

# **City of Gainesville**

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



## **Meeting Agenda**

**November 26, 2007**

**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 - 1:07 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****070629.****2002/2008 NW 3rd Avenue Project - Status Report (B)**

**This item seeks to provide a status report to the City Commission on the project currently being constructed at 2002/2008 NW 3rd Avenue and recommends referral of the matter to the Community Development Committee.**

*Explanation: On October 19, 2007, the Planning and Development Services Department provided the City Commission with a memo explaining the sequencing of events surrounding approval of the project currently under construction at 2002/2008 NW 3rd Avenue. This was done in order to inform the City Commission regarding the project as staff has been contacted by several concerned neighbors in the area.*

*In addition, it was recommended that this matter be referred to the Community Development Committee for project review and also to consider potential remedies to project concerns in the context of the staff review process and potential revisions to the Land Development Code.*

*Fiscal Note: No fiscal impact.*

**RECOMMENDATION**

*The City Commission: 1) refer review of the project and issues regarding remedial action to the Community Development Committee.*

**070663.****Application for Disability Retirement for Darryl Lindsey (B)**

**Retirement application for Darryl Lindsey, Power Plant Mechanic, with Gainesville Regional Utilities - Deerhaven Power Plant for 9.75 years who has been under the care of a physician for medical reasons.**

*Explanation: A meeting of the Disability Review Committee was conducted on Monday, November 05, 2007 to review the application for disability retirement for Darryl Lindsey. In reviewing the application and supporting information from his physician, it is the recommendation of the Disability Review Committee that the City Commission approve the application.*

*Darryl Lindsey, Power Plant Mechanic with Gainesville Regional Utilities - Deerhaven Power Plant for 9.75 years has been under the care of a physician for medical reasons. Information provided to the Committee from his physician and from the City of Gainesville's Third Party Administrator Health, Direct Inc., states that Mr. Lindsey is totally disabled and wholly and continuously unable to perform any and every duty of his employment or of a position to which he may be assigned.*

*Fiscal Note: The current monthly salary, final average earnings of the employee's 36 highest consecutive months of earnings, and the estimated benefit for this employee has been determined to be: current monthly salary - \$4,493.58; final average monthly earnings - \$4,851.86; final monthly benefit - \$1,940.74. (The final monthly benefit is without Social Security offset. If awarded, these offsets would be determined at a later date.) These benefits shall become effective upon the City Commission's approval or at such time Mr. Lindsey exhausts all of his sick leave and would be paid from the Disability Pension Fund.*

**RECOMMENDATION**

*The City Commission approve the submitted application for disability retirement for Darryl Lindsey, Power Plant Mechanic with Gainesville Regional Utilities - Deerhaven Power Plant.*

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**070664.****Application for Disability Retirement for Warndella Johnson (B)**

**Retirement application for Warndella Johnson, Transit Operation with Regional Transit System, for 5.083 years who has been under the care of a physician for medical reasons.**

*Explanation: The applicant, Warndella Johnson, received notification on November 13, 2006, that her position as a Transit Operator could no longer be held open past November 21, 2006 due to the exhaustion of her FMLA leave and that she should make inquiries into any post-employment benefits that may be available. On December 1, 2006, Ms. Johnson applied for disability retirement. All information was forwarded to the City of Gainesville's Third Party Administrator for Disability Pension Review. On Friday, April 6, 2007 and*

again on Monday, November 05, 2007, the Disability Review Committee met to review the application.

The Disability Review Committee reviewed the application and Clinical Assessment of the Third Party Administrator. The Committee agreed with the findings of the Third Party Administrator that there was insufficient medical evidence to support total and permanent disability with or without a reasonable accommodation.

The Disability Review Committee determined that Ms. Johnson was not eligible for a disability benefit and is recommending denial of the application for disability benefits.

*Fiscal Note:* There would be no fiscal impact since no benefit is payable under the recommendation of the Disability Review Committee.

If Ms. Johnson were to be awarded a disability benefit, final monthly benefit would be approximately \$951.56 (without Social Security offset), and would be paid from the Disability Pension Fund. If awarded, any offsets generated by Social Security would be applied at a later date.

**RECOMMENDATION**            *The City Commission deny the submitted application for disability retirement for Warndella Johnson, Transit Operator with Regional Transit System.*

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## **070687.**

### **Property Tax Reform Amendment Public Education Program (B)**

**At the direction of the City Commission, the City of Gainesville Communications and Marketing Office will coordinate and distribute a property tax reform proposed constitutional amendment public education materials as a source of information for the citizens of Gainesville.**

*Explanation:* On October 29, 2007, the Florida Legislature passed Senate Joint Resolution (SJR) 2D. SJR2D places a proposed constitutional amendment to reform the State of Florida's property tax system on the January 29, 2008 Presidential Primary ballot. The proposed amendment seeks to accomplish the following:

- 1) Place an additional \$25,000 homestead exemption for assessed values between \$50,000 - \$75,000;
- 2) Allow homesteaded property owner to take up to \$500,000 of their Save Our Homes benefit to a new homestead within two years of giving up their previous homestead; and
- 3) Provide a \$25,000 exemption on tangible personal property and place a 10% assessment cap on non-homesteaded property.

*The City of Gainesville Communications and Marketing Office proposes to coordinate and distribute information to provide citizens with pertinent facts*

regarding the property tax reform proposed constitutional amendment. The public information program will dispense information via the City's publicly accessible website, Channel 12, and an op-ed piece for the print media. By providing factual information, the public information program will seek to accomplish the following:

- 1) Outline the provisions included in the proposed constitutional amendment and provide examples as to how the provisions will affect the average homeowner in the City of Gainesville. The median home value will be used to illustrate the additional \$25,000 homestead exemption and portability;
- 2) Provide basic information showing how the City of Gainesville budgets ad valorem revenue and information that reflects the potential impact of an approximate \$3.1 million or 14 percent decrease in current ad valorem revenue; and
- 3) Provide a brief overview of how the City managed the statutory rollback mandated by the Florida Legislature which affected the FY2008 budget.

A May 2007 letter written to Senator Oelrich from Mayor Hanrahan expressing the Commission's stance on property tax reform and a resolution approved by the Florida League of Cities outlining the League's position are included as backup.

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: approve the proposed information program outlined above and direct staff to begin the program immediately.*

*Alternative Recommendation A*

*The City Commission: 1) review and discuss a public education program regarding the property tax reform proposed constitutional amendment; 2) provide direction to staff as to what should be included in the program; and 3) direct staff to begin the revised public education Program immediately.*

*Alternative Recommendation B*

*The City Commission: deny staff's request to develop and promote a public education program regarding the property tax reform proposed constitutional amendment.*

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**070702.**

**Withdraw Petition 42ZON-06PB (NB)**

**Petition 42ZON-06PB City of Gainesville, to overlay the Significant Ecological Communities District on property zoned AGR(Agriculture**

district), I-1 (Limited industrial district) and I-2 (General industrial district) and RSF-1 (3.5 unit/acre single-family residential district) on approximately 787 acres. Generally located at 1300 and 920 Northwest 53rd Avenue, 4555 Northwest 6th Street, 5300 North Main Street, and 3464 Northwest 21st Place.

*Explanation:* The Gainesville City Commission held a formal quasi-judicial hearing beginning on June 25, 2007, and such hearing was continued and concluded on August 23, 2007, on Petition 42ZON-06 PB filed by the City of Gainesville (petitioner). The Petition sought to overlay the Significant Ecological Communities District on approximately 787 acres of property zoned AGR (Agriculture district), I-1 (Limited industrial district), I-2 (General industrial district), and RSF-1 (3.5 units/acre single-family residential district). The properties that were the subject of the Petition are generally located at 1300 and 920 Northwest 53rd Avenue, 4555 Northwest 6th Street, 5300 North Main Street, and 3464 Northwest 21st Place in Gainesville, Florida.

On September 13, 2007, the City Commission entered an Order approving Petition 42ZON-06 PB. In the Order, the City Commission concluded that it was appropriate to include the following parcels in the Significant Ecological Communities District: 07877-001-004; 07966-010-000; 07877-000-000; 07966-010-002; 08159-000-000; and 07965-002-000.

In a related agenda item, the City Attorney has recommended the City Commission set aside the Order. After further review, it was determined that the petition should be withdrawn to allow city staff to re-examine the criteria used to evaluate parcels for inclusion in the Significant Ecological Communities Overlay District and if appropriate, initiate a new petition.

*Fiscal Note:* None

**RECOMMENDATION**

City Staff to the City Commission - Approve the Withdrawal of Petition 42ZON-06 PB

## GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

**070680.**

**Amendment to Agreement for Security Guard Services at GRU Facilities (NB)**

**Staff recommends extending the term of the contract with Fox Protective Services for the provision of security guard services at specified GRU facilities.**

*Explanation:* The City Commission approved a three year contract for security guard services with Fox Protective Services, Inc. on November 22, 2004. The term of the contract extends through November 30, 2007 and provides for a three-year extension upon mutual agreement of the parties and negotiation of the contract prices. For any approved increase to the contract, 70% of the increase is allocated to the guard's hourly rate with the remainder covering administrative

costs. The combined cost for these services to the Utility is approximately \$350,000 annually.

Security guard personnel provide an important service to the Utility by protecting personnel and property. Some of the responsibilities include entranceway monitoring (foot traffic, vehicles and deliveries), monitoring security camera activity, patrolling premises, notifying appropriate authorities of security concerns, completing report logs and reports and keeping watch over people and facilities to ensure safety. Fox Protective Services, Inc. has been responsive to the Utility's requirements and has provided good service.

*Fiscal Note:* Funds for these services have been included in the proposed FY 2008 budget and will be requested in future fiscal years, subject to final appropriation of funds for each year of the contract.

**RECOMMENDATION**

The City Commission 1) authorize the General Manager, or her designee, to negotiate and execute a three year amendment to extend the term of the agreement with Fox Protective Services, Inc. for the provision of security guard services at specified GRU facilities, subject to the approval of the City Attorney as to form and legality in an amount not exceeding budgeted funds for these services; and 2) approve the issuance of purchase orders to Fox Protective Services, Inc. for these services, in amounts not exceeding budgeted amounts for each year of the contract amendment, subject to the final approval of funds for each year.

**070681.**

**Contract for Electric Distribution Line Clearance (B)**

**Staff recommends award of a contract to Asplundh Tree Expert Company for electric distribution line clearance.**

*Explanation:* Energy Delivery requires line clearance, tree trimming, right-of-way maintenance, weed control and related services for the electric transmission and distribution systems. Approximately 600 distribution pole miles and 125 transmission pole miles are maintained in accordance with arboricultural standards for tree trimming and removal of vegetation around power lines. The Utility's approach to line clearance and maintenance significantly reduces tree related electrical outages. The ultimate goal is to optimize system reliability, improve service to customers and enhance safety while cost-effectively preserving the aesthetic qualities of tree cover in the Utility's service area. This contract also includes providing emergency response for storm restoration on an as needed basis. The Contractor may also be required to supplement local crews with crews from other regions of the country for extraordinary restoration efforts. These additional resources were critical to the Utility following the 2004 hurricanes. In addition to the Utility's requirements, the City's Recreation and Parks Department also use this contract although their

expenditures do not exceed the City Commission threshold.

The estimated annual cost of this contract is \$1,474,000. The estimated cost includes additional funds for transmission work and subcontracting services for wood hauling, stump grinding and landscape repair. The contract is subject to the Living Wage Ordinance and the wages paid to the Contractor's employees reflect the current rates established by the U.S. Department of Health and Human Services. Wages may be adjusted annually based on the rates in effect at that time. Any fiscal impact is reported to the City Commission on an annual basis.

An Invitation to Bid for these services was sent by Utilities Purchasing to twelve prospective bidders, with six responding. Asplundh Tree Expert Company submitted the best evaluated bid based on pricing, training and certification programs, safety programs and performance history and an emergency response plan. A Bid Tabulation of the scoring is attached for your reference.

**Fiscal Note:** Funds for these services are included in the Operations and Maintenance and Capital Budgets for FY 2008; and will be requested in subsequent fiscal years, subject to final appropriation of funds for each year of the contract.

**RECOMMENDATION**

The City Commission: 1) authorize the General Manager, or her designee, to execute a three-year contract with Asplundh Tree Expert Company, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders in not-to-exceed budgeted amounts for these services for each year of the contract, subject to the final appropriation of funds for each year.

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**070682.**

**Temporary Personnel Services (NB)**

**Staff recommends extending the contract for temporary personnel services with Temp Force for one year.**

**Explanation:** City departments sometimes require temporary personnel services for various job duties due to job vacancies, extended absences, special project requirements, etc. A contract for these services was approved by the City Commission on January 12, 2004 with Career Center Inc. d/b/a Temp Force (Temp Force) through December 2006. The contract provides for two-one year extensions upon mutual agreement of the parties and negotiation of the multiplier which is the percentage applied to the hourly wage rate set by the City for each job classification. The wage rate and multiplier combine to provide the billing rate paid to the Contractor. An amendment to the contract for the first one year extension was approved by the City Commission on December 11, 2006. Temp Force has provided responsive, professional and qualified staff under this contract and is willing to maintain the same multiplier rate for the second one-year extension. Staff recommends extending the contract with Temp Force for temporary personnel services for one year.



*Fiscal Note: Funds for these services have been included in the FY 2008 budget and will be requested in the FY 2009.*

**RECOMMENDATION**

*The City Commission 1) authorize the General Manager, or her designee, to execute a one year amendment to the contract with Career Center Inc. d/b/a Temp Force, subject to approval of the City attorney as to form and legality; and 2) approve the issuance of purchase orders to Career Center Inc. d/b/a Temp Force for these services on an as needed basis through December 2008 in amounts not exceeding budgeted amounts.*

**070683.**

**Amendment to Agreements for Cellular Phone Services (NB)**

**Staff recommends extending the term of the contracts for cellular phone services and associated equipment with Alltel Communications and Sprint.**

*Explanation: Two year contracts for cellular phone services with Alltel Communications and Sprint were approved by the City Commission on January 9, 2006. The contracts are valid through January 8, 2008 and provide for a two-year extension of the contract upon mutual agreement of the parties and negotiation of the contract prices. Alltel Communications and Sprint are extending the same contract prices for the extension period. Both cellular phone providers have been responsive to the Utility's needs, providing good service and keeping administrative staff apprised of technology changes in equipment and services. Cellular phones are used by operational, engineering and support staff to communicate with utility customers, contractors and the public as well as internal staff when working outside of an office environment. The total cost for these services to the Utility is approximately \$150,000.*

*Fiscal Note: Funds for these services have been included in the FY 2008 budget and will be requested in future fiscal years, subject to final appropriation of funds for each year of the contract.*

**RECOMMENDATION**

*The City Commission authorize the General Manager, or her designee, to negotiate and execute two year amendments to extend the term of the agreements for cellular phone services and equipment with Alltel Communications and Sprint, subject to the approval of the City Attorney as to form and legality, in an amount not exceeding budgeted funds for these services.*

**CITY ATTORNEY, CONSENT AGENDA ITEMS**

**070657.****MARILYN PATRICK vs. CITY OF GAINESVILLE, A POLITICAL SUBDIVISION OF FLORIDA; EIGHTH JUDICIAL CIRCUIT, COURT CASE NO. 01-2007-CA-3041 (B)**

*Explanation:* On November 8, 2007, the City was served with a Summons and Complaint filed by Marilyn Patrick in the Circuit Court. Ms. Patrick alleges that on September 4, 2003, she was a passenger on a Regional Transit System bus when the driver of the bus negligently operated the bus in such a manner that Ms. Patrick was thrown to the floor. She claims to have sustained bodily injury, loss of capacity for the enjoyment of life, expenses for medical care and treatment in the past and in the future, loss of ability to earn money. Ms. Patrick seeks money damages.

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City of Gainesville in the case Marilyn Patrick vs. City of Gainesville, a Political Subdivision of Florida; Eighth Judicial Circuit, Court Case; No. 01-2007-CA-3041

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**070658.****KEVIN DALY AND CAROL DALY vs. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, COURT CASE NO. 01-2007-CA-4328 (B)**

*Explanation:* On November 8, 2007, the City was served with a Summons and Complaint filed by Kevin and Carol Daly in the Circuit Court. The Dalys challenge the City's off street parking, landlord tenant, and noise ordinances alleging they affect their property and liberty rights under the Florida Constitution to own and lease properties. The Dalys seek declaratory relief and costs.

**RECOMMENDATION**

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville in the case of Kevin Daly and Carol Daly vs. City of Gainesville; Eighth Judicial Circuit, Court Case No. 01-2007-CA-4328.

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**060016.****SETTING ASIDE ORDER APPROVING PETITION 42ZON-06 PB (SIGNIFICANT ECOLOGICAL COMMUNITIES DISTRICT) (B)**

*Explanation:* The City Commission of the City of Gainesville held a formal quasi-judicial hearing beginning on June 25, 2007, and such hearing was continued and concluded on August 23, 2007, on Petition 42ZON-06 PB filed by the City of Gainesville (petitioner). The Petition sought to overlay the Significant Ecological Communities District on approximately 787 acres of property zoned AGR (Agriculture district), I-1 (Limited industrial district), I-2 (General

industrial district), and RSF-1 (3.5 units/acre single-family residential district). The properties that were the subject of the Petition are generally located at 1300 and 920 Northwest 53rd Avenue, 4555 Northwest 6th Street, 5300 North Main Street, and 3464 Northwest 21st Place in Gainesville, Florida.

On September 13, 2007, the City Commission entered an Order approving Petition 42ZON-06 PB. In the Order, the City Commission concluded that it was appropriate to include the following parcels in the Significant Ecological Communities District: 07877-001-004; 07966-010-000; 07877-000-000; 07966-010-002; 08159-000-000; and 07965-002-000.

On September 24, 2007, Juanita M. White, as trustee for the Luther M. White Revocable Trust, filed a Petition for Writ of Certiorari in circuit court challenging the Order of the City Commission in this matter. After reviewing the allegations in the Petition, the City Attorney recommends to the City Commission that it waive its rules with respect to Petition 42ZON-06 PB, set aside the Order approving Petition 42ZON-06 PB, and authorize the Mayor to execute an Order setting aside the Order approving Petition 42ZON-06 PB.

**RECOMMENDATION**

The City Commission waive the City Commission rules with respect to Petition 42ZON-06 PB, set aside the Order approving Petition 42ZON-06 PB, and authorize the Mayor to execute an Order setting aside the Order approving Petition 42ZON-06 PB.

**Legislative History**

6/25/07	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
7/9/07	City Commission	Continued (6 - 0 - 1 Absent)
8/23/07	City Commission	Approved (Petition), as amended (4 - 2 - 1 Absent)
9/10/07	City Commission	Approved as Recommended (5 - 0 - 2 Absent)

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

**070679.**

**Gainesville Housing Authority (B)**

**RECOMMENDATION**

The City Commission require the Gainesville Housing Authority members to file an annual financial statement as allowed with the recent amendment by the Florida Commission on Ethics (City Attorney to draft Resolution).

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**070689.****Resignation of Danika Randolph and Tricia Otto from the City Beautification Board (B)**

**RECOMMENDATION**      *The City Commission accept the resignations of Danika Randolph and Tricia Otto from the City Beautification Board effective immediately with appreciation for their service.*

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**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****070668.****Downtown Hampton Inn/Lot 9 Redevelopment (B)**

*Explanation: On September 19, 2005, the CRA authorized Staff to prepare a Request for Proposals to solicit developers interested in building a hotel or a hotel with other uses on Lot 9 in Downtown. A sole response by Windsor Aughtry was subsequently selected for this project. At the time when Windsor Aughtry's initial proposal was first considered, the CRA approved of the general nature of the project and of the incentive request. However, the CRA requested that Windsor Aughtry fine-tune project and the incentive request and resubmit once these particulars had been worked out. Windsor Aughtry subsequently revised and adjusted certain details of the development, including the construction staging plan, number of stories, and the structure of the incentive request. Additionally, the developer succeeded in separately negotiating a parking agreement with the privately-owned parking garage located adjacent to Lot 9. On July 16, 2007, the CRA heard presentations from Staff and from Windsor Aughtry regarding the developer's revised Hampton Inn application. At that meeting, the CRA approved the project concept as presented and approved TIF reimbursement to fund the approximately \$802,000 in eligible costs that comprise the "but for" financing gap identified for the project. The approved funding plan consisted of a 13-year payment period in which there would be 90% TIF reimbursement for the first five years and 60% reimbursement for the final eight years (or ending earlier if the "gap" amount was reached more quickly than anticipated.) Since that meeting, a development agreement for this project has not been signed.*

*In September 2007, the Florida Supreme Court issued an opinion in the case of Strand v. Escambia County, which profoundly impacts the tools and mechanisms used by CRAs statewide (including the Gainesville CRA) to fund*

redevelopment. Strand questions the constitutionality of multi-year obligations of the tax increment. The Court has since announced its intention to revisit its initial interpretation of the issue. However, at this time, due to Strand, the CRA cannot enter into a development agreement (contractual obligation) with Windsor Aughtry to provide the back-end, multi-year TIF-reimbursement package that was approved on July 16, 2007.

Since multi-year financing is currently not an option, CRA staff has been working to determine if and how an upfront payment could be made to cover the "but for" gap for this project. With help from City staff, CRA staff has developed the following plan (approved by the CRA on November 19, 2007): The CRA will reassign \$127,000 currently allocated in the Downtown budget for E. University Avenue Lighting to the Lot 9/Hampton Inn project. Additionally, the CRA requests that the City permit the CRA to defer two annual payments owed to the City for the Downtown parking garage, and one annual payment owed for the Commerce project. If this is passed, the interlocal agreements for these projects would need to be amended extending the CRA's payment obligation timeline for the projects by two and one years, respectively. City staff in the Budget & Finance Department would also re-amortize the loans based on these changes. As the final component to this upfront payment structure, the CRA also requests that the City Commission transfer without consideration the proceeds from the sale of Lot 9, valued at approximately \$342,000, to the CRA. The CRA, in turn, would use the proceeds of that sale to fund eligible infrastructure improvements necessary at the site. Following the aforementioned requests/recommendations from the CRA will cover approximately \$764,000 in up-front incentives, which is quite close to the identified funding gap of \$802,000.

**RECOMMENDATION**

*CRA to City Commission: 1) Allow the CRA to defer two annual debt service payments to the City related to the Downtown parking garage, and authorize the amendment of the interlocal agreement governing this debt service to accommodate the postponement by extending the payment period an additional two years; 2) Allow the CRA to defer one annual debt service payment to the City related to the Commerce project, and authorize the amendment of the interlocal agreement governing this debt service to accommodate the postponement by extending the payment period an additional one year; 3) Request that the City Commission transfer without consideration the proceeds from the sale of Lot 9 to the CRA for the purpose of redevelopment; and 4) Authorize the City Manager to execute any and all necessary documents.*

**Legislative History**

11/19/07      Community      Approved as Recommended (6 - 1)  
                   Redevelopment  
                   Agency  
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**070555.****Porters Oaks Fence (NB)**

*Explanation:* At the October 15, 2007 CRA meeting, Board members heard a presentation from staff regarding improvements to the Porters Neighborhood. One component of the proposed neighborhood improvements related to the fence surrounding the Porters Oaks development. The fence is in poor condition and is both an eyesore and a potential security hazard (as it blocks the view of “eyes on the street”). Additionally the fence is situated along Depot Avenue and is quite prominent; its current condition conveys a negative image of the Porters neighborhood to the surrounding community. As a result, the CRA will replace the existing structure with a more attractive and safe fence. Presently, the existing fence runs along Depot Avenue from Southwest 3rd Street to Southwest 2nd Street. At 2nd Street, the fence turns the corner and proceeds along the western edge of that roadway as well. For the first phase of fence improvements, staff plans to replace the section of fence that fronts Depot (roughly 500 linear feet). This stretch of fence covers two blocks: from Southwest 2nd Street to 2nd Terrace, and from Southwest 2nd Terrace to 3rd Street. On the block between Southwest 2nd Street and Southwest 2nd Terrace, the existing fence currently runs over a City-owned lot and over a right-of-way easement. However, from Southwest 2nd Terrace to Southwest 3rd Street, the fence is situated on privately owned land: The Porters Oaks common space. Additionally, the second phase of fence improvements, along Southwest 2nd Street, also face potential issues where the fence (as currently situated) runs across both the public ROW and the privately owned Porters Oaks common space. CRA staff has met with Public Works staff and with the CRA Attorney and has determined that the best way to move forward would be to obtain a fence easement from the Porters Oaks Property Owners Association. This easement would allow permission for the existing structure to be removed, and the new fence to be installed. The easement will also outline maintenance responsibilities for the new structure. CRA staff has met with the Porters Oaks Homeowners Association, and they have expressed support for such an easement. In order to move forward with this item, the CRA requests the City Commission obtain an easement for the section of the fence that will run from Southwest 3rd Street to Southwest 2nd Terrace, the portion of the fence along Depot Avenue that sits on privately owned land, and, if necessary, an easement running along the western side of Southwest 2nd Street, from Depot Avenue north approximately 404 feet. (Staff will determine whether an easement is required along Southwest 2nd Street, or if the existing ROW can accommodate the fence.) CRA staff will coordinate with Public Works and the City Attorney's office.

**RECOMMENDATION**

*CRA to the City Commission:* 1) Obtain an easement along the north side of Depot Avenue, between Southwest 3rd Street and Southwest 2nd Terrace, and along the western side Southwest 2nd Street running north approximately 404 feet from the intersection with Depot Avenue

**Legislative History**

10/15/07 Community Heard  
 Redevelopment  
 Agency

11/19/07 Community Approved as Recommended (5 - 0 - 2 Absent)  
 Redevelopment  
 Agency

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**070321.****Bethel Garage (B)**

*Explanation: The Bethel Garage is a historic building located at the intersection of Southeast 1st Street and Southeast 1st Avenue, directly adjacent to the Downtown Plaza. Until September 2007, the building housed ticketing operations related to the RTS transfer station that was formerly located at the Plaza. However, the ticketing office (as well as the adjacent bus stop) has recently been relocated to the new RTS transfer facility at Depot Avenue. The CRA is therefore examining the redevelopment potential of the Bethel Station. The building's location in the heart of Downtown, proximity to other attractions, and prominent visibility contribute to a high redevelopment potential. For these reasons, the CRA has requested to be the lead agency in Bethel Station redevelopment. The City Commission approved this request on September 24, 2007.*

*The building is unique in design and is designated on the Local Historic Register. As such, staff does not anticipate or plan that redevelopment of the site will alter the external appearance of the Bethel structure. The interior of the structure will require significant changes. The building itself is quite small, and the interior space totals less than 500 square feet. Due to the size of the space, it is recommended that the site potentially be redeveloped into a food service establishment; however other uses may also be considered. The structure's interior will require remodeling. Currently half of the interior space is occupied by two identical bathroom stalls. Because the building's interior is so small, it is recommended that one bathroom will be removed and, along with the current office area, will be converted into a new workable floor area. This area would comprise a kitchen if a restaurant/cafe use is chosen for the site. Customers could then order food to take off site, eat at outdoor seating provided under the building's front canopy, or eat in additional seating areas adjacent to and behind the building. The existing seating area to the rear of the Bethel Station would also receive new fixtures and this space will contribute additional seating area to support the new business, if the site is redeveloped as a restaurant. CRA staff has worked with a consultant to address the feasibility of redevelopment of the Bethel Station. According to the consultant, the building requires repairs to address the following issues: leaking roof, damaged ceiling tile, inadequate electrical system, inadequate air conditioning unit, deteriorating woodwork and exterior paint, and deteriorating (adjacent) bus shelter. These repairs are necessary regardless of the end use for the building. In order to operate as a food service establishment, the Bethel Garage would require the following additional repairs: upgrading plumbing, connecting to gas utilities, providing food storage, removing one bathroom to accommodate*

*food preparation space needs, providing adequate outdoor seating for customers, and updating the layout of the patio in the rear of the building.*

*In addition to work at the Bethel building, the overall site also requires attention and improvements. If the property is redeveloped as a restaurant or café, the area under the building's front canopy would serve as a seating patio and would require café-style tables and chairs. As previously mentioned, the patio area behind the building would also be used as a dining space. This area currently has table and chair fixtures, although this furniture will be replaced and updated with new fixtures as part of the redevelopment process. The rear patio will also receive new railing and/or landscaping. These features will visually help connect the patio with the Bethel building and will unify the site. Landscaping will provide some screening and privacy for customers, but will not fully block visibility into the Plaza, offering connection to the public park space. The final component of the Bethel site is the adjacent bus shelter along Southeast 1st Avenue. The shelter currently serves no specific purpose, as it is no longer used as an RTS bus stop, and is in need of some significant repair due to hard use and apparent vandalism over years. CRA staff has received an estimate of \$7,250 to remove and cap the water and electric lines and demolish the structure. The Development Review Advisory Board (DRAB) has examined the former bus shelter and considered various scenarios involving reuse, partial, or total demolition of the structure. Because the structure is in poor condition, is no longer a functional bus stop, and promotes a dated design aesthetic, DRAB concluded that the former bus shelter should be removed as opposed to renovated.*

*Along with the Bethel building and the extended site, the final component in this redevelopment project will be the new business operation that is brought in as a result of this redevelopment. As mentioned, food service is the anticipated use at the site. This use was selected for a variety of reasons, including the unique size limitations within the building, the site's proximity and visibility to other Downtown attractions, and the potential for food service to appeal to daytime, evening, and late night downtown patrons. Both CRA staff and the consultant have concluded that a food service business will be able to best capitalize on existing market conditions and populations in the area (residents, visitors to the Downtown/Plaza, office workers, hotel guests, bar/nightclub patrons, etc). Additionally, the potential for outdoor seating or food products that customers could easily carry away with them would compensate for the small interior footprint of the Bethel building.*

*After receiving information from CRA staff and from the consultant, DRAB recommended that work at the Bethel site include two phases. The first phase will encompass all work required to stabilize the building and the site and prepare for redevelopment of a general nature. The second phase will undertake renovation and redevelopment activities related to the specific reuse that is selected for the property. Phase I work will include demolition of the former bus shelter, as well as all repairs to the Bethel building that are necessary to stabilize the structure, regardless of final use. These repairs are also listed above and include work related to a leaking roof, damaged ceiling tile, inadequate electrical system, inadequate air conditioning unit, and*



deteriorating woodwork and exterior paint. The Development Review Advisory Board has recommended that this work commence as soon as possible. Meanwhile, work on the interior remodel, which is dependent on the end use for the site, would not commence until a tenant is chosen for the venue. This timeline will allow for onsite improvements to be done as efficiently as possible, and to ensure that these improvements meet the needs of the particular tenant who will occupy the space. Based on the tenant chosen for the site, staff will also work with DRAB to formulate a final, detailed redevelopment plan for City Commission approval. In addition to redevelopment at the Bethel Station, staff will also explore the potential for other Plaza improvements that may compliment this project.

Based on information gathered by CRA staff and the consultant, it is believed that the renovations to the Bethel building and site will cost approximately \$100,000. Currently the City has \$188,149.49 set aside in Account 332-790-M660-5190. This account is dedicated to Plaza improvements. Following the recommendation of both DRAB and staff, the CRA requests that the City Commission authorize the use of funding from this account for Bethel redevelopment. If this funding is approved, staff will move forward with plans to stabilize the building. Simultaneously, staff will issue a request for tenants at the site. The final cost for the Bethel redevelopment is not expected to exceed \$100,000 and may come in under budget, depending on the needs of the tenant chosen for the property. Simultaneously, the CRA will examine other potential improvements for the Plaza. The CRA approved the aforementioned general concept for Bethel Redevelopment on November 19, 2007.

**RECOMMENDATION**

CRA to City Commission: 1) Reserve the use of funding from account 332-790-M660-5190 for redevelopment at the Bethel Station and at the Plaza, and authorize CRA staff to commence improvements to remove the bus shelter and stabilize the Bethel building.

**Legislative History**

8/20/07	Community Redevelopment Agency	Approved as Recommended (5 - 0 - 2 Absent)
9/24/07	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
11/19/07	Community Redevelopment Agency	Approved as Recommended (6 - 0 - 1 Absent)
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	070321_200711261300.pdf	
	070321b_20071119.pdf	
	070321a_20071126.pdf	

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA**

**CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION****070678.****City Commission Meetings/Workshops (B)****RECOMMENDATION**

*The City Commission: 1) Schedule a meeting with the University of Florida: 2) Schedule meetings and workshops regarding General Manager for Utilities Final Selection (if needed); Plum Creek Petition 28 LUC-07 PB; Electronic sign and fleet garage in December, January and/or February.*

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**CITY MANAGER****070625.****Gainesville Public Building Design Review Presentation for the GPD Training Facility with Community Meeting Rooms (B)**

**This item involves a request for the City Commission to authorize and provide input regarding the proposed building design of the new community training facility.**

*Explanation: On May 9th, 2006 the City of Gainesville entered into a contract with Architects Design Group to prepare an architect's site plan addressing a campus approach to the addition of the GPD's much needed New GPD Training Facility with community meeting rooms. The contract also includes the design and preparation of construction drawings for the proposed training facility with community meeting rooms.*

*This proposed Training Facility with community meeting rooms and the associated Campus type site plan is only one phase of a multi-phase project. Other phases include an over all rezoning of the GPD held properties to the PS Zoning District, a renovation of the existing Food Bank Warehouse into a Firing Range with situation rooms, and the rerouting of the existing Rails to Trails in order to facilitate the eventual crossing of NW 8th Avenue. The remodeling of the existing GPD facility will be the final phase of the project.*

*Staff has completed the previous steps in the Design Review Process for Public City Buildings and is now prepared to submit its design review to the City Commission prior to submission to the City Plan Board.*

*Fiscal Note: The funding for the design and construction of the Training Facility has been previously allocated and provided through a combination of law enforcement contraband asset forfeiture trust fund dollars and two bonds.*

**RECOMMENDATION**

*The City Commission: 1) hear a presentation from staff and 2) approve and forward the design review preliminary site plan approval and the public services*

zoning request for the New GPD Training Facility to the City Plan Board.

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## GENERAL MANAGER FOR UTILITIES

### 070684.

#### Climate Protection Strategies (B)

**Staff will give an update on General Government and GRU current and proposed climate change strategies. A list of climate change strategies has been developed by staff to improve the carbon position in relation to the Kyoto protocol standards. Staff will give examples of the impacts of potential future policy decisions on carbon in the utility service area.**

*Explanation: After the Mayor's trip to the Sundance Festival, the concept of preparing strategies to measure carbon emissions emerged. A comprehensive list of current strategies planned for the near future by General Government and GRU has been developed. The Kyoto protocol standard requires that carbon emissions be 7 percent lower than 1990 levels by 2012. The current situation will be evaluated in light of the proposed climate reduction strategies. A list of strategies is included in the back up, and includes biomass generation, the retrofit of Deerhaven 2, biosolids applications, coal ash recycling, land conservation, an over 10,000 acres in forest preservation, planned efficiencies to public buildings (including LEED incentives), the Kelly CCI repowering, LED traffic signals, generation from landfill gas, Minimum Housing Code impacts, Progress Nuclear purchased power agreement, Solar PV proposals, RTS Ridership impacts, Shands combined heat and power plant, and solid waste recycling and implementation of the traffic management system. Using the DOE protocol for the 1605B registration program, estimates of the carbon dioxide equivalents produced by the community were made for 2006. Using back casting of 2006 emissions, carbon emissions for 1990 can be estimated. Using forecast of load energy and capacity, the 2012 projection with the current generating fleet and vehicle mix shows we will be above Kyoto requirements. Potential impacts on the progress towards the Kyoto standards will be shown. The carbon impacts of a 100 percent nuclear generating portfolio, the impacts of conversion of all water heaters to natural gas, and the impact of Biomass generation, will be shown in relation to the goal. Other scenarios include the proposed Gainesville Energy Advisory Board goal of an increase of 3 percent renewable annually, the impact of having fewer street lights, and having a strategy of employees telecommute 2 days per week. This 1605B protocol includes GRU generation, natural gas use by citizens served by the GRU local distribution system and energy used for municipal operations. The City of Gainesville fleet (trucks, buses, and cars) fuel consumption, which includes the conversion of diesel, and gasoline, is included. The use of coal, natural gas, oil and the combustion of natural gas in residential, commercial, and city buildings are converted into the carbon impact and incorporated into the figures. All buildings that use power and natural gas are therefore represented. The 1605B calculations include impacts*

*of the water and wastewater treatment systems, such as emission of methane from Sweetwater branch effluent disposal, and refrigerants lost to atmosphere from City of Gainesville fleet vehicles and buildings. The SF6 (sulphurhexafluoride) from electric breakers and natural gas leakage Methane (CH4) from the gas system is also counted. The carbon that is offset due to off system sales is deducted and the carbon impact of power purchases is included. The methodology excludes transportation by the general public, or commercial vehicles, and the University of Florida on site generating power capacity.*

**RECOMMENDATION**

*The City Commission a) hear a presentation from staff on climate protection strategies; and, b) hear a presentation of the status of the GRU service area under the 1605B carbon registration program, in comparison with examples of other options; and, c) adopt the proposed climate change strategies.*

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**070704.****Financing for Construction (B)**

**This item is related to financing for costs of acquisition and construction.**

*Explanation: We have a current need to fund for Costs of Acquisition and Construction for up to the next two years. Our recommendation, in consultation with Public Financial Management (PFM), our Financial Advisor, is to issue up to \$105 million of taxable debt and up to \$100 million of tax-exempt debt to fund a portion of these construction costs through fixed-rate bonds. For the financing described above, the optimal structure will depend on market conditions existing at the time of execution. Thus, since it is not absolutely clear which type of financing structure is best for us, we recommend that staff and our Financial Advisor continue to monitor the market to select the best alternative at the time of pricing. GRU staff and our Financial Advisor recommend that any of the transactions referred to above that entail the issuance of bonds be accomplished through a negotiated sale of those bonds. It is recommended that Goldman Sachs serve as Senior Manager. Goldman Sachs has continued to bring significant value to the Utility in the form of solid recommendations for financing opportunities, familiarity with our bond resolution, innovative work concerning future debt structures, and expertise in rating agency criteria and considerations. In addition, upon the advice of our Financial Advisor, we can appoint additional Co-Managers as appropriate, if their addition will enhance the distribution of the bonds. Since interest rates were near historical lows late last year, with the assistance PFM, we monitored various options available to capture the benefit of the then favorable environment, even though we did not need the construction funds at that time. We reviewed various options that allowed us to obtain some cost certainty, and potentially generate significant savings by financing future bond needs at then current market rates. The swap options that we evaluated had the Utility either (1) paying a fixed swap rate and receiving BMA (a tax-exempt floating rate now referred to as SIFMA); or (2) paying a fixed swap rate and receiving a percentage of LIBOR (a taxable floating rate). Given the market*

conditions at the time, we entered into two BMA interest rate swaps in order to hedge our future borrowing costs.

The swap agreements were structured in a way that allows the Utility to terminate the swaps and issue fixed-rate bonds in a separate transaction. If interest rates increase by the termination date, the swap counterparty will owe the Utility a termination payment. If interest rates decrease, the reverse will be true. With either scenario, the effective borrowing cost of the 2008 bonds was established when the swaps were executed. The synthetic fixed rate swaps permitted us to achieve a favorable fixed rate of interest of 4.222% for \$90 million of our tax-exempt issuance. Upon the advice of the Utility's Financial Advisor, Utility staff entered into two interest rate swap transactions on October 23, 2006. The swaps were competitively bid, with JPMorgan Chase, N.A. and Bear Stearns Financial Products Inc., as the winning bidders. We are requesting authorization to terminate the swaps, effectively locking the low fixed rate, and issuing fixed rate bonds.

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 these transactions. Therefore, we recommend that these officials be authorized to take such other actions as may be necessary or desirable to proceed with the transactions in accordance with City Commission authorization and delegation.

*Fiscal Note: Issuing new money debt at historically low rates will help manage future debt service costs.*

**RECOMMENDATION**

*The City Commission: 1) Authorize the financing of up to \$205 million of new money for payment of Costs of Acquisition and Construction (capital projects) through the issuance of fixed-rate bonds; 2) Authorize the termination of the JPMorgan Chase, N.A., \$31,500,000 swap whose effective date is February 1, 2008; 3) Authorize the termination of the Bear Stearns Financial Products Inc., \$58,500,000 swap whose effective date is February 1, 2008; 4) Approve the selection of Goldman Sachs as Senior Manager for the bonds referenced in 1 above and authorize the appointment of additional Co-Managers if, upon the advice of Public Financial Management (PFM), our Financial Advisor, doing so would enhance the distribution of the bonds; 5) 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 transactions authorized in 1-4 above, subject to approval of the Office of the City Attorney as to form and legality, and to take such other actions as may be necessary or advisable to proceed with these transactions in accordance with this City Commission authorization.*

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**070686.****Financial Management Information System (B)****Staff recommends awarding a contract to Axon Solutions, Inc. for a Financial Management Information System.**

*Explanation: The Utility relies upon its Financial Management Information System (FMIS) to track revenues and expenditures of all its operating and administrative departments. The financial system assists staff with managing debt, transferring balances, and overseeing interest, liabilities, asset valuation and investments. The FMIS is a critical tool in producing accurate and timely information to staff while integrating with other Utility systems. This system supplies utility operating units and administrative divisions with monthly income statements and reports which allows departments the ability to track and analyze capital and operation and maintenance budgets against actual expenditures.*

*The Utility's existing FMIS, implemented in 1999, will be retired and no longer supported by the vendor within a year through a maintenance agreement. In addition, the system has limitations in its business process functionality. Much of the information is derived manually which is cumbersome and an inefficient use of staff time and resources. The recommended solution includes General Ledger, Accounts Payable, Accounts Receivable, Inventory, and Purchasing which will be implemented using the SAP software solution.*

*A Request for Proposal for the FMIS replacement was sent to eleven (11) prospective firms in August 2007 with five (5) responding. The proposals were evaluated in three phases. The first phase of the evaluation was based on functional requirements, implementation plan/strategy, company profile and solution cost. The three (3) highest ranked firms were evaluated in the second phase which included presentations, reference checks, and innovation and flexibility of the firm. At the end of phase two of the evaluation, Axon Solutions, Inc. was determined to have the best overall scoring. The third phase of the evaluation included a four day product demonstration and discussion with key team members.*

*If approved by the City Commission, the Utility will begin negotiations with Axon Solutions, Inc. If GRU is unsuccessful in negotiating a contract with Axon Solutions, Inc., staff requests approval to negotiate the second highest ranked firm.*

*Fiscal Note: Funds for this project have been included in the FY 2008 budget and will be requested in future fiscal years.*

**RECOMMENDATION**

*The City Commission:*

- 1) authorize the General Manager, or her designee, to negotiate and execute a contract with Axon Solutions, Inc. to implement a new Financial Management Information System, subject to the approval of the City Attorney as to form and legality and*
- 2) authorize the General Manager, or her designee, to negotiate and execute a software license and*

*maintenance agreement with SAP, subject to the approval of the City Attorney as to form and legality; and*

*3) approve the issuance of purchase orders to Axon Solution, Inc. and SAP in not to exceed amounts of \$6,380,000 and \$1,200,000, respectively; for the Financial Management Information System; and*  
*4) authorize staff to procure various services, equipment and materials, as required, to implement the FMIS replacement project as budgeted, subject to the appropriation of funds in each fiscal year.*

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**070685.**

**Alachua Wholesale Power Contract (B)**

**This item involves the City of Alachua contract.**

*Explanation: The City of Alachua and GRU both have the option of terminating our wholesale power contract on midnight, December 31, 2008, with twelve months notice. The City of Alachua has already issued a Request for Power Supply Proposals with the stated intent of evaluating its options. It is our intent to develop a proposal that will be mutually beneficial.*

*Fiscal Note: Net revenues from the City of Alachua have not been budgeted for 2009.*

**RECOMMENDATION**

*The City Commission authorize the General Manager or her designee to provide the City of Alachua with notification that the existing wholesale power contract will terminate at midnight, December 31, 2008.*

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**CITY ATTORNEY**

**070677.**

**ARBITRATOR DECISION IN FRATERNAL ORDER OF POLICE, GATOR LODGE 67 v. CITY OF GAINESVILLE (B)**

*Explanation: On October 8, 2007, the City Attorney recommended to the City Commission that it authorize the City Attorney to file and proceed with a Motion to Vacate the Award in Fraternal Order of Police, Gator Lodge 67 v. City of Gainesville. In that case, the arbitrator found that the Fraternal Order of Police (FOP) Collective Bargaining Agreement provided that if a holiday fell on an employee's regularly scheduled work day, that employee was entitled to holiday pay regardless of whether the City needed that employee to work. The arbitrator's decision cannot be reconciled with the contract as a whole, and the clear and unequivocal language of the holiday and overtime articles. Additionally, the arbitrator's decision has immediate and significant consequences for the City. If the City does not have the right to schedule its*

employees and the decision is solely up to employees, then the City has no control over the level of service it offers and no control over its budget. The arbitrator's decision is in derogation of the statutory rights given public employers because of their special responsibilities to the public.

At the October 8, 2007 City Commission meeting, Jeff McAdams, on behalf of the FOP, represented that he would be willing to engage in settlement negotiations with the City regarding the arbitrator's decision. Since the City had until mid-December to file a Motion to Vacate in Circuit Court, the City Commission tabled the matter in order for settlement negotiations to occur between the FOP and the City.

As of the date of submission of this Agenda Item, the City has engaged in two bargaining sessions with the FOP in an attempt to settle this matter. On November 13, 2007, the City made its final offer to the FOP. Mr. McAdams, who represented the FOP during settlement negotiations, has not responded to the City's offer as of the date this Agenda Item was prepared.

Since this matter has not been settled and since the deadline to file a Motion to Vacate in this case is imminent, the City Attorney's Office requests authorization to file a Motion in Circuit Court to vacate the arbitrator's decision. The deadline for filing the Motion to Vacate accompanied by a legal brief is December 12, 2007.

**RECOMMENDATION**            *The City Commission authorize the City Attorney and/or special counsel to file a Motion to Vacate Award.*

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## **CITY AUDITOR**

## **EQUAL OPPORTUNITY DIRECTOR**

## **COMMITTEE REPORTS (PULLED FROM CONSENT)**

## **ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

## **OUTSIDE AGENCIES**

### **070695.**

**"State of the Matheson Museum" (NB)**

**RECOMMENDATION**            *The City Commission hear a presentation from Dr. Barrow and take appropriate action.*

## **MEMBERS OF THE CITY COMMISSION**



**COMMISSION COMMENTS (if time available)****RECESS - 5:11 PM****RECONVENE - 5:48 PM****PLEDGE OF ALLEGIANCE (5:30pm)****Gator Detachment of the Marine Corp League****PROCLAMATIONS/SPECIAL RECOGNITIONS****070690.****Pearl Harbor Remembrance Day - December 7, 2007 (B)**

**RECOMMENDATION**            *Gator Detachment of the Marine Corp League to accept the proclamation.*

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**070691.****Annual CROP Walk Day - December 2, 2007 (B)**

**RECOMMENDATION**            *CROP Walk Coordinator Rev. Fred Depenbrock to accept the proclamation.*

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**070692.****ASTD Employee Learning Week - December 3-7, 2007 (B)**

**RECOMMENDATION**            *American Society for Training and Development Gator Chapter President Gerald F. Zagaiski and Vice President of Public Relations Bruce Gordon to accept the proclamation.*

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**070693.****Rosa Parks Day - December 1, 2007 (B)**

**RECOMMENDATION**            *Rosa Parks Quiet Courage Committee Chair Rev. Milford Lewis Griner to accept the proclamation.*

**070694.****World AIDS Day - December 1, 2007 (B)****RECOMMENDATION**

*Alachua County Health Department Regional Minority  
AIDS Coordinator and Florida Latino Leaders  
Advisory Committee on HIV/AIDS Member David  
Joseph Ruiz to accept the proclamation*

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**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****070661.****URBAN SERVICES REPORT OF PORTION OF BUTLER PLAZA  
SOUTHWEST AREA (B)****Ordinance No. 0-07-104**

**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 generally located south of SW 33rd Place and Windmeadows Boulevard, west of SW 35th Boulevard, north of SW Archer Road and the City limits, and east of the vicinity of SW 40th Boulevard and Interstate 75, as more specifically described in this ordinance; 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.**

*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 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 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 December 10, 2007. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners and provided to the owners of the real property affected by this ordinance.*

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

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### **070633.**

#### **HISTORIC PROPERTY EXEMPT FROM CERTAIN AD VALOREM TAXATION; 205 SE 7th STREET (B)**

##### **ORDINANCE NO. 0-07-99**

**An ordinance of the City of Gainesville, Florida, finding that property located at 205 SE 7th Street, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax on certain improvements beginning January 1, 2008, and continuing for 10 years; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the applicant and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: At the direction of the City Manager, the City Attorney has drafted and the Clerk of the Commission has advertised, an ordinance exempting certain historic property from ad valorem taxation for certain improvements as approved by the Historic Preservation Board.*

*This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, December 10, 2007.*

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

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**070635.**

**HISTORIC PROPERTY EXEMPT FROM CERTAIN AD VALOREM TAXATION; 105 SE 7th STREET (B)**

**ORDINANCE NO. 0-07-100**

**An ordinance of the City of Gainesville, Florida, finding that property located at 105 SE 7th Street, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax on certain improvements beginning January 1, 2008, and continuing for 10 years; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the applicant and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: At the direction of the City Manager, the City Attorney has drafted and the Clerk of the Commission has advertised, an ordinance exempting certain historic property from ad valorem taxation for certain improvements as approved by the Historic Preservation Board.*

*This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, December 10, 2007.*

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

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**070636.**

**HISTORIC PROPERTY EXEMPT FROM CERTAIN AD VALOREM TAXATION; 725 NE 1st STREET (B)**

**ORDINANCE NO. 0-07-101**

**An ordinance of the City of Gainesville, Florida, finding that property located at 725 NE 1st Street, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax on certain**

improvements beginning January 1, 2008, and continuing for 10 years; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the applicant and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: At the direction of the City Manager, the City Attorney has drafted and the Clerk of the Commission has advertised, an ordinance exempting certain historic property from ad valorem taxation for certain improvements as approved by the Historic Preservation Board.*

*This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, December 10, 2007.*

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

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**070637.**

**HISTORIC PROPERTY EXEMPT FROM CERTAIN AD VALOREM TAXATION; 303 NE 8th AVENUE (B)**

**ORDINANCE NO. 0-07-102**

An ordinance of the City of Gainesville, Florida, finding that property located at 303 NE 8th Avenue, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax on certain improvements beginning January 1, 2008, and continuing for 10 years; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the applicant and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: At the direction of the City Manager, the City Attorney has drafted and the Clerk of the Commission has advertised, an ordinance exempting certain historic property from ad valorem taxation for certain improvements as approved by the Historic Preservation Board.*

*This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, December 10, 2007.*

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

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**070640.**

**ADDITION OF PRECINCT TO ELECTION DISTRICT NO. 3 (B)**

**Ordinance No. 0-07-105**

**An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-1.1 of the Code of Ordinances to add Precinct Number 48 to Election District No. 3; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: On November 19, 2007, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Section 9-1.1 to add Precinct 48 to Election District No. 3. This amendment is necessary due to recent annexations of properties into the City of Gainesville.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

11/19/07 City Commission Approved as Recommended (4 - 0 - 3 Absent)  
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**070676.**

**VEHICLES FOR HIRE (B)**

**Ordinance No. 0-07-95**

**An ordinance of the City of Gainesville amending Chapter 28 Vehicles for Hire regulating vehicle-for-hire service within the City of Gainesville; amending the definition of vehicle-for-hire in Section 28-2; amending Section 28-3 to correct a scrivener's error and eliminate the requirement for audited financial statements, eliminating minimum number of vehicles requirement and clarifying criminal history requirements; amending Subsection (d) of Section 28-8 to consolidate medallion provisions; amending Section 28-8.5 by removing medallion language and redefining driver permit requirements; amending Section 28-11 related to liability insurance requirements; amending Section 28-21 related to city manager's right of inspection; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.**

*Explanation: On September 10, 2007, the City Commission, referred proposed Ordinance No. 0-07-71 which re-organized and clarified existing Vehicle-for-Hire provisions and referred the Ordinance, along with three concerns raised by Vehicle-for-Hire owners and drivers. The issues raised by the owners and drivers were unrelated to the amendments in Ordinance No. 0-07-71.*

*The Public Safety Committee, at its meeting on September 20, 2007, considered the referred items and recommended specific changes to address the following concerns of the vehicles for hire owners and drivers: (1) criminal background limitations, (2) requirement for audited financial statements and (3) requirement for a minimum number of vehicles to get a franchise. The recommendation included the organizational changes and clarifications in Ordinance No. 0-07-71.*

*The City Commission, at its October 8, 2007 meeting, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance*

*incorporating the changes proposed in the ordinance amendment (070244, 0-07-71) and the amendments addressing the concerns expressed by the Vehicle-for-Hire owners and drivers.*

*This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be held on December 10, 2007.*

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

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

### **070215.**

#### **VOLUNTARY ANNEXATION - TOWNHOMES AT WESTWOOD, L.L.C. & T. LANE PROPERTIES (B)**

##### **Ordinance No. 0-07-76**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of Tax Parcels 06687-000-000, 06687-003-000, 06687-004-000, 06687-005-000, 06687-006-000, 06687-007-000, and 06686-000-000, as more specifically described in this ordinance, generally located south of the vicinity of SW 20th Avenue, west of SW 43rd Street, north of SW 24th Avenue, and east of the City limits and the vicinity of Interstate 75; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.**

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, June 25, 2007 and July 23, 2007, at a regular City Commission meeting, the City Commission received and accepted petitions for annexation, and determined that the petitions bore the signatures of the owners of the property that is the subject of this annexation. On August 13, 2007 and August 27, 2007, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.*

*On October 22, 2007, the City Commission adopted Ordinance No. 070448, correcting a scrivener's error in Ordinance No. 070130 relating to the Urban Services Report for properties owned by Townhomes at Westwood, LLC and T. Lane Properties, by inserting tax parcel number 06687-004-000 in the title of the ordinance and adding the same parcel number to Section 1 of the ordinance.*

*ANNEXATION ORDINANCE*

*The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.*

*In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.*

*If adopted on first reading, the second and final reading of this ordinance will be November 26, 2007. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

7/23/07	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
11/19/07	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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**070457.****VOLUNTARY ANNEXATION - CITY-OWNED PROPERTY - ADJACENT TO LAKE KANAPAHA (B)****Ordinance No. 0-07-84**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of City-owned Tax Parcels 06909-001-001, 06909-001-002, 06909-001-003, 06909-001-004, 06909-001-005, and 06909-001-006, as more specifically described in this ordinance, generally located south of the City Limits and Tax Parcel 06909-000-000, west of Tax Parcels 06911-025-000 and 06911-026-000, north of SW 46th Place and east of Tax Parcel 06909-002-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.**

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, June 11, 2007, at a regular City Commission meeting, the City*



*Commission received and accepted the petition for annexation, and determined that the petition bore the signatures of the Mayor and Clerk of the Commission, on behalf of the City, which owns the property that is the subject of this annexation. On August 27, 2007 and September 10, 2007, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.*

#### *ANNEXATION ORDINANCE*

*The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.*

*In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.*

*If adopted on first reading, the second and final reading of this ordinance will be November 26, 2007. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.*

#### **RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

#### **Legislative History**

11/19/07 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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#### **070458.**

#### **VOLUNTARY ANNEXATION - PROPERTIES OWNED BY GAIN DEVELOP INDUSTRIAL, L.L.C., AND THE CITY OF GAINESVILLE LOCATED IN THE VICINITY OF THE AIRPORT INDUSTRIAL PARK AND NE WALDO ROAD (B)**

##### **Ordinance No. 0-07-85**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of Tax Parcels 07872-003-001, 07872-014-002, 07872-014-003, and 07872-009-000, as more specifically described in this ordinance, generally located south of the vicinity of NE 63rd Avenue, west of the vicinity of L. Brown Solid Waste Transfer Station, north of the City Limits and the vicinity of NE 54th Place, and east of NE Waldo Road; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons**

**engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.**

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, June 25, 2007, at a regular City Commission meeting, the City Commission received and accepted petitions for annexation, and determined that the petitions bore the signatures of the owners of the property that is the subject of this annexation. On August 27, 2007 and September 10, 2007, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.*

#### ANNEXATION ORDINANCE

*The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.*

*In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.*

*If adopted on first reading, the second and final reading of this ordinance will be November 26, 2007. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.*

#### RECOMMENDATION

*The City Commission adopt the proposed ordinance.*

#### Legislative History

11/19/07 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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### 070333.

#### URBAN SERVICES REPORT - BUTLER PLAZA (B)

##### Ordinance No. 0-07-78

**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 generally located south of the vicinity of SW 20th Avenue, west of SW 34th Street and the City limits, north of SW Archer Road and the City limits, and east of the vicinity of Interstate 75; 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.**

*Explanation: The Alachua County Boundary Adjustment Act requires a municipality to prepare and adopt by non-emergency 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 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 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.*

*A great majority of the property is privately owned and the owners have requested voluntary annexation. Three parcels are owned by the City and it is common practice for the City to annex city-owned property once it meets the requirements for annexation.*

*If adopted on first reading, this ordinance shall be heard on second reading on November 26, 2007. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners and provided to the owners of the real property affected by this ordinance.*

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

8/27/07 City Commission Approved as Recommended (6 - 0 - 1 Absent)

11/19/07 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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**070414.****URBAN SERVICES REPORT - PRAIRIE VIEW TRUST (B)****Ordinance No. 0-07-86**

**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 07240-000-000, generally located south of the vicinity of Archer Road and Interstate 75, west of Interstate 75, north of Williston Road, and east of SW 62nd Avenue and the vicinity of SW 63rd Boulevard; 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.**

*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 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 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 November 26, 2007. 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**

9/10/07              City Commission              Approved as Recommended (5 - 0 - 2 Absent)

11/19/07              City Commission              Adopted on First Reading (Ordinance) (7 - 0)

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## **RESOLUTIONS- ROLL CALL REQUIRED**

### **PLAN BOARD PETITIONS**

#### **070619.**

#### **Religious Land Use and Institutionalized Persons Act Changes (B)**

**Petition 103TCH-07PB. City Plan Board. Amend Chapter 30, the Land Development Code (LDC), of the City of Gainesville as follows: change the list of permitted uses in all zoning districts, except CCD, CON and MD; change the dimensional requirements for public educational facilities in Section 30-77; change the requirements and conditions for places of religious assembly in Section 30-91 and for private schools in Section 30-103; insert a clarifying reference in Section 30-110. Residences for destitute people; and change the requirements for landscaping, parking, gateway street district, and nature park district as it relates to places of religious assembly.**

*Explanation: The proposed text changes to the land development code are proposed to make sure that the City's land development code is in accordance with the Religious Land Use and Institutionalized Persons Act, as codified in 42 U.S.C.A. §2000cc (see attached). The Act specifies that "no government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a non-religious assembly or institution". The proposed changes amend the code so that places of religious assembly are treated at least equal to non-religious assembly or institutional uses. Additional minor changes were made to ensure consistency throughout the code. The significant changes include:*

*Allowing places of religious assembly as a use by right in most non-residential districts instead of by Special Use Permit or not at all so that they are treated on equal terms as other similar assembly or institutional uses.*

*Allowing public schools as a use by Special Use Permit instead of by right in Single-Family zoning districts so that all assembly or institutional uses are treated equally in that district.*

*Allowing public schools, private schools and places of religious assembly as a use by right in all residential low, medium and high density residential districts so that they are all treated equally.*

*Deleting membership and assembly types use from the Industrial Districts, so that all such uses are equally prohibited.*

*Changing the requirements for landscaping, parking, gateway street district, and nature park district so that all membership and assembly uses are treated equally.*

*Changing the requirements for places of religious assembly, a "specially regulated use", so that they are at least equal to other assembly or institutional uses.*

*Allowing food distribution centers for the needy and residences for the destitute as an accessory use to places of religious assembly by special use permit within RSF-1, RSF-2, RSF-3 and RSF-4 zoning districts instead of by a city manager's permit to ensure neighborhood compatibility.*

*The Plan Board heard concerns expressed by Stuart Cullen and Andy Kaplan, regarding the new lot size requirements being placed on places of religious assembly in the RSF-1, RSF-2, RSF-3, and RSF-4 zoning districts. The new requirement would require places of religious assembly to meet the same lot size requirements as private and public schools. The Plan Board agreed with staff that given the built-out nature of single-family neighborhoods the requirement was appropriate to protect neighborhoods from the externalities of assembly type organizations. The Plan Board voted 6-0 to approve the petition.*

*Public notice was published in the Gainesville Sun on October 3, 2007. The*

*Plan Board held a public hearing on October 18, 2007.*

*Fiscal Note: None.*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 103TCH-07PB. Plan Board vote 6-0.*

*Staff to City Commission - Approve Plan Board's recommendation and direct the City Attorney to prepare and the Clerk of the Commission to advertise an Ordinance.*

*Staff to the Plan Board - Approve 103TCH-07PB*

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**070447.**

**Petition 28LUC-07 PB. David Coffey, P.A., agent for Plum Creek Timberlands, LP (B)**

**Amend the City of Gainesville 2000-2010 Future Land Use Map from Alachua County Rural/Agricultural and City of Gainesville A (Agriculture) to City of Gainesville PUD (Planned Use District), SF (Single-family, up to 8 units per acre) and CON (Conservation) on approximately 1,754 acres.**

*Explanation: The 1,754-acre subject property is in the northwest portion of Gainesville. All except approximately 460 acres in the southern part of the subject property were annexed into the city on February 12, 2007. The property is north of NW 53rd Avenue, is largely split by State Road 121 (which, south of NW 53rd Avenue, is NW 34th Street). It is bounded to the southwest by NW 13th Street (US 441).*

*Adjacent to the west of the subject property is the Deerhaven Power Plant operated by Gainesville Regional Utilities. Most of the property adjacent to the east and west of the subject property is undeveloped or pine plantation (silviculture). The subject property is currently used for silviculture operations and both the subject property and surrounding areas are rural in character.*

*One of the most noteworthy features of the property is that at least a third of the subject property is wetland, and the fact that it contains both important environmental features and the headwaters for three creek systems/basins.*

*The applicant proposes to establish City land use designations for this recently-annexed property. Those designations would be SF (Single-Family, up to 8 dwelling units per acre), CON (Conservation, up to one dwelling unit per five acres), and PUD (Planned Use District). Currently, these properties carry an Alachua County land use designation of Rural/Agriculture (allowing up to*

*one dwelling unit per five acres).*

*The proposed PUD designation, if approved, will establish the land use for what the applicant proposes to be a future, mixed-use development consisting of up to 100,000 square feet of non-residential uses, of which 80,000 square feet could be retail uses. The PUD designations would apply to approximately 5 percent of the 1,754 acres (approximately 90 acres), and consist of two semi-centrally located clusters flanking SR 121. Approximately 34 percent of the 1,754 acres is proposed for Conservation land use (approximately 600 acres), and approximately 61 percent of the 1,754 acres would be designated Single-Family Residential (approximately 1,070 acres).*

*The applicant has proposed to add a new policy into the Future Land Use Element of the Gainesville Comprehensive Plan that would, within this project area, prohibit the construction of residential units within parcels designated Conservation (the City normally allows up to one single-family residential unit per five acres in the Conservation zoning district). The policy would also require that future development of the parcels designated single-family residential land use could not occur until the parcel is given a Planned Development zoning designation (which requires, among other things, that an ordinance be adopted describing development parameters for the parcel). Finally, the policy would lower the maximum single-family residential density allowed in the project area from 8 dwelling units per acre to 1.5 dwelling units per acre.*

*The applicant proposes to place conservation easements over important environmental features found within the project area to ensure their permanent protection. The location of these easements has not yet been determined. The applicant expects those determinations to be made at the development plan review stage.*

*A maximum of 540 residential dwelling units are proposed for the roughly 90 acres of proposed PUD land use on the subject property. The consultant for the applicant states that another 1,253 single-family residences are projected for the proposed single-family land use on the subject property, for a total of 1,793 residential units for the subject property at build-out. Should the applicant-proposed maximum density of 1.5 dwelling units per acre be adopted for the approximately 1,070 acres of proposed single-family land use on the subject property, the maximum number of single-family residences that can be built would be 1,605 residences (for a total of 2,145 residences), rather than the 1,253 projected by the consultant. Note, however, that the wetness of the subject property will, in all likelihood, result in a build-out of residences closer to the number projected by the consultant rather than the maximum allowable.*

*State Road 121 is the arterial serving the Plum Creek development. Based on the lowest traffic estimates that were provided by the applicant (which subtracts out a substantial number of trips for floodplain/wetlands on the site), the SR 121 road segment can only handle about a quarter of the total trips for the development and meet concurrency. The current capacity of SR 121 is 7,286*



average daily trips. The initial traffic study provided by the applicant is estimated (the low estimate) to generate 23,096 average daily trips at build-out. One of the most significant problems with the application for this petition, from the point of view of City staff, is that a full traffic study has not been provided for the land use amendment.

The Florida Department of Transportation (FDOT) and Alachua County also had several problems with the information submitted by the applicant for the proposed development, and the impacts that would result.

The subject property, before annexation into the city, was designated a Strategic Ecosystem by Alachua County. There are two strategic ecosystems found on the subject property and identified by Alachua County: Buck Bay east of State Road 121 and Hague Flatwoods west of 121. These ecosystems are valuable not because they are pristine, but because they are a major headwaters area within the county.

To mitigate the impacts of the school-age population that will be generated by future development of the subject property, the Alachua County School Board has requested that the petitioner work with the school district to: dedicate an appropriate elementary school site (25 acres +/-) within the development; explore innovative techniques for financing/construction of an elementary school; and establish a proportionate share mitigation plan to enhance the middle and high school capacities within the planning sectors.

The Plan Board discussed the petition, heard public comments, expressed serious concerns about environmental issues, traffic, schools, fiscal and sprawl impacts, and recommended that the requested land use changes be denied.

Public Notice was published in the Gainesville Sun on August 1, 2007. The Plan Board held a public hearing August 16, 2007.

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission: The City Commission deny Petition 28LUC-07 PB. Plan Board vote 6-0.*

*Staff to City Commission: Approve Petition 28LUC-07 PB as recommended by staff, subject to approval of proposed Future Land Use Element Policy 4.3.4.*

*Alternative Recommendation -Deny Petition 28LUC-07 PB.*

*Staff to Plan Board - Approve Petition 28LUC-07 PB.*

**Legislative History**

9/24/07 City Commission Continued (Petition) (7 - 0)

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**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT**

**ADJOURNMENT - 11:14 PM**