

City of Gainesville

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



Meeting Agenda

October 01, 2009

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER

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

090395.

Federal LECFTF Funding for the Joint Aviation Unit (B)

Explanation: This request for \$116,065 is for the operating budget for the Gainesville Police Department's Joint Aviation Unit.

On July 8, 1996 the City Commission approved the Inter-Agency Agreement for a Joint Aviation Unit between the Alachua County Sheriff's Office (ACSO) and the City of Gainesville's Police Department. The agreement allows for each agency to share the cost of the Aviation hangar and office located at the Gainesville Regional Airport and the ACSO maintenance technician's salary. Total estimated operating costs for FY10 are \$116,065. Estimated cost for the City's portion of the hangar/office and maintenance technician's salary is \$50,000. In addition, this request includes costs for normal operating expenses for GPD's helicopter and associated costs.

Fiscal Note: Funds in the amount of \$116,065 or this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies". The balance in the account is 1,975,269.00.

RECOMMENDATION

The City Commission approve the appropriation of the amount of \$116,065.00 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for Joint Aviation Unit budget.

Alternative Recommendation A: The City Commission deny funding.

090395_JAC2010Budg_20091001.pdf

090396. Federal LECFTF Funding for Police Explorer Post 917 For Computer Technology Upgrades (NB)

Explanation: This request is for \$5,000 for Gainesville Police Explorer Post 917 for the specific use of buying four computers, one printer and software upgrades for the Police Explorer Program.

Fiscal Note: Funds in the amount of \$5,000 for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies". The balance in the account is \$1,975,269.00

RECOMMENDATION

The City Commission approve the appropriation of the amount of \$5,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the computer technology upgrade for the Gainesville Police Explorer Program.

Alternative Recommendation A: The City Commission deny funding.

090397. Federal LECFTF Funding for Black on Black Crime Task Force for the Reichert House Youth Program (NB)

Explanation: This request is for the Black on Black Crime Task Force for the specific use of buying 20 computers, printers and software upgrades for the Reichert House Youth Programs. The Gainesville Police Department will reimburse Black on Black Crime Task Force up to \$20,000 for this technology upgrade.

Fiscal Note: Funds in the amount of \$20,000 for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies". The balance in the account is \$1,975,269.

RECOMMENDATION

The City Commission approve the appropriation of the amount of \$20,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the technology upgrade for the Reichert House Program.

Alternative Recommendation A: The City Commission deny funding.

090400.**Federal Law Enforcement Contraband Forfeiture Trust Fund (LECFTF)
Funding for Mounted Unit Operating Budget for FY2010 (B)**

Explanation: On October 13, 1997 the City Commission approved the formation of the Gainesville Police Department Mounted Unit Patrol and authorized funding through the LECFTF.

A funding request of \$59,311 is requested to cover operating expenses for the unit for FY10. The total operating cost includes funding for stables/boarding, veterinarian services, horse feed, supplies and training.

Fiscal Note: Funds for this expenditure in the amount of \$59,311 are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 USC § 881, found in the US Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." The balance in this account is \$1,975,269.

RECOMMENDATION

The City Commission approve the appropriation of \$59,311.00 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Mounted Unit.

090400_Mted Unit Budg2010_20091001.pdf

090402.**Agreement with the Department of Juvenile Justice to Provide Security at the Gainesville Area Regional Booking and Screening Unit (B)**

This item requests the City Commission's authorization to enter into an agreement with the Department of Juvenile Justice for operational costs of the Gainesville Area Regional Booking and Screening Unit (formerly called the Juvenile Assessment Center).

Explanation: This agreement is to defray the cost for the operation of the Gainesville Area Regional Booking and Screening Unit formerly the Juvenile Assessment Center (JAC) for the period October 1, 2009 through September 30, 2010. The Florida Department of Juvenile Justice considers the funding for security at the Booking and Screening Unit to be a local issue and will only fund the costs for screening services. The Booking and Screening Unit serves twelve counties and is utilized by the Gainesville Police Department as well as a number of regional law enforcement agencies. GPD has utilized this facility to refer or drop off approximately 900 juveniles per year. Funding from the City of Gainesville, the Alachua County Sheriff's Office, and other regional jurisdictions facilitate the 24-hour, 7-day per week security services that enable the Booking and Screen Unit to receive clients on an around-the-clock basis.

Fiscal Note: Funding is available for this agreement in the City's FY 2010 budget, and was approved on September 3, 2009 as part of the Department's budget, account #001-810-8170-5210-8100.

RECOMMENDATION

The City Commission authorize the City Manager to execute the agreement with the Department of Juvenile Justice, subject to the approval of the City Attorney as to form and legality, and authorize the issuance of a purchase order in an amount not to exceed \$90,000 for this agreement.

090402_JACAgreemt_20091001.pdf

090402a_SoleSourceJAC_20091001.pdf

090406.**Bid Award - Annual Contract for Provision of Asphalt (B)**

This item is a request for the City Commission to authorize bid awards to John C. Hipp Construction Equipment Company and V.E. Whitehurst & Sons, Inc., for delivery and placement of asphalt.

Explanation: The City of Gainesville and Alachua County jointly advertised Invitations to Bid (ITB) in April 2009 for Annual Asphalt Concrete Surfacing for delivery and placement of asphalt for FY2010. The ITB contained a provision that the City of Gainesville would negotiate contract with each vendor for the services being obtained by the City of Gainesville.

The Public Works Department wishes to execute contracts to both bidders for delivery of asphalt: 1) John C. Hipp Construction Equipment Company and V.E. Whitehurst & Sons, Inc.

Fiscal Note: Funding in the amount of \$350,000 is available in the FY 2010 Public Works Department Operating Budget. However, some purchases may be funded through individual CIP project accounts.

RECOMMENDATION

Recommended Motion: The City Commission: 1) award of bid to John C. Hipp Construction Equipment Company and V.E. Whitehurst & Sons, Inc. for Annual Asphalt Concrete Surfacing; and 2) authorize the City Manager to execute any and all related documents for delivery and placement of asphalt, subject to approval of the City Attorney as to form and legality.

090406_BidTab_20091001.pdf

090407.**Bid Award - Annual Contract for Provision of Plant Mix Asphalt Concrete (B)**

This item is a request for the City Commission to authorize bid awards to V.E. Whitehurst & Sons, Inc., John C. Hipp Construction Equipment Company, and APAC Southeast, Inc., for pickup of asphalt.

Explanation: The City of Gainesville and Alachua County jointly advertised Invitations to Bid (ITB) in April 2009 for Annual Plant Mix Asphalt Concrete for pickup of asphalt for FY2010. The ITB contained a provision that the City of Gainesville

would negotiate a contract with each vendor for the services being obtained by the City of Gainesville.

The Public Works Department wishes to execute contracts to all three (3) bidders to maximize the availability of plant mix for our asphalt crew to pickup at the plant. The bidders are: 1) John C. Hipp Construction Equipment Company; 2) APAC Southeast, Inc.; and 3) V.E. Whitehurst.

Fiscal Note: Funding in the amount of \$350,000 is available in the FY 2010 Public Works Department Operating Budget. However, some purchases may be funded through individual CIP project accounts.

RECOMMENDATION

Recommended Motion: The City Commission: 1) award bid to John C. Hipp Construction Equipment Company, APAC Southeast, Inc. and V.E. Whitehurst for Annual Plant Mix Asphalt Concrete; and 2) authorize the City Manager to execute any and all related documents for pickup of asphalt, subject to approval of the City Attorney as to form and legality.

090407_BidTab_20091001.pdf

090408.

Bid Award - Duval Stormwater Park Drainage Improvements and Nature Path (B)

This item is a request for the City Commission to authorize the bid award in the amount of \$543,700 to Commercial Industrial Corporation for the Duval Stormwater Park Drainage Improvements and Nature Path for construction of a drainage system, stormwater treatment pond, and nature path located between NE 5th Avenue and NE 8th Avenue and NE 21st Street and NE 24th Street in the Duval Neighborhood.

Explanation: On July 9, 2009, the City Purchasing Division solicited bids for the Duval Stormwater Park Drainage Improvements and Nature Path for construction of a drainage system, stormwater treatment pond, and nature path. Nine (9) firms responded with bids. Commercial Industrial Corporation was the lowest responsible and responsive bidder in the amount of \$472,758.23.

Fiscal Note: Funding in the amount of \$472,758.23 plus a 15% contingency amount for a total of \$543,700 is allocated and identified in the following sources for this project: Community Development Block Grant (CDBG), DEP Grant Agreement No. G0180 - Duval Neighborhood Stormwater Park, and FDOT Grant for Duval Stormwater Park.

RECOMMENDATION

Recommended Motion: The City Commission: 1) award the bid to Commercial Industrial Corporation for the construction of Duval Stormwater Park Drainage Improvements and Nature Path for construction of a drainage system, stormwater treatment pond, and nature path; 2) authorize the City Manager to execute the contract, subject to approval as to form and legality by the City Attorney; and 3)

issue a purchase order in an amount not to exceed \$543,700.

090408_BidTab_20091001.pdf

090410.

Increase in Refuse Rates (B)

This item is a request for the City Commission to authorize an increase in the monthly Rates for Solid Waste Collection and some associated charges posted in Appendix A Schedule of Fees, Rates and Charges.

Explanation: The current rates have remained unchanged since 2004 when the current Residential Collection Contract was renewed for the final time. Since that contract expires September 30, 2009, City and County staff put out a joint RFP for a new contract last spring, and after evaluating proposals from the five companies that bid they have negotiated a new 7 year contract with the highest ranked company, Emerald Waste Services.

The Solid Waste Division is an enterprise fund operating on a full cost accounting basis with funding derived primarily from Solid Waste Collection Rates and Franchise Fees. The Solid Waste Division is requesting a 10% increase for FY2010 in monthly rates for each level of service to bring the rates back into line with the cost of the program. Beginning in FY2012 the rates would increase by 5 % every 2 years in accordance with the normal schedule for Appendix A in order to fully account for the increase in the cost of collection and disposal over the initial 7 year term of the contract.

In addition the charge to exchange a cart for one of larger size would increase to the negotiated rate of \$12.00, although there will still be no charge for changing to a smaller size cart.

Finally, the charge to purchase pre-paid approved bags (Official Yellow Bags) for additional refuse dates back to the beginning of the program, and no longer reflects what it costs to manufacture and distribute the bags. The proposed increases are as follows:

<i>Curbside Rates</i>	<i>FY10&11</i>	<i>FY12&13</i>	<i>FY14&15</i>	<i>FY16&17</i>
<i>Mini-Can ...\$13.71 to</i>	<i>\$14.53</i>	<i>\$15.26</i>	<i>\$16.02</i>	<i>\$16.82</i>
<i>35 gallon...\$17.18 to</i>	<i>\$18.90</i>	<i>\$19.85</i>	<i>\$20.84</i>	<i>\$21.88</i>
<i>64 gallon...\$21.14 to</i>	<i>\$23.25</i>	<i>\$24.41</i>	<i>\$25.63</i>	<i>\$26.91</i>
<i>96 gallon...\$26.42 to</i>	<i>\$29.06</i>	<i>\$30.51</i>	<i>\$32.04</i>	<i>\$33.64</i>

<i>Backdoor Rates</i>	<i>FY10&11</i>	<i>FY12&13</i>	<i>FY14&15</i>	<i>FY16&17</i>
<i>Mini-Can ...\$22.19 to</i>	<i>\$24.41</i>	<i>\$25.63</i>	<i>\$26.91</i>	<i>\$28.26</i>
<i>35 gallon...\$25.84 to</i>	<i>\$28.42</i>	<i>\$29.84</i>	<i>\$31.33</i>	<i>\$32.90</i>
<i>64 gallon...\$31.42 to</i>	<i>\$34.56</i>	<i>\$36.29</i>	<i>\$38.10</i>	<i>\$40.01</i>
<i>96 gallon...\$38.50 to</i>	<i>\$42.35</i>	<i>\$44.47</i>	<i>\$46.69</i>	<i>\$49.02</i>

Exchange of cart for larger size... \$10.00 to \$12.00

Pre-paid approved bag... \$2.00 to \$2.25

Fiscal Note: The monthly Rate for Residential Solid Waste Collection is the primary funding source for the Residential Collection program and the Solid Waste Division's operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Appendix A of the City Code by increasing certain residential solid waste collection rates for FY2010-FY2011 with an effective date of December 1, 2009; and 2) approve a rate increase by 5% every 2 years in accordance with the normal schedule for Appendix A beginning in FY 2012.

090410_AppendixA_ord_20091001.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

090453.

Amendment to the Contract for Aerial Units (NB)

Staff recommends extending the term of the contract with Altec Industries, Inc. for aerial units.

Explanation: The City Commission approved a three-year contract on July 25, 2005 for the provision of aerial units for the Energy Delivery Department with Altec Industries, Inc. With The City Commission's approval, the first of two available one-year extensions was previously exercised keeping the contract valid through September 30, 2009. Altec Industries, Inc. maintained fixed pricing for the initial 3-year term while a per-unit cost increase of 3.7% was agreed to for the first extension due to steel surcharges. There will be no price increase for the proposed second extension. Altec Industries, Inc. has been responsive to the Utility's needs, providing aerial units as well as trade-in allowances for units being replaced in accordance with the specifications. Staff believes the requested price increase is in line with industry pricing for this equipment.

Aerial units are used by the Energy Delivery Department for maintenance of the electric transmission and distribution system. Replacement units are purchased at the end of their useful life. The estimated cost of the units to be purchased in FY 2010 is \$920,000 for approximately 7 replacement aerial units. Each unit's pricing varies based on its specifications and its intended usage requirements.

Fiscal Note: Funds for these services have been included in the FY 2010 budget, subject to final appropriation of funds.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a one-year amendment to the agreement for aerial units with Altec Industries, Inc., subject to the approval of the City Attorney as to form and legality; and 2)

approve the issuance of purchase orders to Altec Industries, Inc. in amounts not exceeding budgeted funds for FY 2010, subject to the final appropriation of funds for FY 2010.

CITY ATTORNEY, CONSENT AGENDA ITEMS

090457. Grog House vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-05-CA-2181. (NB)

RECOMMENDATION *The City Commission receive a report that an appeal has been filed in this case.*

090457_MOD_Grog House memo_20091001.pdf

090429.

Jarod Rappaport vs. the Gainesville Police Department; FCHR No.: 200902268 and EEOC Charge No.: 15D200900829. (B)

Explanation: On September 14, 2009, the City of Gainesville received a Notice of Filing a Complaint Discrimination from the Florida Commission on Human Relations. Mr. Rappaport alleges that he was discriminated against based on his race which resulted in his termination of employment with the City.

RECOMMENDATION *The City Commission authorize the City Attorney to represent the City in the case styled Jarod Rappaport vs. the Gainesville Police Department; FCHR No.: 200902268 and EEOC Charge No.: 15D200900829.*

090429_RappaportFCHRClaim_20091001.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

090449.

National League of Cities Business Meeting (B)

RECOMMENDATION *The City Commission designate Commissioner Craig Lowe as the voting delegate.*

090449_20091001.pdf

090450.

Equal Opportunity Director Interviews (NB)

RECOMMENDATION *The City Commission schedule a special meeting for October 5, 2009, at 8:00 A.M.*

090412.**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of August 31, 2009; September 3, 2009; September 14, 2009; and September 17, 2009; as circulated.

090412_8-31-09_minutes_20091001.pdf
 090412a_9-03-09_minutes_20081001.pdf
 090412b_9-14-09_minutes_20091001pdf.pdf
 090412c_9-17-09_minutes_20091001.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****ECONOMIC DEVELOPMENT UNIVERSITY/COMMUNITY COMMITTEE****090420.****Economic Development University Community Committee EDUCC - Referrals (B)**

This item seeks City Commission approval of Economic Development University Community Committee (EDUCC) action on proposed and pending referrals.

Explanation: In its past few meetings, the reconstituted EDUCC has worked with staff to review pending referrals and provided direction on those to be recommended for removal and those to be added for the coming year.

Referrals recommended for removal are:

070077 *Innovation Campus Task Force*
 061158 *Inter-City Trip*

These removal recommendations are based on the fact that the work assigned to the Task Force is complete (the Master Plan for the 16 acre GRU property in downtown Gainesville) and due to fiscal constraints an Inter-City Trip to study a peer city is not warranted at this time.

Referrals recommended for addition or retention are:

090361 *Promotion of Backyard Economic Efforts through City action*
 090363 *Assess Partnership Efforts with UF, Santa Fe CC and community entities*
 090364 *City Facilitation of Regional Agricultural Economy*
 090365 *Review of Council of Economic Outreach Strategic Plan*
 090366 *Provide a Forum for Review: Alachua General Hospital Site Redevelopment Plans*
 040247 *EDUCC Information*
 050835 *Gainesville/UF/Santa Fe Innovation Zone*

These addition and retention recommendations will shape the work plan for the Committee over the course of the next year and will include an initial review of the City's adopted Strategic ED Action Plan and re engagement with various community partners regarding community economic development activities.

The EDUCC endorsed this direction at its regularly scheduled meeting on September 9, 2009.

This is an attempt to reestablish and refocus the priorities of the Economic Development University Community Committee as it moves forward over the next year.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission: Approve the EDUCC's recommendation regarding action on proposed and pending referrals.

Alternative: The City Commission deny the EDUCC's recommendation regarding action of proposed and pending referrals.

090420_EDUCC Referrals_20091001.pdf

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

090441.

Alachua County/City of Gainesville Senior Recreation Center (B)

This is a request for the City Commission to approve staff's recommended ranking of the Design Build firms for the Design and Construction of the Alachua County/City of Gainesville Senior Recreation Center at Northside Park.

Explanation: On August 13, 2009, the City's Purchasing Division received thirteen (13) proposals from design/build partnerships for the design and construction of the Alachua County/City of Gainesville Senior Recreation Center at Northside Park. Staff has evaluated the qualifications and proposal of the firms, and is

recommending the following ranking of the firms. The top ranked firm, W.G. Mills included on their team an architect with experience in the field of gerontological and healthcare design architecture and demonstrated specific experience in the design and construction of senior centers and emergency shelters. Their team includes a local civil engineering firm and local geotechnical engineering firm.

- 1) W.G. Mills
- 2) Edwards Construction Services, Inc.
- 3) Clancey and Theys Construction Company
- 4) Charles Perry Construction
- 5) Joyner Construction, Inc.
- 6) M.M. Parrish Construction Company
- 7) Oelrich Construction

An additional firm was evaluated and ranked, however was disqualified due to communication during the blackout period. If a contract cannot be negotiated with the first firm, negotiation will continue down the list in the order as ranked above until a contract is negotiated and can be executed.

Fiscal Note: The project is funded by the City of Gainesville and Alachua County Wild Places/Public Spaces Initiative, and a grant from the Florida Department of Elder Affairs.

RECOMMENDATION

The City Commission: 1) approve staff's recommended ranking of the Design Build Firms; and 2) authorize the City Manager to negotiate and execute a contract and any related documents, subject to approval from the City Attorney as to form and legality, for the Design and Construction of the Alachua County/City of Gainesville Senior Recreation Center at Northside Park.

090441_Ranking_20091001.pdf

090441_Additional Purchasing Docs_20091001.pdf

GENERAL MANAGER FOR UTILITIES

090454.

Third Year Status Report of Plan to Achieve Maximum Energy Efficiency (B)

The City Commission has asked the staff to implement programs to help achieve maximum energy efficiency and provide quarterly reports regarding progress.

Explanation: In July of 2006 staff began implementation of an aggressive Energy Efficiency Program. Starting October 2006 numerous programs have been implemented to help achieve maximum cost-effective energy efficiency. The presentation will provide a synopsis of last year's activities along with the first three year results and what is planned for in FY'10.

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

RECOMMENDATION

The City Commission hear a presentation from staff of the three year results along with status of measurement, verification, evaluation and modifications to the programs.

090454_3rdYearReport_20091001.pdf

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE - 5:35 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

090442.

Fire Prevention Week - October 4-10, 2009 (B)

RECOMMENDATION

Gainesville Fire Rescue Risk Reduction Bureau Deputy Chief Tim Hayes and Risk Reduction Specialist Krista Gonzalez to accept the proclamation.

090442_Fire_20091001.DOC.pdf

090443.

Displaced Homemaker Program Appreciation Day - October 29, 2009 (B)

RECOMMENDATION *Displaced Homemaker Program Coordinator Nancy Griffin to accept the proclamation.*

090443_Displaced_20091001.DOC.pdf

090444.

Shands AGH Recognition Day - October 9, 2009 (B)

RECOMMENDATION *Shands HealthCare CEO Tim Goldfarb to accept the proclamation.*

090444_ShandsProc_20091001.pdf

090445.

Meet the Blind Day - October 10, 2009 (B)

RECOMMENDATION *Gainesville Chapter, National Federation of the Blind of Florida Chapter President Judith Hamilton and Chapter Vice President Carol Massey to accept the proclamation.*

090445_Blind_20091001.DOC.pdf

090446.

White Cane Safety Awareness Month - October 2009 (B)

RECOMMENDATION *Alachua County Council of the Blind President Maxine Stallings and Vice President Spencer Morton to accept the proclamation.*

090446_WhiteCaneProc_20091001.pdf

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

090393.

Resolution to Support Proposed FDEP Rulemaking (B)

This item is a Resolution authorizing staff to communicate the City Commission's support for proposed rulemaking by the Florida Department of Environmental Protection (FDEP) to establish a more refined surface water classification system which is an integral part of the Total Maximum Daily Load Program.

Explanation: Previously the FDEP appointed and convened an advisory committee to recommend a new surface water classification system. In 2007 the committee

presented its findings. In July 2009 the FDEP was petitioned by the Florida Stormwater Association, Inc. on behalf its membership, which includes the City of Gainesville, to revise existing water body classifications to provide new and more appropriate beneficial uses and use expectations. Florida's system of classification of water bodies, used in conjunction with the TMDL program, has not been re-examined on a comprehensive and scientific basis for more than 40 years

FDEP has responded to the petition. A 'Notice of Development of Rulemaking' has been published and the initial meeting was scheduled for August 18, 2009.

Fiscal Note: Funding in the amount of \$100 for administrative costs is available in the Public Works FY09 operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) adopt the Resolution; and 2) authorize the Mayor to execute and the Clerk to attest same, subject to the approval of the City Attorney as to form and legality.

090393_Resolution_20091001.pdf

090394.

Resolution for a Joint Participation Agreement - State Block Grant Funds for RTS Operating Assistance for FY 2009-2010 (B)

This item is a request to adopt a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and Florida Department of Transportation (FDOT) to accept the allocation for Gainesville of \$1,372,606 from the State Block Grant Funds for FY 2009-2010.

Explanation: FDOT allocates state block grant funds for public transit systems each year. The allocations are based on a three-part formula that includes population, ridership, and vehicle miles operated. For FY 2009-2010, the allocation for Gainesville is \$1,372,606 which represents an increase of \$74,252 from last year's allocation.

FDOT requires the governing board of each public transit system to adopt a resolution authorizing the acceptance of these funds.

The Florida Department of Transportation (FDOT) has stated that it will no longer enter into agreements with the City without the indemnification language contained in this agreement. Commission Resolution No. 060254 provides for waiver of its "no indemnification" provision under certain circumstances. After review and consultation with staff, the City Manager has determined that the value of the city entering into the agreement with the indemnity language outweighs the risk of that language and has executed a letter to that affect.

Fiscal Note: The Operating Assistance Joint Participation Agreement requires the City of Gainesville to match the funding. Funds in the amount of \$1,372,606 for this match are available in the FY 2009-2010 RTS operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1)

adopt the Resolution.

090394_Resolution_20091001.pdf

090394_Agreement_20091001.pdf

090380.

Resolution of the Gainesville City Commission Supporting an Alachua County Charter Amendment Preserving the Principles of Municipal Home Rule (B)

At the request of the Alachua County League of Cities, this agenda item provides a resolution for Commission consideration supporting an Alachua County Charter Amendment preserving the principals of municipal home rule.

Explanation: At the August 26, 2009 meeting of the Alachua County League of Cities, the League approved a resolution supporting and endorsing the principles of home rule. The resolution resolves that "The Alachua County League of Cities believes that when issues are in conflict between the Alachua County Charter and a municipality or several municipalities, such conflict should be resolved by a majority of the electors within the County and a majority of the electors within the affected municipality or municipalities." The resolution also requests that "This resolution be forwarded to the Alachua Board of County Commissioners, the Charter Review Commission, and the State Senators and Representatives elected from the jurisdiction of the Alachua County League of Cities."

After the League approved the resolution, they requested that the governing body of each municipality approve similar resolutions to the one adopted by the League. The intent of these actions is to encourage the Alachua County Charter Review Commission and the County Commission to support a county Charter Amendment that would preserve municipal home rule. This Charter amendment would provide that future County Charter amendments approved by County voters shall only be effective in municipalities if a majority of a municipality's voters approve the Charter amendment.

At the September 17, 2009 City Commission meeting, the Commission discussed the resolution and requested that staff provide additional information. The Commission continued the agenda item to the October 1, 2009 City Commission meeting.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission consider the original resolution approved by the Alachua County League of Cities, and an alternate version prepared by the City Attorney that is more specific to the potential change in the Alachua County Charter, and approve the preferred resolution.

Legislative History

9/17/09 City Commission Continued (7 - 0)

090380_Resolution_20090917.PDF
090380_Sample_20090917.pdf
090380A_Resolution-Final_20091001.PDF
090380B_Resolution-Original_20091001.PDF
090380C_FAQ_20091001.PDF

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

090294.

ENVIRONMENTAL REVIEW FEES (B)

Ordinance No. 0-09-65; Petition No. PZ-09-76 TCH

An ordinance of the City of Gainesville, Florida, relating to environmental review fees; amending section 30-250 of the Land Development Code of the City of Gainesville by creating an environmental review process and requirements; and amending Appendix A, Schedule of Fees, Rates and Charges, of the Code of Ordinances of the City of Gainesville to add fees for environmental review; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The need for environmental fees was identified as a budgetary issue in the summer of 2007. Public Works staff subsequently developed a fee structure and made a presentation on the matter to the builders association in March 2008. A fee study was completed for the City in May 2008. The fee study recognized that there are expenses incurred by the City in doing environmental reviews of land development applications, including land use, zoning and development plans, and therefore recommended that an environmental review fee be established.

This ordinance proposes to amend the Land Development Code to establish environmental review and process requirements. Public Works Department staff has worked with the City Attorney's Office on these requirements, which establish the scope of environmental review; authorize the City Manager or designee to conduct environmental reviews; establish the levels of review; require a review report; and establish fee requirements. In addition, this ordinance proposes to amend Appendix A, Schedule of Fees, Rates and Charges, of the Code of Ordinances, to establish fees for environmental reviews.

Public notice was published in the Gainesville Sun on June 30, 2009. The Plan Board held a public hearing on July 23, 2009, and by a vote of 7-0, recommended the City Commission approve the petition, revised by the Plan Board as follows: include all rezonings for purposes of environmental review; include significant ecological communities and significant uplands in the list of environmental features of concern; exclude mitigation for trees from environmental review (as this is regulated elsewhere in the Code); and provide that Level 1 review may be required by the City Manager or designee. Staff has incorporated all of the revisions, except for the latter. Staff is concerned with

Level 1 review being discretionary. Staff believes the real concern of the Plan Board and citizens centered around requiring Level 1 review due to the presence of a water well. To address this concern, staff has removed wells from the list of environmental features of concern, so that presence of a well will no longer trigger a Level 1 review.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, October 15, 2009.

RECOMMENDATION *The City Commission (1) approve Petition No. PZ-09-76 TCH and (2) adopt the proposed ordinance.*

090294_staff report_20091001.pdf
 090294A_cpb text amend appl_20091001.pdf
 090294B_cpb minutes_20091001.pdf
 090294_Draft Ordinance_20091001.pdf
 090294_MOD-Comparison Table_20091001.PDF

090296.

PROHIBITING SMOKING AT THE ROSA PARKS RTS DOWNTOWN STATION (B)

Ordinance No. 0-09-58

An ordinance of the City of Gainesville, Florida, relating to outdoor smoking at a City Facility; providing legislative findings, creating Article IV in Chapter 11.5 of the Code of Ordinances; creating new sections §11.5-40 through 11.5-43; prohibiting of smoking at the Rosa Parks RTS Downtown Station, except for designated smoking areas; and providing for penalties; amending § 2-339 of the Code of Ordinances to permit enforcement by civil citation, providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its meeting on August 20, 2009, approved the City Attorney's recommendation that authorized the City Attorney to prepare and the Clerk of the Commission to advertise the ordinance. The RTS Citizens Advisory Board endorses this ordinance.

This proposed ordinance would prohibit smoking at the Rosa Parks RTS Downtown Station, except in the permitted smoking area, as designated by the City Manager. If the City Manager designates a permitted smoking area, signs shall be posted stating as such and delineating the boundaries of the area. The ordinance provides a \$75 civil citation for violators.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/20/09 City Commission Approved as Recommended (7 - 0)

090296_Prohibition of Smoking_20090820.pdf
 090296_draft ordinance_20091001.pdf

090297.**RIGHT-OF-WAY OBSTRUCTIONS AND STREET CLOSURES (B)****Ordinance No. 0-09-13**

An ordinance of the City of Gainesville, Florida, relating to right-of-way obstructions and street closures; stating legislative findings, amending Article III of Chapter 23 of the Code of Ordinances; providing for permits and requirements for obstructions and street closures; providing additional regulations for cranes, hoists and other mechanical apparatus; providing exemptions; renumbering § 23-36 relating to obstructing streets; renumbering § 23-38 relating to trees and waste; providing penalties; renumbering, transferring and amending § 19-95 relating to vendors' stands; renumbering and transferring § 23-42 to a new Article in Chapter 26 relating to parades and assemblies on streets; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance imposes a permit requirement on those who wish to obstruct a right-of-way within the City. The Public Works Department would issue the permit. The applicant must also post a cash deposit with the Finance Director and obtain adequate insurance naming the City as an insured to cover any potential liability. There are heightened requirements for cranes and hoists to be used within the right-of-way due to the damage associated with that type of machinery.

The ordinance gives city staff certain discretion regarding permit conditions and requirements. For example, the Risk Management director has discretion to lower the insurance liability amount if the applicant can show that the amount is excessive for the nature of the limited activity. Furthermore, Gainesville Police Department and Gainesville Fire Rescue Department have authority to compel the Public Works Department to deny the permit if the right-of-way closure will be a danger to public health and/or safety.

The ordinance exempts certain right-of-way obstructions from the permitting requirements. Those exemptions are obstructions covered under a different ordinance (e.g., parades), obstructions that last less than one hour, obstructions in response to a natural or man-made disaster, emergency maintenance by public and private utilities, and obstructions made by the City, its agents, or contractors performing work on behalf of the City.

At its meeting of August 20, 2009, the City Commission heard a report on this topic and approved the recommendation that authorized this office to prepare and the clerk of the commission to advertise the ordinance. We have revised the ordinance in response to comments from AT&T Florida. As of the publication of the agenda, AT&T requests additional changes to the ordinance that are not recommended by staff.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/20/09 City Commission Approved as Recommended (7 - 0)

090297_Obstructions of Rights-of-way_20090820.pdf

090297_draft ordinance_20091001.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

090350.

AMENDMENTS TO SOLAR FEED-IN TARIFF ORDINANCE (B)

ORDINANCE NO. 0-09-57

AN ORDINANCE AMENDING CHAPTER 27, APPENDIX A, SECTION UTILITIES (1) ELECTRICITY OF THE GAINESVILLE CODE OF ORDINANCES, PROVIDING FOR THE PURCHASE OF SOLAR GENERATED ENERGY THROUGH A SOLAR ENERGY PURCHASE AGREEMENT FOR ALL CLASSES BY ADDING CLARIFYING LANGUAGE TO FEED-IN-TARIFF PROVISIONS; AMENDING NET METERING DISTRIBUTED RESOURCE(S) RATES FOR GENERAL SERVICE AND LARGE POWER CLASSES TO EXTEND NET METERING APPLICABILITY TO GENERAL SERVICE CUSTOMERS; ADDING A MONTHLY CUSTOMER SERVICE CHARGE FOR FEED-IN-TARIFF; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: Background:

City of Gainesville Ordinance No. 080566 established the GRU Solar Feed-In-Tariff program which commenced in March 2009. After several months of operation, it has been recognized by staff that clarifications and amendments to the original ordinance provisions will enhance the efficient operation of the program into the future.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/17/09 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

090350_draft ordinance_20090917.pdf

090326.

OPEN AND OUTDOOR BURNING (B)

Ordinance No. 0-09-53

An ordinance of the City of Gainesville relating to open and outdoor burning and pyrotechnic display; creating and adding a new Article VI titled Open and Outdoor Burning to Chapter 10 of the City of Gainesville Code of Ordinances, providing for purpose; providing for applicability and exceptions; providing for definitions; providing general prohibitions; providing for permits; providing for voiding permits; providing review

process for voided permits; providing requirements to burn for fire suppression training; providing for permit fees; providing for liability; providing for inspections; providing for enforcement and civil penalties; providing a repealing clause and providing an immediate effective date.

Explanation: On July 28, 2009, the City Commission adopted Resolution No. 090208, to approve the Proposed Tentative General Government Financial and Operating Plan, and authorized staff to take appropriate actions to implement this new and increased program fee. This proposed ordinance establishes regulations and a fee structure for open and outdoor burning in the City of Gainesville.

This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be October 1, 2009.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/17/09 City Commission Adopted on First Reading, as revised (Ordinance) (7 - 0)

090326_Draft Ordinance_20090917.pdf

090326_Amended Draft Ordinance_20091001.pdf

PLAN BOARD PETITIONS

090385.

Nonconforming Use SW 20th Avenue (B)

Petition PB-09-105 MISC. Ricardo Cavallino, agent for MRA Corporation. A request to change to another non-conforming use in accordance with section 408.12 of the Alachua County Unified Land Development Code for recently annexed property located at 4370 Southwest 20th Avenue. Proposed Use: eating place. Tax parcel no. 06745-002-003.

Explanation: This is a request to change the use of an empty store front to another non-conforming use in accordance with section 408.12 of the Alachua County Unified Land Development Code. The property is part of a strip commercial center that was recently annexed into the City. The property is located at 4370 Southwest 20th Avenue. The property had previously operated as a mattress store, the mattress store moved out and the owner would like to use the store as an eating place (restaurant). This request is being processed under the County's regulation because the property has not received City land use and zoning.

The proposed use is considered non-conforming because the property has a residential land use designation and a commercial zoning in the County. County Staff has indicated that since the commercial zoning is incompatible with the residential land use the use is nonconforming. Additionally, County Staff has opined that because the use of the building space is changing from a mattress store to an eating place (restaurant), that this is a change in use that could not be approved by County Staff. However, the County code provides a process for requesting a change.

City Staff and the Plan Board reviewed the County criteria for changing a nonconforming use and found that the request meets the county requirements. The Plan Board voted 7-0 to approve the request. If the City Commission approves the request staff will issue the applicant a letter indicating the request has been approved.

Fiscal Note: None.

RECOMMENDATION *City Plan Board recommends the City Commission approve the request.
Staff to the City Plan Board, approve the request.*

090385_staff report_20091001.pdf
090385A_title 40 chapter 408_20091001.pdf
090385B_RCA request ltr_20091001.pdf
090385C_petitioner appl_20091001.pdf
090385D_cpb minutes draft_20091001.pdf
090385E_petitioner ppt_20091001.PDF

090389.

Possum Creek Park PS Zoning (B)

Petition PZ-09-53. City of Gainesville Parks, Recreation, and Cultural Affairs, agent for City of Gainesville. Amend the PS (Public services and operations) district to establish permitted uses and development standards. Development plan review for construction of a skate park facility, off-leash dog area, and walking trail with associated parking and stormwater facilities. Located at 4009 Northwest 53rd Ave.

Explanation: This petition will amend the PS (Public services and operations) zoning district for the property known as Possum Creek Park, in order to establish uses and adopt uniform development regulations that are consistent with the intended future operation of the park. The park is owned by the City of Gainesville and is located on the south side of NW 53rd Avenue, about 700 feet east of the intersection with NW 43rd Street. The western 19 acres of the park is currently zoned 'PS' (Public Services and Operations) and this is the area that is the subject of this petition. This portion of the park is mostly cleared and has been used for active recreational uses. The proposed amendment will allow for establishment of new uses on the property, specifically a skate park and an off-leash dog park. The proposed development for the site also will include a paved parking area, sidewalk system, mulched recreational path, and associated stormwater basin. The land use designation on the site will remain as 'Recreation', since this land use may be implemented by the PS zoning district under Section 30-46 of the Land Development Code.

Surrounding uses include the undeveloped portions of Possum Creek Park to the east, institutional uses to the north across NW 53rd Avenue, and commercial development to the west at the intersection of NW 53rd Avenue and NW 43rd Street. The adjacent commercial area includes retail development in the 'MU-1' zoning district along NW 53rd Avenue and the Hunter's Crossing Planned Development. Across 53rd Avenue, there is a Gainesville Regional Utilities

operations site that has a 'PS' zoning district, and Trinity United Methodist Church which has multiple zoning districts. The southern end of the subject property abuts the rear of single-family residential neighborhood with 'RSF-2' zoning. There is a vehicular drive that runs along the western side of the subject property which was constructed as part of the adjacent commercial development. This drive is currently utilized by the park as an entrance to the existing unpaved parking area. Existing uses on the park property include picnic pavilions, a playground, a restroom facility and informal recreational fields.

The City Plan Board considered Petition PZ-09-53 at a public hearing held on July 23, 2009. By a vote of 4 - 3, the City Plan Board recommended approval of the petition, on the condition that an additional neighborhood workshop be held prior to the City Commission hearing. The petitioner held the required neighborhood workshop on August 25, 2009.

Public notice for this petition was published in the Gainesville Sun on July 7, 2009. Letters were mailed to surrounding property owners on July 7, 2009.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PZ-09-53.

Staff to City Commission - Approve Petition PZ-09-53.

Alternate Recommendations - The City Commission deny Petition PZ-09-53.

090389_staff report_20091001.pdf
 090389B_neighborhood wkshp_20091001.pdf
 090389C_prelim dev plans_20091001.pdf
 090389D_residents homeowners pet_20091001.pdf
 090389E_cpb minutes_20091001.pdf
 090389F_staff ppt_20091001.PDF
 090389A_TRC comments_20091001.pdf
 090389_petition_20091001.pdf

090384.

Appendix F Airport Hazard Zoning Regulations (B)

Petition PB-09-82 TCH. City of Gainesville. Amend Chapter 30, Appendix F Airport Hazard Zoning regulations to update the code requirements for regulating the use of land and amending the airport Noise Zone map.

Explanation: The purpose of this petition is to update the Airport Hazard Zoning regulations and to adopt a new Airport Noise Zone map. The intent of the proposed changes is to protect the safety and welfare of citizens through development regulations that will reduce the potential land use conflicts with airport operations. It is also important that regulation protect the airport from incompatible land uses that may hamper the future growth and expansion of airport operations. It is generally accepted that aviation noise significantly

affects several million people in the United States. In a great number of instances, aircraft noise simply merges into the urban fabric with other uses in the environment such as buses, trucks, motorcycles, automobiles and construction noise. However, in locations closer to airports and aircraft flight tracks, aircraft noise becomes more of a concern.

Research show that nearly all agencies and boards, standard setting bodies, and international organization that have cognizance over noise production sources use a DnL (Day-Night Average Sound Level) criterion value of 55 dB (decibel) as the threshold for defining noise impact in urban residential areas. In fact, of this large number of agencies, boards, standards setting bodies, and international organization, only the Department of Defense and the FAA suggest a criterion value for DnL that is higher than 55 dB. The US Environmental Protection Agency (EPA, 1974) recommended the DnL metric and 55 dB and the "level requisite to protect health and welfare with an adequate margin of safety". The USEPA recommends the criterion level of 55 DnL to other Federal Agencies.

Given the review of the literature, staff supports the consultant's recommendation that the City should adopt more stringent regulations than the current land development regulations. The consultant recommends that the City:

- 1. Prohibit any new residential development within the 65 dB DnL contour.*
- 2. Prohibit any new residential development within the 60 - 65 dB DnL contour interval, with exception on a case- by-case basis for infill development and requires a minimum of 25 dB exterior-to-interior noise level reduction and the property owner shall provide the City and the Gainesville Regional Airport with a permanent avigation easement.*
- 3. Require any new development within the 55-60 dB DnL contour to provide a minimum of 25 dB of exterior-to-interior noise level reduction.*

The City Plan Board heard a presentation from staff, consultant Ted Baldwin, representatives of East Gainesville Development Partners: Ronald Carpenter and Dan Reimer, airport representatives and the general public. An issue was raised during the discussion whether the proposed restrictions and prohibitions on residential development within the 60 -65 Dnl was consistent with the Comprehensive Plan. It is staff's opinion that there is nothing in the Comprehensive Plan that would prevent the City from adopting stricter standards than what may be called for in the Plan. Policy 9.2.2 of the Transportation Element states, " The City shall continue to work with Alachua County to ensure that incompatible land uses within the 65, 70 and 75 Ldn airport noise contours are eliminated. This policy does not prevent the City from regulating incompatible land uses in other noise contours.

The Plan Board voted 6-1 to approve staff's recommendation. One board member expressed concern that new regulations are not based on a new airport master plan and that only a portion of the Part 150 study has been completed.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission, approve the petition as recommended by staff.

Staff to the City Plan Board, approve the petition.

090384A_hmmh memo_20091001.pdf

090384B_appendix F_20091001.pdf

090384C_maps_20091001.pdf

090384D_text amendment appl_20091001.pdf

090384E_cpb minutes draft_20091001.pdf

090384F_staff ppt_20091001.PDF

090384_staff report_20091001.pdf

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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