

City of Gainesville

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



Meeting Agenda

December 16, 2010

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Lauren Poe (District 2)

Commissioner Warren Nielsen (District 3)

Commissioner Randy Wells (District 4)

Commissioner Thomas Hawkins (At Large)

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER

AGENDA STATEMENT

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

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

100523.

City of Gainesville Registry of Protected Public Places Listing (NB)

This item involves a request for referral from the Gainesville City Commission to the Recreation, Cultural Affairs and Public Works (RCAPW) Committee regarding the potential listing of eleven (11) nature parks to the Registry of Protected Public Places.

Explanation: On December 18, 2008, an amendment to ordinance #080576 was approved by the City Commission to allow the amendment to be placed before the voters regarding the protection of City-owned lands acquired or used for conservation, recreation, or cultural purposes. At the March 24, 2009 regular municipal election, the voters of Alachua County and the City of Gainesville approved the amendment. The amendment 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. When listed on the registry, said properties 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.

Since March 2009, staff has evaluated various City-owned lands to determine which properties would be appropriate for the increased level of protection; eleven (11) nature parks have been deemed suitable for inclusion on the Registry. Staff has drafted a phased plan for listing properties as well as a listing notice to be reviewed by the RCAPW Committee.

Fiscal Note: No fiscal impacts are anticipated.

RECOMMENDATION

The City Commission refer the Registry of Protected Public Places listing to the Recreation, Cultural Affairs and Public Works Committee in order to receive a presentation from City staff and provide a recommendation back to the City Commission.

100536.**Strategic Plan Quarterly Report - 4th Quarter of Fiscal Year 2010 (B)**

This item provides a report on the progress of the City Commission's Strategic Goals and Initiatives for the 4th Quarter of Fiscal Year 2010.

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

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission receives a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 4th Quarter of FY 2010.

100536_FY2010Q4 Report_20101216.pdf

100541.**COPS Program Grant - Request to Accept Award (B)**

Explanation: The Gainesville Police Department (GPD) applied for and has received a COPS Universal Hiring Award to fund 15 sworn law enforcement officers. The value of the COPS award is \$2,804,250 and covers full-time salaries and fringe benefits for a three-year period. At the time the grant award expires, September 30, 2013, it is expected that the Gainesville Police Department will incur the total salary and fringe benefit costs associated with sworn officers employed through the COPS award.

Because of revenue constraints identified by the City's financial staff this will impact the budget outlook through FY 2016, GPD requests authorization from the City Commission to accept this award for up to five (5) sworn officers approved by the U.S. Department of Justice through GPD's grant application.

In anticipation of the costs associated with absorbing the salaries and fringe benefits, the Gainesville Police Department will work with city staff in order to maximize the community oriented policing benefit received by the citizens of Gainesville.

Fiscal Note: Upon acceptance of the award the selection and hiring process would begin for these positions. It is anticipated that this process will take up to nine months to complete. The total net fiscal benefit to the Police Department is approximately

\$936,495. The annualized cost of retaining the five (5) police officers hired with this grant beyond the 2014 obligation is approximately \$362,781.67. The annualized cost of retaining 15 officers would be approximately \$1,088,345.01.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to accept the COPS Hiring Award for up to five (5) sworn officers and direct the City Manager to execute the grant award and any other necessary documents, subject to approval by the City Attorney as to form and legality; and 2) approve the expenditures as outlined in the approved grant award.

100541a_GrantPosition_20101216.pdf

100541b_COPSProjRev_20101216.pdf

100541c_Memo to City Commission_20101216.pdf

100542.

**State Law Enforcement Contraband Forfeiture Trust Fund (LECFTF)
Funding for Gainesville Police Department portion of the Problem Oriented
Policing Unit Equipment and Training Expenses (NB)**

This item requests that the City Commission appropriate and expend funds from the State Law Enforcement Contraband Forfeiture Trust Fund for the purchase of equipment and materials for enhancement of the narcotics enforcement efforts.

Explanation: The Gainesville Police Department participates in the Problem-Oriented Policing (POP) Unit with Federal, State, County and Municipal agencies. The POP unit is funded by a grant which provides funding for overtime used by members of the Alachua County Drug Taskforce. Items and funds seized during operations conducted during these details paid for using POP grant dollars are required to be expended to address narcotics enforcement issues in the service area. The grant has the following requirements for seized funds:

Program Income (also known as Project Generated Income)

- 1. All income generated as a direct result of a sub-grant project shall be deemed program income.*
- 2. Any project that will potentially earn PGI must submit an Earnings and Expenditures Report to report how much PGI was earned during each quarter. A report must be submitted each quarter even if no PGI was earned or expended.*
- 3. PGI expenditures require prior written approval from the Office of Criminal Justice Grants. Program income must be used for the purposes of and under the conditions applicable to the award. If the cost is allowable under the Federal grant program, then the cost would be allowable using program income.*

Program income should be used as earned and expended as soon as possible. Any unexpended PGI remaining at the end of the Federal grant period must be submitted to the Office of Criminal Justice Grants for transmittal to the Bureau of Justice Assistance.

Consequently, the Police Department requests approval to expend the dollars as follows:

1. Investigative Equipment
 - a. Traffic enforcement equipment \$7,753.09
 - b. Covert equipment \$2,673.86
2. Safety Equipment
 - a. Kenneling equipment for narcotic K-9 \$387.00

Total Recommended Expenditures
\$10,813.95

Fiscal Note: Funds for this expenditure are available in the State Law Enforcement Contraband Forfeiture Trust Fund, as allowed under Florida State Statute 932.7055. The current balance in the Project Generated Income account of the State Law Enforcement Contraband Forfeiture Trust Fund is \$10813.95

RECOMMENDATION

The City Commission authorizes the appropriation of \$10,813.95 from the Project Generated Income account of the State Law Enforcement Contraband Forfeiture Trust Fund for the purchase of equipment and training for the Gainesville Police Department's Special Investigation Bureau.

Alternative Recommendation A: The City Commission declines the appropriation and allows the funds to be turned over to the State of Florida resulting in the potential loss of \$10,813.95.

100546.

Federal Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) Funding for the Gainesville - Alachua County Drug Task Force, Gainesville Police Department Special Investigations Division for Nextel communications equipment for FY2011 (NB)

Explanation: On November 1, 2007, the Gainesville Police Department Special Investigations Division (GPD SID) combined with the Alachua County Sheriffs' Office Narcotics and Organized Crime Unit (ASO NOCU), along with the University of Florida Police Department (UPD) to form the Gainesville - Alachua County Drug Task Force (DTF).

The DTF is often involved in large scale operations with other federal, state and local organizations involved in the war on drugs. Nextel phone equipment has become the standard primary source of communication, especially when radio communication is not possible (such as when DTF personnel are out of the county) by all other agencies that the DTF deals with on a constant basis.

Within the DTF, ASO NOCU and UPD personnel are already equipped with Nextel phone systems, whereas the GPD SID personnel are currently using non-compatible Verizon equipment.

This funding request is for the purchase of appropriate Nextel equipment and operating expenses for FY2011; for officer safety in the field, communications capabilities in areas not covered by current radio equipment and for compatibility in communications equipment with other DTF personnel and other agencies.

Fiscal Note: Funds for this expenditure in the amount of \$7,648.27 are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 USC 881 found in the US Department of Justice A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies."

RECOMMENDATION

Recommended Motion: The City Commission approve the appropriation of \$7,648.27 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the purchase of appropriate Nextel communications equipment and service expenses related to the equipment for FY2011 for the Gainesville Police Department Special Investigations Division.

100552.

Traffic Engineering Services Agreement between the City of Gainesville and Alachua County for FY 2011 (B)

This item is an agreement between the City of Gainesville (City) and Alachua County (County) for traffic engineering services in the amount of \$179,929.08 in revenue to the City during FY 2011.

Explanation: For thirty-two (32) 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 \$179,929.08, plus costs for materials for traffic signal maintenance and operation for FY 2011.

RECOMMENDATION

The City Commission authorize the City Manager to execute the renewal for the Traffic Engineering Services Agreement between the City of Gainesville

and Alachua County for the period of October 1, 2010 to September 30, 2011, subject to approval by the City Attorney as to form and legality.

100552_Agreement_20101216..PDF

100553.

Continuation of Employee Bus Pass Programs (B)

This item is a request for the City Commission to authorize the City Manager to execute service agreements with local agencies for employee bus pass programs.

Explanation: The employee bus pass program was created to alleviate traffic and parking problems, particularly at the University of Florida and Downtown. The program has been in effect since January 24, 2000, with University of Florida employees being the first to participate. In addition to the University of Florida, the program has grown to include the City of Gainesville, Alachua County, Shands Hospital, North Florida and South Georgia Veterans Health System (VA), and the Alachua/Bradford Regional Workforce Board.

University of Florida employees account for over 1 million of the 1.8+ million passengers trips completed since the Employee Pass Program began in 2000. Use of public transportation continues to increase for all agencies participating in the program. This program is now available to over 29,000 participants.

Fiscal Note: At the rate of \$6.75 per employee per year, revenue in the amount of \$197,680.50 will be collected for the continuation of these programs, and some of the individual service agreements will exceed \$55,000.

RECOMMENDATION

The City Commission: 1) approve the annual contract for continuation of the Employee Bus Pass Program for City employees through January 2012; and 2) authorize the City Manager to execute service agreements with local agencies for continuation of the employee bus pass program, subject to approval by the City Attorney as to form and legality.

100553_Report_20101216.pdf

100560.

Downtown Parking Study (NB)

This item is a request to refer the Downtown Parking Study prepared by the Community Redevelopment Agency (CRA) to the Recreation, Cultural Affairs and Public Works Committee (RCAPW).

Explanation: The CRA commissioned a parking study of the downtown / central city area; findings of the study were presented to the Community Redevelopment Agency. The study has been referred to the Public Works Department for consideration. Staff believes it would be helpful to refer the Downtown Parking Study to the RCAPW Committee so that the Committee may consider and make final recommendations to the City Commission.

Fiscal Note: No fiscal impacts from the referral. Costs associated with an implementation plan will be developed.

RECOMMENDATION

Recommended Motion: The City Commission refer the Downtown Parking Study to the Recreation, Cultural Affairs and Public Works Committee.

100565.

State Housing Initiatives Partnership Program (SHIP) Affordable Housing Advisory Committee (AHAC) Incentives and Recommendations Report (B)

This item provides an informational update on the City's SHIP AHAC Incentives and Recommendations Report.

Explanation: On March 19, 2009, the City Commission passed Resolution #080870 to receive and accept the SHIP AHAC's 2008 Incentives and Recommendations Report (Report). The State requires for the City's SHIP AHAC to triennially review and evaluate established policies, procedures, ordinances, land development regulations, the adopted comprehensive plan, and eleven affordable housing incentives, and to recommend actions or initiatives to the local governing body to encourage or facilitate affordable housing while protecting the ability of property to appreciate in value.

Per correspondence received from the Florida Housing Finance Corporation (FHFC) staff, the next AHAC Incentives and Recommendations Report is due on December 31, 2010 to coincide with the due date of the City's next 3-year Local Housing Assistance Plan (LHAP), which is due on May 2, 2011. The original report deadline of December 31, 2011, was provided by the Florida Housing Coalition who facilitated all of the AHAC report trainings to local government staff in 2008. As a result, staff contacted the FHFC to clarify the conflicting language in the State regulations regarding the AHAC report deadline. After several discussions with the FHFC staff, it was determined that the current SHIP Program regulations contain conflicting language regarding the deadline for the AHAC report. As such, the FHFC informed staff that they would move forward with correcting the conflicting SHIP Program language regarding the AHAC report deadline. However, in the interim, based on the FHFC's staff interpretation of the conflicting language, they recommended for the local AHAC to submit their report to the State by December 31, 2010 to ensure compliance with the SHIP Program. Given the circumstances, the FHFC staff confirmed that the local AHAC could decide to continue their existing 2008 Incentives and Recommendations Report, which is acceptable and in compliance with the SHIP Program regulations.

At a Public Hearing held on November 16, 2010, the City AHAC decided that they needed additional time to continue reviewing and researching the existing incentives and recommendations as outlined in their 2008 Report. As a result, the AHAC approved to continue working on their current 2008 Report with no further changes to the existing incentives and recommendations. The AHAC plans to present an official update on their Report to the City Commission within the next several months. Attached for reference is a copy of the AHAC 2008

*Incentive and Recommendation Report.**Fiscal Note: None***RECOMMENDATION**

The City Commission: 1) accept the continuation of the 2008 AHAC Incentives and Recommendations Report as recommended by the SHIP AHAC; and 2) approve the submittal of the 2008 AHAC Incentives and Recommendations Report to the Florida Housing Finance Corporation by December 31, 2010.

100565_Report_20101216.pdf

100588.**The Gainesville Traffic Safety Enhancement Act (B)**

This item involves a request for the City Commission to authorize the City Attorney to revise the Gainesville Traffic Safety Enhancement Act in order to be in compliance with House Bill 325, also known as the Mark Wandall Traffic Safety Act, that became effective July 1, 2010.

Explanation: On February 19, 2009, the City Commission approved and adopted Ordinance # 070268 generally known as "The Gainesville Traffic Safety Enhancement Act" which established the red light traffic safety program. Although the Commission approved the program in 2009, at the advisement of the City Attorney's Office, implementation was delayed due to the uncertainty of pending state legislation. Other Florida cities such as Orlando, Bradenton, Naples, Aventura, Pembroke Pines and Tampa adopted and implemented similar Red Light Camera Programs regardless of the pending legislation and some are still involved in legal challenges as a result.

On April 27, 2010, the Florida Senate passed HB 325, known as Mark Wandall Traffic Safety Program, establishing statewide regulation of red light cameras, which was signed into law on May 13, 2010 by Governor Crist. The new law, which became effective July 1, 2010, expressly preempts any local regulation of traffic violations involving the use of cameras. The new legislation also establishes a mandatory \$158.00 fine for a red light camera violation with no points assessed against the driver's record.

City staff has met with the City Attorney's office to discuss the new legislation. The legislation preempts local law; therefore the City of Gainesville's local Ordinance will need to be amended to comply with the new legislation.

Fiscal Note: No fiscal impact at this time

RECOMMENDATION

The City Commission authorize the City Attorney to revise Ordinance #070268 generally known as "The Gainesville Traffic Safety Enhancement Act" in order to be in compliance with House Bill 325, also known as the Mark Wandall Traffic Safety Act, that became effective July 1, 2010.

100588_2-19-09 Minutes_20101216.pdf
 100588_COG MuniCode_20101216.pdf
 100588_FS 316.0083_20101216.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

100547.

IN THE MATTER OF AN APPEAL OF A DECISION OF THE BOARD OF ADJUSTMENT UNDER ADMINISTRATIVE REVIEW, FILED BY PRESSMAN AND ASSOCIATES, INC., AGENT FOR MAIN AND WALDO INVESTMENT, LLC, PETITIONERS. PETITION No. BA-10-6 APP (B)

Explanation: The City Commission, at its meeting of December 2, 2010, announced its oral order regarding an appeal of a decision of the Board of Adjustment under Administrative Review filed by Pressman and Associates, Inc., agent for Main and Waldo Investments LLC., Petition No. BA-10-6 APP (Legistar No. 100547). At the conclusion of the hearing, the City Commission voted to affirm the Board of Adjustment decision and deny the appeal of Petition BA-10-6 APP. City Commission Rules require the decision to be embodied in a written order. A copy of the proposed order was submitted to the Petitioner and the City Staff.

RECOMMENDATION

The City Commission authorize the Mayor and Clerk of the Commission to execute the Final Administrative Order.

Legislative History

12/2/10 City Commission Approved as Recommended (5 - 0 - 2 Absent)

100547_appeal_20101202.pdf
 100547A_Petition Information_20101202.pdf
 100547B_Staff PPT_20101202.pdf
 100547C_BOA Minutes_20101202.pdf
 100547D_Ltr and Final Order_20101202.pdf
 100547E_Dept Disclosure_20101202.pdf
 100547_MOD_appellant_ppt_20101202.PDF
 100547_MOD_IMG_7024_20101202.PDF
 100547_MOD_IMG_7032_20101202.PDF
 100547_MOD_IMG_7035_20101202.PDF
 100547_Order_20101216.pdf

100568.

AMENDMENT TO CHARTER OFFICER'S EMPLOYMENT CONTRACTS (B)

Explanation: At its meeting on March 18, 2010, the City Commission authorized the City Attorney to draft an amendment to the Charter Officers' employment contracts so that each Charter Officer's performance review cycle is the fiscal year, the pay increase effective date is the first Monday of the first full pay period of the next calendar year, and there is no fiscal impact to each Charter Officer in

amending their contract in this manner. In accordance with the City Commission's authorization, the City Attorney has drafted such amendments. Since the City Attorney is a party to these amendments, the matter was handled by Stephanie Marchman, Assistant City Attorney II. Accordingly, the City Attorney seeks authorization from the City Commission for the Mayor to execute such amendments to the Charter Officer employment contracts.

RECOMMENDATION *The City Commission authorize the Mayor to execute amendments to the Charter Officer employment contracts.*

100568_Charter Officer Agmt Amendments_20101216.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

100566. City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of November 18, 2010, as circulated.*

100566_reg_nov 18, 2010_20101216.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

080481. Status Update on the City Commission Strategic Initiative to Review the Status of Commercial Recycling Ordinances (B)

This item is a request for the City Commission to direct the City Attorney to prepare an ordinance providing for a warning of non-compliance with the commercial recycling ordinance, followed by a surcharge of \$100 for a first offense, \$250 for a second offense, and \$500 for each subsequent offense to be applied to the GRU bill of a non-compliant commercial generator or commercial customer.

Explanation: The City Commission previously referred Strategic Initiative 7.2: Review the Status of Commercial Recycling Ordinances to the Recreation, Cultural Affairs and Public Works Committee, who requested Solid Waste Division staff to research other communities recycling ordinances and suggest ways to establish effective penalties for commercial establishments not in compliance with the mandatory commercial recycling ordinance.

As a result of the staff presentation to the committee at their November 8, 2010 meeting, the committee recommended an item be placed on the City Commission agenda directing the City Attorney to prepare an ordinance providing for a

warning to be given to non-compliant businesses before issuing a violation notice with a compliance date; and providing for a surcharge in the amount of \$100 for a first offense, \$250 for a second offense, and \$500 for each subsequent offense to be applied to the GRU bill of a non-compliant business.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance in accordance with the recommendations made by the Recreation, Cultural Affairs and Public Works Committee.

Legislative History

10/2/08	City Commission	Referred	Recreation, Cultural Affairs and Public Works Committee
2/12/09	Recreation, Cultural Affairs and Public Works Committee	Approved as Amended	
11/8/10	Recreation, Cultural Affairs and Public Works Committee	Discussed	

080481_Initiative_20090212_RCAPW Committee.pdf

080481A_SI 7.2 Quarterly Update_20101108.pdf

080481B_Recycling Ordinance 27-85.pdf

080481C_Enforcement Examples_20101108.pdf

080478.

Status Update on the City Commission Strategic Initiative to Support the Reconstruction of Transportation Facilities to Encourage Redevelopment of 6th Street (B)

This item is an update from the Recreation, Cultural Affairs and Public Works Committee (RCAPW) to the City Commission to address the 6th Street Rail trail location through the Gainesville Police Department (GPD) campus.

. . Explanation

At the November 8, 2010 meeting of the RCAPW Committee, Public Works staff gave background information on the incomplete section of the rail trail between SW 4th Avenue and NW 10th Avenue. This section of the trail includes the portion that runs through the GPD campus. The existing rail trail location through the GPD campus essentially splits the property. According to GPD staff, constructing a trail along the right-of-way would restrict the development possibilities of the campus. After discussion, it was the consensus of the Committee that the trail should be constructed around the perimeter of the GPD property, generally in accordance with the Alternate Rail Trail Route.

The Committee voted to recommend to the City Commission that the trail

location through the GPD campus be the Alternate Rail Trail Route.

Fiscal Note: Funds are available, in the amounts of: \$416,880 in the CIP; \$515,230 in the Campus Development Agreement; and \$665,000 in FDOT's Local Assistance Program to complete the design and construction of the rail trail.

RECOMMENDATION

The Commission approve the RCAPW Committee recommendation that the trail location through the GPD campus to be the Alternate Rail Trail Route.

Legislative History

10/2/08	City Commission	Referred	Recreation, Cultural Affairs and Public Works Committee
2/12/09	Recreation, Cultural Affairs and Public Works Committee	Approved	
10/4/10	Recreation, Cultural Affairs and Public Works Committee	Discussed	
11/8/10	Recreation, Cultural Affairs and Public Works Committee	Discussed	

080478_Initiative_20090212_RCAPW Committee.pdf

080478_SI 5.2 Quarterly Update_20101108.pdf

080478_Map_20101216.pdf

**ECONOMIC DEVELOPMENT UNIVERSITY COMMUNITY COMMITTEE,
CONSENT**

090872.

Infrastructure Needs and Economic Development Referral to the EDUCC (B)

This item seeks City Commission approval to move the Economic Development University Community Committee's recommendation regarding coordinated provision of Infrastructure to support economic development.

Explanation: At its November 22nd regular meeting, the Economic Development University Community Committee (EDUCC) reviewed staff's summary of recent discussions regarding the provision of Infrastructure for Economic Development with partners from the University of Florida, Santa Fe College, Council for Economic Outreach and Gainesville Community Redevelopment Agency (CRA).

The summary focused on the following key points:

- *ED Infrastructure priorities should be looked at through a geographic filter; specifically, partners indicated that the 2nd Avenue SW Innovation Square District and its immediate periphery should be the chief priority for infrastructure improvements and investments to accommodate the vision for*

Innovation Square;

- *Partners feel that provision of primary public utilities (electric, water/wastewater, storm water management, broadband, natural gas, and reclaimed water) in this 2nd Avenue SW Innovation District and its immediate periphery is of the utmost importance;*
- *The provision of mass transit facilities, as well as facilities to accommodate the parking of automobiles, is important as well;*
- *In the future, other geographic areas of importance include a larger area inclusive of the GRU Power District, Depot park and the facilities that serve them; the Fairgrounds property in East Gainesville was mentioned as well;*
- *Finally, partners should give thought to the continuum the community has in place with respect to land/building inventory in order to serve the lifecycle needs of maturing private industry (from incubator to light industrial production).*

In addition to the endorsement of these summary points, the Committee stressed that: 1) a needs assessment/identification of existing and proposed infrastructure for the proposed Innovation Square District and peripheral area should be completed no later than April 1, 2011; 2) short term and long term transit needs to serve this area should be addressed; and, 3) management should ensure that a leadership team is in place to pro-actively implement the Commission and partners vision for the development of Innovation Square over time.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission: 1) endorse the EDUCC's partner summary recommendation as outlined; 2) direct GRU, CRA and Public Works staff to initiate a public infrastructure needs assessment regarding the 2nd Avenue SW Innovation Square District and its immediate periphery and report back to the Commission no later than April 1, 2011; 3) direct RTS staff to analyze short term and long term transit needs to serve this area and report back to the Commission no later than April 1, 2011; 4) direct GRU and GG management to ensure that a leadership team is in place to pro-actively implement the Commission's vision for Innovation Square over time; and, 5) remove this referral from the Committee's pending referral list.

Legislative History

3/4/10	City Commission	Referred (5 - 0 - 2 Absent)	Economic Development/University Community Com
10/25/10	Economic Development/Univ ersity Community Com	Discussed	

- 090872_Staff Memo_20100624pdf.pdf
- 090872b_EDUCC Poe Article_20100624.pdf
- 090872a_EDUCC EAB Memo_20100624.pdf
- 090872a_Memo from EAB_20101025.pdf
- 090872b_Draft CIP Report_20101025.pdf
- 090872_EDUCC Memo_Infrastructure_20101122.pdf
- 090872A_EDUCC 11-22-10 Agenda_20101216.pdf
- 090872B_EDUCC 6-16-10 Memo_20101216.pdf
- 090872C_EDUCC 8-23-10 Memo_20101216.pdf
- 090872D_EDUCC 11-22-10 Memo_20101216.pdf

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

080465.

Initiative 2.4: Ensure Transparent, Efficient and Consistent Regulation of Land Development in Furtherance of the Comprehensive Plan (B)

This item seeks City Commission approval to move the Community Development Committee's recommendation regarding the Planning Works deliverables forward to the Plan Board.

Explanation: At its November 22nd regular meeting, the Community Development Committee reviewed staff's proposal to move the Planning Works deliverables forward to the Plan Board as a Petition.

The proposed Petition would include changes to the Mixed Use zoning categories regarding Activity Centers utilizing the proposed Innovation Zoning District as a model for those changes as well as provisions regarding Large Scale Retail Uses.

In Committee discussion, members indicated support for changes to mixed use zoning categories that are based upon additional base zoning categories rather than an overlay approach; there was also support for revising multiple building provisions consistent with the redevelopment regulating plan concept.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission: 1) endorse the Community Development Committee's recommendation to move the Planning Works deliverables to the Plan Board as a Petition with the aforementioned Committee discussed stipulations and as outlined in staff's November 22nd memo to the Committee.

Legislative History

10/2/08	City Commission	Referred	Community Development Committee
1/22/09	Community Development Committee	Approved as Recommended	
1/12/10	Community Development Committee	Approved as shown above (See Motion)	

3/1/10	Community Development Committee	Discussed
6/2/10	Community Development Committee	Discussed
8/5/10	City Commission	Approved as Recommended (7 - 0)

080465_CDC Backup_20090122.pdf
 080465a_Initv 2.4 Updated_20090930.pdf
 080465b_CC Minutes 9-17-09_20090930.pdf
 080465_PPt CDC Sp Mtg Planning Wks_20090930.pdf
 080465A_Memo-Staff_20100112.pdf
 080465b_Strategic Init 2 pt 4_20100112.pdf
 080465C_Memo from Consultant_20100112.pdf
 080465_CDC Handouts #A_20100112.pdf
 080465_CDC Handouts #B_20100112.pdf
 080465a_Staff Memo-CDC Mtg_20100301.pdf
 080465b_CDC Mtg Bk-Up_20100301.pdf
 080465c_Consultant Memo-CDC Mtg_20100301.pdf
 080465d_Product Rpt - CDC Mtg_20100301.pdf
 080465e_Map-CDC Mtg_20100301.pdf
 080465_C Hawkins Comments_20100301.pdf
 080465_Memo to CDC_20100602.pdf
 080465A_Mixed Use Standards Draft_20100602.pdf
 080465B_Phase I Draft Rpt_20100602.pdf
 080465c_Updated Map_20100602.pdf
 080465d_CDC-Consultant Memo_20100602.pdf
 080465_6-21-10 Planning Consultant Rpt_20100805.pdf
 080465e_Hand-Out from Com Hawkins_20100602.pdf
 080465_MU Memo_20101028.pdf
 080465_MU PPT_20101028.pdf
 080465_Memo_20101122.pdf
 080465_Proposed Changes_20101122.pdf
 080465_Street Scape_20101122.pdf
 080465A_CDC 11-22-10 Agenda_20101216.pdf
 080465B_Planning Staff 11-22-10 Memo_20101216.pdf
 080465C_Mixed Use_20101216.pdf
 080465D_Street Scape_20101216.pdf

100057.

Dog Sitting Business in Single Family Neighborhoods (B)

This item seeks City Commission approval to remove Community Development Committee referral # 100057, Dog Sitting Business in Single Family Neighborhoods, from the Committee's pending referral list.

Explanation: At its November 22nd regular meeting, the Community Development Committee heard an update on this referral from staff. This included a recounting of the case as heard by the Board of Adjustment on November 2nd regarding an appeal of a staff administrative decision.

Staff's administrative decision was that the use, a dog sitting business, had never

been legally established and therefore could not be considered a legally non-conforming use as claimed by the Petitioner's agent.

The Board of Adjustment decided the appeal of staff's administrative decision in favor of the Petitioner with two additional conditions

1. That the sitting portion of the business cannot be a business (no money can change hands) and;
2. That he can allow pets other than his own to be sat in his home

The Board of Adjustment voted 3 to 2 in support of the motion

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission: 1) remove Community Development Committee pending referral #100057, Dog Sitting Business in Single Family Neighborhoods, from the Committee's pending referral list.

Legislative History

6/3/10	City Commission	Referred (6 - 0 - 1 Absent)	Community Development Committee
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100057_Memo & White Paper_20100915.pdf

100057_Citizen Request_20100915.pdf

100057A_CDC 11-22-10 Agenda_20101216.pdf

100057B_CDC 8-30-10 Memo_20101216.pdf

100057C_CDC Ordinance Review_20101216.pdf

100057D_Email 9-30-10_20101216.pdf

100057_BOA Staff Rpt_20101216.pdf

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

PUBLIC SAFETY COMMITTEE, CONSENT

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

090601.

City Election Issues - Permanent Election Date Referral (B)

Explanation: This item was referred by the City Commission to the Audit, Finance and Legislative Committee on December 17, 2009. Options were discussed with the Alachua County Supervisor of Elections at the Audit, Finance and Legislative meetings of September 20, 2010 and November 30, 2010.

RECOMMENDATION

The Audit, Finance and Legislative Committee recommended that the City Commission maintain the current process established by ordinance regarding floating City Election dates and retain this item in Committee.

Legislative History

11/30/09	Audit, Finance and Legislative Committee	Recommended for Approval
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12/17/09	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
12/17/09	City Commission	Referred (6 - 0 - 1 Absent)	Audit, Finance and Legislative Committee
9/20/10	Audit, Finance and Legislative Committee	Retained in Committee	
11/30/10	Audit, Finance and Legislative Committee	Retained in Committee	
		090601_Election Dates_20091130.pdf	
		090601_Elec Date_Spreadsheet_20101130.pdf	

100531.**Review of General Fund Forecasted Revenues and Other Sources of Funds for the Fiscal Year Ending September 30, 2011 (B)**

Explanation: In accordance with Section 12(a), Budget Reviews, of Commission Resolution 970187 and our Annual Audit Plan, we have completed our review of General Fund revenue estimates as presented by the City Manager in the proposed General Government Budget for the fiscal year ending September 30, 2011. We reviewed the forecasted General Fund Revenues and Other Sources of Funds set forth in the Fiscal Year 2010-2011 Final General Operating and Financial Plan Budget adopted by the City Commission on September 16, 2010. Our objective was to assess whether data, methods and assumptions used by the City Manager in preparing projected General Fund Revenues and Other Sources of Funds in the amount of \$102,791,506 provide a reliable and reasonable basis for the forecast.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our conclusion based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our conclusion based on our audit objective.

Based on our review, we believe that management's assumptions provide a reliable and reasonable basis for presenting projected Fiscal Year 2010-2011 General Fund Revenues and Other Sources of Funds in the amount of \$102,791,506. However, we projected some revenue sources at a different level than the approved General Fund budget. The total estimated difference is approximately \$80,901 or 0.1% less than budgeted. The differences are reflected in the attached schedule of General Fund Forecasted Revenues and Other Sources of Funds for the Fiscal Year Ending September 30, 2011 and an accompanying Explanation of Differences. Management continues to monitor the City's financial position throughout the fiscal year and makes adjustments as necessary. Monitoring reports are provided to the City Commission through the Audit, Finance and Legislative Committee on a quarterly basis, with any significant changes from budgeted figures discussed in committee

RECOMMENDATION

The City Commission accept the City Auditor's report.

Legislative History

11/30/10 Audit, Finance and Recommended for Approval
 Legislative
 Committee
 100531 - Forecasted Revenues_20101130.pdf

100532.**Review of Building Code Enforcement Fund Revenues (B)**

Explanation: In accordance with our Annual Audit Plan, we have completed a Review of Building Code Enforcement Fund Revenues. Our report, which includes a response from the City Manager, is attached for your review.

We request that the Committee recommend the City Commission accept our report and the management 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 the response from the City Manager; 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

11/30/10 Audit, Finance and Recommended for Approval
 Legislative
 Committee
 100532 - Bldg Code Fund._20101130.pdf

EQUAL OPPORTUNITY COMMITTEE, CONSENT**100340.****Equal Opportunity Committee Referral (NB)**

Explanation: At the September 2, 2010 City Commission Meeting, the Commission referred three issues: 1) EO Mission Statement, 2) Report on Low Socio-economic Families, and 3) Dismantling Racism to the Equal Opportunity Committee (EOC).

On September 21, 2010 the EOC heard a presentation from staff, discussed and accepted the progress and future plans for the Community Initiative on Race and Race Relations to include ways to build professional relationships within the community. Additionally, the Committee discussed the vision of the Office of Equal Opportunity (OEO) and moved to have staff provide a progress report on the goals articulated in the OEO Strategic Summary.

At its November meeting, the EOC moved to accept the report on goals accomplished by the OEO during the past year to include future goals of the office, and to support actions indicated and refer back to the City Commission.

RECOMMENDATION

The City Commission accept the recommendation of the EOC and remove issues 1) EO Mission Statement and 3) Dismantling Racism from this referral.

Legislative History

9/2/10	City Commission	Referred (7 - 0)	Equal Opportunity Committee
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DISABILITY REVIEW COMMITTEE, CONSENT**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****100562.****Reappropriation of Economic Development Fund (B)**

Explanation: At its November 15, 2010 meeting, the CRA heard a presentation from staff about re-appropriating and moving line items in the Economic Development Fund (ED Fund) to isolate the accounting for GTEC operations. Staff also presented the concept for a local Seed Fund program as a recommendation of where to move some of the funds currently appropriated in the ED Fund.

To that end, the CRA voted to request the City Commission to release current appropriations in the ED Fund, and subsequently re-appropriate \$75,000 towards the creation of a Seed Fund program. The CRA also directed staff to bring a proposed model for the Seed Fund program to the City Commission in December.

The ED Fund is a multi-year General Government account, set up to fund city-wide economic development initiatives. The fund was initially capitalized with Occupational License revenue and has had periodic injections from the General Fund and GRU, the most recent being in FY05. Over the years, several appropriations have been made in the ED Fund to reflect varying programmatic objectives.

The largest line item in the ED Fund is for GTEC operations (#6660). This item is set up to resemble an Enterprise Fund, with rent revenues offsetting operating expenses. However, since its inception, GTEC has operated with an annual net loss of about \$10,000 to \$20,000. This deficit has been funded out of the ED Fund and has slowly depleted the ED Fund fund balance. Because of this depletion, ED Fund appropriations are now greater than the available fund balance. As of June 30, 2010, \$223,505 was appropriated in the ED Fund, notwithstanding GTEC operations. The fund balance as of June 30, 2010, was \$219,707.

Additionally, the City's Budget and Finance Department has recommended that the ED Fund be used only for GTEC accounting, and that funds for other economic development initiatives be moved to separate accounts.

In FY11, \$50,000 from the ED Fund Account was reappropriated and moved

from the Entrepreneurship Charter School (E100) to the Office of Equal Opportunity to fund a mentorship program. The other line items in the ED Fund represent appropriations that are no longer needed.

Staff is recommending a release of current appropriations, and a subsequent re-appropriation of the fund balance, to: 1) free up funds for other economic development initiatives (specifically the Seed Fund program); and 2) ensure that appropriations better reflect the available fund balance and projected expenditures of funds.

Three specific appropriations were set up by Resolution and require the City Commission to authorize any changes:

E105: Economic Development/GRU Initiatives

In FY05, \$100,000 was transferred from GRU's contingency budget to be used towards funding economic development projects not otherwise part of the City's normal budget for economic development activities. In FY07 the City entered into a \$50,000 contract with the Gainesville Council for Economic Outreach to use these funds for activities tied to developing the innovation economy, however the contract expired without any funds being expended.

E107: DayJet QTI

In FY06, \$34,000 was appropriated to a QTI for DayJet, which is no longer in business.

E108: Ignition QTI

In FY07, \$50,000 was appropriated to a QTI for Ignition Entertainment, which has moved outside of the City limits

Two appropriations are tied to GTEC operations:

E103: GTEC Tenant Transition Program

\$30,000 is appropriated to assist GTEC graduates with soft costs, such as engineer or architect fees. No formal program has been developed, nor have any funds been expended since the appropriation was made.

E104: Land Acquisition Program

\$38,719 is appropriated for the purchase of vacant properties around GTEC to assemble land for a potential, future technology campus. The City has purchased several parcels around GTEC and no future purchases are planned.

The final appropriation is nominal:

E102: Business Retention Program

\$756 is appropriated toward a business retention program that has not been formalized.

The CRA is well-positioned to carry out economic development initiatives in the city's core, particularly in the area of economic development finance. Over the last year, the CRA contracted with the National Development Council (NDC) to assess existing city-wide economic development financing resources, as well as to launch several new economic development financing programs, including the

Grow Gainesville Fund and the Capital Access Program to supplement the SBA's 504 Loan program. Also, in FY11 the Small and Minority Business Development Coordinator position and management responsibilities associated with GTEC were transferred from General Government to the CRA.

As part of the needs assessment process, NDC, CRA staff and other community stakeholders identified early-stage funding as a key component of attracting and growing local companies, and a critical gap in Gainesville's funding continuum. To meet this need, staff presented the CRA with the framework for a local Seed Fund program.

The CRA voted to request the City Commission to: 1) release the appropriations outlined above; 2) appropriate \$75,000 of the ED Fund fund balance and move it to a separate account, to be used for the capitalization of a future Seed Fund program; and 3) appropriate the balance of funds in the ED Fund for use in GTEC-related programming, and potential future land acquisition and/or tenant transition programs.

Additionally, any future draws for economic development initiatives (i.e. Q.T.I.) could be appropriated from this line item.

Fiscal Note: There is no fiscal impact to the General Fund. This item releases current appropriations in the ED Fund and reappropriates \$75,000 of the ED Fund fund balance to be used for the creation of a Seed Fund program.

RECOMMENDATION

CRA to the City Commission: 1) release the appropriations outlined above; 2) appropriate \$75,000 of the ED Fund fund balance and move it to a separate account, to be used for the capitalization of a future Seed Fund program; and 3) appropriate the balance of funds in the ED Fund for use in GTEC-related programming, and potential future land acquisition and/or tenant transition programs.

100562_ED Fund Approp_20101216.pdf

100562_Seed Fund Framework_20101216.pdf

100562_Seed Fund Matrix_20101216.pdf

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

100563.

**Design and Construction of the One-Stop Homeless Assistance Center
"GRACE Marketplace" (B)**

This is a request for the City Commission to approve the Preliminary Site Plan and Floor Plan in the design of the GRACE Marketplace that will be located within the vicinity of 820 NW 53rd Avenue, Gainesville, Florida 32653.

Explanation: It is anticipated that on or about December 13, 2010 the City will enter into an agreement with Charles Perry Construction, Inc. (CPC) for the Design-Build of the GRACE Marketplace. The approximate 13,020 SF Building, which is 1,000 SF larger than the Request For Proposals (RFP) requirement, will allow for the operation of a multi-purpose homeless assistance center that is to be located within the vicinity of 820 NW 53rd Ave. The center will be built to meet 120 MPH wind speeds and strive to achieve a United States Green Building Council (USGBC) LEED Silver level certification.

The conceptual design for the building was to comply with the design criteria set forth in the RFP, whereby the building's minimum requirements contained the following: 15 bedrooms that would house up to 60 residences (4 per room), a kitchen area that could serve a minimum of 500 meals per day, a dayroom, common areas, five offices, a laundry room, and additional support rooms necessary for the facility to become operational upon completion.

The Design-Build Team, which consists of Ponikvar & Associates, their consultants, and Charles Perry Construction, began the design process by holding three (3) charrettes to flush out What Is and What Is Not the GRACE Marketplace. Prior to the charrettes, invitations were sent out for participation by organizations that are currently involved in the 10 Year Plan to End Homelessness. Representatives from the following organizations/agencies participated in the discussion: Gainesville/Alachua County Office on Homelessness, Alachua County Housing Authority, and the Alachua County Poverty Reduction Program. The charrette process allowed attendees the opportunity to participate in the discussions, while the Design-Team made real time changes to the building site and floor plans, based on the discussions and feedback provided.

The first day of the Charrette was held on Tuesday, October 26, 2010, it was determined that the design of the kitchen had to occur first, whereby the rest of the building would take form from there. The Design-Build Team brought in a kitchen consultant, who began asking a lot of hard questions as to the types and quantities of meals that would be produced daily, while breaking down all of the equipment into individual components so that the Design-Build Team and attendees could understand that everything has to have a place if the kitchen is to run optimally upon completion. From the kitchen, the individual bedroom pods were created, while trying to maximize the usable space that would ultimately become the dining/multi-purpose room or the core of the building. From this point, the remaining pieces began to fall into place. Since the time the Design-Build Team was chosen, additional funding has been obtained to allow for the increase of four additional rooms, with two beds in each room, and the associated bathrooms to accommodate the additional tenants have been incorporated into the overall conceptual building design.

To gather additional information, the Design-Build Team scheduled a field trip to the Job Corp facility in Gainesville on October 28, 2010, whereby the intent

was to establish a baseline of spatial needs and requirements that could be incorporated into the GRACE Marketplace on a smaller more economical scale now and in the future as additional funds became available. After the site visit and the incorporation of some critical components into the conceptual design, it was agreed upon by everyone involved that it would be great if on the last day of the charrette some very special visitors could join the charrette process. These special visitors included two prior homeless gentlemen, who were able to provide direct and insightful feedback based on their experiences at being homeless and what potential hurdles this facility would need to overcome in the design stage to ensure its success as a One-Stop facility in the fight against homelessness in the City of Gainesville.

To comply with Administrative Procedure No. 22A, two (2) neighborhood workshops were held to glean input from residents who are located within 400 feet of the future site, and from anyone else who attended the workshops. The workshops were held on November 17, 2010 and December 1, 2010. The Design-Build Team presented the attendees the conceptual site and building plans. Upon completion of the presentation, the attendees were given the opportunity to ask questions and/or make comments about the designs.

Per the preliminary design, the City Commission will see the floor plan and associated site plan attempt to address every possible suggestion while attempting to balance a budget that has been a moving target for the last five years, while simultaneously working to achieve the LEED goals, and aggressively working to maintain the proposed development and construction schedules. In order to meet these deadlines and budget constraints, the Design-Build Team needs to submit a site plan to the City of Gainesville Planning Department before the 100% presentation to the City Commission. The preliminary design being presented to the City Commission is at or near the 30% design phase; therefore, staff is recommending the City Commission approve the preliminary design and waive the 30%, 60% and 100% construction document presentation to the City Commission. If approved, the waiver would allow the Design-Build Team to expedite the start of construction on the One-Stop Homeless Assistance Center.

Fiscal Note: City of Gainesville has identified funding for this project through a variety of sources including the City General Funds, Community Development Block Grant Funds, GRU Connect Free Program Funds, and Capital Improvement Revenue Bonds.

RECOMMENDATION

The City Commission: 1) approve the preliminary design and instruct the Design-Build Team to continue working on construction drawings; 2) waive the 30%, 60% and 100% construction document presentation to the City Commission; and 3) allow the Design-Build Team to submit the site plans to the City of Gainesville Planning Department.

Alternative Recommendation A: The City Commission: 1) approve the preliminary design and instruct the Design-Build Team to start construction drawings for review by the City Commission at 30%; and 2) allow the Design-Build Team to submit the site plans to the

City of Gainesville Planning Department.

100563_Prelim Design PPT_20101216.pdf

100563_Workshop docs_20101216.pdf

100564.

Design and Construction of the Centralized Fleet Garage (B)

This is a request for the City Commission to approve the preliminary site plan, and floor plan in the design of the Fleet Garage located within the vicinity of NW 65th PL & NW 16th Street, Gainesville, FL 32653.

Explanation: On August 19th, 2010, the City entered into an agreement with Bentley Architects + Engineers, Inc. (BAE) for the Design of the Centralized Fleet Garage. The building will accommodate fleet services for both City of Gainesville and GRU fleet. The approximate 38,000 sf garage will be located within the vicinity of NW 65th PL and NW 16th ST. This garage will replace both garages at the 5th Avenue and 39th Avenue locations. Because there will be no alternate site in the event of a disaster, it is important that the building is durable and constructed to withstand 120 mph winds. As such, Tilt-up construction is being recommended in order to expedite the construction process. The administrative section of the building will be designed to achieve United States Green Building Council (USGBC) LEED Silver level certification. Per Administrative Procedure No. 22A, the preliminary design is being presented to the City Commission for approval.

The design team has held two neighborhood meetings recently (November 23rd and November 30th) with members of the community to gain input. The design being presented represents the best possible solution to maintain the budget, needs of the operators, and citizen input while also balancing the LEED goals for the building. The design team will need to submit a site plan to the COG planning department before the 100% presentation to the City Commission. After City Commission approval of the preliminary design, the architect can continue with the site plans and start construction drawings per the City Commission's directive.

Fiscal Note: This agenda item has no fiscal impact unless the City Commission recommends major changes to the building design. Funding for the project has been budgeted in the Capital Improvement Plan, and will be financed by both GRU and GG.

RECOMMENDATION

The City Commission: 1) approve the preliminary design and instruct the architect to start construction drawings for review by the City Commission at 30%; and 2) allow the design team to submit the site plans to the City of Gainesville Planning Department.

100564_Prelim Design PPT_20101216.pdf

GENERAL MANAGER FOR UTILITIES

100569.

Presentation on Interlocal Agreement for Wastewater Services to the City of

Waldo (B)**This will be a presentation to the City Commission regarding the draft Interlocal Agreement for wastewater service to the City of Waldo.**

Explanation: On March 4, 2010, the City Commission authorized the General Manager to negotiate an Interlocal Agreement for future consideration by the City Commission for the provision of wastewater service to the City of Waldo via a sewer force main. The Commission also authorized the General Manager to negotiate and execute a Service Agreement with the City of Waldo. The Interlocal Agreement will be between the City of Waldo, Alachua County, and the City of Gainesville and will address land use and comprehensive planning issues.

In order to facilitate input from the elected commissions of each of the parties, the Draft Interlocal Agreement is being presented as an informational item to each commission. After Commissions for Alachua County, Waldo, and Gainesville have provided feedback, the agreement will be revised to incorporate feedback and brought back to each of the commissions for final review and approval. The attached Draft Interlocal Agreement was presented to the Alachua County Board of County Commissioners (BoCC) on November 23, 2010, and will be presented to the Waldo City Commission on December 14, 2010.

RECOMMENDATION

The City Commission: 1) Receive a presentation on the Draft Interlocal Agreement between the City of Gainesville, City of Waldo and Alachua County for the provision of wastewater service to the City of Waldo via a force main; and 2) provide feedback as appropriate.

100569_presentation_20101216.pdf

100570.**Update - Biosolids Land Application Site Purchase (NB)****This item is in regard to the Biosolids Land Application Site purchase.**

Explanation: GRU has been pursuing the purchase of Whistling Pines Ranch as approved by the City Commission on 7/23/07. Prior to purchase, a Special Exception is being sought from Alachua County to allow the continued land application of biosolids at the Whistling Pines Ranch. Staff made application to Alachua County for the Special Exception on 7/30/07. On 10/22/07, the Alachua County Planning Commission recommended approval of the Special Exception with a 75 foot setback. Subsequent to the Alachua County Planning Commission recommendation, and at the request of the Alachua County Environmental Protection Department, GRU performed extensive testing and analysis to further demonstrate that land application as practiced at the Whistling Pines Ranch is protective of public health and safety and the environment. On 12/14/10 the County Commission will consider the request for the Special Exception. GRU Staff will provide an update to the City Commission on the outcome of the County Commission hearing on the Special Exception.

RECOMMENDATION

The City Commission: 1) Receive a presentation on the status of the Special Exception being sought from Alachua County to allow the continued land application of biosolids at the Whistling Pines Ranch; and 2) Take appropriate action.

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

100517.

Swearing In/Oath of Office for New Police Officers (NB)

5:30 PM TIME CERTAIN

Explanation: The intent behind this one time swearing-in of officers before the entire City Commission is to showcase the implementation of a unique practice of including a civilian on the oral board panel as part of the entry-level police officer selection process. This was an effort to incorporate community involvement and bring a diverse perspective to the evaluation of the skill sets of police officer applicants. Thus, it reinforces our partnership with the community and highlights that we not only work with them but also for them.

Fiscal Note: None

RECOMMENDATION

The City Commission authorize the Gainesville Police Department to present the oath of office to eight new police officers in the 5:30 p.m. Special Recognition time slot.

100573.

Caring and Sharing Learning School Day - December 16, 2010 (B)

RECOMMENDATION

Caring and Sharing Learning School Co-founders Mr. and Mrs. Simon Johnson and Principal Mr. Curtis Peterson to accept the proclamation.

100573_Proc_20101216.pdf

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

100534.

Fourth and Final Amendment to the FY 2009-2010 General Government Financial and Operating Plan (B)

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2009-2010 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

11/30/10	Audit, Finance and Legislative Committee	Recommended for Approval
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100534_FY10-4th-Amendatory Budget Res_20101130.pdf
100534_Exhibit A_4th Qtr_20101130.pdf

100554.**Resolution for 5310 Grant Application (B)**

This item is a request for the City Commission to adopt a Resolution to allow the Regional Transit System (RTS) to apply for a 5310 Grant to purchase a paratransit van to provide ADA service to the disabled citizens of Gainesville.

Explanation: Federal funds are available yearly through the Florida Department of Transportation (FDOT) to purchase a paratransit vehicle. Previously, FDOT accepted generic resolutions adopted by the City Commission authorizing the City Manager or his designee to execute and file applications for such grants, but this is no longer sufficient. Resolutions are now required to have specific verbiage in the format approved by FDOT's attorney and be adopted within 30 days of the application due date which is January 14, 2011. RTS requests that the City Commission adopt the Resolution allowing the application for a much needed paratransit vehicle to go forward.

Fiscal Note: RTS charges MV Transportation a monthly capital replacement fee. These funds are used as the local match when applying for grant vehicles.

RECOMMENDATION *The City Commission adopt the Resolution.*

100554_Resolution_20101216.pdf

100555.**Resolution for 5311 Grant Application (B)**

This item is a request for the City Commission to adopt a Resolution allowing the Regional Transit System (RTS) to apply for a 5311 Grant to purchase Demand Response trips, purchase two (2) to (3) paratransit vans, and to continue to provide the Route 23 transportation services to the citizens of Gainesville.

Explanation: Federal funds are available through the Federal Transit Administration (FTA) and the Florida Department of Transportation (FDOT) to purchase demand response trips and to provide Route 23 that operates between the Oaks Mall and Santa Fe College. The funding is set up on a 5-year cycle and is issued either yearly or every 3 years.

Initially FDOT contracted with Alachua County to receive these funds; however, for the last several years, the Board of County Commissioners (BoCC) determined it was unable to meet the match requirements, leaving grant money available. FDOT contacted RTS and MV Transportation and suggested they apply for some of the backlogged money, which RTS did earlier this year after receiving approval from the City Commission and the BoCC. Route 23 service began on August 16, 2010, and has been very successful. Because funds are still available, RTS seeks approval to submit another grant application that will allow RTS to continue Route 23 service and also purchase two (2) or possibly

three (3) paratransit vehicles. RTS presented this opportunity to the BoCC on November 9, 2010, and received its concurrence.

Previously, FDOT accepted generic resolutions adopted by the City Commission authorizing the City Manager or his designee to execute and file applications for such grants, but this is no longer sufficient. Resolutions are now required to have specific verbiage in the format approved by FDOT's attorney and be adopted within 30 days of the application due date which is January 14, 2011. RTS requests that the City Commission adopt the Resolution allowing the application for much needed transportation services to go forward.

Fiscal Note: Paratransit vehicles are considered capital and are an 80/20 match. MV Transportation will pay the 20 percent local match. The monies for Demand Response trips and Route 23 are considered operational funds and require a 50/50 match. RTS will use monies received from Alachua County for Route 75 as its local match.

RECOMMENDATION

The City Commission: 1) adopt the Resolution to allow the RTS to apply for a 5311 Grant to purchase Demand Response trips; 2) approve the purchase of two (2) or three (3) paratransit vehicles; and 3) allow RTS to continue to provide Route 23 transportation services to the citizens of Gainesville.

100555_Resolution_20101216.pdf

100556.

Resolution for an Extension to 5317 Joint Participation Agreement (JPA) (B)

This item is a request for the City Commission to adopt a Resolution allowing the Regional Transit System (RTS) to extend a 5317 Joint Participation Agreement to purchase paratransit trips to provide ADA service to the disabled citizens of Gainesville.

Explanation: Federal funds are available through the Federal Transit Administration (FTA) and the Florida Department of Transportation (FDOT) to purchase paratransit trips. Previously, FDOT accepted generic resolutions adopted by the City Commission authorizing the City Manager or his designee to execute and file applications for such grants, but this is no longer sufficient. Resolutions are now required to have specific verbiage in the format approved by FDOT's attorney and be adopted within 30 days of the application due date which is January 14, 2011. RTS requests that the City Commission adopt the Resolution allowing the extension to the Joint Participation Agreement for much needed paratransit trips.

Fiscal Note: RTS is using ADA funds approved in the FY2011 budget as match money.

RECOMMENDATION

The City Commission adopt the Resolution.

100556_Resolution_20101216.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

100142.

REZONING – PORTION OF FOREST PARK (B)

Ordinance No. 100142, Petition No. PB-10-30ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the zoning category of “RMF-6: 8-15 units/acre multiple-family residential district” to “CON: Conservation district”; located in the vicinity of South of S.W. 20th Avenue between I-75 and Forest Park; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The petitioner, the City of Gainesville Parks, Recreation, and Cultural Affairs Department, requests a rezoning on land owned and maintained by the City. The parcel currently has split zoning with CON (Conservation) zoning on approximately half the property and a 12-acre portion designated RMF-6. Approval of the proposed change would result in the entire parcel being designated CON. This parcel is managed as part of a larger conservation area known as Forest Park.

Public notice was published in the Gainesville Sun on May 11, 2010. The City Plan Board held a public hearing May 27, 2010.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

12/2/10 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (4 - 0 - 3 Absent)

100142_draft ordinance_20101202.pdf
 100142_staff report_20101202.pdf
 100142A_attachment A-20101202.pdf
 100142B-maps_existing_proposed land use_aerial_20101202.pdf
 100142C_application_workshop info_20101202.pdf
 100142D_100527 cpb minutes_20101202.pdf
 100142E_staff ppt_20101202.pdf

100229.

PLANNED DEVELOPMENT - FAT TUSCAN (B)

Ordinance No. 100229; Petition PB-10-68 PDA

An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "Fat Tuscan Planned Development" located in the vicinity of 725 Northeast 1st Street; by amending and restating in its entirety City of Gainesville Ordinance No. 070819 to allow additional uses by right, to allow on-site preparation of fried or barbecued foods, to expand the hours of indoor and outdoor operation, to prohibit

after hours events and to increase the amount of indoor and outdoor seating; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This is a request to amend the Fat Tuscan Café Planned Development (PD) Ordinance No. 070819 adopted by the City Commission on July 28, 2008. The applicants have requested revisions to expand the permitted uses on the property, to extend the business hours, increase seating counts and remove restrictions on food preparation and use of the courtyard hours and music. Specifically, the ordinance will allow additional permitted uses by right, will allow non-amplified outdoor music, expand the operating hours to 6:30 a.m.-10:00 p.m. (Monday through Saturday) and 8:00 a.m. - 5:00 p.m. (Sunday); and increase the amount of seating from 30 to 70 seats. The applicants have indicated that the changes are required due to development of the business, challenging economic conditions, and requests of the patrons."

On July 22, 2010, the Plan Board heard and approved the petition with conditions. The Plan Board focused on the hours of operation and whether or not to allow amplified music. The Board generally expressed that the use was good for the neighborhood but also wanted to protect the residents from potential noise issues with outdoor amplified sound. After much debate and with agreement from the applicant the Board decided to prohibit outdoor amplified music. The Plan Board chair expressed the sense of the Board was that there would be no activity after the hours of operation for the sake of the neighborhood. The Plan Board, by a vote of 5-0, recommended the City Commission approve the petition with modifications.

After public notice was published in the Gainesville Sun, the City Commission held a public hearing on the petition on August 19, 2010. The City Commission, by a vote of 6-0, approved the petition with two modifications to the Plan Board recommendation 1) prohibit all after hours parties; and 2) prohibit outdoor seating/service after operating hours.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/19/10	City Commission	Approved (Petition) as Modified (6 - 0 - 1 Absent)
12/2/10	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

100229_cpb recommended conditions_20100819.pdf
100229_A_table 1_list of permitted office uses_20100819.pdf
100229B_staff letter_20100819.pdf
100229C_table 1__list of permitted uses_20100819.pdf
100229D_exhibit 1_cpb 071115 minutes_20100819.pdf
100229E_exhibit2_staff report_112PDV_07PB_20100819.pdf
100229F_exhibit 3_ord 070819_20100819.pdf
100229G_exhibit 4_notice of violation_20100819.pdf
100229H_exhibit 5_fat tuscan web page_20100819.pdf
100229I_exhibit 6_staff recommended conditions_20100819.pdf
100229J_exhibit 7_petitioner appl and backup mat_20100819.pdf
100229K_citizen letters to cpb_20100819.pdf
100229L_100722 cpb minutes draft.pdf
100229_petitionform_20100819.pdf
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PLAN BOARD PETITIONS

100520.

Amendment to the Gainesville Auto Town Center Planned Development Petition 69PDV-07PB (B)

**Petition PB-10-18 PDA. Causseaux, Hewett, and Walpole, Inc., agent for
Duval Motorcars of Gainesville, Inc. Amend the PD (Planned Development
district) zoning to modify the allowable uses in Phase 2. Located in the 3900
block of North Main St., west side.**

Explanation: This petition is a request to amend the Gainesville Auto Town Center Planned Development (PD), consisting of 18.4 acres which was approved by the City Commission as Ordinance 070706 on April 14, 2008. The first phase of the PD is currently occupied by the Mercedes Benz dealership which occupies approximately 12.8 acres of the site. Phase II is approximately 5.6 acres and is the subject of this review which includes: 1) eliminate the requirement for an education and alternative fuel center; 2) provide additional time for completing the second phase of the PD; 3) clarify the PD Layout Plan regarding building labels and development areas; and 4) clarify the list of permitted uses set as Condition 5 in the adopted PD Ordinance, 070706, adopted on April 14, 2008.

The Auto Town Center was proposed as a unique development of an automotive sales and service center with multiple buildings and integrated assembly of uses resulting in vital synergies from the combination and centralized operation of unique uses. The project proposed an automotive learning center, an alternative fuels dispensing service and an automotive dealership with typical accessory uses; some buildings were proposed to be LEED Certified. It was herald as a project that would encourage the advancement of automobile technology while providing a market place center for the automobile industry bringing together an integrated relationship between the University of Florida and a number of interdependent uses which would benefit the overall community.

During the initial PD review, staff expressed concerns and reservation about the complete destruction of the wetlands, building placement, building orientation and compatibility with the adjacent residential areas. Staff concluded that the

wetlands, low lying areas and undeveloped areas acted as an effective buffer between the residential to the west and the development activities along North Main Street. As an alternative, staff offered an option to incrementally remove the wetlands with phasing of the project. Staff also determined that the proposed building placement and orientation could have been designed to more appropriately address the primary streets per requirements of the Comprehensive Plan. However, the resulting project design is merely a street frontage of primarily automotive display and storage.

Despite limitation of the design, staff determined that the controls implemented with the PD would suffice to ameliorate potential negative impacts. The inclusion of unique and specialized uses such as the Automotive Learning Center and Alternative Fuels dealer would generate beneficial synergies within the industry and the resulting associated services would have a strong impact in stimulating and attracting other industries and services to the area. However, this request to amend the PD is considered a removal of the fundamental basis and disregard of the very elements which resulted in approval of the PD.

The Plan Board heard a presentation from staff and the applicant, and asked questions about the purpose for modifying the PD. During the hearing staff modified the build-to-line to 110 feet from 100 feet. The Plan Board expressed concern about build-to line and the number of trees required in Conditions 4 and 6. The board also acknowledged that the requested PD modification in effect removed the essential basis of the PD justification and asked how staff could avoid such incidents in the future.

Nonetheless, considering the characteristics of the completed first phase of the development, the use of the facility and the fact that all the wetlands have been removed, approval of the PD amendment will have no greater deleterious impact than a straight BA rezoning or a different alternative. As a result of the Phase I completion, the board also took into consideration the significant improvements which have been accomplished in the relationship of the project site to the adjacent neighborhood. Given the conditions included in the current PD rezoning, staff has determined that the project can be developed in a manner consistent with the general requirements of the Comprehensive Plan.

The Plan Board continued deliberation and voted to approve the request with staff conditions but modified Conditions #4 to remove the 100 foot build-to line and #6 to remove the required number of trees to be planted if the project did not materialize. Plan Board vote 7 - 0.

Public notice was published in the Gainesville Sun on October 12, 2010. The Plan Board held a public hearing on October 28, 2010.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission -Approve Petition PB-10-18PDA with conditions as revised by the Plan Board

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

Staff to City Plan Board- Approve petition with conditions.

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- 100520C_appd B_20101216.pdf
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- 100520E_appd D_20101216.pdf
- 100520F_appd E_20101216.pdf
- 100520G_appd F_20101216.pdf
- 100520H_appd G_20101216.pdf
- 100520I_101028 cpb minutes_20101216.pdf
- 100520J_staff ppt_20101216.pdf

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)