

City of Gainesville

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



Meeting Agenda

January 21, 2010

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER - 1:04 PM

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

090649.

Settlement of Worker's Compensation Claim - Juanita Fort (NB)

This item involves the full and final settlement of Juanita Fort's worker's compensation claim(s), which will include all future medical, indemnity and Medicare Set-Aside payments. The total settlement amount is \$107,168 and represents a significant cost advantage to the City.

Explanation: While employed by Facilities Maintenance, Mrs. Fort was involved in an accident involving her left hand and underwent several surgeries. Later she was diagnosed with bilateral carpal tunnel syndrome and has received several surgeries for this condition as well as treatment for the condition since that time. As a result of her injury and subsequent permanent work restrictions imposed by her treating physicians, Mrs. Fort was accepted as permanently and totally disabled.

Recently, the City, Mrs. Fort and her attorney agreed to the settlement of her worker's compensation claim contingent upon City Commission approval. The City Attorney's Office, the Risk Management Department, Special Counsel and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount, \$107,168, includes all attorney fees, future medical costs, past and future indemnity payments, taxable costs and Medicare Set-Aside payments.

Fiscal Note: The settlement of this case in the amount of \$107,168 will be paid by 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 Juanita Fort in the amount of \$107,168.

090664.**2011 Federal Legislative Agenda (B)**

Explanation: Annually, the City Commission adopts a Federal Legislative Agenda for presentation to the Alachua County Legislative Delegation. The legislative agenda is a compilation of the city's priority needs for the upcoming Congressional Session and provides delegation members with comprehensive information in order for them to focus their efforts on specific legislative priorities.

The 2011 agenda includes six projects. These projects are: Depot Park Development, Public Transportation Enhancement (Facility Expansion and Replacement Buses), Homeless Services, At-Risk Youth and Reichert House, and Paynes Prairie Sheetflow Restoration. Projects have been prioritized with assistance from the city's federal lobbyist. Additionally, information has been included regarding projects submitted by the City of Gainesville for funding through the Reauthorization of the SAFETEA-LU Transportation Infrastructure Funding Bill. A non-appropriation initiative is also included regarding the Cabot/Koppers Superfund site immediate measures and cleanup.

Fiscal Note: Requesting \$52,200,000 in federal funds. If funds are not received the City will rely on other sources including local support.

RECOMMENDATION

The City Commission approve the 2011 Federal Legislative Agenda.

090664_Federal Agenda_20100121.PDF

090669.**Federal LECFTF Funding for Black on Black Crime Task Force for the Reichert House Youth Academy To Purchase Music Production and Recording Equipment (B)**

Explanation: This request is for the Black on Black Crime Task Force for the specific use of buying music production and recording equipment for the Reichert House Youth Academy. The Gainesville Police Department will reimburse the Black on Black Crime Task Force up to \$6,000 for this equipment which will be used in music and recording production training for youth.

Fiscal Note: Funds in the amount of \$6,000 for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies". The balance in the account is \$1,903,103.20.

RECOMMENDATION

The City Commission approve the appropriation of the amount of \$6,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for music production and recording equipment for the Reichert House Program.

Alternative recommendation: The City Commission deny funding.

090669_EquipList_20100121.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**090694.****Utility Bill Presentment and Payment (B)**

Staff recommends awarding a contract to Total Billings, Inc. for utility bill rendering, printing, mailing, electronic presentment and payment.

Explanation: In 2005, GRU began replacing its Customer Information System (CIS). During this process, staff evaluated the possibility of outsourcing some portions of the billing system to reduce costs. As a result, the customer bill rendering process (formatting) was outsourced. The agreement included a disaster recovery option for bill printing as a backup to GRU's bill print operation.

To further reduce the billing process cost, GRU re-evaluated outsourcing the remaining billing processes, which includes bill printing, mailing, and miscellaneous customer correspondence. The estimated annual expense for this contract is \$325,000. Based on the staff analysis, outsourcing these services will result in a \$10,000 decrease per year compared to the existing billing process expense, and will also result in improved efficiencies and new options for customers. For example, customers would have the option of receiving an electronic bill rather than a mailed, paper bill.

Utilities Purchasing issued a Request for Proposals (RFP) to seventeen known companies that perform this type of service and posted the RFP to GRU's webpage. Eight firms submitted proposals, which were evaluated and scored based on understanding and approach, qualifications and experience, fees and expenses, references and Local Vendor status. Total Billings, Inc. submitted the best evaluated proposal. A tabulation of the evaluation is attached for your information.

Fiscal Note: Funds for this project are available in the FY 2010 budget and will be requested in subsequent fiscal year budgets.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a three-year contract with Total Billings, Inc. for utility bill rendering, printing, mailing, electronic bill presentment and payment, subject to approval of the City Attorney as to form and legality; and 2) approve

the issuance of purchase orders for these services in amounts not exceeding budgeted amounts for each year of the contract, subject to the final appropriation of funds for these services for each fiscal year.

90694_contract_20100121.pdf

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

090697.

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of January 7 & January 11 2010, as circulated.

090697_jan7reg_20090121.pdf

090697_jan11retreat_20090121.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

090509.

Maxine Bethea and Pastor Joseph Lewis Housing Complaint (B)

Explanation: At the October 15, 2009 City Commission Meeting Ms. Maxine Bethea and Pastor Joseph Lewis voiced complaints regarding the City's Housing Division. The City Commission referred the item to the Community Development Committee for discussion.

The Community Development Committee (CDC) met on November 16, 2009 and heard presentations from Ms. Maxine Bethea and Pastor Joseph Lewis, followed by presentations from Assistant City Manager Fred Murry and Housing & Community Development Manager Jackie Richardson. The CDC also heard from other citizens and reviewed the documentation regarding the rehabilitation of Ms. Bethea's home dating back to March 25, 1999.

At the November 16, 2009 CDC Meeting, the CDC unanimously voted to make a recommendation to the City Commission in support of the repairs recommended by staff outlined in the letter dated August 11, 2009, contingent upon the requirement that the applicant meet all legal requirements of the funding source for these repairs.

Fiscal Note: Funding in the amount of \$2,965 is available in the Community Development Block Grant Program (CDBG) from the Housing and Community Development Division's Housing Rehabilitation Program budget and will be contingent upon

the requirement that the applicant meet all legal requirements of the funding source for these repairs.

RECOMMENDATION

The Community Development Committee to the City Commission: 1) recommend to the City Commission the repairs recommended by staff outlined in Attachment 1, the letter dated August 11, 2009, contingent upon the requirement to follow all legal requirements of the funding source for these repairs; and 2) remove this item from the Community Development Committee referral list.

Legislative History

10/15/09	City Commission	Referred (7 - 0)	Community Development Committee
11/16/09	Community Development Committee	Approved as shown above (See Motion)	

090509_Project Timeline_20091116.pdf

090509_Attachments_20091116.pdf

090509_Photo PPT_20091116.pdf

090509_Letter_20100121.pdf

090509_Draft CDC Minutes_20100121.pdf

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****090693.****City Commission Special Meeting (NB)****RECOMMENDATION**

The City Commission schedule a joint meeting with the School Board of Alachua County, as needed, on or prior to February 10, 2010.

CITY MANAGER**090698.****Update on Strategic Initiative 7.1 - Monitor the Progress of the Clean-up of Cabot Carbon/Koppers Superfund Site (B)**

During the past few months, there has been a variety of actions that are related to Strategic Initiative 7.1. This item will provide and update of those actions, and possible modifications to the Strategic Initiative. This item will include briefings from Beazer East, Inc., and from EPA. Mayor Hanrahan and GRU staff will report on a recent meeting with the EPA Interim Regional Administrator.

Explanation: In December 2007, the City Commission first introduced a city-wide strategic initiative to protect the communities surrounding the Cabot/Koppers Superfund site and prevent contamination to the City's drinking water supply. Staff at Gainesville Regional Utilities (GRU) and General Government has been working closely with the EPA, Alachua County, the City Attorney's Office and community stakeholders to identify the environmental and community impacts, necessary legal action and a plan to clean-up and redevelop the site.

Significant progress has been made toward mitigating the negative impacts of the Cabot/Koppers Superfund site; therefore, the city-wide strategic initiative to, "Monitor the Progress of the Clean-up of Cabot Carbon/Koppers Superfund Site" needs to be modified to reflect the City's commitment and involvement in the process.

At a strategic planning workshop on January 11, 2010, the City Commission agreed to review and modify City Commission Strategic Initiative 7.1, "Monitor the Progress of the Clean-up of Cabot Carbon/Koppers Superfund Site", which is part of the Commission's goal to protect and sustain our natural environment and address future energy needs.

On December 22, 2009, Koppers, Inc. announced the proposed sale of its Gainesville facility located at 200 NW 23rd Avenue, to Beazer East, Inc. The sale is expected to be complete within 90 days. The City Commission is asked to hear a briefing from Beazer East, Inc. representatives on the status/operations at the existing site and future land use options for the site as part of this update. A public meeting with citizens and other interested parties is still in the works.

EPA will provide a brief update on the expected timeline for completion of the Record of Decision for cleaning up the site.

On January 6, 2010, City of Gainesville Mayor Pegeen Hanrahan and Gainesville Regional Utilities (GRU) Engineer Rick Hutton were invited to the United States Environmental Protection Agency (EPA) Regional headquarters to meet with EPA Interim Regional Administrator Stanley Meiburg and EPA staff to discuss the Cabot Carbon/Koppers Superfund Site. This invitation was extended to the Mayor prior to the City of Gainesville and Alachua County joint staff meeting with the EPA on November 23, 2009. The original meeting was scheduled for December 6, 2009, however the meeting had to be rescheduled due to a scheduling conflict. The City Commission is asked to hear a report from Mayor Hanrahan and Mr. Hutton on the meeting with the Interim EPA Director as part of this update.

Fiscal Note: None

RECOMMENDATION

The City Commission 1) receive a report from the Mayor and Rick Hutton, Supervising Engineer/GRU, on their recent meeting; 2) hear an update from Beazer East, Inc. on the future land use of the site; 3) hear a brief update from EPA; 4) discuss modifications to Strategic Initiative 7.1; and 5) refer the item to the Regional Utilities Committee.

090698_Strategic Initiative_20100121.pdf

090698_Ltr from Beazer_20100121.pdf

090698_Beazer PPT_20100121.pdf

090698_MOD EPA PPT_20100121.pdf

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GENERAL MANAGER FOR UTILITIES**090557.**

Awards and Recognition for Water Quality, Wastewater Management, Telecommunications, Solar Business Achievement, Climate Protection Initiatives and United Way Campaign (NB)

- * **SEPA (Solar Electric Power Association) Award for Solar Business Achievement in the area of Community Outreach and Public Awareness**
- * **Florida Water Environment Association William D. Hatfield Award**
- * **First Place in American Water Works Association Region XI Best Tasting Drinking Water Contest**
- * **FDEP (Florida Department of Environmental Protection) Plan Operations Excellence Award**
- * **Utilities Telecom Council "Apex Award"**
- * **ICLEI (International Council for Local Environmental Initiatives) Milestone Awards**
- * **APPA (American Public Power Association) Award of Continued Excellence**
- * **FMEA (Florida Municipal Electric Association) Community Service Award**
- * **Nomination for United Way's Inspiring Success Award**

Explanation: SEPA Award for Solar Business Achievement in the area of Community Outreach and Public Awareness - For raising awareness of its solar Feed-in Tariff, GRU was awarded the Solar Electric Power Association (SEPA) Award for Solar Business Achievement in the area of Community Outreach and Public Awareness. Executive Director of SEPA Julia Hamm applauded GRU's efforts to bring customers and the solar industry together in development of a city-wide PV system.

Florida Water Environment Association William D. Hatfield Award - Jamie Hope was nominated by his peers for this award recognizing outstanding performance and professionalism in wastewater treatment plant operations.

First Place in American Water Works Association Region XI Best Tasting Drinking Water Contest - Recognized in North Central Florida region

FDEP Plant Operations Excellence Award - The Kanapaha Water Reclamation Facility was recognized for demonstration of excellence in operation, maintenance and compliance; innovative treatment; waste reduction and pollution prevention; recycling; and other special achievements.

Utilities Telecom Council "Apex Award" - Presented to GRUCom, the Apex award recognizes utilities which do outstanding work in the field of telecommunications that benefit their community and citizens. GRUCom finished ahead of companies such as Austin Energy, Memphis Gas, Light & Water, and Progress Energy

ICLEI Milestone Awards - The City of Gainesville was recognized for its commitment to meeting specific criteria around the issues of climate protection and sustainable development. The award was received in front of an international gathering in Atlanta for accomplishing the first three of five milestones, which were: 1) conduct emissions inventory and forecast; 2) Set emissions reduction target; and 3) Develop local Climate Action Plan.

APPA Award of Continued Excellence - Demonstration of Energy-efficient Developments (DEED) program award recognizes the utility's long term commitment to energy innovation and its support of research and development projects aimed at improving efficiency and renewable resources for public power systems. "For almost 30 years, GRU has been an active member and supporter of DEED," said APPA President and CEO Mark Crisson. "It has been a pioneer in energy efficient developments, making notable strides in demand-side management, green energy and community partnership programs."

FMEA Community Service Award - In recognition of the outstanding programs and services provided to the community, and to the advancement of the goals and ideals of public power.

Nomination for United Way Inspiring Success Award - award goes to the organization with a campaign team that expresses their commitment to the United way's mission by rallying their peers with the most innovative and successful campaign.

Fiscal Note: There is no fiscal impact from this status report.

RECOMMENDATION

The Awards are hereby presented for acknowledgement by the Gainesville City Commission. The awards recognize the ongoing commitment exhibited by GRU, the City of Gainesville, their employees and the community in supporting innovation and excellence.

090695.

Manufactured Gas Plant (MGP) Remediation - Update (B)

Staff is providing an update on the GRU MGP Remediation. Phase 1 construction is currently underway by the remediation contractor Environmental Consulting & Technology (ECT). Phase 1 remediation work began in July 2009 and is scheduled to be substantially complete by June 2010. Phase 2 work is scheduled to begin this month and to be substantially complete by September 2010.

Explanation: In 1990, GRU purchased the assets and liabilities of former Gainesville Gas Company (GGC). In 1992, a FDEP Consent Order was issued to the City to investigate and remediate the environmental impacts attributable to the Manufactured Gas Plant formerly operated by GGC. At this time GRU has executed a contract with ECT as the specified source contractor and construction is underway.

On July 1, 2009, GRU issued a Limited Notice to Proceed (NTP) to ECT to begin work on the associated stormwater piping and structures in the non-FDEP funded areas of the site. At that time work in the remaining areas was on hold pending FDEP approval of Petroleum Cleanup Preapproval Program funding. FDEP was subsequently secured, and on September 21, 2009 GRU issued the full NTP to ECT for Phase 1 of the remediation.

Phase 1 construction is well underway; a total of over 11,000 tons of contaminated material have already been removed from the site. Phase 1 construction is now scheduled to be substantially complete in June 2010, which is about 60 days behind the initial schedule. This is primarily due to delays encountered in the sheet piling installation and to the start-up of the dewatering water treatment system.

Phase 2 of the remediation is located immediately adjacent and to the south of the Phase 1 area. Construction in the Phase 2 area is scheduled to begin this month, and to be complete by August 2010. Although the estimated volume of contaminated soil in the Phase 2 area is approximately double that of Phase 1, earlier studies showed that the contamination is located much closer to the surface and should therefore be easier to access and remove.

Fiscal Note: As reported at the January 15, 2009 Commission Meeting, Phase 1 of the remediation project is funded jointly by the GRU-Gas Utility and by the FDEP's Petroleum Cleanup Preapproval Program and Phase 2 is funded solely by GRU. The current estimated project construction cost for Phase 1 and Phase 2 of the remediation is about \$14.4M, with FDEP funding approximately \$3.1M and GRU about \$11.3M. In addition, GRU is funding the independent perimeter ambient air monitoring and construction oversight costs of about \$1.1M. GRU's portion of the costs will be funded through the Cost Recovery Factor charged to all Gas System customers.

RECOMMENDATION

The City Commission receive a presentation from GRU Staff on recent progress and a schedule update on the MGP Remediation project at Depot Park.

090695_Update_20100121.pdf

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 4:01 PM

RECONVENE - 5:45 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

090682.

Eleanor Blair Day - January 21, 2010 (B)

RECOMMENDATION

*Gainesville Alachua County Cultural Affairs Board
Chair Sheldon Packer and Eleanor Blair to accept the
proclamation.*

090682_Eleanor_20100121.pdf

090683.

N'Kwanda Jah Day - January 21, 2010 (B)

RECOMMENDATION

*Gainesville Alachua County Cultural Affairs Board
Chair Sheldon Packer and N'Kwanda Jah to accept the
proclamation.*

090683_NKwanda_20100121.pdf

090684.

**Michael Blachly and the University of Florida Performing Arts Day -
January 21, 2010 (B)**

RECOMMENDATION

*Gainesville Alachua County Cultural Affairs Board
Chair Sheldon Packer and University of Florida
Performing Arts Director Michael Blachly to accept
the proclamation.*

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

090677.

**INDUSTRIAL DEVELOPMENT BONDS - GOODWILL INDUSTRIES
OF NORTH FLORIDA, INC. (B)**

**A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF
GAINESVILLE, FLORIDA TO ISSUE INDUSTRIAL DEVELOPMENT
REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT
EXCEEDING \$4,800,000 FOR THE PURPOSE OF REFUNDING THE
JACKSONVILLE ECONOMIC DEVELOPMENT COMMISSION'S
OUTSTANDING VARIABLE/FIXED RATE DEMAND REVENUE
BONDS (GOODWILL INDUSTRIES OF NORTH FLORIDA, INC.
PROJECT) SERIES 2003 AND LOANING FUNDS TO GOODWILL
INDUSTRIES OF NORTH FLORIDA, INC. OR ITS SUCCESSORS OR
ASSIGNS FOR THE FINANCING AND REFINANCING OF THE
ACQUISITION, CONSTRUCTION AND EQUIPPING OF SOCIAL
SERVICE CENTER FACILITIES IN GAINESVILLE, FLORIDA,
JACKSONVILLE, FLORIDA AND FLAGLER COUNTY, FLORIDA;
AUTHORIZING THE EXECUTION OF A MEMORANDUM OF
AGREEMENT PERTAINING TO THE ISSUANCE OF SUCH BONDS;
AUTHORIZING THE EXECUTION OF INTERLOCAL AGREEMENTS
WITH THE CITY OF JACKSONVILLE, FLORIDA AND FLAGLER
COUNTY, FLORIDA; AND PROVIDING CERTAIN OTHER DETAILS
WITH RESPECT THERETO.**

Explanation: This Resolution provides preliminary approval of the issuance of Industrial Development Revenue Bonds (Goodwill Industries of North Florida, Inc. Project) (the "2010 Bonds"), in a principal amount not exceeding \$4,800,000, for the purpose of making a loan of funds to Goodwill Industries of North Florida, Inc. (the "Borrower") in order to refinance certain obligations of the Borrower and thereby currently refund the Jacksonville Economic Development Commission Variable/Fixed Rate Demand Revenue Bonds (Goodwill Industries of North Florida, Inc. Projects) Series 2003, and to finance improvements to social service centers of the Borrower in Gainesville and in Duval County, Florida. The 2010 Bonds shall not constitute a debt, liability of obligation of the City of Gainesville, Florida or the State of Florida or any political subdivision thereof, but shall be payable solely from the amounts paid by the

Borrower to the City under the terms of a loan agreement between the City and the Borrower. This Resolution approves (i) the holding of a public hearing regarding the issuance of the bonds and the facilities being financed or refinanced, (ii) the form of a Memorandum of Agreement between the Borrower and the City and the execution and delivery thereof, (iii) the form of an Interlocal Agreement between the City and Flagler County, Florida and the execution and delivery thereof, and (iv) the form of an Interlocal Agreement between the City and the City of Jacksonville, Florida and the execution and delivery thereof.

The bonds issued by the Jacksonville Economic Development Commission financed the main facility of the Borrower in Gainesville on S.W. 34th Street, and the proposed bonds would both refinance the Jacksonville Economic Development Commission bonds (and thus refinance that facility in Gainesville) and would also finance improvements to, or equipping of, that facility and another Goodwill facility on N.W. 13th Street. The issuance by the City of these bonds, utilizing Interlocal Agreements with the City of Jacksonville and Flagler County, permits the Borrower to use just one bond issue that finances and refinances projects in three counties, rather than using three separate bond issues, each financing facilities in the particular locale. This will result in substantial savings to the Borrower in terms of costs of issuance of the bonds, thereby permitting the Borrower to apply those funds to carry out its mission of enhancing the dignity and quality of life of individuals, families and communities by eliminating barriers of opportunity and helping people in need reach their fullest potential through the power of work.

This matter has been reviewed by the City Manager who also recommends the adoption of this Resolution and issuance of the 2010 Bonds.

Attachments: 2003 Project Description, 2010 Project Description, Forms of Interlocal Agreements, Form of Memorandum of Agreement.

FISCAL IMPACT: All costs and expenses associated with the issuance of these bonds will be paid by the Borrower, Goodwill Industries of North Florida, Inc.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

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090677_agreement_20100121.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

090340.

REZONING - 1500 NORTHWEST 45TH AVENUE (B)

Ordinance No. 0-09-59, Petition No. PZ-09-60ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the City of Gainesville zoning categories of "BUS: General business district"; "RSF-1: 3.5 units/acre single-family residential district"; "RMF-5: 12 units/acre single-family/multiple-family residential district"; and "RMF-6: 8-15 units/acre multiple-family residential district" to "CON: Conservation district"; consisting of approximately 61.6 acres; located in the vicinity of 1500 Northwest 45th Avenue;

providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This is a quasi-judicial item. The subject property is approximately 61.6 acres and includes the two tax parcels. Tax parcel 07883-010-005 is approximately 61.24 acres in size, but only 52.44 acres are part of this petition. The remaining acreage is part of two related petitions (PZ-09-61 LUC and PZ-09-62 ZON) to change land use and zoning to Recreation and PS (Public services and operations district). The vacant parcel of approximately 52.44 acres is located roughly north of N.W. 45th Avenue, east of N.W. 19th Street, south of N.W. 53rd Avenue and the Home Depot store at 5150 N.W. 13th Street, and west of the commercial parcels that front on N.W. 13th Street. Tax parcel 07883-010-004 is approximately 9.16 acres and lies southeast of the Home Depot store on N.W. 13th Street. It is currently vacant but was once part of a mobile home dealership.

The City of Gainesville purchased the subject property in 2008 with the help of the Florida Communities Trust, a division of the Department of Community Affairs (DCA). In accordance with the grant award agreement between the City and the DCA, the City has agreed to develop the property as the Hogtown Creek Headwaters Nature Park. The area will contain nature trails and boardwalks and will be managed to protect and restore the natural resources on the site, including three branches of the Hogtown Creek that flow through the subject property.

In accordance with Objective 1.1 of the Conservation Element of the City's Comprehensive Plan, this property was identified as environmentally significant and steps were taken to acquire the property. On the west and the south sides of the property, adjacent property can be characterized as low-density single-family residential use. Split-zoned properties to the east ensure residential or conservation land uses adjacent to the subject property up to the motorcycle dealership property. On the north, the Home Depot store was built under the current wetland buffer requirements, and with the knowledge that a park would likely be developed on the subject property, thus minimizing potential compatibility problems.

The proposed CON zoning is compatible with the surrounding land uses. The proposed zoning change will facilitate appropriate development of this property as a nature park (with some active recreation and educational amenities occurring on the contiguous proposed Recreation and PS zoned area of approximately 8.8 acres).

Planning Division staff recommended approval of Petition PZ-09-60 ZON.

The City Plan Board reviewed the petition and recommended approval, Plan Board vote 4-0.

Public notice was published in the Gainesville Sun on June 9, 2009. The Plan Board held a public hearing on June 25, 2009.

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

12/17/09 City Commission Continued (1st Reading) (6 - 0 - 1 Absent)

090340_draft ordinance_20091217.pdf

090340_staff report_20100121.pdf

090340A_maps__aerial_existing&proposed zoning_20100121.pdf

090340B_pet appl_neighbrhd workshop info_20100121.pdf

090340C_cpb minutes_20100121.pdf

090340D_staff ppt_20100121.PDF

090340_ordinance_20100204.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**090528.****URBAN SERVICES REPORT – TOWER CENTER (B)****Ordinance No. 0-09-74**

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcel Numbers 06654-003-000 and 06654-003-001, generally located south of the vicinity of Newberry Road, west of Interstate 75 and the City limits, north of West University Avenue, and east of Tower Road; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date. (B)

Explanation: The Alachua County Boundary Adjustment Act requires a municipality to prepare and adopt by nonemergency ordinance a report setting forth plans to provide urban services to any reserve area to be annexed prior to commencing the annexation procedures under the Act.

The report must generally include the following information:

1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;

2) a statement indicating to what extent services to existing residents would need to be reduced within the next five years because of the annexation; to what extent taxes would need to be adjusted within the next five years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;

3) a statement setting forth the plans of the City for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:

a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.

b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.

c) if extensions of major trunk water mains and sewer mains into the area to be annexed are necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

d) set forth the method under which the City plans to finance extension of services into the area to be annexed.

If adopted on first reading, this Ordinance shall be heard on second reading on January 21, 2010. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/19/09 City Commission Approved as Recommended (6 - 0 - 1 Absent)
1/7/10 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

090528_Annexation Petition_20091119.pdf
090528_Tower Center USR_20100107.pdf
090528_ordinance_20100121.pdf

090119.

**MINIMUM SECURITY AND SAFETY STANDARDS FOR
CONVENIENCE BUSINESSES (B)**

Ordinance 0-09-73

An ordinance of the City of Gainesville, Florida, creating a new Article VII of Chapter 14.5 of the Code of Ordinances, relating to Miscellaneous Business Regulations; requiring minimum security and safety standards for convenience businesses as defined in this ordinance; providing penalties; amending section 2-339 of the Code of Ordinances to permit enforcement by civil citation; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: At its November 19, 2009 meeting, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance

that mirrors state law and allows the City to enforce violations as set forth in the ordinance.

This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be January 21, 2010.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

6/4/09	City Commission	Referred (7 - 0)	Public Safety Committee
7/8/09	Public Safety Committee	Discussed	
10/12/09	Public Safety Committee	Discussed	
11/19/09	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
1/7/10	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)	

090119_LtrtoConventStores_20091012.pdf

090119_Draft Ordinance_010710.pdf

090119_ordinance_20100121.pdf

PLAN BOARD PETITIONS

090650.

Southwest Annexation Large-Scale Land Use Amendment (B)

Petition PZ-09-145LUC. City of Gainesville. Southwest Annexation Land Use Changes. Amend the City of Gainesville 2000-2010 Future Land Use Map for annexed areas from multiple Alachua County land use designations (Low Density Residential (1-4 DU/acre); Medium Density Residential (4-8 DU/acre); Medium High Density Residential (8-14 DU/acre); High Density Residential (14-24 DU/acre); Recreation; Commercial; Tourist/Entertainment; Institutional; and Industrial/ Manufacturing) to multiple City of Gainesville land use designations (Residential Low-Density (up to 12 units per acre); Residential Medium-Density (8-30 units per acre); Residential High-Density (8-100 units per acre); Mixed-Use Medium-Intensity (12-30 units per acre); Urban Mixed-Use 1 (UMU-1: up to 75 units per acre); Commercial; Conservation; Public Facilities; and Business Industrial). Located in the vicinity of Southwest 20th Avenue and Southwest Archer Road, east of Interstate 75 and west of SW 34th Street; and consisting of approximately 690 acres. Related to PB-09-146 ZON.

Explanation: This petition is a large-scale land use amendment to change Future Land Use categories in a large area of southwest Gainesville. The subject area represents lands annexed by the City in ten separate annexations between 2005 and 2008, located in the vicinity of SW 20th Avenue south to Archer Road. The two largest annexations are the SW 20th Avenue annexation and the Butler Plaza annexation (but this petition excludes those parcels that are part of the Butler Plaza Planned Development).

This petition accomplishes two goals: first, it proposes City land use designations to annexed lands that currently have County designations; and second, it represents the first step in implementation of the Urban Village, adopted by the MTPO in April 2008. Staff selected two of the highest density residential and mixed-use categories available in the current comprehensive plan in order to follow the recommendation of the MTPO: Urban Mixed-Use 1 land use along the SW 34th Street and SW 38th Terrace corridors, and Residential High-Density land use for the primarily residential areas along SW 20th Avenue, SW 24th Avenue, SW 43rd Street, and Windmeadows Boulevard.

Conservation land use is proposed for the northern portion of the subject area. This area includes Hogtown Creek, wetlands, and the ten-year flood channel. It is largely forested and undeveloped, with the exception of one residence accessed from the neighborhood to the north.

The lands adjacent to the interstate along the southern portion of SW 43rd Street were deemed appropriate for Business Industrial. This land use category is intended for office, business, commercial, and industrial uses, which largely reflects the existing uses found in this area.

For the remainder of the annexation areas, staff selected the land use category deemed most appropriate to reflect existing and surrounding land uses. These include a range of residential densities, mixed-use, commercial, and public facilities.

Public notice was published in the Gainesville Sun on November 10, 2009. The Plan Board held a public hearing on December 7, 2009.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission- The City Commission approve Petition PZ-09-145LUC with the proposed changes from RH to UMU-1 as suggested by Mr. Dedenbach and agreed upon by staff, and with the additional direction that staff prepare text changes to the comprehensive plan directing preparation of a special area plan that implements the MTPO's direction for the urban village area. The Plan Board voted 5-1.

Staff to City Commission - The City Commission approve Petition PZ-09-145LUC as recommended by the City Plan Board.

Staff to City Plan Board - Approve Petition PZ-09-145LUC.

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 090650A_map_ aerial view-20100121.PDF
 090650B_map_existing land use;existing zoning_20100121.PDF
 090650C_map_proposed land use_proposed zoning_20100121.PDF
 090650D_Map_annexations_20100121.PDF
 090650E_environmental features_20100121.PDF
 090650F_Map_MTPO_20100121.PDF
 090650G_cpb minutes_20100121.pdf
 090650H_staff ppt_20100121.PDF

090651.

Southwest Annexation Rezoning (B)

Petition PZ-09-146ZON. City of Gainesville. Southwest Annexation Rezonings. Rezone the annexed lands from multiple Alachua County zoning districts (Agricultural (A); Single family, low density (R-1a); Single family, low density (R-1c); Multiple family, medium density (R-2); Multiple family, medium-high density (R-2a); Multiple family, high density (R-3); Business and professional (BP); Retail sales and services (BR); Highway oriented business services (BH); Automotive oriented business (BA); Industrial services and manufacturing (MS and MP); Planned development (PD); Manufactured mobile home park (RM); Residential professional (RP); and Conservation (C-1)) to multiple City of Gainesville zoning districts (RMF-5:12 units/acre single-family/multiple-family residential; RMF-8: 8-30 units/acre multiple-family residential; RH-2: 8-100 units/acre residential high density; BUS: General business; MU-2: 12-30 units/acre mixed use medium intensity; UMU-1: Up to 75 units/acre urban mixed-use; BI: Business industrial; CON: Conservation; PS: Public services and operations; and PD: Planned Development). Located in the vicinity of Southwest 20th Avenue and Southwest Archer Road, east of Interstate 75 and west of SW 34th Street; and consisting of approximately 690 acres. Related to PB-09-145 LUC.

Explanation: This petition requests the rezoning of a large area of southwest Gainesville. The subject area represents lands annexed by the City in ten separate annexations between 2005 and 2008, located in the vicinity of SW 20th Avenue south to Archer Road. The two largest annexations are the SW 20th Avenue annexation and the Butler Plaza annexation (but this petition excludes those parcels that are part of the Butler Plaza Planned Development).

This petition accomplishes two goals: first, it proposes City zoning designations to annexed lands that currently have County designations; and second, it represents the first step in implementation of the Urban Village, adopted by the MTPO in April 2008. Staff selected two of the highest density residential and mixed-use zoning districts available in the current land development regulations in order to follow the recommendation of the MTPO: UMU-1 zoning along the SW 34th Street and SW 38th Terrace corridors, and RH-2 zoning for the primarily residential areas along SW 20th Avenue, SW 24th Avenue, SW 43rd Street, and Windmeadows Boulevard.

Conservation zoning is proposed for the northern portion of the subject area.

This area includes Hogtown Creek, wetlands, and the ten-year flood channel. It is largely forested and undeveloped, with the exception of one residence accessed from the neighborhood to the north.

The lands adjacent to the interstate along the southern portion of SW 43rd Street were deemed appropriate for Business Industrial zoning. This district is intended for office, business, commercial, and industrial uses, which largely reflects the existing uses found in this area.

For the remainder of the annexation areas, staff selected the zoning category deemed most appropriate to reflect existing and surrounding land uses. These include a range of residential densities, mixed-use, commercial, planned developments, and public facilities.

Public notice was published in the Gainesville Sun on November 10, 2009. The Plan Board held a public hearing on December 7, 2009.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PZ-09-146ZON with the proposed changes from RH-2 to UMU-1 as discussed during the hearing, and find that it is consistent with the Comprehensive Plan and the land development regulations. The Plan Board voted 6-0.

Staff to City Commission - The City Commission approve Petition PZ-09-146ZON as recommended by the City Plan Board.

Staff to City Plan Board - Approve Petition PZ-09-146ZON.

090651_staff report_20100121.pdf
 090651A_cpb minutes_20100121.pdf
 090651B_staff ppt_20100121.PDF
 090651_petition_20100121.pdf

090643.

Sexually Oriented Businesses (B)

Petition PB-09-124 TCH. City of Gainesville. Amend the Land Development Code by revising the definitions, criteria and standards for regulating sexually oriented businesses, distinguishing between retail and entertainment type uses, allowing retail uses in the BT (Tourist-oriented business district), BUS (General business district) and I-2 (General industrial district), and allowing entertainment type uses in the BT (Tourist-oriented business district) and I-2 (General industrial district).

Explanation: The purpose of this petition is to address potential legal issues related to how the City allows adult and sexually oriented businesses. The City's current regulations only allow such business/entertainment type uses in the BT

(Tourist-oriented business district). There are only a few sites available within the BT zoning district for such uses.

Based on concerns expressed by legal staff the City Commission authorized city staff to hire a consultant to review the City's land development regulations related to this issue. In 2008 the City of Gainesville retained Duncan Associates to assist in updating the portions of its zoning ordinance that deal with sexually oriented businesses, or adult entertainment. The courts and the consultant agree that local governments can legitimately regulate sexually oriented businesses differently from businesses that are otherwise similar if the purpose of the regulations is to reduce "negative secondary effects" of such businesses. Measurable secondary effects frequently associated with sexually oriented businesses are reductions in market values of residential and, in some cases, commercial property, as well as increases in certain types of crime. Both types of secondary effects diminish with distance. To minimize these secondary effects, local governments typically limit sexually oriented businesses to specific industrial or commercial zoning districts and then impose additional separation or setback distances between any sex business and such sensitive uses as residential neighborhoods, places of religious assembly and schools. One of the challenges that local governments face in developing such regulations is that the desire to separate sex businesses from these other uses must be balanced with what the courts have held to be a "reasonable opportunity" for such businesses to locate in a community. The courts have made it clear that such a "reasonable opportunity" must be based on zoning by right or something very similar and not through a process that requires issuance of a special use permit, rezoning or other discretionary decision.

One of the most difficult parts of the "reasonable opportunity" principle is to determine how much land area or how many sites a community must provide for a "reasonable opportunity." In First Amendment terms, the issue is typically addressed as one of providing adequate "alternate avenues" for the communication of the lawful speech that is restricted through the zoning or other ordinances. The consultant has made specific recommendations for amending the zoning provisions of Gainesville's Land Development Code to provide "adequate alternative avenues" for businesses protected by the First Amendment, including design standards, separation requirements and other provisions to limit the potential negative secondary effects of such businesses on the community.

Compatibility was the major factor considered when determining where to allow sexually oriented businesses to locate. The focus of the compatibility analysis was to restrict the use in areas where the "negative secondary effects" of such businesses, would have the most impacts. Those areas include residential areas, public and private schools locations, and parks and recreational areas. Given that a majority of the land area in Gainesville is designated for residential and educational uses, and the overall distribution of other land uses, the City is limited in where we can allow such uses. Areas designated with mixed use type land use designations were eliminated because those areas would allow residential development and are more pedestrian oriented. Business Automotive and Limited Industrial areas were also

eliminated due to the close proximity of these areas to residential development and their location along major roadways such as 13th Street and Main Street. The BT, BUS and I-2 districts were chosen because they provided the best opportunity with the least amount of negative impact on the overall community. These districts are also more automotive oriented than the mixed use type pedestrian areas, and automotive oriented areas appear to be better suited for these types of uses.

The Plan Board reviewed the petition and recommends approval, with several modifications and recommendations. Plan Board voted 7-0 to approve the petition.

Public notice was published in the Gainesville Sun on October 14, 2009. The Plan Board held a public hearing on October 28, 2009.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 124TCH-09PB.

Staff to City Commission - The City Commission approve Petition 124TCH-09PB with Plan Board recommendations and modification.

Staff to City Plan Board - Approve Petition 124TCH-09PB.

090643_cpb recommendation_20100121.pdf
090643A_cpb minutes_20100121.pdf
090643B_staff report_20100121.pdf
090643C_zoning recommend_20100121.pdf
090643D_findings & recommend revision_20100121.pdf
090643E_BUS & BT 1000 ft-eligible parcels_20100121.pdf
090643F_I2-1000 ft-eligible parcel_20100121.pdf
090643G_case law 5-1_20100121.pdf
090643H_case law 5-2_20100121.pdf
090643I_case law 5-3_20100121.pdf
090643J_case law 5-4_20100121.pdf
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DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT

ADJOURNMENT - 10:00 PM