

# **City of Gainesville**

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



## **Meeting Agenda**

**March 10, 2008**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Rick Bryant (At Large)  
Commissioner Jeanna Mastrodicasa (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Ed Braddy (District 2)  
Commissioner Jack Donovan (District 3)  
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*

## 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

### 070938.

#### **Neighborhood Planning Program Selection (B)**

**This item involves selection of a neighborhood association to participate in the City's Neighborhood Planning Program (NPP). The NPP involves the City's Neighborhood Planning Coordinator working with selected neighborhood associations to identify the neighborhood's strengths, weaknesses, and goals; and to develop an action plan. The City Commission has set aside \$15,000 per neighborhood for improvement and beautification projects in NPP neighborhoods.**

*Explanation: Since 1998, the City has selected 16 neighborhood associations to participate in the NPP. The program has assisted those neighborhood associations in identifying the neighborhoods' strengths, weaknesses, opportunities, and threats. The NPP has also assisted the neighborhoods in identifying, prioritizing, and implementing potential projects and solutions. Examples of projects completed through the NPP include (but are not limited to) landscaping public areas, installing neighborhood identification signs, installing bus shelters, and installing park equipment.*

*In September 2007, applications for inclusion in the NPP were mailed or emailed to each registered neighborhood association that is not currently participating, or had not previously participated, in the program. The deadline to complete and return the applications was November 26th, 2007.*

*Only one neighborhood association, the Greater Northeast Community (GNC),*

returned the application. Staff is coordinating with other neighborhood groups to determine why the response rate was lower than expected.

NPP selection criteria and procedures include both a quantitative portion based on objective neighborhood data (for example, socio-economic data) and a qualitative portion based on the subjective experiences of a Selection Committee. The Selection Committee is comprised of four City Staff that work with and in neighborhoods, and are knowledgeable about neighborhood issues.

Based on the criteria, the GNC received 54 out of 100 possible points in the quantitative portion.

The Selection Committee met for approximately 45 minutes on January 11, 2008. The Committee was comprised of the Police Department's Community Resource Officer for District 2, a Rehabilitation Specialist from the Housing Division, a Code Enforcement Officer, and the Neighborhood Planning Coordinator. Because several members of the Selection Committee have experience working in Northeast Gainesville and with the GNC neighborhood association, the Selection Committee is qualified to assess the condition of the neighborhood's public and private infrastructure, as well as the neighborhood association's level of organization, participation, consensus, and potential for success in the NPP.

The Selection Committee members' scores range from 75 to 89 out of 100 possible points. The average score is 82.25. When combined with the score from the quantitative portion, the GNC's overall score is 136.25 out of a possible 200. The overall score will be used to rank applications in years when several applications are received.

The GNC has an active, well-organized neighborhood association that meets regularly and has previously initiated several successful neighborhood projects. The GNC is a diverse neighborhood of mostly modest single-family homes. The neighborhood contains many opportunities to beautify and improve infrastructure. Staff and the neighborhood association have identified numerous potential projects for which NPP funds could be used. Inclusion in the NPP would enhance the association's efforts to beautify and improve their neighborhood.

**Fiscal Note:** Account #123-790-N117-5150-4110 contains \$15,000 allocated for the next NPP neighborhood.

**RECOMMENDATION**

*Staff to City Commission: Select the Greater Northeast Community for inclusion in the Neighborhood Planning Program, and authorize the use of the \$15,000 for this neighborhood.*

*Alternative recommendation: Do not expand the Neighborhood Planning Program this year.*

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**070952.****Purchase Priority.NOW Traffic Management Software Module and provide Training, Installation, Integration and Deployment Services from Naztec, Inc. (B)**

**This item involves the purchase of Priority.NOW traffic management software module and training, installation, integration and deployment services from Naztec, Inc in the amount of \$ 1,200,000 for the Traffic Management System.**

*Explanation: The Public Works Department is in the process of implementing the Traffic Management System (TMS). Phase I is currently under construction. The Public Works Department and Florida Department of Transportation designated Naztec Equipment and its central control software as the performance standard for the TMS in the Gainesville Urban Area. Naztec has delivered and installed the server for the TMS and installed the ATMS.NOW software to operate the advanced traffic management system. To ensure maximum efficiency with the TMS, all equipment and software must meet the designated performance standard and be 100% compatible with the existing Naztec system.*

*Priority.NOW is an ATMS.NOW Software Module that provides priority traffic control of the traffic signals for emergency vehicles and RTS. Priority.NOW interfaces with emergency services computer aided dispatch (CAD) software. The emergency services CAD software identifies where emergency response vehicles are located, to what location they will be traveling under emergency response, and which route to take. The CAD software then interfaces with the Priority.NOW software which prioritizes the emergency response route. The Priority.NOW software enhances traffic flow along the emergency response route by giving priority to that route. Traffic moves along the route and clears in advance of the responding unit thus reducing congestion and delay along the route.*

*Fiscal Note: Funding in the amount of \$930,640 for purchase of the software and training, installation, integration and deployment services is available from the appropriation for the Traffic Management System in the CIRB of the 2005 Capital Project Fund. The additional \$269,360 required for this purchase is available from the Assistance to Firefighters Grant received from the Department of Homeland Security.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) approve the purchase of the equipment, software upgrades and installation services from Naztec, Inc.; and 2) authorize the City Manager to issue a purchase order not to exceed \$1,200,000.*

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**070970.****Request to name a Tot Lot (B)**

**This item involves a request to name Tot Lot #7 in the 500 block of SW 7 Terrace, Mother Lucille Perkins 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 November 28, 2007 meeting, the Public Recreation and Parks Board reviewed a request from Janie S. Williams on behalf of the Porters Neighborhood Crime Watch group to name the tot lot located in the 500 block of SW 7 Terrace Mother Lucille Perkins Tot Lot. The request was accompanied by the required petition of at least 25 signatures of adults within the City and a letter of support detailing how the late Mrs. Perkins put so much time into caring for people and children.

The Public Recreation and Parks Board unanimously recommend naming the park in honor of Mrs. Perkins.

*Fiscal Note:* None

**RECOMMENDATION**

*Recommended Motion:* The City Commission approve the request to name the tot lot in the 500 block of SW 7 Terrace, Mother Lucille Perkins Tot Lot.

*Alternative Recommendation:* The City Commission deny the request to name the tot lot in the 500 block of SW 7 Terrace, Mother Lucille Perkins Tot Lot.

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**070971.**

**Request to Name a Tot Lot (B)**

**This item involves a request to name Tot Lot #9 at 820 NW 4 Avenue, Dolliree Bowens 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 November 28, 2007 meeting, The Public Recreation and Parks Board reviewed a request from Ruth Brown to name the tot lot at 820 NW 4 Avenue to Dolliree Bowens Tot Lot. The request was accompanied by the required petition of at least 25 signatures of adults within the City and a letter of support about the many years Mrs. Dolliree spent working in the area of recreation in the City of Gainesville.*

*The Public Recreation and Parks Board unanimously recommends naming the park in honor of Mrs. Bowens.*

*Fiscal Note: None*

**RECOMMENDATION**

*Recommended Motion: The City Commission approve the request to name the tot lot at 820 NW 4 Avenue, Dolliree Bowens Tot Lot.*

*Alternative Recommendation: The City Commission deny the request to name the tot lot at 820 NW 4 Avenue, Dolliree Bowens Tot Lot.*

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**070972.**

**Request to Name a Tot Lot (B)**

**This item involves a request to name Tot Lot #6 located at the intersection of NW 32 Place & NW 20 Lane, Hidden Gem Park.**

*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 January 16, 2008 meeting, The Public Recreation and Parks Board reviewed a request from Tracey Johnson to name the tot lot located at the intersection of NW 32 Place & NW 20 Lane, Hidden Gem Park. The request was accompanied by the required petition of at least 25 signatures of adults within the city and a letter explaining how she came up with the suggested name.*

*The Public Recreation and Parks Board unanimously recommends naming the park Hidden Gem Park as requested by Ms. Johnson.*

*Fiscal Note: None*

**RECOMMENDATION**

*Recommended Motion: The City Commission approve the request to name Tot Lot located at the intersection of NW 32 Place & NW 20 Lane, Hidden Gem Park.*

*Alternative Recommendation: The City Commission deny the request to name the Tot Lot located at the intersection of NW 32 Place & NW 20 Lane, Hidden Gem Park.*

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**070984.****Revised Investment Policy for the City of Gainesville Disability Pension Fund (B)**

**This item involves a request for the City Commission to approve an amended investment policy and asset allocation for the Fund.**

*Explanation: The City's Retiree Health Fund Investment Advisory Committee recently completed a review of the Disability Pension Fund investment allocation with the assistance of the Fund's investment consultant and staff. The investment consultant and staff performed asset liability modeling analysis, and provided the Committee with various investment allocations for consideration. This process allowed the Committee and staff to determine a more optimal long term investment allocation for the Fund. The recommended asset allocation is identified and described in the Disability Pension Fund Investment Policy.*

*Fiscal Note: There is no cost associated with this change. The revised asset allocation should provide for improved risk-adjusted returns for the Fund over the long term.*

**RECOMMENDATION**

*The City Commission approve the amended Disability Pension Fund Investment Policy and the asset allocation contained therein.*

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**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****070987.****Reimbursement for Oversizing of Wastewater Facilities at Village Phase VIII (NB)**

**Reimburse the developer of Village Phase 8 for the oversizing of Wastewater (WW) facilities.**

*Explanation: Village Phase VIII is a development located in the 2800 block of NW 83rd Street. A WW collection/transmission system must be constructed to provide service for the project.*

*In order to properly serve adjacent undeveloped parcels GRU is requiring*

*Santa Fe Healthcare to construct oversized WW facilities. The Developer's Engineer has accommodated this in the development design. The developer's incremental cost to oversize the WW system, for which reimbursement is being sought, is \$88,097.00.*

*The recommended amount of \$88,097.00 includes all design, construction, labor, and materials associated with the WW system oversizing to satisfactorily complete the work.*

*Fiscal Note: Monies for this project are available in the FY 08/09 Water and Wastewater Capital Improvements Budget.*

**RECOMMENDATION**

*The City Commission authorize the General Manager or her designee to negotiate and execute an agreement for reimbursement to Santa Fe Healthcare for the oversizing of WW facilities in an amount not to exceed \$88,097.00 subject to approval of the City Attorney as to form and legality.*

**070988.**

**Construction Manager at Risk for Construction of the Technology Building (B)**

**Staff recommends awarding a contract to PPI/Charles Perry Construction, LLC, for pre-construction and construction management services for the Technology Building.**

*Explanation: The City Commission approved a contract for Architectural and Engineering Services for the design of a new technology building east of the Administration Building along SE 4th Avenue on June 12, 2006. Staff is engaged with the architect in developing a master plan for the site. Subsequently, schematic designs of the new building will be created. The City Commission approved the construction of the new building in the Utility FY08 budget. The project is to construct a single story, secure building, hardened to withstand hurricane force winds and acts of nature. The building will house a computer room, network operations center; backup systems control center and facilities to house operations personnel in the event of an emergency.*

*Staff has evaluated the various methods of project delivery for this construction project, and is recommending use of a Construction Manager at Risk with Guaranteed Maximum Price (CM at Risk with GMP). This method centralizes responsibility for the construction under a single contract and requires a bonded guaranteed maximum price for construction prior to the beginning of construction, producing a more cost effective, timely and predictable project.*

*Services to be provided by the CM at Risk with GMP will be divided into two phases. The first phase of the project is referred to as Pre-construction Services supporting Design Services and will include such activities as cost analysis, construction and cost consulting, constructability review, scheduling, and ultimately the development of a guaranteed maximum price for the construction of the new building. Pre-construction Services will be paid at cost plus a*



*negotiated percentage. Phase Two encompasses Construction Services and will include permitting, materials and trade procurement, and the general management of the construction of the project. Phase Two Services will be paid as a GMP.*

*Utilities Purchasing issued Request for Statement of Qualifications (RFSQ) for CM at Risk services to seven known companies that perform this type of work. Three firms submitted Statements of Qualifications, which were scored after evaluation of the submittals and oral discussions with the companies in accordance with the criteria established in the RFSQ. The ranking is as follows:*

*PPI/Charles Perry Construction LLC*

*BBI Construction Management, Inc.*

*Scherer Construction & Engineering of North Florida, Inc.*

*A tabulation of the evaluation is attached for your information.*

*If staff is unable to negotiate an acceptable contract with the top ranked company, it may initiate negotiations with the other companies in sequential order.*

*Fiscal Note: CM services will be paid a negotiated percentage of the total cost of construction. Projected Project budget is \$3.95 million. \$2.5 million for the project is contained in the Utilities FY08 budget. The balance will be requested in future fiscal years.*

**RECOMMENDATION**

*The City Commission: 1) approve the final ranking of companies for the Construction Manager at Risk with a Guaranteed Maximum Price ; 2) authorize the General Manager, or her designee, to negotiate a contract with PPI/Charles Perry Construction for Construction Management at Risk with Guaranteed Maximum Price Services for the GRU Technology Building subject to approval of the City Attorney as to form and legality; and 3) authorize staff to procure services, equipment and materials, as required, to complete the project as budgeted, subject to the final appropriation of funds.*

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**070994.**

**Refunding of Variable Rate Subordinated Utilities System Revenue Bonds, 2002 Series A and 2002 Series B (NB)**

*Explanation: The 2002 Series A and B Bonds were issued as variable rate debt in order to refund a prior bond issue and to finance certain of the Utility's capital projects. These Bonds were issued in an "auction rate mode," meaning that the interest rate is reset periodically pursuant to an auction process.*

*During the past several weeks, many investors have been attempting to sell their holdings in auction rate securities but there has been insufficient demand on the part of other investors to purchase such holdings, which has resulted in many auction rate programs (including the 2002 Series A and B Bonds) experiencing failed auctions. As a result, the interest rates on auction rate bonds (including the 2002 Series A and B Bonds) have increased substantially from historical*

levels. While the auction rate market had functioned well for roughly 20 years, most market participants feel that the auction mechanism may never return to its position as the lowest cost variable-rate debt alternative for municipal issuers.

On February 25, 2008, the City Commission authorized (1) the refunding of the 2002 Series A and B Bonds through the issuance of fixed-rate bonds; and (2) the termination of a floating-to-fixed interest rate swap entered into with Merrill Lynch Capital Services, Inc. in connection with the issuance of the 2002 Series A Bonds (the 2002 Series A Swap Transaction).

At that time, long-term interest rates generally were at or below their long-term averages, so Utilities staff, in consultation with our Financial Advisor, determined that it was appropriate to convert the 2002 Series A and B Bonds to fixed-rate debt through the issuance of fixed-rate refunding bonds, in order to prevent the 2002 Series A and B Bonds from experiencing further failed auctions in the future and, accordingly, to bring certainty to the Utility's future debt service payments.

However, over the past week, long-term, tax-exempt interest rates continued to rise substantially. As a result, it no longer is economic to refund the 2002 Series A and B Bonds with fixed-rate debt. Therefore, Utilities staff, in consultation with our Financial Advisor, now recommends that the City Commission approve the refunding of the 2002 Series A and B Bonds through the issuance of commercial paper notes, which is a different form of variable rate debt that is not currently experiencing the same problems as auction rate securities.

Since the early 1980's, the Utility has maintained in effect a tax-exempt commercial paper program that currently permits the Utility, upon authorization of the City Commission, to issue up to \$85,000,000 in aggregate principal amount of Series C CP Notes at any one time outstanding. While no amounts currently are outstanding under the Series C CP Note program, since all of the documentation for that program already is in place, upon approval by the City Commission, staff will be able to move quickly to issue the Series C CP Notes and refund the 2002 Series A and B Bonds and thereby achieve significant debt service savings for our ratepayers. In addition, since we would be refunding the variable-rate 2002 Series A and B Bonds with variable-rate commercial paper notes, it is not necessary to terminate the 2002 Series A Swap Transaction at this time, which will allow the City to avoid making a termination payment.

If, at some point in the future, long-term interest rates decline to or below their long-term averages, staff may come back to the City Commission for authorization to refund the Series C CP Notes with fixed-rate debt and terminate the 2002 Series A Swap Transaction, in order to bring certainty to the Utility's future debt service payments.

The Clerk of the Commission, the General Manager or other Authorized Officers of the City (as defined in the Utilities Bond Resolution) may be required to take

*certain other actions and hire certain other professionals to proceed with the issuance of the Series C CP Notes. Therefore, we recommend that these officials be authorized to take such other actions that may be necessary or desirable to proceed with the issuance of the Series C CP Notes in accordance with this City Commission authorization.*

*Fiscal Note: Refunding the 2002 Series A and B Bonds with variable-rate Series C CP Notes will secure favorable interest rates for our ratepayers, while allowing us to refund Bonds that are experiencing volatility and uncertainty.*

**RECOMMENDATION**

*The City Commission:*

*1. Approve the refunding of the City's Variable Rate Subordinated Utilities System Revenue Bonds, 2002 Series A and 2002 Series B (2002 Series A and B Bonds), including payment of the Utility's costs in connection therewith, through the issuance of not to exceed \$63,000,000 in aggregate principal amount of the City's tax-exempt Utilities System Commercial Paper Notes, Series C (Series C CP Notes).*

*2. Authorize the Clerk of the Commission, the General Manager and other Authorized Officers to execute such documents as may be necessary to proceed with the transaction authorized above, subject to approval of the City Attorney as to form and legality, and to take such other actions as may be necessary or advisable to proceed with the issuance of the Series C CP Notes in accordance with this City Commission authorization.*

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

**070993.**

**Resignation of Public Recreation and Parks Board Member Member Paula Pringle (B)**

**RECOMMENDATION**

*The City Commission accept the resignation of Paula Pringle from the Public Recreation and Parks Board Member effective immediately and extends its appreciation for her services.*

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**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT****070977.****City of Gainesville Fiscal Year 2007 Audited Financial Statements, Auditors' Reports, Auditors' Management Letters and Single Audit Reports, and Management's Written Response (B)**

*Explanation: The City's independent auditors, Davis, Monk and Company and Ernst and Young, Certified Public Accountants, issued the following reports:*

- 1. The Basic Financial Statements, Supplemental Information and Independent Auditors' Report of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2007;*
- 2. The Financial Statements, Supplemental Information and Independent Auditors' Report of Gainesville Regional Utilities for the Fiscal Year Ended September 30, 2007;*
- 3. The Financial Statements and Independent Auditors' Report on the Employees' Pension Fund of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2007;*
- 4. The Financial Statements and Independent Auditors' Report on the Consolidated Police Officers and Firefighters Retirement Plan of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2007;*
- 5. The Financial Statements and Independent Auditors' Report on the Disability Pension Fund of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2007;*
- 6. The Financial Statements and Independent Auditors' Report on the Other Postemployment Benefits Fund of the City of Gainesville, Florida for the Fiscal Year Ended September 30, 2007; and*
- 7. The Independent Auditors' Management Letters and Single Audit Reports for the Fiscal Year Ended September 30, 2007.*

*In the opinion of the independent auditors, the financial statements referred to in items 1 and 2 above represent fairly, in all material respects, conformity with generally accepted accounting principles.*

*In the independent auditors' opinion, the financial statements referred to in items 3, 4, 5 and 6 above present fairly, in all material respects, the net assets available for benefits as of September 30, 2007, and the changes in net assets available for benefits for the year then ended in conformity with generally accepted accounting principles.*

*Item 7 relates to the financial statements from items 1 and 2. As part of the audit process the independent auditors issue "management letter comments" along with several other reports related to internal control structure;*

*compliance with certain provisions of laws, regulations, contracts and grants, and internal control structure and certain requirements applicable to federal and state financial assistance programs.*

*The auditors' management letter related to General Government indicates that there were no recommendations in the current year. The auditors' management letter and internal control report over financial reporting related to Gainesville Regional Utilities include recommendations related to improvements in liability accruals and cash and other system and account reconciliations. The auditors also provide a report on the status of their prior year's recommendations. Management's written response to these comments indicates agreement with the auditors' recommendations and provides planned corrective action on each issue.*

*In accordance with Section 6(b) of Resolution 970187, City Auditor Responsibilities and Administrative Procedures, the City Auditor has reviewed the attached statements and reports to ensure that contractual terms have been fulfilled and transmits these reports with a recommendation for City Commission acceptance.*

**RECOMMENDATION**

*The Audit, Finance and Legislative Committee recommend that the City Commission accept the subject financial statements, auditors' reports, management letters and single audit reports; and accept management's written response.*

**Legislative History**

3/3/08      Audit, Finance and      Recommended for Approval  
    Legislative  
    Committee

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**070981.**

**Quarterly Financial Report – Gainesville Regional Utilities (B)**

**RECOMMENDATION**

*The Audit and Finance Committee review and recommend that the City Commission receive the GRU Quarterly Financial Report as of December 31, 2007.*

**Legislative History**

3/3/08      Audit, Finance and      Recommended for Approval  
    Legislative  
    Committee

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**EQUAL OPPORTUNITY COMMITTEE, CONSENT****COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****070707.****Public School Concurrency (B)**

**The Community Development Committee referred the report on public school concurrency back to the City Commission.**

*Explanation: The Community Development Committee on February 14, 2008 heard a presentation from staff on public school concurrency. Following discussion of the item, 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 this item from the referral list.*

*The Florida Legislature over the past decade has progressively strengthened the linkage between school planning and general land use and comprehensive planning through amendments to Chapters 163 and 1013, Florida Statutes. The 2005 Legislature mandated that availability of public schools be made a prerequisite for the approval of residential construction and directed a closer integration of planning for school capacity with comprehensive planning.*

*A statewide schedule was established by the State that requires local governments in Alachua County to adopt comprehensive plan amendments to establish school concurrency by July 1, 2008. If the amendments are not adopted and transmitted to the state land planning agency by that date, it will result in the local government being prohibited from adopting comprehensive plan amendments that increase residential density until the school concurrency amendments have been adopted and transmitted.*

*The Public Schools Facility Element (PSFE) must contain data and analysis that addresses the standards used by the School Board to evaluate school facilities, provide an inventory of existing facilities and planned future facilities and an evaluation of the school system based on these standards and a determination of need, including an analysis of funding. The data and analysis evaluates the school system and its relationship to development and growth within sectors and communities. The findings and conclusions support the goals, objectives and policies of the PSFE, including the establishment of levels of service standards and the delineation of concurrency service areas. Related updates are also required for the Intergovernmental Coordination Element (ICE) and for the Capital Improvement Element (CIE).*

*Over the past year, a staff working group (established by interlocal agreement) of the School Board, Alachua County, City of Gainesville and other municipalities, with support from the University of Florida's Center for*

*Building Better Communities, has been meeting on school concurrency. The working group has developed the required data and analysis for the PSFE, and has developed a concurrency implementation strategy for use by the various local governments in their comprehensive plans. City staff and others associated with the staff working group made a presentation to the City Commission on December 20, 2007, and the City Commission referred the matter to the Community Development Committee. Concerns regarding the impact of countywide growth and development patterns and their impact on schools located in Gainesville were expressed. Overall growth and development patterns and their impact on the City are topics that perhaps can be best considered in the near future by the Community Development Committee when it discusses recommendations of the Rusk Report. They will also be considered during the Evaluation and Appraisal Report (EAR) on the comprehensive plan process which will begin in 2009 and end by November 2010.*

*The data and analysis shows that the concurrency service areas (CSAs) for the three middle schools (Westwood, Lincoln and Bishop) located within Gainesville are under the 100 percent, proposed level of service (LOS) threshold in both the 5-year (2007/08 through 2011/12) and the 10-year (2012/13 - 2017/18) Middle School District Facilities Plans of the School Board. The same is true, with one exception (Buchholz is at 110.5 percent in 2007/08, which will decrease due to programmatic changes to less than 100 percent in successive years in both the 5-year and 10-year Plans) for the CSAs for the three regular high schools located either in Gainesville (GHS) or nearby (Buchholz and Eastside). The Long-Range District Facilities Program plans additional capacity for 200 students at both Eastside and at Buchholz in the 10-year program.*

*There are major capacity issues regarding elementary schools in the district. Among the recommendations by School Board staff to address elementary school capacity in the next five years are: additional capacity for 200 students at Alachua Elementary, one new elementary school in the High Springs CSA and one 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). Among School Board staff recommendations for the second five years (2012/13 - 2017/18) are four new elementary schools to be located in the Newberry, Northwest Gainesville, South Gainesville and Alachua CSAs, and an additional 80 student stations at JJ Finley (South Gainesville CSA). These recommendations, if implemented, comprise a financially feasible plan to meet the 100 percent LOS standard by 2011/12, which is the end of the first 5-year period. In order 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 are within Gainesville city limits) is recommended. Also recommended is incorporation of a proportionate share mitigation program as a component of the 5-year District Facilities Plan of the School Board.*

*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 through 2011/12) and the 10-year (2012/13 - 2017/18) Elementary School District Facilities Plans of the School Board.*

*Fiscal Note: None*

**RECOMMENDATION**

*Staff to City Commission: 1) Authorize staff to take school concurrency-related comprehensive plan amendments to the City Plan Board; and 2) remove this item from the referral list.*

*Community Development Committee to the City Commission: 1) Refer this item to the City Commission and authorize staff to take school concurrency-related comprehensive plan amendments to the City Plan Board; and 2) remove this item from the referral list.*

**Legislative History**

12/10/07	City Commission	Referred (5 - 0 - 2 Absent)	Community Development Committee
2/14/08	Community Development Committee	Approved as Recommended	

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**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA**

**CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION**

**CITY MANAGER**

**070985.**

**Presentation on Parks, Recreation and Cultural Affairs Department (NB)**

**This is a presentation to the City Commission on the Parks, Recreation and**



**Cultural Affairs Department including: 1) vision and goals, 2) recent accomplishments and 3) FY 2007/2008 reorganization.**

*Explanation: At the January 14, 2008 Commission meeting, the City Commission requested a presentation from the Parks, Recreation and Cultural Affairs Department providing an update on departmental activities including the reorganization implemented as a result of mandatory FY 08 budget cuts.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission hear a presentation from staff.*

*Alternative Recommendation: The City Commission refer this to the Recreation, Cultural Affairs and Public Works Committee for review.*

**GENERAL MANAGER FOR UTILITIES**

**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**

**070996.**

**Mayor Pegeen Hanrahan - One Stop Meeting (NB)**

**RECOMMENDATION**

*The City Commission schedule a special meeting*

regarding the One Stop Center on Tuesday, April 29, 2008 at 6:00 PM.

## COMMISSION COMMENTS (if time available)

## RECESS

## RECONVENE

## PLEDGE OF ALLEGIANCE (5:30pm)

## PROCLAMATIONS/SPECIAL RECOGNITIONS

### 070951.

#### **APWA National Accreditation Award to Public Works (NB)**

**This item involves presentation of the plaque by the American Public Works Association to the City of Gainesville, Florida, Department of Public Works, in recognition as an Accredited Public Works Agency.**

*Explanation: The Public Works Department established the goal of becoming a nationally accredited public works agency in 2003 and began the self assessment process, applying for accreditation in September 2004. The American Public Works Association conducted its site evaluation December 2-5, 2007, and full accreditation was awarded to Public Works on December 21, 2007, in recognition of conformance to the recommended management practices established by the Accreditation Council of the American Public Works Association. By awarding Accreditation, the Association recognizes agencies for their leadership in the field of public works and their dedication to continuous improvement in search of excellence in government service to the public.*

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

#### **RECOMMENDATION**

*Recommended Motion: The City Commission: 1) receive the plaque presented by Mr. Noel Thompson, President Elect, American Public Works Association, in recognition of the City of Gainesville Department of Public Works as an Accredited Public Works Agency.*

### 070989.

#### **Ambassador of Special Olympics (NB)**

#### **RECOMMENDATION**

*The City Commission recognize Mary Womble as Ambassador of Special Olympics for Alachua County.*

**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****061163.****EQUAL OPPORTUNITY POLICY REVISIONS (B)****Ordinance No. 0-07-98**

**An ordinance of the City of Gainesville, Florida, relating to Equal Opportunity; adopting the amended Policy Statement; adopting the amended Charter Officers' Duties Related to Equal Opportunity Policy; adopting the amended Discrimination, Harassment and Conduct Policy; adopting the amended Retaliation Policy; adopting the amended Disability Policy; adopting the amended Equal Employment Opportunity Policy; and adopting the amended Equal Opportunity Complaint Policy; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: The City's Equal Opportunity Policies were adopted by Ordinances 991374 and 000240 prior to the adoption of Charter provisions related to the Equal Opportunity Director. There are areas in the policies which have been superseded by the Charter or inconsistent with it. The EOC heard a presentation October 10, 2007, on the need to make EO policies consistent with the Charter. On January 17, 2008, the Committee discussed EO Policy 35 and its partial redundancy in relation to the Charter and other areas of EO policies. After those discussions the EO Committee referred EO Policy Revisions to the City Commission.*

*At its meeting on February 11, 2008, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance adopting the amended Equal Opportunity Policies, as recommended by the EOC, with one exception. The revised policies, with the change directed by the City Commission on February 11, 2008, are attached as Exhibits to this ordinance. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be March 24, 2008.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

6/26/07	Equal Opportunity Committee	Deferred
7/25/07	Equal Opportunity Committee	Deferred
8/15/07	Equal Opportunity Committee	Deferred

10/10/07	Equal Opportunity Committee	Referred	City Commission
2/11/08	City Commission	Approved as Amended (5 - 0 - 2 Absent)	
061163_20080211.pdf			
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**070622.****PLANNED DEVELOPMENT - ARCHER SQUARE (B)****Ordinance No. 0-07-114, Petition No. 97PDA-07PB**

**An Ordinance of the City of Gainesville, Florida; amending the Planned Development that was originally approved by Alachua County, formerly known as "Winn Dixie", located in the vicinity of 3501 Southwest Archer Road; adopting a new Development Plan and superseding the Development Plan approved by Alachua County, as more specifically provided in this ordinance; providing for the construction, use, and operation of a maximum 100,000 square-foot retail establishment to be known as the Archer Square Planned Development; adopting new development plan maps and a new planned development report; adopting new conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

*This is a request to amend the Old Archer Road Planned Development consisting of approximately 10.77 acres and located at 3501 Southwest Archer Road. The subject property commonly known as the "Winn Dixie" shopping center is owned by M & P Shopping Centers, LLC consisting of approximately 81,541 square foot shopping center was approved by the Alachua County Commission in 1977. The 10.77 acre PD site being presented to the City of Gainesville Plan Board and City Commission for amendment is a portion of a much larger 26 acre PD site originally known as Archer Square that was approved by the Alachua County Commissions in 1974 for a large shopping center that included a department store and grocery store as the main anchors (see exhibit - 1). Over the past (20-30) years the original 26 acre site has been split into numerous (8-10), smaller commercial parcels, all under separate ownership, with all but one or two retaining a PD zoning designation and Commercial land use.*

*The requested PD amendment is necessary to allow for the redevelopment of this site as a new stand-alone department store having a maximum of 100,000 square feet. The proposed improvements include the complete demolition of the existing 81,541 square foot Winn-Dixie shopping center and parking lot and the redevelopment of the site as a stand-alone department store with a newly redesigned parking lot, updated landscaping, stormwater areas, and enhanced open space. The redevelopment of this site will create a new presence on Southwest 34th Street and revitalize a struggling shopping center with vacant storefronts. The redevelopment of this existing commercial site with a new commercial project is compatible with the adjacent properties and current land uses.*

*The Plan Board reviewed the petition and recommends approval of the petition with staff conditions as modified.*

*Public notice was published in the Gainesville Sun on October 3, 2007. The Plan Board held a public hearing on October 18, 2007.*

*CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of November 19, 2007 authorized the city attorney's office to prepare and advertise the necessary ordinance amending the planned development on those certain lands within the city formerly known as "Winn Dixie" to a new planned development to be known as "Archer Square Planned Development".*

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

**Legislative History**

11/19/07      City Commission      Approved (Petition) as revised by the City Plan Board (7 - 0)

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070622B\_200711191800.pdf

070622C\_200711191800.pdf

070622D\_200711191800.pdf

070622\_200803101300.pdf

## **ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

### **070763.**

#### **PLANNED DEVELOPMENT AMENDMENT - MAGNOLIA PARKE PD (B)**

##### **Ordinance No. 0-08-02, Petition No. 128PDV-07PB**

**An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "Magnolia Parke PD", located in the vicinity of 4700 block of Northwest 39th Avenue; by amending City of Gainesville Ordinance Nos. 960941 and 991285 and extending the term of the final development order associated with this Magnolia Parke Planned Development; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF REPORT*

*The Magnolia Parke Planned Development expired on October 13, 2007. The developer is asking that the PD (Planned Development) remain valid for a period of 20 years from the adoption date of an ordinance allowing the PD to be re-established. The City adopted the PD by ordinance (Ordinance No. 960941) on October 13, 1997. Then, on September 11, 2000, the City adopted an ordinance (Ordinance No. 991285) that limited the validity of the PD to a period of 10 years from the adoption date of Ordinance No. 960941.*

*Magnolia Parke is a 33-acre mixed-use Planned Development located on the*

north side of Northwest 39th Avenue, between Northwest 43rd Street and Northwest 51st Street. The developer's request to re-establish the PD includes proposed modifications to the text of the above-referenced ordinances, but no modifications to the related PD Layout Plan Map.

Public notice was published in the Gainesville Sun on October 31, 2007. Letters were mailed to surrounding property owners on October 31, 2007.

The City Plan Board considered the above-referenced petition, at a public hearing held November 15, 2007. By a vote of 7-0, the City Plan Board approved Petition 128PDV-07PB with staff conditions and a five year extension approvable by the City Commission.

#### CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of January 14, 2008, authorized the city attorney's office to prepare and advertise the necessary ordinance amending the planned development known as "Magnolia Parke PD".

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

#### Legislative History

1/14/08	City Commission	Approved (Petition) with Staff Conditions (7 - 0)
2/25/08	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
		070763_200801141300.pdf
		070763_200802251300.pdf

#### 070776.

#### **AMENDMENT TO LAND DEVELOPMENT CODE - SIGN REGULATIONS (B)**

##### **Ordinance No. 0-07-87**

**An ordinance of the City of Gainesville, Florida, amending the Sign Regulations of the Land Development Code; amending § 30-315 by adding an objective; amending § 30-316 providing conditions when signs are allowed on public property and rights-of-way without a permit; amending prohibited signs and signs that are exempt; allowing signs on hospital grounds under certain conditions; allowing flags or insignia under certain conditions; allowing substitution of non-commercial messages for commercial messages; providing clarification; amending § 30-317 relating to regulations and conditions for temporary signs; amending § 30-318 by revising the conditions and restrictions relating to permanent identification signs and structures for non-residential uses in residential districts and adding regulations for flags and flagpoles; repealing § 30-319 relating to restrictions on political signs; repealing § 30-320 relating to time and temperature devices; amending § 30-322 providing when permits are required; amending § 30-323 by adopting procedures for the processing of permits and appeals; amending § 30-326 by authorizing the removal of**

**unauthorized signs in the right-of-way; adding section 30-327 relating to severability; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

*The sign code is being revised to comply with recent court rulings and to avoid any legal challenges. To review the code, staff hired a consultant attorney with expertise in this area of the law to review and propose revisions. The proposed revisions to the code did not change the size or height of the signs. The most significant changes are as follows:*

- 1. Businesses will be allowed to have a temporary sign during special sales and promotional events, where none were allowed before;*
- 2. Hospitals will be allowed to have additional signage for the identification of emergency room locations;*
- 3. Public and private development will be allowed to have decorative vertical pole banners; and*
- 4. Revisions that will regulate both public and private signs similarly on a content neutral basis.*

*The City Plan Board reviewed the proposed changes and recommended approval with a 6-1 vote. The Plan Board also recommended that the size of flags be limited. Some Board members were concerned that various commercial uses were using very large flags as signage, and that the size of a flag should be based on some standard. The consultant attorney provided staff with information about the "typical" size of flags based on the height of the flagpole from ushistory.org. This information is associated with the Independence Hall Association in Philadelphia and in particular the Betsy Ross house. Currently the code has no limitation on the size and number of government flags that can be displayed. Given the Plan Board's recommendation, staff used the information provided by the consultant to develop regulations governing the size of flags that can be displayed. Staff also considered limiting the number of flag poles to one pole in residential districts and 3 poles in non-residential districts. There are some non-residential businesses in town that display the American flag on every light pole in their parking lot, staff felt this was an excessive display. However, given that most people see flying the flag as an expression for free speech, staff decided not to propose this limitation.*

#### *CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of January 28, 2008, approved the Petition and authorized the City Attorney's Office to prepare the necessary ordinance amending the Land Development Code of the City of Gainesville.*

#### **RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

#### **Legislative History**

1/14/08	City Commission	Continued (Petition)
1/28/08	City Commission	Approved (Petition) (5 - 2)

2/25/08 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)  
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070776\_200802251300.pdf

## RESOLUTIONS- ROLL CALL REQUIRED

### 070986.

#### **Dedication of Loblolly Woods for the Use and Benefit of the General Public (B)**

**This item involves the approval of a Resolution, dedicating Loblolly Woods, to the public in perpetuity as an outdoor recreation area for the use and benefit of the general public.**

*Explanation: The City of Gainesville acquired the land; know as Loblolly Woods, totaling approximately 34.62 acres, in 1989, part by donation and part by acquisition. The land is a heavily vegetated low land containing Possum Creek and Hogtown Creek. A boardwalk was proposed to give the public access across the property and to view the property in its natural state. At the November 25, 2002 Commission meeting (File Number 020664), authorization was granted to proceed with the development of the boardwalk, known as the Hogtown Creek Greenway, Phase 1b. The boardwalk was completed by the end of 2006. Financial assistance was provided by the Florida Legislature, through the Department of Environmental Protection, under the grant program called the Florida Recreation Development Assistance Program for the construction of the boardwalk. A stipulation of the financial assistance is to dedicate the property to the public in perpetuity as an outdoor recreation area for the use and benefit of the general public.*

*Fiscal Note: None*

#### **RECOMMENDATION**

*Recommended Motion: The City Commission adopt the resolution dedicating Loblolly Woods to the public in perpetuity as an outdoor recreation area for the use and benefit of the general public, subject to approval by the City Attorney as to form and legality.*

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## PLAN BOARD PETITIONS

## DEVELOPMENT REVIEW BOARD PETITIONS

## SCHEDULED EVENING AGENDA ITEMS

## UNFINISHED BUSINESS

## COMMISSION COMMENT



**CITIZEN COMMENT (If time available)**

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