-kind services can be absorbed within the existing budget.

RECOMMENDATION

The City Commission: 1) hear a presentation on the Gainesville-Alachua County Hunger Abatement Plan; 2) approve and adopt the Hunger Abatement Plan; and 3) direct the City Manager to assist and implement the recommendations of the Hunger Abatement Plan.

Legislative History

8/20/09 City Commission Withdrawn

090270_HAP Summary_20091015.pdf

090270_Hunger Abatement Plan_20091015.pdf

090451.

Census 2010 Complete Count Committee (NB)

The Census Bureau recommends the formation of a Complete Count Committee to ensure a complete and accurate population count.

Explanation: Census 2010 forms will be mailed to residences in March 2010. The group quarters count (including college dormitories and fraternity/sorority houses) will take place in April 2010. Accurate Census population counts are important for: awards of federal and state funds; reapportionment of political districts; and providing guidance for Gainesville's planning and marketing efforts.

The Census Bureau recommends the formation of a Complete Count Committee to ensure a complete and accurate population count. The Alachua County Commission has appointed Commissioner Rodney Long as the lead for the County's Census efforts. Commissioner Long has indicated that he would like all of the municipalities in Alachua County involved in encouraging Census participation next year.

City and County staff have met and communicated on several occasions. Based on strong recommendations from the Census Bureau, City and County staff would like to hold the first meeting of the Complete Count Committee near the end of October. In order to facilitate this, Alachua County is willing to take the lead role in setting the date, time, and location for the meeting.

The Census Bureau has advised that a primary focus of the Complete Count Committee should be on the hard to count populations. For the City of Gainesville these populations are: students, residents in East Gainesville, the homeless, and non-English speaking residents (with the largest category being Spanish-speaking).

The Complete Count Committee should begin organizational activities in November 2009 with a target date for outreach activities in late January/February and during March 2010 when Census forms are being mailed to residents. The Committee should anticipate remaining in place through July 2010 when Census non-response follow-up activities will be completed.

Coordination with the County, municipalities, University of Florida (UF), School Board, and business and community leaders is very important to disseminate information about the upcoming Census and motivate residents to fill out the Census forms and mail them back in March and April 2010.

Fiscal Note: None. However, the City Commission may wish to allocate some funds in the future for Census advertising activities.

RECOMMENDATION

City Commission hear a presentation about formation of a Census 2010 Complete Count Committee and take the following actions: 1) Designate a City Commissioner as the primary lead for coordination with Alachua County on Census 2010; 2) Designate Commissioner Mastrodicasa as the liaison for Census activities with UF; 3) Approve joining with Alachua County and the municipalities in the formation of a Census 2010 Complete Count Committee; 4) Appoint staff from the Communications Department to direct Census 2010 communications activities (with possible assistance from Strategic Planning and Neighborhood Planning); 5) Participate in a joint resolution with Alachua County and the municipalities concerning support of Census 2010; 6) Invite representatives from the following to participate in the Complete Count Committee: the media, faith-based organizations, community resource officers, educational organizations (including the School Board), Gainesville Apartment Association, Gainesville Chamber of Commerce, and community neighborhood leaders; and, 7) Consider the following marketing tools: a. Run Census media spots on the government access channel (TV 12); b. Place notices/posters on all buses in late February through the end of April 2010; c. Include feature articles in the utility billing mailings; d. Request media support from Gainesville Sun and Cox Communications; e. Add Census 2010 information to the City web site; f. Establish a Census 2010 presence on the social networking sites including Facebook and Twitter; g. Make regular announcements about the Census at all

City meetings starting in February 2010; and h. Post notices/posters at all recreation centers.

Alternative Recommendation:

The City Commission deny staff participation in the formation of a Census 2010 Complete Count Committee.

090462.

Florida Certified Organic Growers and Consumers, Inc. (FOG) and the Citizen's Cooperative of Gainesville (Co-op) Presentation (B)

This item involves a request to the City Commission to hear a presentation from the Florida Certified Organic Growers and Consumers, Inc. (FOG) and the Citizen's Cooperative of Gainesville (Co-op) on how to reduce hunger, promote community gardens and encourage local residents to purchase foods grown in Alachua County.

Explanation: On July 2, 2009, the City Commission directed staff to contact the Florida Certified Organic Growers and Consumers, Inc. (FOG) and the Citizen's Cooperative of Gainesville (Co-op) to request a presentation on how the City can reduce hunger, promote community gardens within the City, and encourage local residents to purchase foods grown in Alachua County.

Florida Certified Organic Growers and Consumers, Inc. (FOG) became a 501(c)(3) non-profit organization on May 25, 1989. For nearly 20 years, FOG has been educating growers, consumers, and citizens about on-going and sustainable agriculture including community gardens. Community gardens are normally divided into two areas; one for herbs and one for vegetables.

The City of Gainesville has been funding FOG over the last two (2) years to help promote and establish community gardens in targeted areas within the city as a way of providing fresh vegetables and promoting nutritional education to low and low to moderate income households. In FY09, FOG established approximately 22 community gardens within the City.

In addition, the Parks, Recreation & Cultural Affairs Department has established 5 community gardens within the City's park system to educate the public about sustainable agriculture and about the history of our community.

Citizen's Co-op is a legal entity in the State of Florida that is structured to operate as a Co-operative association. The aim of the Co-op is to establish a natural food market in Gainesville, Florida that is focused on supporting fresh local food.

Fiscal Note: No fiscal impact has been identified at this time.

RECOMMENDATION

The City Commission hear a presentation from the Florida Certified Organic Growers and Consumers (FOG) and the Citizen's Cooperative of Gainesville

(Co-op) on ways the City can reduce hunger, promote community gardens within the City, and encourage local residents to purchase foods grown in Alachua County.

090462_FOG PPT_20091015.pdf
090462_Co-op PPT_20091015.pdf

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

090472.

National 4 H Week - October 4 - 10, 2009 (B)

RECOMMENDATION

Alachua County 4-H Council President Kayleigh Hinson, Council Vice President Victoria Banner, Council Reporter Matthew Vonesh, and Council Secretary Amber Yarborough to accept the proclamation.

090472_Natl4HProc_20091015.pdf

090473. **Diversity and Community Appreciation Month - October 2009 (B)**

RECOMMENDATION *Muslim Association of North Central Florida
President Dr. Saeed Khan, Jewish Renewal
Congregation Founder Dr. Dennis Shuman, Emmanuel
Mennonite Church Pastor Eve MacMastor and Silk
Road Club President Ruchan Kaya to accept the
proclamation.*

090473_DiversityAppProc_20091015.pdf

090474. **United Nations Day - October 22, 2009 (B)**

RECOMMENDATION *Florida Division UNA-USA President Robert H. "Bob"
Hornberger to accept the proclamation.*

090474_UnitedNationsProc_20091015.pdf

090475. **Muscular Dystrophy Association Firefighter Appreciation Month - October 2009 (B)**

RECOMMENDATION *International Association of Firefighters Local 2157
to accept the proclamation.*

090475_MDAFirefightersProc_20091015.pdf

090476. **DECA/Delta Epsilon Chi Week - October 11 - 17, 2009 (B)**

RECOMMENDATION *Buchholz DECA President Samantha Dumbleton,
DECA 2 President Jack Kramer, DECA Vice President
Chip Lowe, and Vice President Lizzie Stagliano to
accept the proclamation.*

090476_DECAProc_20091015.pdf

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

090452. **Extension of Two Year Reverter Clause - Lot #22 Airport Industrial Park (B)**

This item requests an extension via Resolution by the City Commission to the two year reverter clause applicable to Lot #22 in the Airport Industrial Park.

Explanation: On September 12, 2005, the City Commission approved sale of Lot #22 in the Airport Industrial Park to J.A. Berguiristain Holdings, Inc. in the amount of \$176,225.00. Lot 22 is located adjacent to the southwest of the existing Nordstrom's property and consists of approximately 5.3 acres. A deed of conveyance was executed by the City on November 2, 2005 with closing on the property taking place on November 4, 2005. Proceeds of the sale were forwarded to the Gainesville Alachua County Regional Airport Authority (GACRAA) per prior controlling agreement between the City and GACRAA.

In October, 2007, the City Commission extended the terms of the two year reverter for an additional two years to allow the property owner further opportunities to develop the property. In addition, the City Commission approved the ability of the property owner to transfer ownership of the property to a new corporate entity in which he holds a majority interest.

In August, 2009, staff received a letter from Mr. Berguiristain indicating that based upon the unprecedented crisis in the State's real estate market that he would be unable to fulfill his obligations under the terms of the contract and Airport Industrial Park Covenants and Restrictions. As a result, he is requesting a release of the terms of the reverter and potentially the ability to sell the subject property in the private market.

In order to achieve this result, it has been determined that the provision of the original contract, as well as the applicable provisions of the Airport Industrial Park Covenants and Restrictions, need to be amended. Because this will take some time, it is recommended that the City Commission initially extend the terms of the reverter an additional 120 days to allow for staff processing of proposed amendments as the most recent extension will expire in late October. At a subsequent meeting, likely in early 2010, the proposed amendments to specific contract provisions and the Airport Industrial Park Covenants and Restrictions will be presented to the City Commission and acceptance will allow for the owner's request to move forward.

This action is in the City's interest for the following reasons:

- 1) Although ad valorem taxes are being generated on the property, there has been no building activity on Lot #22 and this policy action will likely lead to more timely development of a currently vacant site and therefore greater return to the City;*
- 2) The owner has indicated an interest in allowing the City to assist with pro-actively marketing the site to a compatible and sought after New "Innovative" Economy entity; and,*
- 3) The current Covenants and Restrictions applicable to the Airport Industrial Park and provisions of the contract could force the property to revert to the City with proceeds refunded to the current owner. This is not in the City's interest as the property is currently generating ad valorem tax revenue and the proceeds of sale are not within the City's control per prior agreement with GACRAA.*

Fiscal Note: None.

RECOMMENDATION

The City Commission: 1) approve the extension of reverter for a period of 120 days to allow staff to make proposed amendments to the contract and Airport Industrial Park Covenants and Restrictions; and 2) authorize the Mayor to execute said Resolution regarding extension of reverter for Lot #22 in the Airport Industrial Park.

Alternative Recommendation

The City Commission: 1) deny the 120 proposed extension of reverter and said Resolution.

090452a_Request Letter_20091015.pdf

090452b_Resolution 090452_20091015.pdf

090433.**Third Amendment to the FY 2008-2009 General Government Financial and Operating Plan (B)**

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2008-2009 General Government budget those transactions and activities that were not anticipated during the budget process.

Fiscal Note: All of the recommended changes are funded either by increases in revenue budgets, decreases in expenditure budgets, or decreases in appropriate fund balances.

RECOMMENDATION

The City Commission adopt the proposed resolution.

Legislative History

9/28/09 Audit, Finance and Recommended for Approval
 Legislative
 Committee

090433_amendatory_res_20090928.pdf

090433_amend_attach_A_2009-0928.pdf

090437.**Proposed Fiscal Year 2010 Annual Audit Plan (B)**

Explanation: Resolution 970187, City Auditor Internal Responsibilities and Administrative Procedures, Section 4 (b) requires the City Auditor to submit an Annual Audit Plan to the City Commission for approval. The process of preparing the Annual Audit Plan includes defining auditable units, obtaining input from City Commissioners and Charter Officers, evaluating information gained from previous audits and assessing the relative risks involved in different City programs and operations.

Each of the requested projects is weighed against other planned or required projects resulting in Exhibit A, which represents a compilation of proposed audits for the City Auditor's work plan for Fiscal Year 2010. Audits are classified into the following categories:

- * Revenue/Cost Containment Audits
- * Operational Audits
- * Compliance Audits
- * Follow-up Audits
- * Other Projects

We request that the Committee recommend the City Commission approve our Fiscal Year 2010 Annual Audit Plan by resolution.

RECOMMENDATION *The City Commission adopt the resolution.*

Legislative History

9/28/09 Audit, Finance and Recommended for Approval
 Legislative
 Committee

090437_audit_plan_20090928.pdf

090393.

Resolution to Support Proposed FDEP Rulemaking (B)

This item is a Resolution authorizing staff to communicate the City Commission's support for proposed rulemaking by the Florida Department of Environmental Protection (FDEP) to establish a more refined surface water classification system which is an integral part of the Total Maximum Daily Load Program.

Explanation: Previously the FDEP appointed and convened an advisory committee to recommend a new surface water classification system. In 2007 the committee presented its findings. In July 2009 the FDEP was petitioned by the Florida Stormwater Association, Inc. on behalf its membership, which includes the City of Gainesville, to revise existing water body classifications to provide new and more appropriate beneficial uses and use expectations. Florida's system of classification of water bodies, used in conjunction with the TMDL program, has not been re-examined on a comprehensive and scientific basis for more than 40 years

FDEP has responded to the petition. A 'Notice of Development of Rulemaking' has been published and the initial meeting was scheduled for August 18, 2009.

Fiscal Note: Funding in the amount of \$100 for administrative costs is available in the Public Works FY09 operating budget.

RECOMMENDATION *Recommended Motion: The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute and the Clerk to attest same, subject to the approval of the City Attorney as to form and legality.*

Legislative History

10/1/09 City Commission Continued (7 - 0)

090393_Resolution_20091001.pdf
 090393_Memo_20091015.pdf

ADOPTION READING-ROLL CALL REQUIRED**090344.****LAND USE CHANGE - VICINITY OF 2510 NW 6TH STREET (B)****Ordinance No. 0-09-63, Petition PZ-09-46LUC**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category on a portion of certain property, as more specifically described in this ordinance, from the City of Gainesville land use category of "Conservation" to "Office"; located in the vicinity of 2510 Northwest 6th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The purpose of this petition is to amend the land use on property located at 2510 Northwest 6th Street, tax parcel no. 08314-000-000. The subject property is approximately 3.22 acres. Currently there is an office building on the property for the International Brotherhood of Electrical Workers (IBEW) of approximately 8,300 square feet. The property has two land use and two zoning designations. The current land use designations are Office along N.W. 6th Street where the existing office is located and Conservation for the area behind the office and the related parking. The Office portion of the property is approximately 1.29 acres and extends from N.W. 6th Street west approximately 200 feet. The Conservation portion of the property is approximately 1.93 acres and extends approximately 301 feet further west of the Office portion of the property. The property is currently zoned OF (General office district) in the front portion along N.W. 6th Street and CON (Conservation) on the back portion of the property. The request of this petition is to change the Future Land Use designation from Conservation to Office and subsequent zoning from CON (Conservation district) to OR (20 units/acre office residential district), on an approximately 0.65 acre portion of the back of the property. This change is requested in order to allow for the establishment of the Gainesville Joint Apprenticeship Training Committee (JATC) which offers electrical apprenticeship programs. The IBEW along with the National Electrical Contractors Association sponsors the Gainesville JATC. The Gainesville JATC apprenticeship is a 5-year program in which the apprentices attend classes two nights per week for three hours per night for an eight month period.

To the north of the Office portion of the subject property is an office building with Office land use and OF zoning. North of the Conservation portion of the property are two single-family residences, a vacant single-family residence, and the Bel Air apartment complex, with Residential Low-Density (up to 12 units per acre) land use and RMF-5 (12 units/acre single-family/multiple-family residential district) zoning. West of the subject property is a single-family residence with Residential Low-Density land use and RMF-5 zoning. South of the Office portion of the subject property is a lighting goods store, with a land use designation of MUL (Mixed-Use Low-Intensity, 8-30 units per acre) and a

zoning designation of MU-1 (8-30 units/acre mixed use low intensity district). Single-family residences lie to the west of the lighting store and south of the Conservation portion of the subject property. They have Single-Family (up to 8 units per acre) land use and RSF-3 (5.8 units/acre single-family residential district) zoning. East of the subject property across N.W. 6th Street are apartments on properties with Residential Low-Density land use and RMF-5 zoning and a jewelry store with MUL land use and MU-1 zoning.

The IBEW office building is on the south side of the portion of the property that fronts N.W. 6th Street. Although there is room for another building on the north side of this property, associated parking and stormwater treatment would likely have to locate on the Conservation zoned portion of the property. Parking areas and stormwater basins for uses not allowed in the Conservation district would not be allowed on the Conservation portion of the subject property. In response to this situation, the petitioners have worked with staff to suggest this petition, which proposes that a portion of the Conservation land be changed to Office land use, with OR zoning for the subsequent zoning change.

The general character of the properties in the vicinity of the Conservation portion of the subject property is residential. The existing Conservation designated land is not environmentally sensitive. The property is not in a flood plain, is not an identified wetland area, and does not have any significant environmental features. The Conservation land acts as a park or open space area within the neighborhood and a buffer between the single-family neighborhood and N.W. 6th Street. However, the Office land use and OR zoning district can also act as a buffer. Some of the provisions of the office districts are intended to:

Encourage, through the OR district, the mixture of compatible residential and office activities at suitable locations;

Permit development to locate in close proximity to residential areas, provided that such development will not be incompatible with its surroundings;

Promote, through development plan approval, the most efficient use of the land, as well as establish a harmonious relationship between such development and its environment;

Require appropriate buffering or screening around such development when it abuts any residential district boundary, to maintain its compatibility with such abutting district.

Staff believes that the basic relationship between the subject property and the single-family residential use on N.W. 25th Avenue is maintained by this proposal to keep the Conservation land adjacent to the single-family lots. The proposed approximately 132 foot depth of the Conservation area is sufficient to buffer the homes from the noise and lighting impacts of a development on the portion of the site proposed for change. As a result, it is the opinion of staff that this proposal is compatible with the surrounding land use and the proposed Office land use designation for the subject portion of the property is consistent

with the City's comprehensive plan.

Planning Division staff recommended approval of Petition PZ-09-46 LUC.

The City Plan Board reviewed the petition and recommended approval, Plan Board vote 6-0.

Public notice was published in the Gainesville Sun on July 7, 2009. The Plan Board held a public hearing on July 23, 2009.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION *The City Commission: 1) approve Petition PZ-09-46LUC; and 2) adopt the proposed ordinance.*

090344_staff report_20091015.pdf
 090344A_maps_aerial,existing& proposed land use_20091015.pdf
 090344B_cpa&zoning report_20091015.pdf
 090344C_maps_cpa&zoning_20091015.pdf
 090344D_petitioner appl_workshop_20091015.pdf
 090344E_staff ppt_20091015.PDF
 090344_draft ordinance_20091015.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

090345.

REZONING - - VICINITY OF 2510 NW 6TH STREET (B)

Ordinance No. 0-09-62, Petition No. PZ-09-47ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning a portion of certain property within the City, as more specifically described in this Ordinance, from the City of Gainesville zoning category of "CON: Conservation district" to "OR: 20 units/acre office residential district"; located in the vicinity of 2510 Northwest 6th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This is a quasi-judicial item. The purpose of this petition is to rezone property located at 2510 Northwest 6th Street, tax parcel no. 08314-000-000. The subject property is approximately 3.22 acres. Currently there is an office building on the property for the International Brotherhood of Electrical Workers (IBEW) of approximately 8,300 square feet. The property has two land use and two zoning designations. The current land use designations are Office along N.W. 6th Street where the existing office is located and Conservation for the area behind the office and the related parking. The Office portion of the property is approximately 1.29 acres and extends from N.W. 6th Street west approximately 200 feet. The Conservation portion of the property is approximately 1.93 acres and extends approximately 301 feet further west of the Office portion of the property. The property is currently zoned OF (General office district) in the front portion along N.W. 6th Street and CON (Conservation) on the back portion of the property. The request of this petition is to change the zoning from CON (Conservation district) to OR (20 units/acre office residential district), on an approximately 0.65 acre portion of the back of the property. This change is requested in order to allow for the establishment of the Gainesville Joint Apprenticeship Training Committee (JATC) which offers electrical apprenticeship programs. The IBEW along with the National Electrical Contractors Association sponsors the Gainesville JATC. The Gainesville JATC apprenticeship is a 5-year program in which the apprentices attend classes two nights per week for three hours per night for an eight month period.

To the north of the Office portion of the subject property is an office building with Office land use and OF zoning. North of the Conservation portion of the property are two single-family residences, a vacant single-family residence, and the Bel Air apartment complex, with Residential Low-Density (up to 12 units per acre) land use and RMF-5 (12 units/acre single-family/multiple-family residential district) zoning. West of the subject property is a single-family residence with Residential Low-Density land use and RMF-5 zoning. South of the Office portion of the subject property is a lighting goods store, with a land use designation of MUL (Mixed-Use Low-Intensity, 8-30 units per acre) and a zoning designation of MU-1 (8-30 units/acre mixed use low intensity district). Single-family residences lie to the west of the lighting store and south of the Conservation portion of the subject property. They have Single-Family (up to 8 units per acre) land use and RSF-3 (5.8 units/acre single-family residential district) zoning. East of the subject property across N.W. 6th Street are apartments on properties with Residential Low-Density land use and RMF-5 zoning and a jewelry store with MUL land use and MU-1 zoning.

The IBEW office building is on the south side of the portion of the property that fronts N.W. 6th Street. Although there is room for another building on the north side of this property, associated parking and stormwater treatment would likely have to locate on the Conservation zoned portion of the property. Parking areas and stormwater basins for uses not allowed in the Conservation district would not be allowed on the Conservation portion of the subject property. In response to this situation, the petitioners have worked with staff to suggest this

petition, which proposes that a portion of the Conservation land be changed to Office land use, with OR zoning for the subsequent zoning change.

The general character of the properties in the vicinity of the Conservation portion of the subject property is residential. The existing Conservation designated land is not environmentally sensitive. The property is not in a flood plain, is not an identified wetland area, and does not have any significant environmental features. The Conservation land acts as a park or open space area within the neighborhood and a buffer between the single-family neighborhood and N.W. 6th Street. However, the Office land use and OR zoning district can also act as a buffer. Some of the provisions of the office districts are intended to:

Encourage, through the OR district, the mixture of compatible residential and office activities at suitable locations;

Permit development to locate in close proximity to residential areas, provided that such development will not be incompatible with its surroundings;

Promote, through development plan approval, the most efficient use of the land, as well as establish a harmonious relationship between such development and its environment;

Require appropriate buffering or screening around such development when it abuts any residential district boundary, to maintain its compatibility with such abutting district.

Staff believes that the basic relationship between the subject property and the single-family residential use on N.W. 25th Avenue is maintained by this proposal to keep the Conservation land adjacent to the single-family lots. The proposed approximately 132 foot depth of the Conservation area is sufficient to buffer the homes from the noise and lighting impacts of a development on the portion of the site proposed for change. As a result, it is the opinion of staff that this proposal is compatible with the surrounding land use and the proposed Office land use designation for the subject portion of the property is consistent with the City's comprehensive plan.

Planning Division staff recommended approval of Petition PZ-09-47 ZON.

The City Plan Board reviewed the petition and recommended approval, Plan Board vote 6-0.

Public notice was published in the Gainesville Sun on July 7, 2009. The Plan Board held a public hearing on July 23, 2009.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board both recommend approval.

RECOMMENDATION

The City Commission: 1) approve petition no. PZ-09-47ZON; and 2) adopt the proposed ordinance.

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 090345C_maps_cpa&zoning_20091015.pdf
 090345D_petitioner appl_workshop_20091015.pdf
 090345E_staff ppt_20091015.PDF
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080762.**DEPARTMENT AND DIRECTOR NAME CHANGE (B)****Ordinance No. 0-09-02**

An ordinance of the City of Gainesville, Florida, amending Article IV of Chapter 2 of the Code of Ordinances relating to city administration by changing the titles of two department directors; eliminating one department director title; changing the name of one department; providing for the organization and structure of the newly named department; providing the duties and responsibilities of the department; severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The former Community Development Department was reorganized into the Planning and Development Services Department in August 2007. The administrative changes included eliminating the title Economic Development Director, changing the titles of other city officials, such as the Community Development Director to the Planning and development services director and the Housing manager to the Housing and community development manager. Additionally, it provides for the newly named department to oversee economic development services.

This ordinance codifies the name change and further amends Chapter 2, Article IV, Divisions 1 and 2 to reflect the new functions of the department, as specified by the City Manager.

The City Commission on February 5, 2009, authorized the City Attorney to draft this ordinance.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

2/5/09 City Commission Approved as Recommended (6 - 0 - 1 Absent)

080762_Draft Mark Up_20090205.pdf
 080762_draft ordinance_101509.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

090297.**RIGHT-OF-WAY OBSTRUCTIONS AND STREET CLOSURES (B)****Ordinance No. 0-09-13**

An ordinance of the City of Gainesville, Florida, relating to right-of-way obstructions and street closures; stating legislative findings, amending Article III of Chapter 23 of the Code of Ordinances; providing for permits and requirements for obstructions and street closures; providing additional regulations for cranes, hoists and other mechanical apparatus; providing exemptions; renumbering § 23-36 relating to obstructing streets; renumbering § 23-38 relating to trees and waste; providing penalties; renumbering, transferring and amending § 19-95 relating to vendors' stands; renumbering and transferring § 23-42 to a new Article in Chapter 26 relating to parades and assemblies on streets; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance imposes a permit requirement on those who wish to obstruct a right-of-way within the City. The Public Works Department would issue the permit. The applicant must also post a cash deposit with the Finance Director and obtain adequate insurance naming the City as an insured to cover any potential liability. There are heightened requirements for cranes and hoists to be used within the right-of-way due to the damage associated with that type of machinery.

The ordinance gives city staff certain discretion regarding permit conditions and requirements. For example, the Risk Management director has discretion to lower the insurance liability amount if the applicant can show that the amount is excessive for the nature of the limited activity. Furthermore, Gainesville Police Department and Gainesville Fire Rescue Department have authority to compel the Public Works Department to deny the permit if the right-of-way closure will be a danger to public health and/or safety.

The ordinance exempts certain right-of-way obstructions from the permitting requirements. Those exemptions are obstructions covered under a different ordinance (e.g., parades), obstructions that last less than one hour, obstructions in response to a natural or man-made disaster, emergency maintenance by public and private utilities, and obstructions made by the City, its agents, or contractors performing work on behalf of the City.

At its meeting of August 20, 2009, the City Commission heard a report on this topic and approved the recommendation that authorized this office to prepare and the clerk of the commission to advertise the ordinance. We have revised the ordinance in response to comments from AT&T Florida.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/20/09	City Commission	Approved as Recommended (7 - 0)
10/1/09	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

090297_Obstructions of Rights-of-way_20090820.pdf

090297_draft ordinance_20091001.pdf

090296.

PROHIBITING SMOKING AT THE ROSA PARKS RTS DOWNTOWN STATION (B)

Ordinance No. 0-09-58

An ordinance of the City of Gainesville, Florida, relating to outdoor smoking at a City Facility; providing legislative findings, creating Article IV in Chapter 11.5 of the Code of Ordinances; creating new sections §11.5-40 through 11.5-43; prohibiting of smoking at the Rosa Parks RTS Downtown Station, except for designated smoking areas; and providing for penalties; amending § 2-339 of the Code of Ordinances to permit enforcement by civil citation, 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 on August 20, 2009, approved the City Attorney's recommendation that authorized the City Attorney to prepare and the Clerk of the Commission to advertise the ordinance. The RTS Citizens Advisory Board endorses this ordinance.

This proposed ordinance would prohibit smoking at the Rosa Parks RTS Downtown Station, except in the permitted smoking area, as designated by the City Manager. If the City Manager designates a permitted smoking area, signs shall be posted stating as such and delineating the boundaries of the area. The ordinance provides a \$75 civil citation for violators.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/20/09 City Commission Approved as Recommended (7 - 0)

10/1/09 City Commission Adopted on First Reading (Ordinance) (7 - 0)

090296_Prohibition of Smoking_20090820.pdf

090296_draft ordinance_20091001.pdf

090294.

ENVIRONMENTAL REVIEW FEES (B)

Ordinance No. 0-09-65; Petition No. PZ-09-76 TCH

An ordinance of the City of Gainesville, Florida, relating to environmental review fees; amending section 30-250 of the Land Development Code of the City of Gainesville by creating an environmental review process and requirements; and amending Appendix A, Schedule of Fees, Rates and Charges, of the Code of Ordinances of the City of Gainesville to add fees for environmental review; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF

REPORT

The need for environmental fees was identified as a budgetary issue in the summer of 2007. Public Works staff subsequently developed a fee structure and made a presentation on the matter to the builders association in March 2008. A fee study was completed for the City in May 2008. The fee study recognized that there are expenses incurred by the City in doing environmental reviews of land development applications, including land use, zoning and development plans, and therefore recommended that an environmental review fee be established.

This ordinance proposes to amend the Land Development Code to establish environmental review and process requirements. Public Works Department staff has worked with the City Attorney's Office on these requirements, which establish the scope of environmental review; authorize the City Manager or designee to conduct environmental reviews; establish the levels of review; require a review report; and establish fee requirements. In addition, this ordinance proposes to amend Appendix A, Schedule of Fees, Rates and Charges, of the Code of Ordinances, to establish fees for environmental reviews.

Public notice was published in the Gainesville Sun on June 30, 2009. The Plan Board held a public hearing on July 23, 2009, and by a vote of 7-0, recommended the City Commission approve the petition, revised by the Plan Board as follows: include all rezonings for purposes of environmental review; include significant ecological communities and significant uplands in the list of environmental features of concern; exclude mitigation for trees from environmental review (as this is regulated elsewhere in the Code); and provide that Level 1 review may be required by the City Manager or designee. Staff has incorporated all of the revisions, except for the latter. Staff is concerned with Level 1 review being discretionary. Staff believes the real concern of the Plan Board and citizens centered around requiring Level 1 review due to the presence of a water well. To address this concern, staff has removed wells from the list of environmental features of concern, so that presence of a well will no longer trigger a Level 1 review.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

10/1/09 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (7 - 0)

090294_staff report_20091001.pdf
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 090294B_cpb minutes_20091001.pdf
 090294_Draft Ordinance_20091001.pdf
 090294_MOD-Comparison Table_20091001.PDF

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)