

City of Gainesville

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



Meeting Agenda

June 23, 2008

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER

AGENDA STATEMENT

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

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

080005.

NE 4th Avenue One-way Street Conversion - Duckpond Neighborhood (B)

This item involves a request to convert NE 4th Avenue from a one-way street to a two-way street between NE 1st Street and NE Boulevard and consider the removal of the traffic signal at N. Main Street and 4th Avenue.

Explanation: At the February 25, 2008, Duckpond Neighborhood Association (DNA) meeting, the Board of Directors voted to recommend that NE 4th Avenue be converted to a two-way street, parking bays be staggered along the section that converted to provide for traffic calming, and that the traffic signal at N. Main Street and 4th Avenue be removed. The conversion of this street to two-way traffic will improve traffic circulation in the neighborhood. Residents along NE 4th Avenue and within a half block of the effected segment brought forth a petition to the DNA to recommend to the City Commission that this conversion be made. The DNA voted to recommend that the City Commission study all of the one-way streets in the Duckpond Neighborhood.

Fiscal Note: The implementation of this project will cost approximately \$500 and is available in the Public Works Department FY08 operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) direct the City Manager or designee to convert NE 4th Avenue between NE 1st Street and NE Boulevard to a two-way street; 2) stagger the parking bays along NE 4th Avenue to provide for traffic calming; 3) remove the traffic signal at N. Main Street and 4th Avenue in

accordance with the traffic signal removal procedures established by the Florida Department of Transportation; and 4) study the remaining one-way streets in the Duckpond Neighborhood.

Legislative History

6/9/08 City Commission Continued

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080031.

Ranking and Site Selection for the Relocation of the General Services Fleet Management Facility and Public Works Material Storage Yard (B)

This item involves a request to approve the ranking of four sites for the relocation of the General Services Fleet Management Facility and Public Works Material Storage Yard.

Explanation: On February 18, 2008 the City Commission directed the City Manager to develop a plan to phase out the fleet service, material storage and other incompatible uses from the Public Works Center site. In order to phase out the fleet service and material storage, additional property is being sought. Staff developed site selection criteria to identify and rank suitable sites. Staff placed an ad in the Gainesville Sun requesting owners or representatives of owners interested in selling land within a 5 mile radius of 405 NW 39th Avenue to contact the City. There was one owner that responded to this request. Staff also identified properties within the surrounding area that were on the market for sale. Four sites were identified as suitable and staff applied the criteria for ranking. The four properties are ranked as follows:

1. Wurn Property
2. Cheshire Property
3. ADC Property
4. Hawes Property

Fiscal Note: Funding for the projects had been approved by the City Commission as part of the FY09-FY13 CIP.

RECOMMENDATION

The City Commission: 1) approve the ranking of the four sites; 2) authorize the City Manager or his designee to initiate negotiations with the top ranked property owner(s) for land acquisition; and 3) authorize the City Manager, upon successful contract negotiations, to execute the contract and any related documents upon approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission deny this recommendation and provide alternative direction to staff for relocation of the General Services Fleet Maintenance Facility and the Public Works Materials Storage Yard. This would result in delays in

completing the relocation of these facilities.

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080037.

Request to name a Tot Lot (B)

This item involves a request to name the NW Fifth Avenue Tot Lot at 1007 NW 5th Avenue, "Seminary Tot Lot".

Explanation: On February 28, 2005, the City Commission referred the matter of naming City parks, recreation areas and facilities to the Recreation and Cultural Affairs Committee. The Recreation and Cultural Affairs Committee forwarded their recommendations to the Commission on June 16, 2005. The City Commission adopted the Committee's recommendations at their August 8, 2005 meeting. The general policy states that either the City of Gainesville Public Recreation and Parks Board or Nature Centers Commission would be responsible for recommending to the City Commission approval of all names of parks, recreation areas, facilities and centers managed by the City of Gainesville Parks, Recreation & Cultural Affairs Department.

At their April 17, 2008 meeting, The Public Recreation and Parks Board reviewed a request from Roberta Parks on behalf of the Fifth Avenue Neighborhood Association to name the Tot Lot at 1007 NW 5th Avenue to "Seminary Tot Lot." The request was accompanied by the required petition of at least 25 signatures of adults within the City and an explanation of why the name was proposed.

The Public Recreation and Parks Board unanimously recommend naming the park after the old name for the area.

Fiscal Note: None

RECOMMENDATION

Recommended Motion: The City Commission approve the request to name the Tot Lot at 1007 NW 5 Avenue, Seminary Tot Lot.

Alternative Recommendation: The City Commission deny the request to name the Tot Lot at 1007 NW 5 Avenue, Seminary Tot Lot.

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080038.

Settlement of Worker's Compensation Claim - Victor Jackson (NB)

This item involves the full and final settlement of Victor Jackson's worker's compensation claim(s), which will include all future medical and indemnity payments. The total settlement amount is \$245,000 and represents a significant cost advantage to the City.

Explanation: While employed by GFR, Mr. Jackson received injuries to his neck and shoulder

as well as a hypertension claim. This led to ongoing medical treatment including surgery. As a result of his injuries, the present potential exposure to the City in future indemnity payments and medical treatment is in excess of \$659,000.

Recently, the City and Mr. Jackson attempted to mediate a settlement of his worker's compensation claim. Mr. Jackson and his attorney, Dora Kerner, have agreed to the proposed settlement. The City Attorney's Office, the Risk Management Department, GFR, Special Counsel and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount of \$245,000 includes all attorney fees, future medical costs, past and future indemnity payments, and taxable costs.

Fiscal Note: The settlement of this case in the amount of \$245,000 will be paid out of the General Insurance Fund.

RECOMMENDATION

The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Mr. Jackson, in the amount of \$245,000.

080045.

Gainesville's Business Tax (NB)

This item involves revisions to Gainesville's current Business Tax Ordinance for e-Gov streamlining.

Explanation: Staff is suggesting changes to the Business Tax Ordinance in order to accomplish the following goals:

- Increase the User-Friendliness of Online Renewals;
- Outline Procedures for Email Notifications of Taxpayers; and
- Strengthen and Clarify the Business Tax Ordinance.

The following clarifications/updates are needed in order to tighten the ordinance. Many of these changes are found in the ordinances of eight of our peer cities:

- Specify the information required from businesses and authorize the City Manager or delegate to change required information over time in response to legal, regulatory and technological changes;
- Clarify that it is the business owner's responsibility to report changes in required information to the City in a timely fashion;
- Redefine the issuance of a tax receipt to include an online payment receipt;
- Clarify what constitutes evidence of doing business;
- Remove the requirement for businesses to publicly post their tax receipts so long as they can be produced upon request of a governmental or regulatory agency;
- Clarify that the payment of a business tax and issuance of a receipt do not

imply
 compliance with any other relevant Municipal Code provisions;
 -Clarify that tax awareness, tax payments and compliance with all other relevant provisions of the Municipal Code are the responsibilities of the business owner or the owner's agent, if any, in the case of non-resident owners;
 -Remove the requirement that the Finance Director sign each business tax receipt; and
 -Include electronic notification to the language on notification.

Fiscal Note: This is a revenue-neutral proposal.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise the referenced changes to the Business Tax Ordinance.

080047.

Application for FY 2008 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. Each annual application has competed successfully with the results being thirteen projects, along with multiple renewals, funded in the past thirteen 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 this year's consolidated application:

1. A request for the Meridian Behavioral Healthcare, Inc. "HOPE" Program, for a \$99,097 one-year renewal. This project provides supportive services and transitional housing for up to 9 mentally ill and dually diagnosed homeless individuals at leased scattered sites. It was initially funded in 1995.
2. A request from VETSPACE, Inc. for \$92,676 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. 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.

Although a formal announcement has not yet been made, the deadline for submitting this application to HUD is expected to be shortly after July 1, 2008.

Fiscal Note: This application requests \$191,773 in funding from HUD for two 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.

Alternative Recommendation A: The City Commission defer action until a later meeting.

080054.

Staffing for Adequate Fire and Emergency Response (SAFER) Firefighter Grant Program (NB)

This item requests that the City Commission authorize an application for the 2008 Federal SAFER Grant Program for firefighter staffing funds.

Explanation: On May 27, 2008, the US Department of Homeland Security, Preparedness Directorate - Office of Grants and Training, began accepting applications for the Staffing for Adequate Fire and Emergency Response (SAFER) Firefighter Grant Program. The purpose of the program is to assist fire departments with increasing the number of firefighters available to respond to calls for service in order to meet staffing guidelines as established by the National Fire Protection Association (NFPA) in NFPA 1710. In part, the NFPA response guidelines describe a deployment goal for 90% of building fire dispatches of having four (4) fire suppression personnel on scene with one suppression apparatus within four (4) minutes from the time units begin responding. Gainesville Fire Rescue's staffing does not currently support four (4) personnel on engine companies and the department's minimum staffing requirement for an engine company is three (3) personnel. To achieve the NFPA 1710 goal, Gainesville Fire Rescue must frequently have more than one unit on scene within four (4) minutes; this requires the dispatch of units from multiple stations.

The City recently responded to an identified gap in the fire service area in Northwest Gainesville by committing funds to support development of Fire Station 8. Gainesville Fire Rescue currently staffs seven full-time stations with 132 combat personnel. An increment request for thirteen firefighting positions was submitted by the Fire Department for FY07 in anticipation of the need to hire and train personnel for Station 8 in FY09. Since SAFER program funds for hiring must be used for salaries and associated benefits for new, full-time firefighter positions only, application of these funds would support staffing of Fire Station 8.

Awards for hiring firefighters must be used to support a position for a minimum of five (5) years and are limited to \$108,380 per position over the course of the period. The maximum annual Federal share of funds per position may not exceed the lesser of the following: Year 1 - 90% of actual costs or \$39,015; Year 2 - 80% of actual costs or \$34,675; Year 3 - 50% of actual costs or \$21,670; Year 4 - 30% of actual costs or \$13,020; and Year 5 0%.

Fiscal Note: Cash match required for each year would be: Year 1 \$219,639; Year 2 \$318,295; Year 3 \$532,246; Year 4 \$692,410; Year 5 \$912,404 for a total cost of \$2,674,994. Matching funds will be requested in the City Manager's proposed budget each year.

RECOMMENDATION

The City Commission authorize the City Manager to: 1) apply to the US Department of Homeland Security for the SAFER Grant Program; and, if awarded: 2) accept the award; 3) approve the required payment process for expending the grant funds; and 4) allocate the required cash match.

Alternative Recommendation A: The City not apply for the SAFER Grant Program. The fiscal impact would be that the City meet the full financial burden of any firefighter positions required for Station 8.

080055.

Prequalification for Professional Engineering Services for the 2008 CIP Roadway Projects (B)

This item involves a request for the City Commission to approve the prequalification selections of Engineering Firms/Teams and authorization for contracts for providing engineering services for approved roadway projects identified in the adopted Capital Improvement Plan for the next five years.

Explanation: On March 24, 2008, the City Purchasing Division solicited written statements of qualifications to provide engineering services for the 2008 CIP Roadway Projects (RFQ No. PWDA080041-DH). Fifteen (15) engineering firms submitted statements on April 25, 2008. Evaluation of the written submittals resulted in the invitation of six (6) firms to present orally to the evaluators. These presentations, on May 29, 2008, further established the qualifications,

project approach and methodology for the project.

The evaluators recommend prequalification of the firms as follows:

For project classification 1 (large roadway projects with construction costs greater than \$2,000,000)

Comprehensive Engineering Services, Inc.

Johnson, Mirmiran & Thompson

Lochrane

Volkert & Associates, Inc.

For project classification 2 (projects with major streetscape elements)

Brown & Cullen, Inc.

Johnson, Mirmiran & Thompson

Lochrane

For project classification 3 (roadway projects with construction costs less than \$2,000,000)

Dyer, Riddle, Mills & Precourt, Inc.

Lochrane

Volkert & Associates, Inc.

As approved and funded roadway projects are ready for initiation, the CCNA process for contract negotiations would be followed. Generally, the initial negotiations would be on a rotation basis with pre-qualified firm within project classification.

Fiscal Note: Funding would be provided through the approved Capital Improvement Program budget for roadways.

RECOMMENDATION

Recommended Motion: The City Commission: 1) accept the engineering consultant pre-qualified firms as recommended; 2) authorize the City Manager or designee to initiate contract negotiations and execute contracts for professional services in accordance with Consultants Competitive Negotiation Act (CCNA); and 3) authorize the City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission not accept the recommended pre-qualified firms and direct staff to initiate separate consultant ranking processes on a project by project basis. Note: The CCNA process requires between four and six months to complete.

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(B)

Explanation: In accordance with certain housing programs, the City of Gainesville Housing Division is required to file a mortgage lien in the public records of Alachua County on the property of the owner who receive certain types of financial assistance from the Comprehensive Housing Program such as rental rehab, downpayment assistance, housing rehabilitation, etc. When applicable, the property owner is required to execute a promissory note and mortgage to receive the financial assistance. Filing a mortgage lien secures the City's note that is executed by the property owner. Upon receiving the financial assistance, the property owner must meet the terms and conditions of the mortgage and note over a stated compliance period, which generally includes continued ownership and occupancy, maintaining the property, keeping the property taxes current, etc. The City's lien position is typically subordinate to the 1st mortgage lien holder. This practice is the norm for the affordable housing industry because most property owners have a 1st mortgage loan on their property.

When the property owner pays the loan in full and/or completes the stated compliance period, then City Housing Division must release the mortgage lien by executing and filing a Satisfaction of Mortgage in the public records of Alachua County. The City Attorney has approved the Satisfaction of Mortgage document for form and legality. The document is on file with the City Housing Division. However, occasionally, a property owner may experience an economic hardship and is unable to meet the terms and conditions of the mortgage and note. In some instances, it could force the property owner into foreclosure and/or to sell their home through a short sale transaction. A short sale occurs when a mortgage lender(s) agrees to discount the loan balance due to an economic hardship on the part of the borrower. The property owner is then allowed to sell the mortgaged property for less than the outstanding balance of the loan, and turns over the proceeds of the sale to the lender(s) in full satisfaction of the debt. In such instances, the mortgage lender(s) would have the right to approve or disapprove a proposed sale. Extenuating circumstances influence whether or not mortgage lender(s) will discount a loan balance. These circumstances are usually related to the current real estate market climate and the individual borrower's financial situation. A short sale typically is executed to prevent a home foreclosure. Often a mortgage lender will choose to allow a short sale if they believe that it will result in a smaller financial loss than foreclosing. For the home owner, the advantages include avoidance of having a foreclosure on their credit history. Additionally, a short sale is typically faster and less expensive than a foreclosure.

As a result, the City Housing Division is proposing to develop a Short Sale Grant/Loan Forgiveness Policy to handle these types of occurrences in an effort to protect the City's investment in the property. If the property forecloses, then the City may lose its investment by being the junior lien holder. However, in the event of a short sale, a portion of the City's investment would be protected by requiring that all proceeds be paid to the City after payment to the superior lien holder(s) and other bona fide seller closing costs. The property owner would not receive a refund and/or any profit from the short sale. The Short Sale Grant/Loan Forgiveness Policy outlines the process for approving/denying a

forgiveness request, which includes the eligibility requirements, program criteria and evaluation criteria that a property owner must meet to be considered for grant/loan forgiveness.

Fiscal Note: None.

RECOMMENDATION

The City Commission: 1) approve the Housing Division Short Sale Grant/Loan Forgiveness Policy; 2) authorize the City Manager, or his designee, to develop the necessary forms and guidelines to administer this policy, subject to approval by the City Attorney as to form and legality; and 3) authorize the City Manager or his designee to execute all required program documents necessary to administer this policy, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A:

The City of Gainesville could choose not to approve the Short Sale Grant/Loan Forgiveness Policy.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

080085.

UPDATE OF APPENDIX I OF THE CITY CHARTER - LEGAL DESCRIPTION OF THE MUNICIPAL CORPORATE LIMITS (NB)

Explanation: Appendix I of the City Charter contains the legal description of the municipal corporate limits. This legal description was developed in 1991 and has been supplemented with a list of annexation ordinances which have been adopted through August 2007. In December 2007, the City developed a land description for the City of Gainesville jurisdictional limits which could be used to update Appendix I.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance updating Appendix I of the City Charter.

080112.

PETE MCMANUS VS. GAINESVILLE HOUSING AUTHORITY, SHIRLEY JONES, MTG, 400 BUILDING; JOHN CHERRY, DIRECTOR; PEGEEN HANRAHAN, MAYOR, CITY OF GAINESVILLE, ET AL; BEING SUED INDIVIDUALLY AND COLLECTIVELY, U.S. District Court for the Northern District, Gainesville Division, Case No.: 1-08-CV-00110 MP-AK (B)

Explanation: On June 17, 2008, a Complaint filed by Pete McManus in the Federal Court was hand-delivered to the City. Mr. McManus alleges violation of his civil and constitutional rights by the Gainesville Housing Authority for alleged toxic conditions in his apartment and in the housing complex. Mr. McManus seeks money damages and attorney's fees. There are no factual allegations in the Complaint as to any actions of the City or the Mayor that led to the filing of the suit. The City will seek an early dismissal of the claims against the City and the Mayor.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville and the Mayor in the case Pete McManus vs. Gainesville Housing Authority, Shirley Jones, MTG, 400 Building; John Cherry, Director; Pegeen Hanrahan, Mayor, City of Gainesville, et al; being sued individually and collectively, U.S. District Court for the Northern District, Gainesville Division, Case No.: 1-08-CV-00110 MP-AK.

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080113.

ALACHUA LAND INVESTORS, LLC, A FLORIDA LIMITED LIABILITY CO., F/K/A BLUES CREEK DEVELOPMENT, LTD. VS. CITY OF GAINESVILLE, A POLITICAL SUBDIVISION; CASE NO. 01-08-CA-3088 (B)

Explanation: On June 16, 2008, a summons and complaint was served on the City of Gainesville. Alachua Land Investors, Inc., filed suit as a result of the City's denial of a design plat for Blues Creek Subdivision, Unit 5, Phases 2 and 3 on May 12, 2008. Alachua Land Investors, Inc., is seeking declaratory and injunctive relief and writ of certiorari alleging that, as applied to the design plat, the City's wetland mitigation requirements are preempted by state requirements, that the design plat is exempt from the City's mitigation requirements, that the City departed from the essential requirements of the law in making its decision and that the City's decision was not supported by competent, substantial evidence.

RECOMMENDATION

The City Commission authorize the City Attorney, or special counsel if insurance coverage is available, to represent the City in the case styled Alachua Land Investors, LLC, a Florida Limited Liability Co., F/K/A Blues Creek Development, Ltd. Vs. City of Gainesville, a political subdivision; Case No. 01-08-CA-3088.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

080116. City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of June 2, 2008 (Workshop); June 9, 2008 (Regular Meeting); and June 16, 2008 (Special Meeting); as circulated.*

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080116b_20080623.pdf

080104. Florida League of Cities Voting Delegate (B)

RECOMMENDATION *The City Commission select Mayor Pegeen Hanrahan as voting delegate.*

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****AUDIT, FINANCE AND LEGISLATIVE COMMITTEE****070688.** Lobbyist Registration Referral (B)

Explanation: On June 11, 2007, the City Commission accepted the City Auditor's report on the Status of Outstanding Audit Recommendations and referred the issue of lobbyist registration to the Charter Officers for further development and a recommendation back to the Audit, Finance and Legislative Committee (legislative item 070099).

The Charter Officers appointed staff to research and present information regarding various lobbyist registration options utilized within other Florida local government agencies. The Charter Officers then presented information at the November 29, 2007 and June 10, 2008 Committee meetings regarding options identified. Based on the information presented, as well as thorough discussion of options among Committee members, a recommendation was made for the City Commission to authorize the City Attorney to draft an ordinance for City Commission consideration addressing the key issues discussed in Committee.

RECOMMENDATION *The City Commission: 1) Authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance establishing lobbyist registration requirements; and 2) remove this item from the Audit, Finance and Legislative Committee referral list.*

Legislative History

11/29/07 Audit, Finance and Approved as shown above (See Motion)
 Legislative
 Committee

6/10/08 Audit, Finance and Recommended for Approval, as shown above
 Legislative
 Committee

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080067.**Review of Housing Performance Measures (B)**

Explanation: In accordance with our Annual Audit Plan, we have completed a Review of Housing Performance Measures. 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 City 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 Audit, Finance and Legislative Committee recommend that the City Commission:

1) Accept the City Auditor's report and 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

6/10/08 Audit, Finance and Recommended for Approval
 Legislative
 Committee

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080068.**Report on the Status of Outstanding Audit Recommendations for June 2008 (B)**

Explanation: City Commission Resolution 970187, City Auditor Responsibilities and Administrative Procedures, requires the City Auditor to notify the appropriate Charter Officer of recommendations projected for implementation in the following six months. The responsible department managers prepare a written status report to the appropriate Charter Officer who then provides this information to the City Auditor. The City Auditor's Office verifies that

Legislative History

6/10/08 Audit, Finance and Recommended for Approval
 Legislative
 Committee

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COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**071220.****Kennedy Homes (NB)**

Explanation: The former Kennedy Homes site is one of the most well-known properties in Gainesville. Funded through a loan from HUD, the development originally opened in 1968. However over the years, the property unfortunately came to embody many negative stereotypes associated with low-income housing. Challenged by poor maintenance, drug, and crime issues, problems at Kennedy Homes resulted in negative impacts to the surrounding community. In 2007, the City purchased and cleared the property. Simultaneously, the City and the CRA coordinated the Southeast Gainesville Renaissance Initiative (SEGRI), which produced a Master Plan consisting of a series of conceptual development visions for six key sites - including Kennedy Homes-- located throughout the southeast Gainesville community. As a follow-up to the conceptual SEGRI Master Plan, the CRA has tackled two major projects. The first has involved coordination with local stakeholders to create a draft Special Area Plan (SAP) for the SEGRI area. The SAP consists of a regulatory toolset to achieve the sense of place, amenities, and high-quality design identified through the SEGRI Master Plan. The SAP will be considered for inclusion into the City of Gainesville Land Development Code. The second major follow-up project is the implementation of redevelopment activities at Kennedy Homes.

In keeping with the findings of the SEGRI Master Plan, the proposed redevelopment scope for the Kennedy Homes site envisions that the property will be redeveloped as mixed-income residential community. The development will augment on-going revitalization efforts in southeast Gainesville. Homes will be priced in a "ladder" structure, with many different price points available in order to further develop and foster a well-rounded, diverse, and sustainable community. The project will reinforce community efforts to establish a high-quality built environment; it will be characterized by innovative and attractive design, green building concepts, and dynamic street-level activity.

The proposed project scope requires that redevelopment proposals must reflect a market-driven, financially feasible mixed-income development. The development should contain both single-family detached houses as well as townhouses. It may also contain a mixed-use element of neighborhood-serving commercial along the SE 8th Avenue corridor. Any such commercial element should actively engage the street level, and residential is strongly encouraged for upper floors. The development should be built in a single phase under one or more ownerships. The proposed development must include a variety of housing, including at least 10% of the units reserved for affordable, workforce housing

(low to moderate income). The development should include a variety of price points ranging from low income, moderate income, and market-rate housing options. No more than 25% of the units shall be reserved for affordable housing. Homeownership is encouraged; no more than 10% of the residential units should be utilized as rental properties. Additionally, the project scope will disallow development proposals that would limit the residential component to an age-restricted senior citizen community.

The CRA will require that the proposed development be built to high building and construction standards, and that the development adhere to the Southeast Gainesville Renaissance Initiative (SEGRI) draft Special Area Plan. Although CRA financial assistance may be considered for this redevelopment project, development teams interested in this opportunity must demonstrate substantial experience and financial resources to build the proposed mixed-income community. The CRA will also require that interested developers provide a preliminary plan for site development (including the number and mix of units), unit price points, an architectural rendering of the proposed exterior appearance, and overall marketing plan for the project.

Redevelopment at the former Kennedy Homes property is a major focal point of the SEGRI program. However the scale and importance of this project will affect not only the SEGRI area, but all of Gainesville. For these reasons, the CRA will demand thoughtful, high-quality, innovative redevelopment at this site. In order to achieve these goals, the CRA will utilize a unique approach to releasing and marketing the Request for Proposals. Staff will pursue both traditional and non-traditional methods for advertising and marketing the RFP to both local and non-local development teams, and will be aggressive in efforts to ensure that the RFP is circulated to a large variety of potential respondents. The CRA has recommended utilizing funding from the General Government SEGRI account (Account #335-790-C331-964) for RFP marketing purposes.

At the May 19th 2008 meeting, the Community Redevelopment Agency approved the proposed redevelopment scope for the former Kennedy Homes property. The CRA further authorized Staff to prepare a Request for Proposals for a mixed-income residential community, potentially with a small commercial component, at the site. In order for a Request for Proposals to be released, the City and the CRA would need to enter into an option agreement for the property. The CRA has requested the Executive Director negotiate an option with City.

Fiscal Note: The Request for Proposals will need to address the value of the site, which consists of approximately 15.09 acres of land. A recent appraisal valued the land at \$1,160,000.

There is \$663,499 currently available in a General Government SEGRI account (Account# 335-790-C331-964). The CRA has recommended a portion of these funds be used to support the marketing efforts associated with issuing and promoting this RFP.

RECOMMENDATION

CRA to the City Commission: 1) Direct Staff to negotiate an option for the former Kennedy Homes property; 2) Authorize the Mayor to execute any and

all required documents, subject to approval by the City Attorney as to form and legality; and 3) Approve \$25,000 from Account# 335-790-C331-964 to market and promote the RFP.

Legislative History

5/19/08 Community Redevelopment Agency
Approved as Amended (5 - 0 - 2 Absent)
071220_20080519.pdf
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END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

080079.

2008 State of Florida Legislative Session Review (B)

Explanation: City of Gainesville lobbyist Doug Bruce of Doug Bruce & Associates will provide a review of the 2008 State of Florida Legislative Session. The City of Gainesville annually presents a legislative agenda to the Alachua County Legislative Delegation. The agenda includes project funding requests as well as policy issues of interest to the City. During the 2008 legislative session, the City of Gainesville was successful in obtaining \$500,000 in the State of Florida Budget for the Payne's Prairie Sheetflow Restoration Project.

Fiscal Note: None

RECOMMENDATION

The City Commission receive a presentation by the City of Gainesville's lobbyist Doug Bruce.

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080079B_200806231300.pdf

071166.

Gainesville Clean Water Partnership Program Update (B)

This item involves an update on the Gainesville Clean Water Partnership Program administered by the City of Gainesville's Department of Public Works.

Explanation: The Gainesville Clean Water Partnership was formed in 2003 between the City of Gainesville Public Works Department, Alachua County Public Works

Department and the Florida Department of Transportation to fulfill requirements of the Clean Water Act. These agencies are responsible for fulfilling obligations of National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permits. The agencies have been collaborating programmatically and financially since 2003 to meet requirements of these regulations.

This presentation will focus on the Partnership's obligations, collaborations, accomplishments and future goals.

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

RECOMMENDATION

The City Commission hear a presentation on this program.

Legislative History

6/9/08 City Commission Continued

071166_200805121300.pdf

071214.

Request for City Commission Contingency Funds to support a Community Hunger Summit (B)

This is a request from Alachua County to match the County's contribution for a Community Hunger Summit to be held on September 18, 2008.

Explanation: Earlier this year, a group of concerned individuals requested the City and County sponsor a town meeting (hunger summit) regarding hunger issues in the community. A planning committee consisting of representatives from each of the cosponsor organizations (Alachua County, City of Gainesville, United Way of North Central Florida, Department of Children and Families and School Board of Alachua County), as well as other interested community members, has been working to organize the summit. The committee has decided to hold the summit at the Martin Luther King Multi-Purpose Center on the morning of September 18, 2008, based on the availability of County Commission Chair Rodney Long and Gainesville Mayor Pegeen Hanrahan, who have agreed to co-chair the event.

Alachua County has requested that the City of Gainesville match the County's contribution of up to \$2,000 to cover the out-of-pocket costs associated with the hunger summit. Those costs include: A professional facilitator (\$400), sound system rental (\$700), refreshments (\$600), Martin Luther King Multi-Purpose Center rental (\$400), travel costs for the keynote and other out-of-town speakers (\$800), meeting participant materials (\$800), and other incidental costs (\$300). In addition to contributing monetarily towards the hunger summit, Alachua County will provide the necessary staff to set up and take down the tables, seating and other equipment for the summit. County staff is also handling organizational aspects of the summit, including mailing of invitations and printing of summit materials.

Fiscal Note: Alachua County is requesting up to \$2,000, which would come from the City

Commission Contingency Fund. The Fund balance as of June 17, 2008 was approximately \$51,845. Any unexpended funds would be returned to the City Commission Contingency Fund.

RECOMMENDATION *The City Commission approve up to \$2,000 from the City Commission Contingency Fund to be used for the hunger summit.*

Alternative Recommendation A: The City Commission deny the request for funds to support the hunger summit.

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080048.

Code Enforcement Division, Bicycle Patrol Pilot Program (B)

This item is a presentation to the City Commission on the Code Enforcement Bicycle Patrol Pilot Program.

Explanation: At the core of successful code enforcement is the ability of officers to communicate with citizens. The Code Enforcement Division proposes that a pilot program involving two fully equipped mountain bicycles on loan from the Parks Division be implemented, allowing officers to utilize bicycles as a supplemental means of transportation during their patrol of neighborhoods, as well as during parades and game day events. If implemented this would be only the second of its kind within the state of Florida following the Broward County Community Code Compliance Divisions adoption of a neighborhood bicycle patrol program adopted in 2001. The adoption of this program would be conducive to the goal of becoming a top ten Code Enforcement Division within mid-size cities in the nation.

The use of a bicycle patrol would enhance the presence of the officers in the community by:

- 1. Allowing greater contact with the community.*
- 2. Allowing a greater awareness of surroundings and the ability to observe conditions that may not be visible from a vehicle.*
- 3. Increased public relations value.*
- 4. Fuel savings to the city.*
- 5. Enhance the Division's positive image as a division concerned with the preservation of natural resources.*
- 6. Ease of access to certain areas not easily patrolled from a vehicle.*
- 7. High visibility tool for game day activities, parades and other special events.*
- 8. Health and morale benefits to the officers involved.*

The Code Enforcement Division Bicycle Patrol Pilot Program will be implemented for 4 months and the results of the Program will be shared with the City Commission for their review and evaluation.

Fiscal Note: Two bicycles are available for loan from the Parks Division and would require the cost identifying these bikes as code enforcement vehicles, as well as the purchase of personnel safety equipment. Cost is estimated to be less than \$500 and can be absorbed into the current budget. Expanding such a bicycle program to include four field ready bikes would cost an estimated \$2500 and would be funded through other line item savings.

RECOMMENDATION

No action is required at this time. The Code Enforcement Division will bring back to the City Commission at a later date the results of the Bicycle Patrol Pilot Program. If the Pilot Program is successful staff will recommend to the City Commission that the Pilot Program be adopted.

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080109.

Status of Fire Fee Negotiations with the University of Florida (B)

The City Commission hear a report on fire fee negotiations with the University of Florida and provide direction to the City Manager.

Explanation: City staff held a number of meetings with representatives of the University of Florida (UF) attempting to negotiate an agreement whereby UF would compensate the City for fire services provided to UF property. The meetings were cordial and both parties shared relevant information. Please see the attached background document provided to UF representatives for the first meeting.

Meetings took place on January 9 and 30. During these meetings, UF representatives expressed concern about UF's current fiscal challenges. UF representatives subsequently indicated a preference to continue discussions after they had a clearer picture of UF's budget challenges and after completion of the City's fire assessment study.

The final Fire Services Assessment Memorandum provided by the City's consultant, Government Services Group (GSG), identifies the value of the fire services provided to UF property excluding emergency medical services. The value of City fire services provided to UF was ascertained through the same study and methodology used to determine the fire services assessment rates. The study shows the annual value of the fire services provided to UF property as \$2,911,255.

The City is not able to impose a special assessment on government-owned property; however, there are two government-owned properties that are large, complex operations with significant requirements and/or demands for fire services. However, the City can negotiate a contract for the payment of fire service fees. Gainesville Regional Airport is on City-owned property and has been paying the City for fire services for many years. A number of months ago the City concluded negotiations with the Airport to increase the Airport's annual payments for fire services so they more closely reflect the City's costs of

providing fire services. UF is also a very large complex entity with significant demands for fire services. In the meetings with UF, City staff focused on the City's need to seek cost-recovery for fire services to properties on UF's main campus.

Certain buildings on UF property would be subject to a special assessment such as Shands facilities and fraternities and sororities. Staff believes there may be opportunities to work with UF to allow for the collection of fire fee costs as a pass-through for certain buildings such as dormitories and possibly other types of facilities although UF representatives indicated that there are constraints on their ability to raise these types of fees.

Attached is a proposal provided to UF representatives at the May 27 meeting. City staff developed the proposal to provide for phased implementation of a UF fire services fee in acknowledgement of UF's current fiscal challenges. UF representatives informed City staff that they could not recommend that UF pay the City for fire services.

Fiscal Note: Based on the City's fire assessment study, the annual fiscal impact of providing fire services to UF property is \$2,911,255. Revenue to cover the cost of providing fire service to UF comes from the City's general fund.

RECOMMENDATION

The City Commission approve that a letter be sent under the Mayor's signature to UF President Machen with the City's proposal as identified in the attachment.

Alternate Recommendation #1:

The City broaden negotiations with UF to include a variety of services that UF could provide to support the City that would help offset other City expenditures.

Alternate Recommendation #2:

Due to fire station locations surrounding UF's main campus, there is a higher level of fire service available to UF's main campus than most areas of the City. If budget reductions are necessary for Gainesville Fire Rescue, focus service level reductions on the UF main campus area.

Alternate Recommendation #3

Provide written notice to UF that the City will discontinue providing fire services to the UF main campus as of September 30, 2012 or some other specific date. Communicate the City's preference to continue providing fire services if the City and UF can enter into an agreement that provides for annual UF fire services fees covering UF's main campus.

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GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

080097. Florida Department of Transportation (B)

RECOMMENDATION

The City Commission hear a presentation from Mr. James Bennett to discuss changes to the Tentative five year work program.

080097_20080623.pdf

MEMBERS OF THE CITY COMMISSION

080098. Mayor-Commissioner Pro Tem Jack Donovan - City Commission Workshops (NB)

RECOMMENDATION

The City Commission discuss and take action regarding directing the City Clerk to establish a schedule for monthly City Commission workshops where issues could be discussed in a roundtable open format for the Commissioners' staff and public's information without voting.

080099. Mayor-Commissioner Pro Tem Jack Donovan - City Commission Vision for Gainesville (NB)

RECOMMENDATION

The City Commission discuss and take action regarding directing the City Clerk to schedule a workshop specifically on the topic of developing (perhaps an annually up-dated) City Commission Vision for Gainesville wherein our hopes for our

community and its environs are described as guidance for our policies and practices.

080118. Mayor Pegeen Hanrahan - Proposed State Prison (NB)

RECOMMENDATION *The City Commission hear a report on the proposed state prison.*

080119. Mayor Pegeen Hanrahan - Energy Competition (NB)

RECOMMENDATION *The City Commission hear a report on the energy competition with the City of Tallahassee.*

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

080122. Bettye Gibbs Jennings Day - June 28, 2008 (B)

RECOMMENDATION *Educator and Community Activist Bettye Gibbs Jennings to accept the proclamation.*

080122_20080623.pdf

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

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

071162. STREET VACATION VEITCH STREET (B)

Ordinance No. 0-08-29, Petition No. 40SVA-08PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Veitch Street bounded by the north right-of-way line of Southeast 10th Avenue to a point 230.89 feet west of Southeast 4th Street, as more specifically described in this Ordinance; retaining a certain perpetual easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This is a request to vacate a portion of the Veitch Street right-of-way located within the boundaries of the City of Gainesville, Regional Transit System (RTS) Operations and Maintenance Facility. Vacation of the right-of-way will facilitate site improvements that have been filed for future consideration under Petition 20PSZ-08PB and Petition 13SPA-08PB.

According to Section 30-192 (b) (5) of the City Land Development Code, the City Plan Board and City Commission shall consider the following criteria in determining whether the vacation is in the public interest: a. Whether the public benefits from the use of the subject right-of-way as part of the city street system; b. Whether the proposed action is consistent with the comprehensive plan; c. Whether the proposed action would deny access to private property; d. The effect of the proposed action upon public safety; e. The effect of the proposed action upon the safety of pedestrians and vehicular traffic; f. The effect of the proposed action upon the provision of municipal services including, but not limited to, emergency service and waste removal; g. The necessity to relocate utilities both public and private; and h. The effect of the proposed action on the design and character of the area.

The Plan Board reviewed the petition based on the criteria and recommended approval of the petition. One citizen addressed the Plan board regarding whether his property would be affected by the petition. The citizen was assured that his property would not be affected, because the closure did not abut his property.

CITY ATTORNEY MEMORANDUM

The City Commission at its meeting of May 12, 2008 authorized the City Attorney's Office to draft the proposed ordinance.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

5/12/08 City Commission Approved (Petition) with Conditions (7 - 0)

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Ordinance No. 0-07-75; Petition 80TCH-07PB

An ordinance of the City of Gainesville, Florida, amending Chapter 19 and Chapter 30 of the City of Gainesville Code of Ordinances, relating to itinerant food vendors; amending Section 30-61(c) to add itinerant food vendors as a permitted use in the General Business (BUS) zoning district subject to limitations and in accordance with Chapter 19, Article IV; amending Article IV of Chapter 19 by revising the definitions of vending booths and itinerant food vending conveyances; imposing size limitations and standards and clarifying the permit procedures, requirements and regulations for both vending booths and itinerant food vending conveyances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING DEPARTMENT STAFF REPORT

This Petition amends Section 30-61(c) and Section 19-97(8)(c) of the City of Gainesville Land Development Code to allow itinerant food vendors in the General Business (BUS) zoning district in association with retailers over 50,000 square feet in size.

An "itinerant food vendor" is defined in Section 19-91 of the City of Gainesville Code of Ordinances as a person, corporation, company or business that sells immediately consumable food products and non-alcoholic beverage items from a nonpermanent structure at a fixed location on private property. In other words, itinerant food vendors sell products from small, mobile vending carts, trailer-mounted units or vehicles that are typically (and often appropriately) found in places exhibiting relatively high pedestrian volumes, such as downtown or in front of a large-format retail store such as a Wal-Mart or Home Depot. Currently, itinerant food vendors are only allowed in the MU-1 and MU-2 zoning districts.

Currently, there are 848 parcels within the city that are zoned MU- 1, 276 that are zoned MU-2 and 242 zoned BUS. Therefore, allowing itinerant food vendors in the BUS zoning district would increase the number of parcels where such vendors are allowed, but only on those parcels where a retailer exceeding 50,000 square feet is found. Only a small handful of BUS parcels have such retailers in the city.

Expanding itinerant food vendors to properties containing relatively large-scale retail stores may humanize the scale of a large retail center. Allowing such vendors within additional locations in the city promotes small, locally owned business operations-particularly those with modest capital resources. The main concern that communities have with such vendors is aesthetics and the potential for clutter and litter problems. As of July 3, 2007, there were six individuals holding itinerant food vendor permits in six locations within city limits. This number has remained fairly steady over the past several years. Staff believes that the City will be able to adequately enforce and correct such problems, and the large distances found between large-format retailer buildings and nearby streets and properties further mitigate these potential problems.

Public notice was published in the Gainesville Sun on July 3, 2007. On July 11, 2007, the Plan board heard the Petition and by a vote of 4-0 recommended the City Commission approve the Petition.

On August 13, 2007, the City Commission approved the Petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

When staff began work on the ordinance and reviewed the existing code provisions, staff realized that the provisions concerning vending booths and itinerant food vending conveyances were not clear, lacked standards and did not reflect the reality of the permitting process. Therefore, this ordinance amends the existing code provisions by imposing size limitations and standards and clarifying the permit procedures, requirements and regulations for both vending booths and itinerant food vending conveyances.

This ordinance requires two public hearings. If the ordinance passes on the first reading, second and final reading will be held on July 14, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/13/07 City Commission Approved (Petition) (6 - 0 - 1 Absent)

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

RESOLUTIONS- ROLL CALL REQUIRED

080049.

Resolution - Appointment of Members to the City of Gainesville Affordable Housing Advisory Committee (B)

Explanation: A 2007 amendment to the State Housing Initiatives Partnership Program Act, Subsections 420.907-420.9079, Florida Statutes, (the "Act") required all counties and municipalities in the State of Florida to establish Affordable Housing Advisory Committees and to appoint members to the Advisory Committee by Resolution. In accordance with the Act, the City of Gainesville adopted Ordinance No. 070872 on April 14, 2008, establishing the City of Gainesville Affordable Housing Advisory Committee (the "Advisory Committee"). In accordance with the Act and the Ordinance, this Resolution appoints members to the Advisory Committee and establishes their respective terms of appointment.

In accordance with the Act and the Ordinance, the Advisory Committee must conduct a public hearing and submit its first report of recommendations to the City Commission by December 31, 2008; and a minimum of every three years

thereafter.

Pursuant to the Ordinance, the advisory committee shall be cooperatively staffed by the Housing Division and the Planning and Development Services Department to the extent necessary to ensure an integrated approach to the work of the Advisory Committee.

Fiscal Note: None

RECOMMENDATION

The City Commission: adopt the Resolution, as required by State law, appointing the members of the City of Gainesville Affordable Housing Advisory Committee and establishing their respective terms of appointment.

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080058.

City of Gainesville Application for Preserve America Community Designation (B)

A Preserve America Community is recognized for its commitment to celebrate local history and culture through heritage tourism, education, and economic development utilizing historic assets of the community. This designation is one of the four initiatives of Preserve America.

Explanation: Developed in cooperation with the Advisory Council on Historic Preservation and a number of other federal agencies, Preserve America supports local efforts for the preservation and enjoyment of our priceless cultural and natural heritage through grant funding, outreach programs, awards recognition, and community designation. The City Commission recommended that the City of Gainesville apply for designation at the March 24, 2008 regular meeting.

To qualify for designation as a Preserve America Community, Gainesville must demonstrate support of a preservation-related activity that promotes heritage tourism and/or economic vitality as part of a public-private partnership. The Community Redevelopment Agency is tasked with the Model Block Project that focuses on revitalizing the Fifth Avenue and Pleasant Street historic neighborhoods. Historic homes are rehabilitated with this project in addition to sensitive infill development, infrastructure, and landscaping projects. Rehabilitation projects are cited as the second largest economic benefit of historic preservation in the state of Florida. Demonstrating this effect, five homes in the Model Block areas have been revitalized with private funds in addition to the construction of two new homes aside from the city's Model Block efforts. This project also enhances the community's quality of life and encourages stability in central Gainesville.

Five out of ten additional criteria must be met from the following categories: discovering heritage through historic places, protecting historic resources, and promoting historic assets. At the community level, Gainesville clearly meets three criteria from the first category by maintaining a historic resource inventory, supporting the Matheson Museum that provides archival research,

exhibit space, and a house museum experience, and a school curriculum that engages children in our local heritage with field trips to the Thomas Center, Kirby Smith, and Morningside Nature Center. Secondly, The Historic Preservation Board is authorized to protect historic resources in Gainesville by carrying out the comprehensive plan and land development regulations. In the final category, promotional materials engage the public with heritage tourism opportunities through walking or driving trails, maps of historic resources, and cross-promotion with Visit Florida programs that highlight Gainesville in regional publications.

Supporting materials for the application include a local history for publication purposes along with images that depict use of historic cultural or natural resources, an adopted resolution, and official signature with release authorization. Endorsement letters, documented participation in regional preservation programs, and other promotional materials have been collected to further augment the application.

Note - Refer to the back up for specific application materials.

Fiscal Note: None.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from staff regarding this request; 2) staff recommends that the City Commission approve the Preserve America Community application; and 3) adopt the Resolution supporting Preserve America initiatives, authorize the release of application materials submitted, and provide the Mayor's signature on the application.

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071173.

CABOT-KOPPERS SUPERFUND SITE (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, REGARDING THE INDUSTRIAL SITE KNOWN AS THE "CABOT-KOPPERS SUPERFUND SITE", AND REQUESTING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) TO REQUIRE THE REMEDIATION OF THE SITE TO RESIDENTIAL STANDARDS; DIRECTING THE CLERK TO FORWARD A COPY OF THE RESOLUTION TO EPA, AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The City Commission at it's May 1, 2008 joint meeting with the Alachua County Board of County Commissioners heard presentations from the Alachua County Environmental Protection Department, Gainesville Regional Utilities and the United States Environmental Protection Agency, Region IV (EPA) regarding the assessment and remediation, pursuant to provisions of the Federal Comprehensive Environmental Response, Compensation and Liability Act

080014.**Add Public School Facilities Element - School Concurrency (B)****Petition 46CPA-08 PB. City Plan Board. Amend the City of Gainesville 2000-2010 Comprehensive Plan by adding a required Public School Facilities Element.**

Explanation: The 2005 Florida Legislature mandated that availability of public schools be made a prerequisite for approval of residential construction, and directed a closer integration of planning for school capacity with comprehensive planning. Under the statewide schedule, the School Board of Alachua County and the local governments in our county have been working together, in accordance with the Interlocal Agreement for Public School Facility Planning, to establish school concurrency this year. Over the past year, a staff working group with support from the University of Florida's Center for Building Better Communities has developed data and analysis for the required Public Schools Facility Element (PSFE) and for related amendments to the Intergovernmental Coordination Element and Capital Improvements Elements.

Staff made a presentation on public school concurrency (Legislative no. 070707) to the City Commission on December 20, 2007, which referred the matter to the Community Development Committee. On February 14, 2008, the Committee referred it to the City Commission with a recommendation that the Commission authorize staff to take school concurrency-related comprehensive plan amendments to the City Plan Board, and remove the item from the referral list. The City Commission approved the matter as recommended on March 10, 2008.

Concerns regarding the impact of countywide growth and development patterns and their impact on schools located in Gainesville were expressed at the Community Development Committee meeting in February. In response, staff drafted PSFE Policy 5.1.3, which requires that during the EAR (Evaluation and Appraisal Report - on the comprehensive plan) process which will begin in 2009, staff will review the comprehensive plan and make a recommendation to the Plan Board regarding the need for plan amendments that would help to support public schools within or proximate to Gainesville's city limits.

The data and analysis show that the concurrency service areas (CSAs) for all three middle schools (Westwood, Lincoln and Bishop) in Gainesville are under the 100 percent, proposed level of service (LOS) threshold in the School Board's 5-year (2007/08 through 2011/12) and 10-year (2012/13 - 2017/18) District Facilities Plans. The same is true (with one exception - Bucholz is at 110.5 percent in 2007/08) for the CSAs for the three regular high schools located either in Gainesville (GHS) or nearby (Bucholz and Eastside). The Long-Range District Facilities Program shows additional capacity for 200 students at both Eastside and Bucholz in the 10-year program.

The three concurrency service areas that include elementary schools located in Gainesville (Northwest Gainesville, East Gainesville, and South Gainesville CSAs) are under the 100 percent, proposed level of service (LOS) threshold in

both the 5-year (2007/08 - 2011/12) and 10-year (2012/13 - 2017/18) School District Facilities Plans. However, major capacity issues regarding elementary schools outside of Gainesville have prompted School Board staff to make the following recommendations for the first 5 years: additional capacity for 200 students at Alachua Elementary; new elementary school in the High Springs CSA; new elementary school in the West Urban CSA; and attendance boundary changes to shift enrollment from Stephen Foster Elementary (Northwest Gainesville CSA) to Metcalfe Elementary and Rawlings Elementary (Northeast Gainesville CSA). For the second 5 years (2012/13 - 2017/18) the recommendation includes four new elementary schools (in the Newberry, Northwest Gainesville, South Gainesville and Alachua CSAs) and 80 additional student stations for JJ Finley (South Gainesville CSA). These recommendations, if implemented, comprise a financially feasible plan that will meet the 100 percent LOS standard by 2011/12. To meet possible capacity deficiencies within the first 5-year period, an interim LOS standard greater than 100 percent for currently backlogged CSAs (none of which is within our city limits) is recommended. Also recommended is incorporation of proportionate share mitigation as a component of the 5-year District Facilities Work Program of the School Board.

The proposed Public School Facilities Element meets statutory requirements for public school concurrency, and is consistent with the related, proposed amendments to the Intergovernmental Coordination Element and to the Capital Improvements Element.

Public Notice was published in the Gainesville Sun on April 2, 2008. The Plan Board held a public hearing April 24, 2008.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - Approve Petition 46CPA-08 PB with corrections and changes agreed to in the record of the meeting, with scrivener's errors to be addressed. Plan Board vote 7:0.

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

Alternative Recommendation -Deny Petition 46CPA-08 PB.

Staff to Plan Board - Approve Petition 46CPA-08 PB.

Legislative History

6/9/08 City Commission Continued (Petition) (6 - 0 - 1 Absent)

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080016.**Intergovernmental Coordination Element - School Concurrency (B)****Petition 47CPA-08 PB. City Plan Board. Amend the Intergovernmental Coordination Element of the City of Gainesville 2000-2010 Comprehensive Plan for consistency with the required Public School Facilities Element.**

Explanation: The Intergovernmental Coordination Element (ICE) must be amended to meet statutory requirements for public school concurrency and updated so that its statutory references are current. The proposed amendments are consistent with the proposed Public School Facilities Element that is the subject of related Petition 46CPA-08 PB, and will further its implementation. Data and analysis for these amendments to the City's 2000-2010 City of Gainesville Comprehensive Plan are in the document entitled City of Gainesville - Public School Facilities Element - February 6, 2008.

This comprehensive plan amendment updates references to the Florida Statutes in two existing ICE policies, and adds a policy regarding implementation of the interlocal agreement regarding public school facility planning and implementation of the Public School Facilities Element to extend concurrency requirements to public schools.

The proposed amendments to the Intergovernmental Coordination Element are consistent with the City of Gainesville 2000-2010 Comprehensive Plan, and are recommended for approval.

Public Notice was published in the Gainesville Sun on April 2, 2008. The Plan Board held a public hearing April 24, 2008.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - Approve Petition 47CPA-08 PB. Plan Board vote 7:0.

Staff to City Commission - Approve Petition 47CPA-08 PB.

Alternative Recommendation -Deny Petition 47CPA-08 PB.

Staff to Plan Board - Approve Petition 47CPA-08 PB.

Legislative History

6/9/08 City Commission Continued (Petition) (6 - 0 - 1 Absent)

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080012.**Capital Improvements Element - School Concurrency (B)**

Petition 48CPA-08 PB. City Plan Board. Amend the Capital Improvements Element of the City of Gainesville 2000-2010 Comprehensive Plan for consistency with the required Public School Facilities Element, and update the 5-Year Schedule of Capital Improvements to include the School Board of Alachua County's Five-Year District Facilities Plan.

Explanation: The Capital Improvements Element (C.I.E.) must be amended in order to meet statutory requirements for public school concurrency. The amendments are consistent with the proposed Public School Facilities Element that is the subject of related Petition 46CPA-08 PB, and are required for its implementation. Data and analysis for these proposed amendments to the City's 2000-2010 City of Gainesville Comprehensive Plan are in the document entitled City of Gainesville - Public School Facilities Element - February 6, 2008.

The LOS (Level of Service) standard for public school facilities is required to be included in the C.I.E. This comprehensive plan amendment meets this requirement by adding Public School Facilities to the list of LOS standards in Policy 1.2.6 of the Capital Improvements Element. The 5-Year Schedule of Capital Improvements is required to be updated by adding the School Board's five-year capital improvements program. The addition of the School Board of Alachua County's 5-Year District Facilities Work Program (FY 07/08 - 11/12) to the 5-Year Schedule of Capital Improvements meets this requirement.

The proposed amendments to the Capital Improvements Element are consistent with the City of Gainesville 2000-2010 Comprehensive Plan, and are recommended for approval.

Public Notice was published in the Gainesville Sun on April 2, 2008. The Plan Board held a public hearing April 24, 2008.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission: Approve Petition 48CPA-08 PB. Plan Board vote 7:0.

Staff to City Commission: Approve Petition 48CPA-08 PB.

Alternative Recommendation -Deny Petition 48CPA-08 PB.

Staff to Plan Board - Approve Petition 48CPA-08 PB.

Legislative History

6/9/08 City Commission Continued (Petition) (6 - 0 - 1 Absent)

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080015.

Regional Transit System Administrative Office (B)

Petition 20PSZ-08PB. Legislative Matter No. 000000. Causseaux, Hewett

& Walpole, Inc., agent for the City of Gainesville Regional Transit System (RTS). Amend the PS (Public services and operations district) to establish new development regulations and allow the expansion of the RTS administrative office with a modular building. Zoned: I-2 and PS (General industrial district and Public services and operations district). Located at 100 Southeast 10th Avenue (north and south sides). Related to Petition 13SPA-08PB.

Explanation: The RTS Operations and Maintenance Facility site consists of 10.3 (MOL) acres. The adoption of this petition will apply PS (Public services and operations district) zoning to the entire site in place of the existing split zoning. The land use districts on the site will remain PF (Public Facilities) and IND (Industrial). PS zoning is allowed in both land use districts under Section 30-46 of the City Land Development Code.

The purpose of this petition is to adopt uniform development regulations that are consistent with the intended use of the RTS Operations and Maintenance Facility site, and that are compatible with the surrounding land use. This petition will also help establish consistency between the regulation of existing development and future development proposed under the related Petition 13SPA-08PB.

The principal uses proposed for the RTS Operations and Maintenance Facility site are classified under Public administration (Div. J) and Local and Suburban Transit (IN-4111) of the Standard Industrial Classification (SIC) manual, 1987 Edition. They include activities normally conducted at the RTS facility, such as dispatch operations; fleet parking; fueling operations; employee training; organizational administration; and employee parking. Any use customarily incidental to any permitted principal use is also proposed as an allowable use. Both principal and accessory uses are identified in Section 30-75 of the City Land Development Code as permitted uses by right in the PS zoning district.

Also submitted for consideration are an associated Public Services Zoning Report and a preliminary development plan. The preliminary development plan provides only a portion of the information required in Article VII of the City Land Development Code for preliminary approval, since more detailed information is required for the related Petition 13SPA-08PB. This related petition involves a preliminary and final development plan for the construction of a one-story modular office building and other related site improvements at the RTS facility.

Public notice was published in the Gainesville Sun on April 30, 2008. Letters were mailed to surrounding property owners on April 30, 2008.

The City Plan Board considered Petition 20PSZ-08PB with the associated Public Services Zoning Report and preliminary development plan at a public hearing held May 15, 2008. By a vote of 7 - 0, the City Plan Board approved the petition with staff conditions.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City

Commission approve Petition 20PSZ-08PB with the associated Public Services Zoning Report and preliminary development plan, subject to staff conditions.

Staff to City Plan Board - Approve Petition 20PSZ-08PB with the associated Public Services Zoning Report and preliminary development plan, subject to staff conditions.

Alternate A Recommendation - The City Commission approve Petition 20PSZ-08PB with the associated Public Services Zoning Report and preliminary development plan as submitted.

Alternate B Recommendation - The City Commission deny Petition 20PSZ-08PB with the associated Public Services Zoning Report and preliminary development plan.

Legislative History

6/9/08 City Commission Continued (Petition) (6 - 0 - 1 Absent)

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070049.

Petition 50TCH-07 PB. Amend the Five Points Special Area Plan (B)

This item amends the Five Points Special Area Plan to prohibit additional uses, including Rehabilitation Centers and Social Service Homes or Halfway Houses.

Explanation: On August 8, 2005, the City Commission implemented one of the recommendations of Plan East Gainesville by establishing the Five Points Special Area Plan (SAP) Overlay Zoning District. On April 23, 2007, the City Commission directed staff to process a Land Development Code amendment petition to add Rehabilitation Centers and Social Service Homes or Halfway Houses to the list of prohibited uses in the Five Points SAP. The City Plan Board heard the petition on May 17, 2007. Consistent with staff's recommendation, the City Plan Board voted 6-0 to recommend that the City Commission approve the petition.

The ordinance was initially scheduled for first reading on the January 14, 2008 City Commission agenda, but was withdrawn and continued for further review

and consideration by staff.

Staff requested that the item be withdrawn due to concerns that other uses which are similar to Rehabilitation Centers and Social Service Homes or Halfway Houses should be treated in the same manner. Staff has researched those other uses and now recommends that other similar additional uses be prohibited. Those uses are listed below:

- Social Services (MG-83);
- Residences for destitute people;
- Food distribution centers for the needy;
- Membership organizations (MG-86);
- Roominghouses and boardinghouses (GN-702); and
- Dormitories.

Like Rehabilitation Centers and Social Service Homes or Halfway Houses, the above uses primarily involve the provision of a service that is received outside of a permanent dwelling unit. While some of these uses may have a temporary residential component, they are not primarily a permanent residential use.

When considering the development of the Five Points Area, a review of Plan East Gainesville is helpful. Plan East Gainesville is a joint City/County initiative to stimulate and guide the physical and economic development of East Gainesville. An experienced consultant was hired (at a cost of \$194,000) to facilitate public participation in the development of Plan East Gainesville and to write the final report, which was completed in February 2003. Extensive public participation occurred during the development of Plan East Gainesville. Some of that public participation is described in Appendix B of the Plan's Final Report.

Some of the major land use and socioeconomic issues identified in Plan East Gainesville include a relative lack of high-end single family housing; the absence of a well-defined center, with accessible civic or public spaces; the perception of high crime rates; separated and automobile oriented land uses; a lack of viable local commercial land uses like movie theatres, restaurants and retail stores; and undefined activity centers that lack specific policy guidance to ensure a well-integrated urban form.

One of the recommendations of Plan East Gainesville is to change the development of the Five Points Area. Currently, that area has a suburban, automobile dominated development pattern. Uses include a gas station, a beverage store, fast food restaurants, convenience stores, automobile parts stores, and automobile repair shops. Most of the buildings are set back behind large parking lots. Few if any trees exist in the area. Several lots and buildings are vacant. Several occupied buildings have bars on the windows.

In contrast, Plan East Gainesville calls for significant new investment in Five Points. Plan East Gainesville envisions a vibrant urban area with a mix of shops, cafés, sit-down restaurants, offices, entertainment, and services. According to Plan East Gainesville, in addition to being an employment and

activity center, the Five Points Area should be the focal point of the community. The consultant that developed the plan recently commented that the Five Points area should be a gathering place for the community, and reflect the community.

Specifically, Plan East Gainesville states that priority objectives for the plan include:

- Expand the range of housing choices, to attract and retain residents with a variety of income levels; and*
- Target specific areas for mixed-use development centers that can support and sustain higher levels of employment, commercial and social activities.*

In another section, Plan East Gainesville states, “Land use and design options include . . . encouraging the development of compact, walkable mixed-use centers with easy access to public transportation; creating civic gateways at major entry points; . . .”

The Land Use Section of Plan East Gainesville states:

“The Five Points Activity Center will become the new “downtown” of Gainesville’s east side . . . This activity center has been identified as a priority for redevelopment as a signature project, or catalyst, for private sector reinvestment.

As an Urban Center, a mixture of uses would be provided, including professional office, retail, services, restaurants, and multi-family residential.”

Reviewing these parts of Plan East Gainesville is important, because they indicate the types of uses that are consistent with Plan East Gainesville’s vision for the Five Points Area. A reasonable conclusion, based on Plan East Gainesville, is that the uses proposed to be prohibited are not consistent with Plan East Gainesville’s vision for the Five Points Area. While Plan East Gainesville specifically calls out many uses and categories of uses that are consistent with the vision for the Five Points Area, the uses proposed to be prohibited are not among those uses.

For those reasons, staff recommends approval of this petition.

Fiscal Note: None.

RECOMMENDATION

Plan Board to City Commission: Amend the Five Points SAP to prohibit Rehabilitation Centers and Social Service Homes or Halfway Houses.

Staff to City Commission: Amend the Five Points SAP to prohibit Social Services (MG-83), Residences for destitute people, Food distribution centers for the needy, Membership organizations (MG-86), Dormitories, Roominghouses and boardinghouses (GN-702), Rehabilitation Centers, and Social Service

Homes or Halfway Houses.

Alternative Recommendation A: Deny the petition.

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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)