

City of Gainesville

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



Meeting Agenda

June 16, 2011

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Thomas Hawkins (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Todd Chase (District 2)

Commissioner Susan Bottcher (District 3)

Commissioner Randy Wells (District 4)

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

100561.

Delinquent Landlord Permit Fee Collection and Fine Calculation (B)

This item recommends amending the Landlord Permit Fee ordinance to include adding an additional delinquent fee collection method and establishing a policy for calculating Code Enforcement Board imposed fines related to violation of the Landlord Permit Fee ordinance.

Explanation: City of Gainesville Code of Ordinances Sec. 14.5 requires a landlord permit be obtained by an owner renting a single-family dwelling, two-family dwelling, three-family dwelling, four-family dwelling, multi-family dwelling, rooming house, dormitory or other dwelling unit within a district designated residential single family. The landlord permit is obtained upon review of a landlord permit application and payment to the City of Gainesville. The landlord permit fee is increased if received after the due date established in Appendix A - Schedule of Fees, Rates, and Charges.

The City issues approximately 3,500 landlord permits annually and an estimated 200 of those permits are either paid after the initial due date or remain unpaid. Those properties with permits that remain unpaid and are, nonetheless, rented in violation of Sec. 14.5 are referred to the Code Enforcement Board for prosecution. Section 14.5 currently includes a process for collecting unpaid landlord permit fees. By ordinance, unpaid fees may be referred to a collection agency and if the agency is unable to collect the unpaid fee the case can be referred to the Code Enforcement Board for prosecution. The case can also be referred directly to the Code Enforcement Board, which is

the process used by staff. When found guilty by the Code Enforcement Board, the board issues a compliance date and a fine is assessed which is implemented if the property is not brought into compliance by the established deadline.

In an effort to add an additional collection tool that would increase the effectiveness of fee collection, staff recommends including an option in the ordinance to refer unpaid fees to the city attorney to pursue judicial resolution. This option would conform to other City collection practices.

The City of Gainesville currently has several properties that have running Code Enforcement Board fines resulting from being found guilty of renting a property without a landlord permit. The current ordinance does not clarify how such fines should be calculated or how compliance can be achieved to stop the accumulation of fines. Staff is recommending adding language to Sec. 14.5 to allow for Code Enforcement Board imposed fines to stop accruing at the point any of the following occurs: 1) a valid landlord permit is obtained for the subject property; 2) the owner ceases to rent the subject property; 3) the subject property has been relinquished by the owner by sale, foreclosure, etc.; or 4) The landlord permit year for which the owner is in arrears ends. Fees and fines will still be due and owing to the city up to the date of the occurrence of any of the events, and additional fines may be imposed should non-compliance occur during subsequent years.

Based on the proposed fine calculation method there will be a reduction in the amount of Code Enforcement Board fines due to the City of Gainesville, however staff believes that the proposed method is the appropriate calculation and will result in an increased rate of compliance, an improved ability to collect fines, fewer properties foreclosed on by the City of Gainesville because of the accumulation of fines, and greater redevelopment potential as a result of the removal of liens.

Code Enforcement Board fines owed to the City of Gainesville for violation of Sec. 14.5 total approximately \$823,210. If these fines are recalculated based on staff's recommendation the total due to the City will total approximately \$45,116.

Fiscal Note: The ordinance amendment to allow unpaid landlord fee collection through small claims court should result in a greater ability to collect delinquent landlord permit fees. This is assumed based on other City fee programs that utilize a similar process.

Code Enforcement Board fines owed to the City of Gainesville for violation of Sec. 14.5 total approximately \$823,210. If these fines are recalculated based on staff's recommendation the total due to the City will total approximately \$45,116.

RECOMMENDATION

The City Commission: direct the City Attorney to draft proposed amendments to City of Gainesville Code of Ordinances Section 14.5 and submit amendments for adoption by the City Commission.

100561_Ordinance_20110616.pdf

110010.**State LECFTF Funding For The 2011 Summer Heat Wave/Operation Respect Yourself Program (NB)**

This is a request for funding to support the 2011 Summer Heat Wave/Operation Respect Yourself Program.

Explanation: The Gainesville Police Department is requesting \$7,500 for the 2011 Summer Heat Wave/Operation Respect Yourself Program. The funds will be used to facilitate recreational activities and supply food, drinks and recreational supplies.

Heat Wave is a summer youth program in its fourth year aimed at providing focused and structured summer recreational activities complete with positive messaging and weekly positive themes. It is free to all youth participants.

In addition, Operation Respect Yourself focuses on social events for school age children combining music, food, and sport activities emphasizing non-violent conflict resolution. These events are scheduled at the City of Gainesville pools throughout the city. This is a joint partnership between the City of Gainesville's Parks, Recreation, and Cultural Affairs Department and the Gainesville Police Department. Additionally, in-kind services will be provided by City staff.

Fiscal Note: Funds in the amount of \$7,500 for this expenditure are available in the State Law Enforcement Contraband and Forfeiture Trust Fund, as allowed under FSS 932.7055. The balance in the account is \$179,511 unreserved fund balance from September 30, 2010 balance sheet.

RECOMMENDATION

The City Commission approve the use of State Law Enforcement Contraband Forfeiture Trust Funds not to exceed \$7,500 to support the Summer Heat Wave/Operation Respect Yourself 2011 Program.

Alternative Recommendation

The City Commission deny funding which will result in the Summer Heat Wave/Operation Respect Yourself 2011 Program being cancelled or scaled back

110026.**Bid Award - NE 25th Street SAFETEA-LU Roadway Improvements (B)**

This is a request for the City Commission to authorize the bid award in the amount of \$770,000 to D.A.B. Constructors, Inc., for the NE 25th Street SAFETEA-LU Roadway Improvements project.

Explanation: On April 25th, the City Purchasing Division solicited bids for the NE 25th Street SAFETEA-LU Roadway Improvements project. Four (4) firms responded with bids. D.A.B. Constructors, Inc., was the lowest responsible and responsive bidder in the amount of \$668,888.88.

Fiscal Note: Funding in the amount of \$668,888.88 plus a 15% contingency amount for a total of \$770,000 is allocated and identified in the Florida Department of Transportation Local Agency Program (LAP) Agreement for this project.

RECOMMENDATION

The City Commission: 1) award the bid to D.A.B. Constructors, Inc., for the construction of the NE 25th Street SAFETEA-LU Roadway Improvements project; 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 \$770,000.

110026_Bid Award_20110616.pdf

110035.**Human Resources Policy L-3, Paid Time Off System and Policy L-8, Military Leave (B)**

Explanation: Human Resources Policy L-3, Paid Time Off System, replaces Policy 8, by the same title. This policy is being changed to allow non-bargaining unit employees to convert hours in their Paid Time Off (PTO) accrual to their Personal Critical Leave Bank (PCLB) at any time during the year so that their ability to do so is equitable and consistent with that of bargaining unit employees.

Human Resources Policy L-8, Military Leave, is amended to extend the previously ratified supplement to an employee's military pay by an amount not to exceed the employee's regular base pay, (e.g., no overtime, certification pay, educational incentive pay or special duty pay, etc.), for those employees called to active military duty. This amendment also extends the City's health and basic life insurance coverage for employees called to active military duty at the same rates as for active employees. Both benefits expire April 1, 2012, unless renewed by the City Commission action.

Fiscal Note: Policy L-3 fiscal impact is negligible. Policy L-8 funds are currently budgeted for the FY 2010-2011.

RECOMMENDATION

The City Commission approve the Human Resources Policy L-3, Paid Time Off and Policy L-8, Military Leave.

110035A_HR Policy L3_20110616.pdf

110035B_HR Policy L8, Military Leave.pdf

110038.**GRUCom Ethernet Service Upgrade Agreements for Gainesville Fire Rescue (NB)**

This item requests that the City Commission authorize the City Manager or designee to execute agreements with GRUCom to upgrade the existing Ethernet data transport service to all Gainesville Fire Rescue stations and administrative buildings, including the addition of service to Fire Station 8.

Explanation: Gainesville Fire Rescue currently has an agreement with GRUCom for Ethernet service to seven fire stations and the administrative buildings for \$176.56 per building per month. GRUCom has proposed service agreements that will allow the upgrade of the existing network, including the addition of service to Fire Station 8. The cost per month per building will remain the same for the duration of the agreements from June 2011 through January 26, 2017. The total expense for the duration of the agreements is estimated to be \$108,055. Payments are processed through monthly billing from GRUCom.

Fiscal Note: The total cost for the agreements is estimated to be \$108,055. Funding is already included in the fire department budget.

RECOMMENDATION

The City Commission authorize the City Manager or designee to execute the agreements with GRUCom subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission not authorize the City Manager or designee to execute the agreements.

110049.

Grant Applications for Hoggetowne Medieval Faire and Heart of Florida Asian Festival (NB)

This item involves a request to authorize submission of two grant applications by the Parks, Recreation and Cultural Affairs Department to the Alachua County Tourist Product Development Program, for funds to provide marketing and promotion for the Hoggetowne Medieval Faire and the Heart of Florida Asian Festival.

Explanation: The Department of Parks, Recreation and Cultural Affairs wishes to submit grant applications to the Alachua County Tourist Product Development Program for funds to provide advertising and promotion of the 2011 Heart of Florida Asian Festival and the 2012 Hoggetowne Medieval Faire. Two separate grant applications will be submitted, with each application requesting \$50,000: one for the Hoggetowne Medieval Faire, and the other for the Heart of Florida Asian Festival.

The intent of the Tourist Product Development Program is to stimulate and encourage the development of new experiences for visitors to Alachua County. A condition of the grant funding is that a percentage of funds must be spent on marketing outside of Alachua County. If awarded, the grants will pay for advertising and promotion in daily and monthly print publications, as well as radio and television broadcasts. The remaining balance will be spent on entertainment and production. The Department has received grant funding from the Alachua County Tourist Product Development Fund for the past several years.

Fiscal Note: No matching funds are required.

RECOMMENDATION

The City Commission: 1) approve the submission of two grant applications to Alachua County Tourist Product Development Program; 2) authorize the City Manager to execute the applications; and 3) if awarded, authorize the City Manager to execute the grant agreement(s) and other grant-related documents subject to approval by the City Attorney as to form and legality.

110052.**Interlocal Agreement with Alachua County for Property Addressing (B)**

This item is a request to seek authorization from the City Commission for an Interlocal Agreement with Alachua County for property addressing services.

Explanation: Alachua County has an Office of Enhanced 9-1-1 within the Department of Public Safety that has property addressing responsibilities for all of unincorporated and incorporated Alachua County with the exception of the City of Gainesville and the City of Micanopy. Alachua County approached City staff to explore the possibility of having the Office of Enhanced 9-1-1 assume property addressing responsibilities for the City of Gainesville. Property addressing in the City is currently handled by the Building Department in coordination with other departments.

The Office of Enhanced 9-1-1 is responsible for the following functions:

1) maintaining and ensuring the accuracy of the Automatic Location Information Database for Alachua County; 2) acting as liaison between the 911 service provider, private sector, other governmental agencies and the County's E-911 system; 3) researching and developing plans to expand and upgrade the E-911 system; 4) researching the latest technologies impacting 911 and devising strategies to integrate them into the 911 system; 5) coordinating the plan of information within the county and among outside agencies; 6) coordinating with local, state and federal agencies in maintaining all mandated requirements; 7) maintaining computer-based mapping systems for emergency location purposes; and 8) coordinating the collection of data for street addressing of local communities.

The Office of Enhanced 9-1-1 is governed by Florida Statutes 365.171 - 175. The statutes provide the basis and funding source for Enhanced 911 systems in the state. This statute is further defined by the State of Florida 9-1-1 Emergency Telephone Number Plan. Funds are generated from E 9-1-1 fees on communication devices.

City and Office of Enhanced 9-1-1 staff met on a number of occasions to explore potential benefits of an Interlocal Agreement allowing the Office of Enhanced 9-1-1 to assume property addressing responsibilities for the City and to identify implementation issues. These meetings included City staff from

Police, Fire, Public Works, Planning, Building and GRU.

There appear to be several advantages to the transfer of responsibility for property addressing to the Office of Enhanced 9-1-1 including better utilization of staff time and enhancement in data accuracy and consistency of addressing that should improve coordination with emergency services and response to incidents.

Potential disadvantages may include permitting delays during the transition period, short-term issues associated with addressing modifications/corrections made by the Office of Enhanced 9-1-1 and adjustment of city processes and procedures to incorporate a new work flow.

Staff believes it would be advantageous to the City to enter into an Interlocal Agreement with Alachua County to allow the Office of Enhanced 9-1-1 to assume property addressing responsibilities for the City of Gainesville.

Fiscal Note: The Alachua County Office of Enhanced 9-1-1 is funded through E 9-1-1 fees collected from the use of communication devices in Alachua County including the City of Gainesville. The City will not be charged for property addressing services or any other services provided through the Interlocal Agreement.

RECOMMENDATION

The City Commission authorize the City Manager to execute an Interlocal Agreement with Alachua County for property addressing services subject to approval by the City Attorney as to form and legality.

110052A_Agreement_20110616.pdf

110052B_Memo_20110616.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

110041.

Remittance Processing System (NB)

Staff recommends the purchase of a remittance processing system from OPEX Corporation

Explanation: The Cash Receipts staff processes and posts over 350,000 utility payments annually, with a deposit value of over \$223,000,000. To ensure payments are posted promptly and accurately, staff relies upon an automated remittance processing system. The current remittance system, installed in 1998, is at the end of its useful life. The equipment's reliability has significantly diminished and replacement parts are becoming obsolete while parts and maintenance costs continue to increase.

New payment remittance processing equipment can perform a rapid extraction of the remittance documents with proficiency and accuracy using secure and reliable extraction components. The technology allows a cashier to perform all tasks in a single location, including opening and separating the payment envelope from the inserts, removing contents for electronic scanning, and scanning payments. This improved automated process will save a cashier

approximately four hours each day in processing time. With fewer manual steps, repetitive motion injuries can be reduced. In addition, the equipment will improve reliability by reducing downtime while allowing staff to implement an online electronic bank deposit process with increased speed, quality and enhanced scanning quality.

OPEX Corporation is the only supplier of remittance processing systems for the equipment size required by GRU. Utilities Purchasing obtained a written quotation for the system.

Fiscal Note: Funds for this purchase have been included in the FY 2011 Customer Support Services budget.

RECOMMENDATION

The City Commission authorize the issuance of a purchase order to OPEX Corporation, a specified source, for the purchase of a utility payment remittance processing system for an amount not to exceed \$78,398.

110042.

Murphree WTP Reactor Clarifier No. 1 and Thickener No. 1 Rehabilitation Project (B)

Staff recommends awarding a contract to Beach Construction Company, Inc. for construction services for the Murphree Water Treatment Plant Reactor Clarifier No. 1 and Thickener No. 1 Rehabilitation Project.

Explanation: Water/Wastewater Systems has a Capital Improvements Program to fund various improvement projects at the Murphree Water Treatment Plant (MWTP). Upon completion, this project will enhance the reliability of Reactor Clarifier No. 1 and the reliability and redundancy of the sludge thickening system. The project includes rehabilitation of the turbine drive and rake drive for Reactor Clarifier No. 1, installation of new control panel for Reactor Clarifier No. 1, rehabilitation to the structural concrete of Thickener No. 1 and decant pump station wetwell, installation of a new bridge, drive, center feedwell, rake, and launders for Thickener No. 1, and electrical and instrumentation improvements to Reactor Clarifier No. 1 and Thickener No. 1.

Utilities Purchasing issued an Invitation to Bid to four known companies that perform this type of work. In addition, the bid was posted on GRU's web page. Four firms attended a mandatory pre-bid meeting. Four bids were received. A tabulation of the bids received is attached for your information. Any additional purchases will be made in accordance with established Purchasing policies.

Fiscal Note: Funding for this work is included in the Water System Capital Improvements FY 2011 and FY 2012 budget.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to execute a contract with Beach Construction Company, Inc. to perform construction services for the Murphree Water

Treatment Plant's Reactor Clarifier No. 1 and Thickener No. 1 Project, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Beach Construction Company, Inc. for these services in an amount not to exceed \$1,337,000; and 3) authorize staff to procure services, equipment and materials, as required, to complete the project as budgeted, subject to the final appropriation of funds.

Bid Tab Reactor Clarifier 2011 backup to 110042.pdf

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

110056. City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of May 19, 2011 and June 2, 2011, as circulated.*

110056_june 2, 2011_minutes_20110616..pdf

110056_may 19, 2011_swearing_in_20110616.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

100947. Alachua County Tax Collector - Reduction of Cost Lien (B)

Explanation: The Alachua County Tax Collector, Mr. Von Fraser, submitted a request to the City of Gainesville via the Code Enforcement Division to reduce an administrative cost lien the city levied against parcel #10733-051-000. The

subject parcel is located at 825 NE 19th Street and the owner of record is William Sparrow "Heirs." In 2005, the Code Enforcement Division razed the structure that was on the property under Chapter 16 of the Code of Ordinances. The abatement of the structure was completed using General fund dollars allocated to the dangerous building abatement program. The cost of the abatement remained unpaid by the property owner and a lien for the cost of the abatement was placed on the property. The lien in this situation differs from a Code Enforcement Board lien which is a lien placed on a property for the amount of a fine imposed by the Code Enforcement Board. In this case the lien is an administrative lien which was placed on the property to recover the General fund dollars used to abate the nuisance on the property.

The lien on 825 NE 19th Street is \$4,136.90. Mr. Fraser has indicated that the property owner adjacent to the subject parcel is willing to acquire the property if the city's lien is reduced by \$2,000. A reduction or rescission of an administrative lien is contrary to past practice due to the fact that the lien is in place to seek reimbursement of General fund dollars used to correct a property owner's violation of a city ordinance.

Fiscal Note: The lien in place on parcel #10733-051-000 is an administrative cost lien to reimburse the city for the abatement of a dangerous building. \$4,136.90 of the city's General fund was used to complete the abatement and if the Tax Collector's request is granted, \$2,136.90 will be reimbursed to the city's General fund.

RECOMMENDATION

The City Commission: 1) receive a request from the Alachua County Tax Collector for the reduction of the administrative lien placed on parcel #10733-051-000; and 2) deny the request.

Alternative Recommendation

The City Commission: 1) receive a request from the Alachua County Tax Collector for the reduction of the administrative lien placed on parcel #10733-051-000; and 2) approve the request.

100947_Request from ACTC_20110616.pdf

100948.

Homelessness Respite Pilot Program (B)

This item involves a request for the City Commission to receive a presentation on a Homelessness Respite Pilot Program plan from the Implementation Committee of the 10-year Plan to End Homelessness in Gainesville and Alachua County and consider a funding request from the Committee to create a Homelessness Respite Pilot Program.

Explanation: The 10-Year Plan to End Homelessness was presented at a joint meeting of the City and County Commissions on December 15, 2005. Beginning in January 2006, the 10-Year Plan Implementation Committee, which is currently co-chaired by Mayor Craig Lowe and County Commissioner Rodney Long, began reviewing recommendations contained in the 10-Year Plan. On June 20,

2006, the City and County Commissions approved recommendations to: (1) provide two-year funding through an interlocal agreement between the City, County and Alachua County Housing Authority for the operation of an Office on Homelessness under the Alachua County Housing Authority; (2) provide first-year funding for the establishment of a One Stop Homeless Assistance Center; and (3) set aside funding for additional implementation measures, including match for state or federal grants that may be applied for to further the goals of the 10-Year Plan. To date, both the City and County Commissions have formally approved the interlocal agreement for the Office on Homelessness. The Office on Homelessness has been fully operational under this agreement since October 1, 2006.

The Implementation Committee created a Respite for the Homeless Sub-Committee to review and evaluate the need to establish a Homeless Respite Program. Homeless Respite Care refers to recuperative services for homeless individuals who may not meet the medical criteria for hospitalization, but who are recovering from an illness and are medically vulnerable and cannot be returned to the streets. The program would provide homeless individuals with housing and services allowing for recovery from illnesses and stabilization of chronic conditions. The Sub-Committee determined that approximately 6-9 homeless persons are in need of respite beds per month in our community.

On March 28, 2011, the Implementation Committee heard a presentation from this Sub-Committee (draft meeting minutes attached in back-up), and decided to put together a plan for a Homelessness Respite Pilot Program to be presented to the City and County Commissions for consideration. The Plan would require coordination between potential providers of shelter and other services (such as St. Francis House) and the funding agencies; it was suggested that the City and County share in the cost of the pilot program. Also, six months was a recommended time frame for an initial pilot program, after which time an analysis could be done to determine the success, failure, or shortcomings of the program. The estimated cost for a pilot program which provides two beds for up to six months (approximately 26 weeks) is \$5,200, or \$10,400 annually.

If the program begins in mid-June and runs through September 30th, approximately 15 weeks, the request from the FY11 budget is approximately \$3,000 total; \$1,500 each if the City and County share the cost. Additional components required for success of the pilot include partnerships with Shands and the Alachua County Health Department to provide medical and case management services. It is recommended that Alachua County be the lead agency responsible for developing the Pilot Program, including coordination of any required inter-agency agreements, management, and financial oversight.

Fiscal Note: The City of Gainesville has not budgeted funds in FY11 for the pilot program, and therefore City staff would need to identify funds in the amount of \$1,500 (if jointly funded with the County) for the pilot program to operate for the remainder of FY11, or \$5,200 on an annual basis (if jointly funded with the County). In the event that the program is determined to be a success and the City Commission wants to continue the program, funding for future years would need to be identified and approved by the City Commission.

RECOMMENDATION

The Implementation Committee to the City

Commission: 1) receive a presentation on a Homelessness Respite Pilot Program plan from the Implementation Committee of the 10-Year Plan to End Homelessness in Gainesville and Alachua County; 2) request the City Commission to fund the Homelessness Respite Pilot Program in the amount of \$1,500 for the remainder of FY11; and 3) authorize the City Manager or designee to execute the necessary agreements related to the creation of the Homelessness Respite Pilot Program with Alachua County, subject to approval by the City Attorney as to form and legality.

Staff to City Commission: The City Commission: 1) receive a presentation on a Homelessness Respite Pilot Program plan from the Implementation Committee of the 10-Year Plan to End Homelessness in Gainesville and Alachua County; and 2) direct the City Manager to consider this request for funding during the FY12 budget discussions.

Alternative Recommendation: The City Commission: 1) receive a presentation on a Homelessness Respite Pilot Program plan from the Implementation Committee of the 10-Year Plan to End Homelessness in Gainesville and Alachua County; 2) direct City staff to identify funds in the amount of \$1,500 for the Homelessness Respite Pilot Program for the remainder of FY11; and 3) authorize the City Manager or designee to execute the necessary agreements related to the creation of the Homelessness Respite Pilot Program with Alachua County, subject to approval by the City Attorney as to form and legality.

100948A_Respites PPT_20110616.pdf

100948B_Comm Minutes_20110616.pdf

110032.

Amended FY11 - FY15 Capital Improvement Plan (B)

This item relates to amending the FY11 - FY15 Capital Improvement Plan.

MODIFICATION: New ppt. imported 6/13/2011 @ 4:50 PM due to a minor scrivener's error. NOTE: GPD Pictures added 6/15/2011 @ 6:00 PM.

Explanation: During the initial year of each two-year budget process the City Commission adopts a Five Year Capital Improvement Plan. The FY11 - FY15 Capital Improvement Plan was adopted by the Commission during the FY11 & FY12 budget hearings last summer.

During the April 21, 2011 meeting the City Commission directed staff to amend the FY11 - FY15 Capital Improvement Plan by:

----Moving the Main Street Streetscape Project from FY15 to FY11/FY12. The

change in the scheduling of the project would be funded through cost savings recognized on completed roadway construction and reconstruction projects, and

----Adding the NE 2nd Street project in FY15. This project would be funded from the FY15 monies originally identified in FY15 for the Main Street Streetscape project.

The Commission also asked staff to explore the possibility of accelerating the design portion of the NE 2nd Street Project to FY11/FY12. Interest earnings and unappropriated bond proceeds from the Series 2002 FFGFC Bond Fund and Series 2009 Capital Improvement Revenue Notes are potential sources of funds to accommodate the advanced timing of this project if so directed by the City Commission.

Staff is requesting that an adjustment to the GPD Headquarters Campus Project be considered as we amend the FY11 - FY15 Capital Improvement Plan. The original scope of the project project consisted of several parts:

----Land acquisition,

----Construction of a new Headquarters Annex Building,

----Renovation of the existing Administration Building (721 Building),

----Construction of a Community Meeting Facility, and

----Refurbishment of an acquired concrete block building for a Firearms Training Facility.

Due to budgetary constraints, the project scope has been scaled down, and construction of the Community Meeting Facility is no longer being considered. To date, the property has been acquired, the new Headquarters Annex building has been constructed and interior demolition of the 721 Building is mostly completed.

The original plans for the renovation of the 721 Building envisioned a moderate renovation project which would require painting, new carpets, some remodeling and a limited degree of structural repair to the building. The budget for this phase of the project was originally established at approximately \$3.5 million. However, as interior demolition progressed, it became clear that the building, which was constructed in 1952 and expanded in 1961, 1972, and 1983, had structural defects which were much more severe than originally contemplated. Revised estimates indicate that the costs of the project will substantially exceed the original project budget.

Staff has developed three different options for completing the project.

----Option 1 proposes renovating approximately 28,000 square feet of the 721 Building and adding just over 12,000 square feet of new construction to the building. This option also includes a Physical Training Facility of just under 9,000 square feet to be developed in the concrete block building acquired as part of the project located just south and east of the newly constructed Headquarters Annex. This option would provide a total of 49,247 square feet with a total cost of approximately \$9.54 million.

----Option 2 also proposes renovating 28,000 square feet of the 721 Building and adding 12,000 square feet of new construction to the building. The difference from Option 1 is instead of the proposed Physical Training Facility, this option suggests construction of a substation facility in southwest Gainesville of approximately 6,220 square feet. This option would provide a total of 46,528 square feet with a cost of approximately \$9.74 million.

----Option 3 proposes demolishing the entire existing 721 Building and replacing it with new construction of just over 40,000 square feet. A physical fitness training area would be contained within this structure. This option would provide a total of 40,305 square feet with a cost of approximately \$9.94 million.

The previous square footage of the 721 Building was 56,396 square feet. As you can see, all three options will provide less square footage than currently exists with the 721 Building. All three options suggest additional space needs for future GPD expansion within the next decade.

Staff is recommending Option 1 which, taking into account monies already reserved within the General Fund fund balance for the project, will require an additional \$5.5 million more in funding than is currently appropriated. Potential funding sources to provide the incremental \$5.5 million are:

----\$4 million dollars from a proposed 2013 bond issue. The debt service on this issue would be funded through extending the GPD vacancy rate.

----\$1.5 million from the fund balance of the Federal Law Enforcement Contraband Forfeiture Fund.

Fiscal Note: If the City Commission accepts the proposed amendments to the FY11 - FY15 CIP, the projected additional costs will be \$5.5 million, to be funded as noted above.

RECOMMENDATION

The City Commission approve amendments to the FY11 - FY15 CIP to include: 1) moving the Main Street Streetscaping project from FY15 to FY11/12, 2) adding the NE 2nd Street project in FY15, and 3) adding an additional \$5.5 million to the GPD 721 Building project under staff Option 1, approving a \$4 million FY13 bond issue to provide a portion of the funding needed for the project, and utilizing \$1.5 million dollars from the Federal Law Enforcement Contraband Forfeiture Fund to fund the balance of the additional cost.

110032_MOD_AMENDED FY11-FY15 Capital Imp. Plan_ppt.PDF

110032_MOD2_GPD Building Photos_ppt.pdf

100938.

FY 2012 - FY 2021 Capital Improvement Project List (B)

This item relates to operating department submissions concerning potential capital improvement project needs over the period from FY12 through FY21.

Explanation: During the initial year of each two-year budget process, the City Commission adopts a Five Year Capital Improvement Plan. The FY11 - FY15 Capital Improvement Plan was adopted by the Commission during the FY11 & FY12 budget hearings last summer.

In anticipation that the County may pursue an infrastructure sales tax initiative, departments were asked to compile a list of unfunded capital project needs over the next ten years. These needs could include projects that did not receive funding, or received only partial funding as part of the FY11 - FY15 CIP process, as well as new projects that were not considered during this process.

Total project submissions for the FY12- FY21 period were just over \$484 million. The back-up details these project requests by department.

Fiscal Note: At this point there is no fiscal impact related to this item.

RECOMMENDATION *The City Commission discuss the FY12 - FY21 capital improvement project list.*

100938A_FY12 - FY21 CIP Project List_20110616.pdf

100938B_CIP Stratified Recommendations FY12_20110616.pdf

100957.

Certificate of Achievement for Excellence in Financial Reporting (B)

The City was awarded GFOA's Certificate of Achievement for Excellence in Financial Reporting for its 2009 Comprehensive Annual Financial Report (CAFR). The 2010 CAFR is hereby presented to the Commission and will be also submitted to GFOA for the award.

Explanation: The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Gainesville for its Comprehensive Annual Financial Report for the fiscal year ended September 30, 2009. The Certificate of Achievement is a prestigious national award-recognizing conformance with the highest standards for preparation of state and local government financial reports.

In order to be awarded a Certificate of Achievement, a governmental unit must publish an easily readable and efficiently organized Comprehensive Annual Financial Report, whose contents conform to program standards. The report must satisfy both generally accepted accounting principles and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. The City of Gainesville has received a Certificate of Achievement in each year in which it has been eligible since the inception of the program in 1951. The City believes that its current report for the fiscal year ended September 30, 2010 continues to comply with Certificate of Achievement program requirements, and is submitting it to the GFOA for review and consideration.

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

RECOMMENDATION

The City Commission accept the Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2009 and receive the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2010.

NOTE: Document is available for viewing in the Clerk's Office and on the City's internet.

100958.**Distinguished Budget Presentation Award (NB)**

The City was awarded GFOA's Distinguished Budget Presentation Award for its Financial and Operating Plan for fiscal years 2011 and 2012.

Explanation: The Government Finance Officers Association (GFOA) of the United States and Canada has awarded the City of Gainesville, GFOA's Distinguished Budget Presentation Award for its Financial and Operating Plan for fiscal years 2011 and 2012. The Award represents a significant achievement by the City. In order to receive the Budget Award, the City satisfied nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well the City's budget serves as a policy document; a financial plan, an operations guide; and a communication device. Budget documents must be rated "proficient" in all four categories to receive the award.

When a Distinguished Budget Presentation Award is granted, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. This certificate has been presented to the Office of Management and Budget. The City of Gainesville has received a Distinguished Budget Presentation Award for the last 25 consecutive years.

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

RECOMMENDATION

The City Commission acknowledge receipt of the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA).

NOTE: Document is available for viewing in the Clerk's Office and on the City's internet.

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY**

100969.**THE CITY'S DEFINED BENEFIT PENSION PLANS (B)**

Explanation: On Wednesday, May 4, 2011, the Florida Legislature passed Senate Bill 1128 (SB 1128), an act relating to public pension plans. Among other things, SB 1128 requires defined benefit pension plans sponsored by a local government to calculate pension benefits in a certain manner on or after July 1, 2011.

At its meeting on May 19, 2011, the City Commission authorized this Office to prepare and the Clerk to advertise an ordinance amending the City's pension plans to bring them into compliance with SB 1128 contingent upon this bill becoming law. First reading was scheduled for June 16, 2011 and second reading was scheduled for a special meeting to occur before July 1, 2011. The Clerk subsequently scheduled a special meeting for a second reading on June 28, 2011.

As of June 7, 2011, SB 1128 was not yet law. However, the Municipal Police Officers and Firefighters' Retirement Trust Funds Office, a section of the State of Florida's Division of Retirement, issued interpretive guidance on SB 1128's application to municipal police officer and firefighter pension plans on May 31, 2011. This guidance is attached as backup to this agenda item. In relevant part, the guidance provides the following:

For Chapters 175 & 185 plans, if some of the police and firefighters are represented by a collective bargaining agent, then the effective date [of SB 1128] is the date of entry into the first CBA entered into on or after July 1, 2011 for all police and firefighters regardless of whether they are members of the collective bargaining unit or not.

The Division of Retirement issued this interpretive guidance despite the plain language of SB 1128 which provides that "[f]or noncollectively bargained service earned on after July 1, 2011, or for service earned under a collective bargaining agreements entered into on or after July 1, 2011, . . . when calculating retirement benefits, up to 300 hours per year in overtime compensation may be included, . . . but payments for accrued unused sick or annual leave may not be included."

The Division of Retirement's interpretive guidance has for all practical purposes concluded that the service of members outside of bargaining units (for example, service earned by a manager, administrative, or professional employee, or MAPs) is "earned under a collective bargaining agreement" even though the City never bargained terms of conditions of employment, including pension benefits, with these employees because they were not members of a bargaining unit and the terms of conditions of employment for these employees are not covered by any collective bargaining agreement.

The City Attorney's Office called the Division of Retirement to obtain the basis for its position, and the Division of Retirement's rationale was twofold. First, Chapters 175 and 185 require all police officers and firefighters in a pension plan governed by those Chapters to be offered benefits under that plan in a

nondiscriminatory or uniform manner. In other words, there cannot be tiered benefits in the plan -- all members must be treated uniformly. Second, the Office reasoned that because non-union members receive the same benefits as union members whose benefits are collectively bargained, the non-union members' benefits are effectively bargained for under SB 1128.

Due to the Division of Retirement's position on the effective date of SB 1128 for 175/185 plans, the City Attorney's Office submitted a written request to the Division asking whether its interpretive guidance on SB 1128's effective date for 175/185 plans would also apply to the City's General Pension Plan. In other words, since non-union members (or MAPs) receive the same benefits in the General Pension Plan as union members (CWA and ATU), does this effectively mean that non-union members' benefits are collectively bargained for under SB 1128, thereby not requiring the City to amend its pension plan by July 1, 2011 to bring it into compliance with SB 1128? As recent as June 6, 2011, the Division of Retirement responded that the City may use a uniform effective date for all plan members, deferred until the date of entry into the next collective bargaining agreement after July 1, 2011.

Although the Division of Retirement's interpretive guidance appears to be inconsistent with the plain language of SB 1128, the Division is charged with interpreting Chapters 175 and 185 and its interpretation will be given deference by the courts.

Based on the foregoing, staff is seeking direction from the City Commission as to whether to move forward with amendments to the City's defined pension plans at this time, or whether such changes should be made after the amendments can be collectively bargained.

RECOMMENDATION *Hear a presentation and recommendations from staff.*

100969_Pension Plans_20110616.pdf

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

COMMUNITY DEVELOPMENT COMMITTEE

100591.

Prorating Landlord Permit Program Fees (B)

MODIFICATION: New text file imported on June 13, 2011 @ 2:45 PM.

Explanation: Landlord Permits are required for single-family properties that are rented in the City of Gainesville. Permits are issued based on an annual cycle which spans August 1st – July 31st. The initial fee for permits issued during the 2010-2011 cycle is \$195. Currently the \$195 fee is charged regardless of when

the permit is obtained during the annual cycle. The issue of prorating the Landlord Permit fee was referred to the Community Development Committee for further discussion. The Community Development Committee discussed the issue of prorating the landlord permit fee at its December 14, 2010 meeting. Staff provided four options to the Committee which included prorating the permit fee semi-annually, quarterly, or monthly and not prorating the fee and continuing with the current fee structure. The Community Development Committee discussed the options and recommends to the City Commission that the Landlord permit fee structure be amended to include semi-annual proration of the fee. If the amended fee structure is approved by the City Commission, the Community Development Committee also asked that staff review the impact to the landlord permit program of prorating the fee semi-annually.

Fiscal Note: The difference in revenue from the current program which does not include a prorated fee option would be dependant on the number of landlord permits granted after the initial six months of the permit cycle. The current fee calculation is not dependant on when a landlord permit is obtained so any prorated option will have a negative fiscal impact.

RECOMMENDATION

The Community Development Committee to the City Commission: 1) approve the Community Development Committee's recommendation to implement a semi-annual proration of the landlord permit fee; and 2) direct the City Attorney to draft an amendment to Appendix A – Schedule of Fees, Rates and Charges to include the semi-annual proration provision.

Legislative History

12/14/10	Community Development Committee	Approved as shown above (See Motion)
	100591_Memo_20101214.pdf	
	100591_1-12-10 Minutes_20101214.pdf	
	100591_CDC Minutes_20110616.pdf	

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS**110061.****Gail Jane Day - June 30, 2011 (B)**

RECOMMENDATION *Housing and Community Development Division
Rehabilitation Specialist II Gail Jane to accept the
proclamation.*

110061_GailJaneDay_20110616.pdf

110062.**International Association of Administrative Professionals Days - June
24-26, 2011 (B)**

RECOMMENDATION *International Association of Administrative
Professionals Florida Division Annual Meeting
Co-Chair Jodie McGregor to accept the proclamation.*

110062_IAAPDays_20110616.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****100962.****Commitment of Certain Special Revenue Funds (B)**

**A resolution of the City Commission of the City of Gainesville, Florida;
relating to the commitment of certain special revenue funds in compliance
with the Governmental Accounting Standards Board; and providing an
immediate effective date.**

*Explanation: The Governmental Accounting Standards Board has adopted Statement No. 54
titled Fund Balance Reporting and Governmental Fund Type Definitions which
requires that special revenue funds may only be used to report proceeds from
specific revenue sources that are restricted or committed to expenditure for
specified purposes.*

*The City of Gainesville currently uses certain special revenue funds to
separately track and monitor the spending of revenue sources which have not
previously been formally restricted or committed. These include revenues
generated by Gainesville Police Department (GPD) billable overtime, the
Gainesville Technology Enterprise Center (GTEC), and cultural events such as
the Downtown Arts Festival and Hoggetowne Medieval Faire.*

Committing those revenues to certain specified purposes will allow the City to continue to use special revenue funds for reporting purposes and to track and monitor the use of those funds.

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

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

100962_Resolution_20110616.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

100721.

UMU-2 TEXT AMENDMENT (INNOVATION SQUARE) (B)

Ordinance No. 100721; Petition No. PB-10-145 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code and rezoning certain property; by adding new definitions to Section 30-23(c); by deleting the existing regulations for the urban mixed-use district 2 (UMU-2) as set forth in Section 30-65.2 of the Land Development Code and adopting new regulations for the urban mixed-use district 2 (UMU-2) as more specifically described in this ordinance; by repealing the existing map and adopting a new map of the Special Area Plan for University Heights as set forth in Appendix A, Section 6 of the Land Development Code; by removing obsolete references to the UMU-2 zoning district from the Special Area Plan for University Heights as set forth in Appendix A, Section 6 of the Land Development Code; by amending the zoning map atlas to remove all of the properties currently zoned UMU-2 from the Special Area Plan for University Heights overlay zoning district; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; providing for operation to pending applications for development order; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance proposes to delete the existing Urban Mixed-Use District 2 (UMU-2) zoning regulations and adopt new form-based UMU-2 zoning regulations. In addition, this ordinance proposes to remove all UMU-2 zoned properties from the Special Area Plan for University Heights.

While the City's special area plan overlay zoning districts are form-based in their approach, this is the first time the City has taken such an approach with an underlying zoning district. Form-based codes differ from conventional zoning in that they focus more on the integrated built form by regulating the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks, and generally depict those relationships through diagrams and other visuals. By contrast, conventional zoning focuses on segregating uses and controlling density and intensity.

The City hired Perkins & Will, an architecture and planning firm with experience in designing science and technology buildings, to assist in the drafting of regulations to facilitate the type of development that is planned for the UMU-2 zoning district. Perkins & Will worked with the Planning and Development Services Department, the Public Works Department, the Gainesville Community Redevelopment Agency and various community stakeholders in drafting proposed UMU-2 zoning regulations. The new regulations combine some conventional zoning standards with form-based urban design standards for placement of buildings and parking, building articulation and design, and standards for the design of the public realm along the street. The regulations also contain illustrative figures.

The intent of the proposed new UMU-2 zoning regulations is to promote and encourage economic development in commercial and mixed-use areas near the University of Florida, while directing this development to occur with a certain urban vision for the design of streets and buildings. The area affected by this ordinance includes much of the University Heights North and South neighborhoods, the area around the Shands Cancer Center and the Veterans Administration Hospital, and an area south of Depot Avenue and west of SW 6th Street. This ordinance will remove the UMU-2 zoned property that is currently within the Special Area Plan for University Heights from the extra level of zoning regulations in the Special Area Plan, and will place them under these new regulations for the base zoning district of UMU-2.

The goal for these regulations is to provide a concise, straightforward, flexible framework that will facilitate high quality development, while also ensuring high quality design in the built environment. After public notice the City Plan Board held a public hearing on January 27, 2011 and, by a vote of 7-0, recommended the City Commission approve the Petition, with revisions. On March 17, 2011, the City Commission approved the Petition, with further revisions, by a vote of 7-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on July 7, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

3/17/11 City Commission Approved (Petition), as amended (7 - 0)

100721A_CPB Recommendations_20110317.pdf

100721B_Text Amendment_20110317.pdf

100721C_Staff Report_20110317.pdf

100721D_1-27-11 CPB Minutes_20110317.pdf

100721E_Staff PPt_20110317.pdf

100721_draftordinance_2011616.pdf

Ordinance No. 090616

An ordinance of the City of Gainesville, Florida, creating section 28-19 of the City of Gainesville Code of Ordinances, by providing for a Taxi Service Bill of Rights and related requirements; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: The City Commission at its meeting of April 7, 2011 directed the City Attorney to draft an ordinance amending Chapter 28 of the Code of Ordinances.

Issues related to taxicab costs and related issues were referred by the City Commission to the Public Safety Committee on December 3, 2009. Meetings addressing these issues in the Public Safety Committee were held, with the last meeting on this issue being February 14, 2011. At that meeting, after hearing input from the Gainesville Police Department, concerned citizens, and representatives of the taxi industry, the Public Safety Committee approved unanimously to send this referral back to the full City Commission with the recommendation to require a Taxi Service Bill of Rights to be posted in the taxis.

At the City Commission hearing on April 7, 2011, the City Commission approved the public safety committee’s recommendation that authorizes this office to prepare and the clerk to advertise an ordinance revising the Code to reflect the amendments as set forth in the item. The ordinance, if adopted, will take effect on August 1, 2011, to allow taxi companies sufficient time to comply with the new provisions.

The proposed ordinance addresses the requirement for the creation and posting of a Taxi Service Bill of Rights. Attached for demonstrative purposes is a copy of the current proposed version of the Taxi Service Bill of Rights, subject to approval by the City Manager or his or her designee upon passage of this ordinance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/3/09	City Commission	Referred (5 - 0 - 2 Absent)	Public Safety Committee
2/22/10	Public Safety Committee	Discussed	
2/14/11	Public Safety Committee	Discussed	
4/7/11	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	

- 090616_LetterTaxiCompaniesJan2011_20110214.pdf
- 090616_VFHOrd_20110214.pdf
- 090616_TaxiRatesInGville_20110214.pdf
- 090616_Draft Ordinance_20110602.pdf

100940.

TAXI SERVICE MINIMUM FARES (B)

Ordinance No. 100940

An ordinance of the City of Gainesville, Florida, amending section 28-9 of the City of Gainesville Code of Ordinances, relating to flat rates, minimum fares and taximeter exceptions; and amending section 28-15 relating to the filing and posting of rates; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: The City Commission at its meeting of April 7, 2011 directed the City Attorney to draft an ordinance amending Chapter 28 of the Code of Ordinances.

Issues related to taxicab costs and related issues were referred by the City Commission to the Public Safety Committee on December 3, 2009. Meetings addressing these issues in the Public Safety Committee were held, with the last meeting on this issue being February 14, 2011. At that meeting, after hearing input from the Gainesville Police Department, concerned citizens, and representatives of the taxi industry, the Public Safety Committee approved unanimously to send this referral back to the full City Commission with the recommendation to establish a minimum fee that must be prominently posted.

At the City Commission hearing on April 7, 2011, the City Commission approved the public safety committee's recommendation that authorizes this office to prepare and the clerk to advertise an ordinance revising the Code to reflect the amendments as set forth in the item. The ordinance, if adopted, will take effect on August 1, 2011, to allow taxi companies sufficient time to comply with the new provisions.

The attached ordinance addresses establishment of a minimum taxi fare.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

100940_Draft Ordinance_20110602.pdf

100941.**TAXI CAB SERVICE MISCELLANEOUS REGULATIONS (B)****Ordinance No. 100941**

An ordinance of the City of Gainesville, Florida, amending section 28-12 of the City of Gainesville Code of Ordinances, relating to Miscellaneous Regulations, by updating and revising the list of protected classes for which discrimination is prohibited; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date in accordance with the schedule provided herein.

Explanation: The City Commission at its meeting of April 7, 2011 directed the City Attorney to draft an ordinance amending Chapter 28 of the Code of Ordinances.

Issues related to taxicab costs and related issues were referred by the City Commission to the Public Safety Committee on December 3, 2009. Meetings addressing these issues in the Public Safety Committee were held, with the last meeting on this issue being February 14, 2011. At that meeting, after hearing input from the Gainesville Police Department, concerned citizens, and

representatives of the taxi industry, the Public Safety Committee approved unanimously to send this referral back to the full City Commission. Discussions included the fact that the anti-discrimination clause listing classes who may not be discriminated against in providing taxi service contained in Gainesville Code Section 28-12(e) was not consistent with the language utilized in the anti-discrimination clauses utilized in Gainesville Code sections 8-19(a) and 8-48(b).

At the City Commission hearing on April 7, 2011, the City Commission approved the public safety committee's recommendation that authorizes this office to prepare and the clerk to advertise an ordinance revising the Code to reflect the amendments as set forth in the item.

The attached ordinance addresses the requirement for miscellaneous regulations bringing the description of the categories of persons against whom discrimination is prohibited into accord with that used elsewhere in the Gainesville Code.

RECOMMENDATION The City Commission adopt the proposed ordinance.

100941_Draft Ordinance_20110602.pdf

100912.

REVISIONS TO CHAPTER 18 - PARKS (B)

Ordinance No. 100912

An ordinance of the City of Gainesville, Florida, amending Chapter 18 of the City of Gainesville Code of Ordinances, relating to Parks and Recreation, addition of parks, changes in park names, and amending certain park rules and regulations as set forth in this Ordinance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PARKS, RECREATION, AND CULTURAL AFFAIRS STAFF REPORT

Parks, Recreation and Cultural Affairs Department staff has reviewed the current version of Chapter 18 of the city code of ordinances. Due to the addition of parks, changes in park names, as well as to provide consistency of park rules and regulations, staff has proposed specific revisions to the existing Chapter 18 code.

CITY ATTORNEY MEMORANDUM

At its meeting on May 5, 2011, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 18 of the Gainesville Code of Ordinances.

If approved on first reading, second and final reading will be July 7, 2011.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

5/5/11 City Commission Approved as Recommended (6 - 0 - 1 Absent)

100912_Ch 18 Revisions_20110505.pdf

100912_draft ordinance_20110616.pdf

100967.

**GAINESVILLE LAND REGISTRY OF PROTECTED PUBLIC PLACES
(B)**

Ordinance No. 100967

An ordinance of the City of Gainesville, Florida, adding certain specified real properties owned in fee simple by the City of Gainesville to the City of Gainesville Registry of Protected Public Places, as more specifically described in this Ordinance; adopting findings; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE REPORT

On December 18, 2008, the City Commission passed and adopted an amendment to Ordinance #080576. On March 24, 2009, the citizens of Gainesville voted in favor of the amendment. This ordinance pertains to the protection of City-owned lands acquired or used for conservation, recreation, or cultural purposes. The amendment specifically refers to the sale or conversion of City-owned lands used or acquired for conservation, recreation, or cultural purposes and states that a registry will be created for the purpose of identifying fee simple properties owned by the City of Gainesville that are deemed to be worthy of the highest level of protection. It further states that properties placed on this registry may not be sold or converted to a use that will result in a loss of value for which the property was placed on the registry, except by a majority vote of the electors in a city-wide election.

Parks, Recreation and Cultural Affairs (PRCA) staff reviewed all fee-simple City-owned properties purchased for the purpose of conservation and/or passive recreation and identified properties that could be potentially listed on the registry. Of those properties, eleven were identified for immediate listing based on grant obligations, acquisition or deed restrictions, and/or exemplary natural habitats. Those eleven properties include 29th Road Nature Park, Alfred A. Ring Park, Bivens Arm Nature Park, Broken Arrow Bluff, Clear Lake Nature Park, Cofrin Nature Park, Forest Park, John Mahon Nature Park, Morningside Nature Center, Split Rock Conservation Area, and Sugarfoot Prairie. Staff supplied the listing plan to other City departments and GRU for review and comments. Based on that, revisions were made and all the City departments and GRU approved the listing as submitted.

In order to fulfill grant obligations as well as prepare for registry listing, PRCA staff completed Conservation land use and zoning applications for some of the aforementioned properties that were not already zoned as such. In addition, acquisition plans were created for each of the eleven properties in order to specify the purpose for which the property was acquired as well as intended uses of the property. The Phase I listing document provides legal descriptions,

a location map, and acquisition plans as backup for each of the Phase I properties to be listed on the Registry of Protected Public Places.

On December 16, 2010 this matter was referred by the Gainesville City Commission to the RCAPW Committee, and on January 31, 2011, staff presented an update to the Committee. The Committee endorsed the Phase I listing and recommends City Commission approval. A five-sevenths vote of the membership of the City Commission is required to place properties in the City of Gainesville Registry of Protected Places.

CITY ATTORNEY MEMORANDUM

At its meeting on March 3, 2011, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance placing the recommended 11 Phase I properties in the City of Gainesville Registry of Protected Public Places.

This ordinance requires two readings. If approved on first reading, the second and final reading will be July 7, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

100967_draft ordinance_20110616.pdf

100968.

REVISION TO CHAPTER 17 - UPDATING CITY PARK NAMES (B)

Ordinance No. 100968

An ordinance of the City of Gainesville, Florida, amending section 17-32 of the City of Gainesville Code of Ordinances, by updating the names of City parks in the Definitions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: CITY ATTORNEY MEMORANDUM

At its meeting on May 5, 2011, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 18 of the Gainesville Code of Ordinances.

Consistent with that directive as to Chapter 18, the City Attorney's Office drafted an amendment to Chapter 17 (Sexual Offender/Sexual Predator Ordinance) to make the park names therein consistent with the changes made to Chapter 18.

This ordinance requires two readings. If approved on first reading, the second and final reading will be July 7, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

100968_draft ordinance_20110616.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**100865.****REZONING – 1703 NORTH MAIN STREET (B)****Ordinance No. 100865, Petition No. PB-11-27 ZON**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from the zoning category of “BA: Automotive-oriented business district” to “BUS: General business district”; located in the vicinity of 1703 North Main Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This request is to change the zoning from BA (Automotive-oriented business district) to BUS (General business district) on the subject property, located at 1703 North Main Street. The property is approximately 3.37 acres in size and has a land use designation of Commercial. The parcel currently has vacant buildings on it, but was the location of a used car dealership previously. The property is not located within any overlay districts. The petitioners are bringing forth this zoning change request because they are proposing to redevelop the site into an office development with both general and medical office uses. The current BA zoning allows general office use by right, but does not allow medical offices. The property is located on the east side of North Main Street, just north of N.E. 16th Avenue. All of the property between the subject parcel and N.E. 16th Avenue is zoned BUS, as are all of the properties that lie to the east. To the north are properties that are zoned BA, while west of the subject parcel across North Main Street are parcels with BA and MU-1 (8-30 units/acre mixed use low intensity district) zoning.

Key Issues

- * The proposed rezoning is consistent with the Comprehensive Plan.*
- * The proposed medical offices are not an allowed use in the BA zoning district.*
- * Adjacent properties are either BA or BUS, with Commercial land use, indicating that this proposal is compatible with the surrounding area.*
- * The proposed office development would redevelop a vacant automobile dealership and potentially spur redevelopment in this area of East Gainesville.*
- * The estimated trip generation for the proposed office development indicates fewer average daily trips than automobile dealerships generate.*
- * The uses in the BUS zone are less intense than the allowed uses in the BA zone in general.*

This proposed zoning change promotes infill development. Recent economic troubles have led to the closing of several automobile dealerships along the North Main Street corridor. This petition is an opportunity to rezone the property for a redevelopment proposal that could help encourage further redevelopment along the corridor. The proposed office development should offer no compatibility issues with the surrounding land uses.

Planning Division staff recommended approval of Petition PB-11-27 ZON. The City Plan Board reviewed the petition and recommended approval, Plan Board vote 5-0.

Public notice was published in the Gainesville Sun on March 8, 2011. The Plan Board held a public hearing on March 24, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/2/11 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (4 - 0 - 3 Absent)

100865_staff report_20110602.pdf
100865A_appendix A_20110602.pdf
100865B_appendix B_20110602.pdf
100865C_appendix C_20110602.pdf
100865D_appendix D_20110602.pdf
100865E_staff ppt_20110602.pdf
100865_draft ordinance_20110602.pdf
100865_MOD_applicant_ppt_20110602.PDF

080481.

COMMERCIAL RECYCLING (B)

ORDINANCE NO. 080481

An ordinance of the City of Gainesville, Florida, amending section 27-85 of the City of Gainesville Code of Ordinances, relating to mandatory commercial recycling; providing authorization for the imposition of a civil citation or surcharge against commercial generators who fail to separate recyclable materials; providing for inclusion of the surcharge on the utility bill; providing an appeal process; amending section 2-339 of the Code of Ordinances relating to the civil citation table of applicable codes and ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date in accordance with the schedule provided herein.

Explanation: The City Commission previously referred Strategic Initiative 7.2: Review the Status of Commercial Recycling Ordinances to the Recreation, Cultural Affairs and Public Works Committee, who requested Solid Waste Division staff to research other communities recycling ordinances and suggest ways to establish effective penalties for commercial establishments not in compliance with the mandatory commercial recycling ordinance

As a result of the staff presentation to the committee at their November 8, 2010 meeting, the committee recommended an item be placed on the City Commission agenda directing the City Attorney to prepare an ordinance providing for a warning to be given to non-compliant businesses before issuing a violation notice with a compliance date; and providing for a surcharge in the amount of \$100 for a first offense, \$250 for a second offense, and \$500 for each subsequent offense to be applied to the GRU bill of a non-compliant business.

At its December 16, 2010, meeting the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the mandatory commercial recycling program. In drafting the ordinance the attorney's office concluded the "surcharge" as referenced was in essence a fine and the ordinance was drafted as such. The ordinance also includes a surcharge to offset the cost to the City if the City is required to separate the recyclables.

If approved on first reading, second and final reading will be June 2, 2011

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

10/2/08	City Commission	Referred	Recreation, Cultural Affairs and Public Works Committee
2/12/09	Recreation, Cultural Affairs and Public Works Committee	Approved as Amended	
11/8/10	Recreation, Cultural Affairs and Public Works Committee	Discussed	
12/16/10	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
5/19/11	City Commission	Adopted on First Reading (Ordinance) and Approved the Recommendation (7 - 0)	

080481_Initiative_20090212_RCAPW Committee.pdf

080481A_SI 7.2 Quarterly Update_20101108.pdf

080481B_Recycling Ordinance 27-85.pdf

080481C_Enforcement Examples_20101108.pdf

080481_Recycling Ordinance_20110519.pdf

100928.

CITY ELECTION DATE 2012 (B)

Ordinance No. 100928

An ordinance of the City of Gainesville, Florida, setting the election date for the 2012 regular city election and setting the run-off election date, if necessary; setting the dates for qualifying for the 2012 regular election; providing a severability clause; providing a preemption clause; and providing an immediate effective date.

Explanation: Section 9-2(b) of the Code of Ordinances provides that the Clerk shall recommend a date for the next regular election to the Commission at or before the first regular City Commission meeting in May of each year. Accordingly, on May 5, 2011, the Clerk recommended January 31, 2012 as the date for the next regular City election. The Commission authorized this office to prepare and the Clerk to advertise the Ordinance setting the date of the 2012 City Commission Elections for January 31, 2012 with a runoff date, if needed, of February 28, 2012.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

5/5/11 City Commission Approved as Recommended (6 - 0 - 1 Absent)
6/2/11 City Commission Adopted on First Reading (Ordinance) (4 - 0 - 3 Absent)

100928_draft elections ordinance_20110602.pdf

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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