

# **City of Gainesville**

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



## **Meeting Agenda**

**June 18, 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

### **070790. Land Conservation and Acquisition Program - Johnson property (aka Morningside Additions) acquisition approval (B)**

**This item involves a proposal to partner with Alachua County and the Airport Authority to purchase the Johnson parcels (aka Morningside Additions), parcel numbers 10889-000-000, 10889-002-000, 10889-003-000, and 10890-000-000, which are approximately 134 acres of land located on the south side of East University Avenue across from the south boundary of Morningside Nature Center.**

**This item relates to legislative #090092.**

*Explanation: On December 4, 2006, the City Commission held a Strategic Planning Retreat at Austin Cary State Forest to develop the City Commission Goals for FY 07. Under the Goal Infrastructure, a Tier One Objective is "complete capital projects at parks - improve programs; develop land conservation and acquisition program (for biodiversity and passive recreation)". With this goal in mind, the City Commission directed staff to identify undeveloped land within or near the City of Gainesville that could provide habitat for wildlife and plants, protect creeks and wetlands, and provide passive recreation opportunities for the public.*

*In January 2008, the Gainesville City Commission referred the matter of developing a land conservation and acquisition program to the Recreation, Cultural Affairs and Public Works Committee for discussion and development*

*of a prioritized listing of parcels targeted for acquisition for conservation purposes.*

*Using GIS mapping, staff identified over 3,000 undeveloped parcels which could potentially serve as conservation land. From these, a subset of parcels were prioritized as ecologically significant based upon multiple factors including; size, proximity and connection to existing conservation lands and greenway corridors, significant natural communities or features contained on the property, and published reports recommending their conservation.*

*On September 11, 2008, the Committee was presented with the parcel information in a report titled "Priorities for Conservation Land Acquisition - Property Summaries". The report detailed each of the prioritized properties with a summary page, overview map, and natural communities map. On October 9, 2008, the Committee continued discussions, and voted in favor of pursuing acquisition of recommended conservation lands as prioritized.*

*On November 20, 2008, the Committee requested that the City Commission: 1) accept the priority land acquisition list of the Land Conservation and Acquisition Program; and 2) authorize the City Manager, or designee, to work with City staff, Alachua County Forever, and Alachua Conservation Trust to negotiate with landowners for acquisitions. This recommendation was approved.*

*In February 2009, Ramesh Buch, Environmental Program Supervisor with the Alachua County Environmental Protection Department, was contacted by the owners of the City's number one ranked priority land acquisition, the Johnson parcels. Mr. Buch coordinated various meetings over the ensuing months between the land owners, Nature Operations Division staff, the Airport Authority, and the St. Johns River Water Management District to negotiate the purchase boundary. The exact purchase boundary was still in negotiations as of May 19, 2009, however it would not be any greater than as depicted in Exhibit A of the Intergovernmental Agreement, although it may be slightly smaller.*

*The City and Alachua County have an interest in purchasing this property for conservation and to facilitate continued land management of Morningside Nature Center. The Airport Authority is required to purchase a conservation easement to fulfill mitigation obligations to the St. Johns River Water Management District. The City, County, and Airport Authority would all like to contribute to the purchase of these parcels as directed in the draft Intergovernmental Agreement, which is subject to legal review by the City, County, and Airport. If this partnership is approved, then once the draft agreement is finalized, it will govern the acquisition and management of the Morningside Additions.*

*Existing staff will be able to meet the land management needs of this parcel as required by the Intergovernmental Agreement. Since this is an addition to an already existing Nature Park, additional management needs will be incorporated into the existing management plan for Morningside Nature*

Center. The types of needs this addition would require includes trail maintenance, invasive exotic plant control, minimal signage, prescribed burning and a small parking area.

*Fiscal Note: If approved, the City of Gainesville, Alachua County, and the Airport Authority would partner in the purchase of the City's top ranked land acquisition priority. The City would utilize Wild Spaces Public Places funds for this purchase. Once finalized, the Intergovernmental Agreement between the City of Gainesville, Alachua County, and the Airport Authority would govern the purchase and management of this addition. The total estimated cost to acquire the property is between \$800,000 and \$1,000,000. The City's estimated expenditure would be \$300,000 - \$500,000.*

**RECOMMENDATION**

*The City Commission: 1) approve the draft Intergovernmental Agreement, subject to review and approval by the City Attorney as to form and legality; and 2) authorize the City Manager to execute an Intergovernmental Agreement between the City, Alachua County, and the Airport Authority to work cooperatively in the purchase of the Morningside Additions.*

**Legislative History**

1/14/08	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
1/14/08	City Commission	Referred	Recreation, Cultural Affairs and Public Works Committee
8/14/08	Recreation, Cultural Affairs and Public Works Committee	Discussed	
9/11/08	Recreation, Cultural Affairs and Public Works Committee	Continued	
10/9/08	Recreation, Cultural Affairs and Public Works Committee	Approved	
11/20/08	City Commission	Approved as Amended (5 - 0 - 2 Absent)	

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 070790b\_20080114130.pdf  
 070790\_CORRESPONDENCE\_20081120.pdf  
 070790\_MAP\_20081120.pdf  
 070790\_Interagency Agreement\_20090618.PDF

**090092.**

**Land Conservation and Acquisition Program - Jurecko Property Addition to Priority Land Acquisition List and Acquisition Approval (B)**

**This item involves a proposal to add the Jurecko property, parcel numbers 07901-000-000 and 07902-001-000, to the priority land acquisition list as well as to partner with Alachua County to acquire these parcels, which are**

**approximately 12 acres of land located at 1902 NW 45th Avenue adjacent to the southwest boundary of the Hogtown Creek Headwaters Nature Park.**

**This item relates to legislative #070790.**

*Explanation: On December 4, 2006, the City Commission held a Strategic Planning Retreat at Austin Cary State Forest to develop the City Commission Goals for FY 07. Under the Goal Infrastructure, a Tier One Objective is "complete capital projects at parks - improve programs; develop land conservation and acquisition program (for biodiversity and passive recreation)". With this goal in mind, the City Commission directed staff to identify undeveloped land within or near the City of Gainesville (COG) that could provide habitat for wildlife and plants, protect creeks and wetlands, and provide passive recreation opportunities for the public.*

*In January 2008, the Gainesville City Commission referred the matter of developing a land conservation and acquisition program to the Recreation, Cultural Affairs and Public Works Committee for discussion and development of a prioritized listing of parcels targeted for acquisition for conservation purposes.*

*Using GIS mapping, staff identified over 3,000 undeveloped parcels which could potentially serve as conservation land. From these, a subset of parcels were prioritized as ecologically significant based upon multiple factors including; size, proximity and connection to existing conservation lands and greenway corridors, significant natural communities or features contained on the property, and published reports recommending their conservation.*

*On September 11, 2008, the Committee was presented with the parcel information in a report titled "Priorities for Conservation Land Acquisition - Property Summaries". The report detailed each of the prioritized properties with a summary page, overview map, and natural communities map.*

*On October 9, 2008, the Committee continued discussions, and voted in favor of pursuing acquisition of recommended conservation lands as prioritized. The Committee also recommended that staff continue to evaluate and update the priority list as new areas are annexed into the City of Gainesville and that the Committee would provide a recommendation back to the City Commission.*

*On November 20, 2008, the Committee requested that the City Commission: 1) accept the priority land acquisition list of the Land Conservation and Acquisition Program; and 2) authorize the City Manager, or designee, to work with City staff, Alachua County Forever, and Alachua Conservation Trust to negotiate with landowners for acquisitions. This recommendation was approved.*

*In April 2009, Ramesh Buch, Environmental Program Supervisor with the Alachua County Environmental Protection Department, presented an opportunity to City staff to partner in the acquisition of 12 acres of land adjacent to the Hogtown Creek Headwaters Nature Park. The land was initially presented to Mr. Buch by the owner, Dr. Jurecko. Since the land lies within*

*City limits, Mr. Buch approached NOD staff to obtain the City's interest in the property. NOD staff replied the City would be interested in the acquisition, however because it was not included on the initial priority land acquisition list, staff would need to obtain approval from the City Commission to add the two parcels to the approved list as well as to obtain approval to purchase the property.*

*The Jurecko property parcels were not originally placed on the priority land acquisition list because, at the time the priority list was created, there was a residential house on one of the parcels. Since that time, the house was destroyed in a fire and has been demolished; therefore the landowner is now considering sale of the property for conservation. Had a house not been on one of the parcels during the initial staff evaluations, these parcels would have been on the priority land acquisition list as provided in the table in the backup materials. Justification for acquisition of these parcels is also provided in the backup materials in the form of a County staff evaluation, a City staff evaluation, and associated maps.*

*The draft Intergovernmental Agreement is also provided in the backup materials and is subject to legal review by both the City and the County. If the addition of the Jurecko property parcels to the priority land acquisition list is approved, then the draft agreement will be reviewed by City and County staff and attorneys for form and legality. Once finalized, this agreement will then govern the acquisition and management of the Jurecko property parcels.*

*Existing staff will be able to meet the land management needs of this parcel as required by the Intergovernmental Agreement. Since it is an addition to an already existing Nature Park, additional management needs will be incorporated into the existing management plan for Hogtown Creek Headwaters. The types of needs this addition would require includes trail maintenance, invasive exotic plant control, minimal signage, and prescribed burning.*

**Fiscal Note:** *If approved, the two Jurecko property parcels would be added to the priority land acquisition list and would be subject to acquisition with the Wild Spaces Public Places funds. Once finalized, the Intergovernmental Agreement between the City of Gainesville and Alachua County would place 50% of the cost of the property on each agency. The total estimated cost of acquiring the property is between \$350,000 and \$500,000. The City's estimated expenditure would be \$175,000 - \$250,000.*

**RECOMMENDATION**

*The City Commission 1) approve the addition of the two Jurecko property parcels to the priority land acquisition list; 2) approve the purchase of the Jurecko property parcels using Wild Spaces Public Places funds for an estimated cost between \$175,000 and \$250,000, which is 50% of the estimated total cost; 3) approve the draft Intergovernmental Agreement, subject to review and approval by the City Attorney as to form and legality; and 4) authorize the City Manager to execute an Intergovernmental Agreement between the City and Alachua County to*

*work cooperatively in the purchase of the two Jurecko property parcels.*

090092a\_Evaluation AlachuaCo\_20090618.pdf  
090092b\_Evaluation City of G'ville\_20090618.PDF  
090092c\_Acq priority table\_20090618.PDF  
090092d\_LA Summary 01doc\_20090618.PDF  
090092e\_LA Summary 02doc\_20090618.pdf  
090092f\_LA Summary03natcomm\_20090618.pdf  
090092g\_Draft Interagency Agreement\_20090618.PDF

### 090075.

#### **Approval of Consultant Rankings - RFP # 90042-FB Comprehensive Plan and Land Development Code Update (B)**

**This item is a request for the City Commission to approve consultant rankings for RFP # 90042-FB regarding the Comprehensive Plan and Land Development Code Plan Update.**

*Explanation: On February 23, 2009, the City of Gainesville Purchasing Division issued a Request for Proposals (RFP) for a consultant services associated with an update of the City's Comprehensive Plan and Land Development Code.*

*Fourteen (14) proposals were submitted on the April 6, 2009 due date. A review Committee made up of Planning and Development Services staff reviewed and evaluated the written component of the proposals and short listed to six (6) firms. These six (6) firms were invited to provide an oral presentation regarding their response to the RFP and firm credentials the week of May 11th.*

*The top three firms as determined by the review Committee utilizing the City's established evaluation system are as follows:*

- 1) The Planning Works Team*
- 2) Siemon and Larson, PA*
- 3) Perkins and Will*

*Fiscal Note: Funding associated with these consultant services was approved by the City Commission during the FY 2009 budget discussions in the amount of \$100,000.*

#### **RECOMMENDATION**

*The City Commission: 1) accept the selection of the three (3) most qualified firms in the order of ranking; 2) authorize the City Manager or designee to initiate contract negotiations with the number one ranked firm, Planning Works for consultant services associated with the Comprehensive Plan and Land Development Code update; (3) authorize the City Manager or designee to initiate contract negotiations with the number two ranked firm should negotiations with the top firm be unsuccessful; and, 4) authorize the City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.*

090075\_Ranking Rpt\_20090618.pdf

**090084.**

**First Amendment to the Annual Contract for Paper Recycling Services FY 2008-2009 (B)**

**This item is a request for approval of a First Amendment to the Annual Contract for Paper Recycling Services to increase the number of recycling pick-up stations serviced.**

*Explanation:* On October 8, 2003, the City of Gainesville entered into a contract with Recycling Services of America, Inc. to provide collection and processing of office paper and corrugated cardboard from all City facilities. Collection is from inside City buildings using centralized containers with canvas bags. Recycling Services of America, Inc. has provided consistently good service and responded promptly when notified of any collection problems or special pickups.

The contract has been extended twice and expires on September 30, 2009. Due to increased recycling efforts, the contract needs to be amended to increase the number of recycling pick-up stations not to exceed 150 stations. This will increase the annual amount of the contract from \$22,500 to \$25,000.

*Fiscal Note:* Funds in the amount of \$25,000 are available in the Solid Waste Enterprise Fund.

**RECOMMENDATION**

*Recommended Motion:* The City Commission 1) approve the First Amendment to the Annual Contract for Paper Recycling Services; 2) authorize the City Manager to execute any necessary documents, subject to approval by the City Attorney's office as to form and legality; and 3) authorize the modification of the purchase order for a not to exceed amount of \$25,000 for paper recycling services through September 30, 2009.

090084\_First Amendment\_20090618.PDF

**090093.**

**Grant Application for Hoggetowne Medieval Faire (NB)**

**This item involves an application for a grant from the Alachua County Tourist Product Development Program for funds to provide marketing and promotion for the Hoggetowne Medieval Faire.**

*Explanation:* The Cultural Affairs Division of the Department of Parks, Recreation and Cultural Affairs wishes to submit a grant application to the Alachua County Tourist Product Development Program for funds to provide advertising and promotion of the 2010 Hoggetowne Medieval Faire. The grant request is for the sum of \$21,563. The intent of the Tourist Product Development Program is to stimulate and encourage the development of new experiences for visitors to



*Alachua County. If the grant is awarded, the majority of funds will be spent on marketing outside of Alachua County as required by this grant. The grant will pay for advertising and promotion in daily and monthly print publications, and will include radio and television broadcasts. The Division of Cultural Affairs received grant funding from the program in 2008 and 2009.*

*Fiscal Note: No matching funds are required.*

**RECOMMENDATION**

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

*Alternative Recommendation*

*The City Commission deny the request to submit a grant application to the Alachua County Tourist Product Program.*

**090095.**

**Grants Application for Youth Gardening (NB)**

**This item requests the City Commission to authorize an application by the Parks, Recreation and Cultural Affairs Department for six Youth Gardening Grants, which are available from the National Gardening Association, in partnership with Home Depot, as a program to engage children in gardening.**

*Explanation: The City of Gainesville Parks, Recreation and Cultural Affairs Department conducts six after school programs at the following centers: Eastside Recreation Center, Northeast Community Center, Porters Community Center, Union Academy/Rosa B. Williams Recreation Center, T.B. McPherson Recreation Center and Westside Recreation Center.*

*The National Gardening Association along with Home Depot has developed a grant program to engage children in gardening. They will award five (5) \$1,000 gift cards and ninety-five (95) \$500 gift cards to qualifying agencies. The purpose of the grant is to engage youth ages 3 to 18 in gardening, as well as teaching basic science and life skills.*

*Funding priority will be given to applicants whose programs emphasize the following elements: educational focus on curricular/program integration; nutrition or plant-to-food connections; environmental awareness/education; entrepreneurship; and social aspects of gardening such as leadership development, team building, community support and service-learning.*

*If the grants are awarded, existing staff will administer the grant activities, and*

*all of the above elements will be emphasized in existing youth programs.*

*Fiscal Note: No matching funds are required for this grant.*

*Recommendation:*

*The City Commission: 1) approve an application by the Parks, Recreation and Cultural Affairs Department for National Gardening Association grants for the following afterschool locations: Eastside Recreation Center, Northeast Community Center, Porters Community Center, Union Academy/Rosa B. Williams Recreation Center, T.B. McPherson Recreation Center and Westside Recreation Center; and 2) authorize the City Manager or designee to execute grant related documents pending approval by the City Attorney as to form and legality.*

*Alternative Recommendation*

*The City Commission not approve an application by the Parks, Recreation and Cultural Affairs Department for National Gardening Association grants for each of six afterschool locations: Eastside Recreation Center, Northeast Community Center, Porters Community Center, Union Academy/Rosa B. Williams Recreation Center, T.B. McPherson Recreation Center and Westside Recreation Center.*

**090097.**

**Settlement of Worker's Compensation Claim - Willie K. Cunningham (NB)**

**This item involves the full and final settlement of Mr. Cunningham's worker's compensation claim(s), which will include all future medical and indemnity payments. The total settlement amount is \$23,000 and represents a significant cost advantage to the City.**

*Explanation: While employed by GRU Energy Delivery, Mr. Cunningham received bilateral injuries to his hands and wrists. This led to ongoing medical treatment including surgery. As a result of his injuries, the present potential exposure to the City in future indemnity payments and medical treatment is in excess of \$75,000.*

*Recently, the City and Mr. Cunningham attempted to mediate a settlement of his worker's compensation claim. Mr. Cunningham and his attorney, Carl Carrillo, have agreed to the proposed settlement. The City Attorney's Office, the Risk Management Department, GRU, Special Counsel and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount, \$23,000, includes all attorney fees, future medical costs, past and future indemnity payments, and taxable costs.*

*Fiscal Note: The settlement of this case in the amount of \$23,000 will be paid out of the Electric Utility Operating Fund.*

**RECOMMENDATION**

*The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation*

*Claim of Willie K. Cunningham in the amount of \$23,000.*

**090109. Energy Efficiency and Conservation Block Grant (NB)**

**Request for City Commission support for future Energy Efficiency and Conservation Block Grant funding.**

*Explanation: The Energy Efficiency and Conservation Block Grant (EECBG) program was authorized in the Energy Independence and Security Act of 2007. DOE provides EECBG funds to local governments, states, territories, and Indian tribes to fund projects that reduce energy use, cut fossil fuel emissions and improve energy efficiency. \$3.2 billion was allocated to the EECBG program through the ARRA, of which, \$1.86 billion went to local governments as formula grants. The City of Gainesville received a direct formula allocation of \$1,198,500. The remaining funds were distributed to tribes, DOE competitive grants, DOE technical assistance and administration, and state energy offices.*

*City of Gainesville projects funded by EECBG dollars received through the ARRA will reduce GRU customer's energy costs, including City facilities, and contribute to meeting the City of Gainesville's conservation goals. Although the EECBG program was funded through the ARRA, there is no guarantee that this program will receive funding in the future.*

*Fiscal Note: The City of Gainesville's current EECBG allocation is \$1,198,500.*

**RECOMMENDATION**

*The City Commission: 1) Add an initiative to the City of Gainesville's federal agenda to advocate for future funding of the EECBG program; and 2) direct staff to notify the Alachua County Congressional delegation of the City's support.*

**090114. Voluntary Early Separation Incentive Program (NB)**

**This item requests authorization to draft an amendment to the General Employees' Pension Plan Ordinance to include a voluntary early separation incentive program.**

*Explanation: A voluntary early separation program provides additional flexibility to proactively address economic and fiscal conditions facing the organization. The intent of this program is to create vacancies that will provide the opportunity to eliminated budgeted positions. A successful program should obviate the need to consider layoffs at this time. In order to generate recurring budgetary savings it should be understood that a certain number of positions vacated will be eliminated from the budget.*

*At this time, the City is not anticipating a reduction in the number of sworn public safety personnel that would require additional vacancies beyond normal attrition; thus such individuals would not be eligible for incentive presently contemplated. Otherwise, employees eligible for the separation incentive would generally be those in General Government and GRU, below the Department Director level. Additionally, eligibility may further be restricted as to specific employee classifications, organizational functions, business units, departments, or particular skill sets. The determination of final eligibility criteria will be set after consultation with all Charter Officers.*

*Generally, the plan would provide three (3) years of pension credited service in the General Employees Pension Plan for those eligible individuals who would otherwise have in excess of 17 years of credited service as of October 1, 2009. This would generally make such employees eligible for retirement and retiree health. For eligible "ICMA", 457 or Defined Contribution Plan only employees, three (3) years of service credit would be given for the purpose of calculating eligibility for, and subsidy amount of, Retiree Health Insurance benefit.*

*Eligible employees desiring to accept the separation incentive must do so during a specified election period. This will entail, among other things, submitting a letter of resignation effective no later than December 31, 2009.*

*The City will bear the costs to the General Employees Pension Plan of the additional actuarial impact, if any, of the programs' implementation and thus this additional potential benefit to employees will not require a current or potential increase in employee contributions to the General Employees Pension Plan.*

*Additional information about the program will be communicated to employee organizations representing eligible employees.*

*Fiscal Note: The net fiscal impact of this program will result in an annual savings ranging from \$250,000 to \$1 million.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to draft and the Clerk to advertise the ordinance necessary to effectuate the proposed amendment(s).*

## **GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

**090116.**

**Annual Contract for the Repair, Analysis and Disposal of Used Oil Filled Power Distribution Equipment (B)**

**Staff recommends approval to enter into contracts with Solomon Corporation and RTS Transformer, Inc. for the repair, analysis and disposal of used oil filled power distribution equipment.**

*Explanation:* The Energy Delivery Apparatus Repair Shop is responsible for testing and evaluating all oil filled power distribution equipment removed from service. The equipment includes conventional, single phase and three phase pad mount transformers. All equipment removed from service is evaluated for energy efficiency, physical and electrical condition, and useful remaining life. The equipment that meets GRU's standards is returned to inventory for future use. Units that fail to meet those standards are decommissioned and sold to a licensed contractor. The utility is paid a scrap value for these units based on the size of the equipment and the current market value, less any testing charges that may be required to ensure that the units are free of any PCB regulated contaminants. The Contractor shall dispose of all PCB contaminated equipment in accordance with all local, state and federal regulations and will supply GRU with the method of disposal and any required documentation.

An Invitation to Bid (ITB) was sent to five prospective bidders for this service, with five responding. The bids were evaluated based on the estimated number of units removed from service annually plus the proposed salvage values of the scrap less testing costs. In order to recover the most value for the equipment, staff recommends awarding contracts to Solomon Corporation for conventional and single phase pad mount transformers and RTS Transformer, Inc. for three phase pad mount transformers. A Bid Tabulation is attached for your information.

*Fiscal Note:* This contract will allow for recovery of funds for units designated as surplus for FY 2009 through FY 2012. Based on historical data and awarding contracts to both Solomon Corporation and RTS Transformer, Inc., GRU anticipates a return of approximately \$214,000 for conventional and single phase pad mount transformers and approximately \$62,000 for three phase pad mount transformers over the contract term, less any associated testing costs.

**RECOMMENDATION**

*The City Commission:* 1) declare electric power distribution equipment removed from service be classified as surplus; and 2) authorize the General Manager, or his designee, to negotiate and execute three-year contracts with Solomon Corporation and RTS Transformer, Inc. for these services, subject to approval by the City Attorney as to form and legality.

090116\_AnnualContract\_20090618.pdf

**090117.**

**Chiller and Building Automation System Replacement (B)**

**Staff recommends awarding a contract to S.I. Goldman Company, Inc. for the replacement of the existing building chiller and building administration system at the GRU Administration Building.**

*Explanation:* An energy audit was performed on the building's chiller and it was determined that the existing chiller and Building Automation System in operation at the GRU Administration Building are at the end of their useful lives. A new chiller is being requested to reduce ongoing operation and maintenance expenses and improve energy efficiency. A new Building Automation System is being

*requested to better manage the energy and demand use of the building. An engineering firm evaluated the building's requirements and identified three options which met GRU's chiller replacement and Building Automation System prerequisites for an economical, high efficiency and environmentally friendly machine.*

*Utilities Purchasing issued an Invitation to Bid to seven (7) prospective bidders to remove the existing chiller and furnish and install a new machine and Building Automation System. Five bids were received. In the first phase of the bid evaluation, staff analyzed bids based on factory-provided operation and performance data for the three specified machines. Evaluation criteria of the machines included energy use, maintenance and life cycle costs, noise level and the type of refrigerant required. The York chiller was determined to be the best machine for this project.*

*In the second phase of evaluation, staff evaluated the five submittals based on furnishing the York chiller. Bids were evaluated based on price, local service presence (for maintenance requirements) and Local Vendor Preference. S.I. Goldman Company, a local vendor, was determined to be the best evaluated bidder. A tabulation of the bid is attached for your information.*

*Fiscal Note: Funding for this project is in the Utilities FY09 and FY10 budgets.*

**RECOMMENDATION**

*The City Commission authorize the General Manager, or his designee, to issue a purchase order to S.I. Goldman Company, Inc. to furnish and install a new chiller and Building Automation System at the GRU Administration Building in the amount of \$523,940.*

090117\_purchaseorder\_20090618.pdf

## **CITY ATTORNEY, CONSENT AGENDA ITEMS**

**090088.**

**Matthew Phillip Johnson vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-09-CA-2616. (B)**

*Explanation: On May 21, 2009, the City was served with a Summons and Complaint filed by Matthew Phillip Johnson in the Circuit Court. Mr. Johnson alleges that on August 12, 2007, he was attacked by an unknown assailant while in the City's parking garage. He alleges that the City did not maintain the premises in a reasonably safe condition by its failure to provide security nor did the City warn users of alleged criminal activity occurring on the premises. Mr. Johnson claims to have sustained bodily injury, resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and loss of ability to earn money. Mr. Johnson seeks money damages.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Matthew Phillip Johnson vs. City of Gainesville;*

*Alachua County Circuit Court; Case No.:  
01-09-CA-2616.*

090088\_Matthew Johnson\_20090618.pdf

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

### **090105.**

#### **City Commission Minutes (B)**

##### **RECOMMENDATION**

*The City Commission approve the minutes of May 11, 2009 (Workshop); May 11, 2009 (District Meeting); May 21, 2009 (Regular Meeting); June 1, 2009 (District Meeting); and June 4, 2009 (Regular Meeting); as circulated.*

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090105\_dist2\_may 11,2009\_20090618.pdf

090105\_reg\_may 21,2009\_20090618.pdf

090105\_dist3\_jun 1,2009\_20090618.pdf

090105\_reg\_jun 4, 2009\_20090618.pdf

### **090118.**

#### **Special City Commission Meeting (B)**

##### **RECOMMENDATION**

*The City Commission schedule a special meeting regarding St. Petersburg Schools for October 29 at 1:00 pm.*

090118\_meetingrequest\_20090618.pdf

## **EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

## **PUBLIC SAFETY COMMITTEE, CONSENT**

### **080861.**

#### **Delivery/Work Vehicles - Ticketing in Neighborhoods (NB)**

*Explanation: At the February 19, 2009 City Commission Meeting, the City Commission referred the issue of delivery/work vehicles being ticketed in residential neighborhoods to the Public Safety Committee for review.*

*The Public Safety Committee began its discussion of this issue at their March 18, 2009 meeting. At that meeting staff was instructed to come back to the Committee with suggestions on what can be done to improve this process; including sending out decal information when the annual occupational license information packet is sent out each year, and to have an organized outreach strategy to help businesses understand the Ordinance.*

*At the May 26, 2009 Public Safety Committee Meeting, Public Works Supervisor Trish Everitt gave the Committee an update on the steps City staff is taking to inform the citizens and businesses in the area of the decal regulations in certain areas of Gainesville. Public Works staff has been working with the Finance Department to provide decal information when sending out its occupational license renewal packets to area businesses and will request media assistance from the Communications Department to make citizens are aware of neighborhood and delivery decals that are available for purchase through the City's Finance Department and the Ordinance regulations.*

*Fiscal Note: None at this time.*

**RECOMMENDATION**

*The City Commission 1) approve the staff recommendations on methods to improve the decal process; and 2) remove this referral from the Public Safety Committee's referral list.*

**Legislative History**

2/19/09	City Commission	Referred (7 - 0)	Public Safety Committee
3/18/09	Public Safety Committee	Discussed	
5/26/09	Public Safety Committee	Discussed	

**080879.**

**Multiple Ticketing of an Abandoned/Missing Vehicle in the College Park/University Heights Neighborhood (B)**

*Explanation: This item was brought forward to the City Commission on March 5, 2009 by Ms. Kristina Torres (daughter) and Ms. Monica Kraft (fiance') regarding the death of Mr. John Waldo who was found in the College Park/University Heights Neighborhood in his vehicle after being ticketed several times over a period of several days.*

*The Public Safety Committee began discussion on this referral at its March 18, 2009 meeting. At that meeting City staff was requested to research procedures that can be put in place to eliminate this type of situation from reoccurring.*

*On May 26, 2009, staff came back to the Committee with notification improvements, some that have been put into place. Partners establishing these improvements were Public Works, City Attorney, Codes Enforcement, RTS, GPD, and the Combined Communications Center. Components to this discussion included potential for networking with private entities such as UPS and the Post Office. A Citizen Observer software package (or similar product) which involves networking with the public via email, text, and cell phone was approved via Byrne Grant funds after October 1, 2009.*

*Public Works has initiated a pager system issued to personnel who can receive text based information, and established protocol for follow up on multiple*



*ticketing of cars, which mimics the abandoned vehicle ordinance, when three or more citations are written to the same vehicle at the same location. The Combined Communications Center has compiled a notification list of Public Works contacts and is now able to send out information received from police. Staff will run checks on information received.*

*The Gainesville Police Department will issue public bulletins, flyers, and intelligence information of certain suspects, vehicles, and missing persons via email. Criteria for dissemination includes missing persons under suspicious circumstances or those potentially endangered due to medical or age considerations. An email liaison list of 10 private entities including postal and pizza delivery services was established.*

*RTS has a system already in place where police related information can be relayed to central dispatch for routing to bus drivers.*

*Codes Enforcement has the capability to follow up and obtain additional information on residences, cars, tags etc. via issued laptop computers. Codes and GPD already share information.*

*Fiscal Note: None at this time.*

**RECOMMENDATION**

*The City Commission 1) approve the recommended improvements made by City staff on the issue of multiple ticketing of an assumed abandoned/missing vehicle; and 2) remove this referral from the Public Safety Committee's referral list.*

**Legislative History**

3/5/09	City Commission	Referred (5 - 0 - 2 Absent)	Public Safety Committee
3/18/09	Public Safety Committee	Discussed	
5/26/09	Public Safety Committee	Discussed	

080879a\_Improvements\_20090618.pdf

080879b\_SampleFlyer\_20090618.pdf

080879c\_CitizenObsInfo\_20090618.pdf

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA**

**CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION**

**090106.****City Commission Outstanding Referral Status Reports (B)**

**RECOMMENDATION**            *The City Commission review the attached referral status reports and take appropriate action.*

090106\_referral status\_20090618.pdf

**CITY MANAGER****090077.****Establishment of a Fuels Hedging Program (B)**

**This item discusses a proposal for the establishment of a fuels hedging program.**

*Explanation: The City of Gainesville purchases a combined total of almost 1.8 million gallons of unleaded and diesel fuel each year to supply our fleet of cars, trucks and transit buses. The spike in fuel prices the nation experienced last year drove up fuel expense in just the General Fund by \$970,000 or almost 29% for FY08.*

*The goal of a fuels hedging program is to minimize the price volatility associated with acquisition of the commodity. This is accomplished by assuming a financial position such as acquiring options to purchase fuel at a fixed price at some future date in order to offset the risk inherent in purchasing fuel on the spot market.*

*Fiscal Note: A properly structured fuels hedging program can potentially reduce overall fuels cost, but just as importantly can minimize price uncertainty and volatility resulting in costs that conform more closely to fuel budgets and forecasts.*

**RECOMMENDATION**            *The City Commission hear a presentation on the proposed fuel hedging program and authorize the City Manager to establish such a program.*

090077\_PPT\_20090618.pdf

**080549.****City of Gainesville Proposed Update to Airport Hazard Zoning Regulations (B)**

**This item is to provide an update to the City Commission on the status of the proposed schedule to modify the Airport Hazard Zoning Regulations within the City's Land Development Code.**

*Explanation: On November 20, 2008, Plan staff and the City's Airport Noise consultant, Ted Baldwin, made a presentation to the City Commission regarding appropriate noise levels in the vicinity of the Gainesville Regional Airport in two contexts: 1) broadly in relationship to public health and safety; and, 2) more narrowly, with respect to noise analysis conducted by the Gainesville Alachua County*

*Regional Airport Authority (GACRAA) relative to the recently completed Phase I of 14 CFR Part 150 Study and generation of revised Noise Exposure Maps (NEM's).*

*At the November 20th City Commission meeting, a proposed schedule for modifications of the City's Airport Hazard Zoning regulations in the City of Gainesville Land Development Code relative to the Airport Noise Zone and regulatory standards was shared with the Commission; however this schedule was based and premised upon acceptance of the NEM's by the FAA in the context of the Airport's 14 CFR Part 150 study.*

*On April 20, 2009, the FAA determined that certain maps prepared on behalf of GACRAA entitled "Existing (2007) Noise Contour Map" and "Future (2012) Noise Contour Map" are in compliance with applicable requirements of 14 CFR Part 150. Notice of this acceptance was published in the local newspaper and in the Federal Register on May 1, 2009.*

*Due to a later than anticipated FAA acceptance date of the NEM's, staff has modified the original schedule and seeks approval from the City Commission to direct staff to prepare a Petition on this matter for Plan Board review and advisory recommendations.*

*Planning staff anticipates that in terms of parameters for the Petition, the accepted NEM's would be incorporated into the Land Development Code and recommendations from the City's Airport Noise Consultant regarding compatibility and appropriate noise level standards would be addressed as well.*

*As the City Commission is aware, until such time as the City's Airport Hazard Zoning Regulations are updated the 1986 Part 150 Study and the adopted Airport Noise Zone standards inclusive of the Airport Noise Zone map remains the "Official" study and map for regulatory purposes. Furthermore, updating the Airport Hazard Zoning regulations is a legislative process, not a mere ministerial act, which requires holding public hearings and adopting one or more ordinance (s).*

*Fiscal Note: No fiscal impact at this time.*

**RECOMMENDATION**

*The City Commission: (1) direct staff to initiate a petition to the Plan Board modifying Appendix F, Airport Hazard Zoning regulations located within the City of Gainesville Land Development Code.*

**Legislative History**

11/20/08 City Commission Heard

080549A\_PPt\_20081120.pdf  
080549C\_TimeTable\_20081120.pdf  
080549B\_AirportPPt\_20081120.pdf  
080549A\_Zoning Schedules\_20090618.pdf  
080549B\_Letter\_20090618.pdf  
080549C\_LD Code\_20090618.pdf  
080549D\_2007 Noise Map\_20090618.pdf  
080549E\_2012 Noise Map\_20090618pdf.pdf

## 090115.

### **Annexation by Referendum - Eastside Annexation Area (B)**

**This is the request for authorization to commence the process for an annexation by referendum of an area commonly referred to as “Eastside Annexation Area”.**

*Explanation: The Alachua County Boundary Adjustment Act (BAA) provides two mechanisms for annexation - voluntary annexations, and annexations by referendum. An Annexation by referendum is one in which the registered voters in a defined annexation area vote for or against annexation.*

*As defined by the BAA, it is appropriate to consider annexation in order to ensure sound urban development and accommodation to growth, ensure the efficient provision of urban services to areas that become urban in character, and to encourage development in designated reserve areas that efficiently utilize services and prevent urban sprawl. Based on these parameters, the area to the east of SE 15th Street and the City limits, south of the vicinity of NE 39th Ave/SR 222 and the City Limits, west of SE 59th Street and north of the vicinity of SE 30th Place would be appropriate for an annexation by referendum.*

*In addition, in accordance with the City/County Annexation Transition Agreement's Orderly Annexation Plan, approved by the City Commission on December 18, 2008 and the County Commission on April 30th 2009, the City will conduct an annexation referendum each year alternating between the east side and west side of the urban reserve area. In November of 2008, the area surrounding SW 20th Avenue and on the City's western side was annexed by referendum. This annexation referendum will propose annexing over 3,000 acres and approximately 2,800 residents on Gainesville eastern border.*

*The referendum would be conducted on November 10, 2009 by the Alachua County Supervisor of Elections, and paid for by the City.*

*Fiscal Note: The fiscal impact of this annexation will be addressed in the urban services report Funding for the cost of the referendum is available in the annexation account.*

#### **RECOMMENDATION**

*The City Commission: 1) direct the City Manager to analyze the area; 2) direct the City Manager to notify the Supervisor of Election of the desire to conduct the referendum on November 10, 2009, and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the*

*annexation referendum of the area, if appropriate.*

*Alternative Recommendation: The City Commission deny authorization to initiate the process for the annexation referendum.*

090115\_Eastside Annexation Option Map\_20090618.pdf

**GENERAL MANAGER FOR UTILITIES**

**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**

**PLEDGE OF ALLEGIANCE (5:30pm)**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

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

**PUBLIC HEARINGS**

**ADOPTION READING-ROLL CALL REQUIRED**

**080757.**

**REZONING - 11 SE 2ND AVENUE - "BALDWIN HOUSE" (B)  
Ordinance No. 0-09-04, Petition No. 123ZON-08PB  
An ordinance of the City of Gainesville, Florida; rezoning and imposing the**

overlay "Historic preservation/conservation district" category on certain property with the underlying zoning classification of "Central city district (CCD)", as more specifically described in this ordinance; located in the vicinity of the 11 Southeast 2nd Avenue, commonly known as "Baldwin House"; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: STAFF REPORT*

*This is a request by the property owner to have the property individually listed on the Local Register of Historic Places. The proposed building is significant on one of the review criteria required by the Land Development Code which is the minimum number with which to be compliant in order to approve the nomination; and the proposed nominated building retains its historic integrity as assessed against the seven criteria adopted by the Secretary of Interior and specified by the Land Development Code.*

*The Historic Preservation Board has held a public meeting on the proposed building on September 4, 2008. The nomination was heard and unanimously approved by the City of Gainesville's Plan Board on December 8, 2008.*

*Public notice for this petition was published in the Gainesville Sun on November 20, 2008. Letters were mailed to surrounding property owners on November 20, 2008.*

#### *CITY ATTORNEY MEMORANDUM*

*The City Commission, at its meeting of February 5, 2009 authorized the City Attorney's Office to prepare and the Clerk of the Commission to advertise the proposed ordinance.*

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

#### **Legislative History**

2/5/09              City Commission              Approved (Petition) (6 - 0 - 1 Absent)

080757\_petition\_20090205.pdf

080757\_draft pb minutes\_20090205.pdf

080757\_draft ordinance\_20090618.pdf

## **ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

### **081004.**

#### **AMENDING PERMITTED USES ON NORTHSIDE PARK PROPERTY (B)**

##### **Ordinance No.0-09-17, Petition No. PZ-09-00022**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by specifying the permitted uses on certain City property known as "Northside Park" with the zoning category of "PS, Public Services and Operations District", as more specifically described in this Ordinance, located in the vicinity of 5701 N.W. 34th Street; providing a severability**

**clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM*

*The purpose of this petition is to establish the permitted uses for Northside Park. The property currently has a zoning designation of PS (Public services and operations district) with the Recreation land use. The PS zoning district requires that the specific uses that will be permitted on the property be specified as part of the ordinance which places this PS zoning designation on the property. In 1992 when the property was annexed into the City, the PS zoning did not specify the use. The City has indicated that the park will be the location of the Alachua County Senior Recreation Center. This proposed use as well as the existing uses in the park will be enumerated with this petition. The proposed list of uses for Northside Park includes:*

*Picnic area;  
Playground;  
Racquetball and tennis courts;  
Disc golf;  
Park game area (such as horseshoes, volleyball, shuffleboard, etc...);  
Ball fields (such as soccer, baseball/softball);  
Skateboarding;  
Basketball;  
Community center (senior/recreation center);  
Nature/exercise trails; and  
Accessory uses customarily and clearly incidental to any permitted principal use.*

*The request also states that the setbacks will comply with the dimensional requirements of the PS zoning district. During the hearing two board members voted against the petition because of the lack of a neighborhood meeting. Staff made an administrative decision that a neighborhood meeting was not needed because the Senior Center was advertised and debated during the Wild Places and Wild things tax initiative, the existing uses were legally established on the site, and the Recreation land use allows public and private recreation. The City will have to have a neighborhood meeting prior to any development plan for construction on the site.*

*Subsequent to the City Plan Board meeting, City staff determined that "nature/exercise trails" already exist on the property and was inadvertently omitted. Therefore, this use was added to the list of permitted uses in the ordinance.*

*In addition, The Parks, Recreation and Cultural Affairs Department is requesting that a new use - "swimming pool" - be added to the list of permitted uses on the property. City Planning staff has no objection to the request. If the City Commission agrees with this recommendation, then the ordinance should be amended to add "swimming pool" to the list of permitted uses.*

*Planning Division staff recommended approval of Petition PZ-09-00022.*

*The City Plan Board reviewed the petition and recommended approval, Plan Board vote 4-2.*

*Public notice was published in the Gainesville Sun on March 10, 2009. The Plan Board held a public hearing on March 26, 2009.*

*CITY ATTORNEY MEMORANDUM*

*If adopted on first reading, the ordinance considered for second and final reading on Thursday, June 18, 2009.*

**RECOMMENDATION**            *The City Commission: 1) approve Petition No. PZ-09-00022; and 2) adopt the proposed ordinance.*

081004\_draft ordinance\_20090618.pdf

081004A\_revised staff ppt\_20090618.PDF

**080931.**

**SERVING OF ALCOHOL AT THE THOMAS CENTER AND THELMA BOLTIN CENTER FOR FUNDRAISING EVENTS BY NON-PROFIT AGENCIES (B)**

**Ordinance No. 0-09-26**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to the serving of alcohol at non-profit events at the Thomas Center and Thelma Boltin Center by amending section 4-4, Consumption, sale and consumption, possession generally, to permit serving alcoholic beverages during fundraising events by non-profit agencies at the Thomas Center and Thelma Boltin Center; 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 May 21, 2009 meeting, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance permitting the serving of alcohol at fundraising events by non-profit agencies at the Thomas Center and Thelma Boltin Center.*

*This ordinance requires two readings. Should the Commission pass this ordinance on first reading, second and final reading will be held on July 2, 2009.*

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

**Legislative History**

4/16/09            City Commission            Withdrawn

5/21/09            City Commission            Approved as Recommended (6 - 0 - 1 Absent)

080931\_Alcohol at Non-Profit Events\_20090618.pdf

**090036.**

**PARKING CITATION APPEAL TIME (B)**



**Ordinance No. 0-09-22**

**An ordinance of the City of Gainesville, Florida, amending Appendix A of the City of Gainesville Code of Ordinances, relating to delinquent fees for "Traffic and Motor Vehicles;" excluding holidays and weekends for the payment of delinquent fees; 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 June 4, 2009 meeting, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance revising time deadlines to afford the citizenry with adequate time to challenge parking citations following denial of an affidavit of explanation.*

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

**Legislative History**

6/4/09              City Commission              Approved as Recommended (6 - 0 - 1 Absent)

090036\_ordinance\_20090604.pdf

090036\_Parking Citations\_20090618.pdf

**090111.****GAINESVILLE REGIONAL UTILITIES - LEASE IN-LEASE OUT TRANSACTIONS (B)****Ordinance No. 0-09-27**

**An ordinance of the City of Gainesville, Florida repealing obsolete sections of Ordinance No. 980766, relating to the lease in-lease out transaction involving portions of Gainesville Regional Utilities' Deerhaven Units 1 and 2 and certain common facilities; providing a repealing clause; and providing an immediate effective date.**

*Explanation: This ordinance relates to the repeal of Ordinance No. 980766, approved on November 30th, 1998 by the City Commission, which authorized the City to enter into a Lease In-Lease Out (LILO) transaction in connection with Gainesville Regional Utilities' Deerhaven Units 1 and 2 and shared common facilities. Under the terms of the transaction, the City was obligated to replace its equity credit enhancer, Ambac Assurance Corporation (Ambac) if its credit ratings fell below certain thresholds.*

*Such downgrade in credit rating did occur, and on February 19th, 2009, the City Commission authorized the termination of the LILO transaction and the repeal of Ordinance No. 980766. The City Commission concluded upon the recommendation of the Utilities' staff that it was in the best interest of the City to terminate the transaction rather than secure additional credit support for the obligation owed to its equity provider, Bank of New York. With the termination of the LILO transaction, sections 1 and 2 of Ordinance No. 980766 have become obsolete and should be repealed.*

*This ordinance requires two hearings. Should the City Commission pass this ordinance on first reading, second and final reading will be held on July 2nd,*

2009.

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

090111\_draft ordinance\_20090618.pdf

**090112.**

**RUNOFF ELECTIONS (B)**

**Ordinance No. 0-09-28**

**An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-2 (a) of the Code of Ordinances providing that runoff elections shall be held on the fourth Tuesday following the first election; providing directions to the Codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date. (B)**

*Explanation: The City Commission, at its meeting of May 21, 2009 authorized the City Attorney's Office to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 9, Elections, of the Code of Ordinances. The amendment would change the time between the regular election and the runoff election to four weeks as opposed to the current three week period.*

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

090112\_RunOff Elections\_20090618.pdf

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

**081018.**

**ELECTION DATE 2010 (B)**

**Ordinance No. 0-09-25**

**An ordinance of the City of Gainesville, Florida, setting March 16, 2010, as the date for the 2010 regular city election; setting the dates for qualifying for the 2010 regular election; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: The City Commission, at its meeting of May 21, 2009, authorized the City Attorney's Office to draft an ordinance setting the 2010 regular city election dates.*

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

**Legislative History**

5/7/09	City Commission	Continued
5/21/09	City Commission	Approved as shown above (See Motion) (6 - 0 - 1 Absent)
6/4/09	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

081018\_MOD\_20090521.pdf  
 081018\_draftordinance\_20090604.pdf

**090025.****REVISION TO CHAPTER 8 OF THE GAINESVILLE CODE OF ORDINANCES RELATING TO DISCRIMINATION (B)****ORDINANCE NO. 0-09-19**

**An ordinance of the City of Gainesville, Florida, amending Chapter 8 of the Gainesville Code of Ordinances, relating to discrimination; amending section 8-6 by repealing the term "readily achievable"; amending sections 8-48 and 8-49 (Employment), sections 8-68 and 8-69 (Public accommodations), sections 8-88 and 8-94 (Fair housing), relating to the use of shared shower and dressing facilities; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: At the February 5, 2009, City Commission Meeting, the Commission referred the issue of the revision to Chapter 8 of the Gainesville Code of Ordinances to the Equal Opportunity Committee and requested the Chamber of Commerce be invited to participate in the EOC meetings.*

*On April 15, 2009, The Equal Opportunity Committee and members of the Gainesville business and community organizations discussed revisions to Ordinance No. 051225 relating to gender identity. The Committee recommended certain revisions to the Ordinance.*

*At its meeting of May 7, 2009, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 8, relating to gender identity regarding public shared shower or dressing facilities as it relates to area business and community organizations.*

*This ordinance requires two hearings. Should the City Commission pass this ordinance on first reading, second and final reading will be held on Thursday, June 18, 2009.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

6/4/09 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

090025\_draft ordinance\_20090604.pdf  
 090025\_Minck\_20090604.pdf

**RESOLUTIONS- ROLL CALL REQUIRED****PLAN BOARD PETITIONS****090086.****Hunter/Lane Annexation Small-scale Land Use Amendment (B)**

**Petition PZ-09-20LUC. City of Gainesville. Amend the City of Gainesville Future Land Use Map for the annexed area from Alachua County Medium High Density Residential (8-14 DU/ acre) to City of Gainesville Conservation (northern portion) and Residential Medium-Density (8-30 units per acre) (southern portion), located in the general vicinity of the intersection of Southwest 20th Avenue and 43rd Street, and consisting of tax parcel number 06687-004-000.**

*Explanation: This petition is a small-scale land use amendment to change the Future Land Use category from an Alachua County to a City of Gainesville designation. The City of Gainesville annexed this 3.03-acre area on November 26, 2007. The subject property consists of one parcel which is currently landlocked and undeveloped. The parcel is located southwest of the intersection of SW 20th Avenue and 43rd Street. This area is currently designated as Alachua County Medium High Density Residential (8 to 14 dwelling units/acre) future land use with Multiple family, medium-high density (R-2A) zoning, which allows 8 to 14 dwelling units per acre.*

*Analysis of the site finds environmentally sensitive lands that are constrained for development. Staff proposes to designate the areas of the site impacted by creeks, wetlands, and the flood channel areas as Conservation future land use. The proposed delineation between land uses is located 100 feet north of and parallel to the power line easement that crosses the southeastern corner of the property. This line is an extension of the line proposed to separate land uses on the neighboring property (as described in the staff report for Petition PZ-08-129LUC).*

*North of the line, 2.23 acres of Conservation land use is proposed in the area that contains Hogtown Creek and the flood channel district (as defined by sec. 30-280 of the Land Development Code). South of the line, 0.81 acres of Residential Medium-Density (8-30 units per acre) land use is proposed, which approximates the current Alachua County land use designation.*

*The petitioner has the option to propose a Planned Use District (PUD) land use amendment with Planned Development (PD) zoning, which would potentially achieve higher overall density while allowing greater flexibility in the site layout and a creative approach to the conservation areas.*

*The Plan Board reviewed the petition and recommended approval of the petition as presented by staff, vote 6-0. Related to Petition PZ-09-21ZON.*

*Public notice was published in the Gainesville Sun on April 7, 2009. The Plan Board held a public hearing on April 23, 2009.*

*Fiscal Note: None.*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition PZ-09-20LUC. The Plan Board voted 6-0.*

*Staff to City Commission - The City Commission approve Petition PZ-09-20LUC.*

*Staff to City Plan Board - Approve Petition  
PZ-09-20LUC.*

090086\_staff report\_20090618.pdf  
090086A\_cpb minutes\_20090618.pdf  
090086B\_staff ppt\_20090618.PDF

**090087.**

**Hunter/Lane Annexation Rezoning (B)**

**Petition PZ-09-21 ZON. City of Gainesville. Rezone the annexed area from Alachua County Multiple-family, medium-high density (R-2a) district to City of Gainesville CON (Conservation) (northern portion) and RMF-7 (8-21 units/acre multiple-family residential district) (southern portion), located in the general vicinity of the intersection of Southwest 20th Avenue and 43rd Street, and consisting of tax parcel number 06687-004-000.**

*Explanation: This is a quasi-judicial item.*

*The City of Gainesville annexed this 3.03-acre area on November 26, 2007. The subject property consists of one parcel which is currently landlocked and undeveloped. The parcel is located southwest of the intersection of SW 20th Avenue and 43rd Street. This area is currently designated as Alachua County medium-high density (R-2a) district (8 to 14 dwelling units/acre)*

*Analysis of the site finds environmentally sensitive lands that are constrained for development. Staff proposes to designate the areas of the site impacted by creeks, wetlands, and the flood channel areas as Conservation zoning. The proposed delineation between land uses is located 100 feet north of and parallel to the power line easement that crosses the southeastern corner of the property. This line is an extension of the line proposed to separate land uses on the neighboring property (as described in the staff report for Petition PZ-08-129LUC).*

*North of the line, 2.23 acres of Conservation zoning is proposed in the area that contains Hogtown Creek and the flood channel district (as defined by sec. 30-280 of the Land Development Code). South of the line, 0.81 acres of RMF-7 (8-21 units/acre multiple-family residential district) is proposed.*

*The Plan Board reviewed the petition and recommended approval of the petition as presented by staff, vote 6-0. Related to Petition PZ-09-20 LUC.*

*The petitioner also has the option to propose Planned Development (PD) zoning with a Planned Use District (PUD) land use amendment, which would potentially achieve higher overall density while allowing greater flexibility in the site layout and a creative approach to the conservation areas.*

*Public notice was published in the Gainesville Sun on April 7, 2009. The Plan Board held a public hearing on April 23, 2009.*

*Fiscal Note: None.*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition PZ-09-21ZON. The Plan Board voted 6-0.*

*Staff to City Commission - The City Commission approve Petition PZ-09-21ZON.*

*Staff to City Plan Board - Approve Petition PZ-09-21Z*

090087\_staff report\_20090618.pdf

090087A\_cpb minutes\_20090618.pdf

090087B\_staff ppt\_20090618.PDF

**090089.****Townhomes at Westwood Annexation Large-Scale Land Use Amendment (B)**

**Petition PZ-08-129LUC. Eng, Denman & Associates, agent for Townhomes of Westwood LLC. Amend the City of Gainesville 2000-2010 Future Land Use Map for the annexed area from Alachua County Medium High Density Residential (8-14 DU/acre) to City of Gainesville Residential Medium Density (8-30 units per acre) (southern portion) and Conservation (northern portion), located in the general vicinity of the intersection of Southwest 20th Avenue and 43rd Street and consisting of tax parcel numbers 06687-000-000, 06687-003-000, 06687-005-000, 06687-006-000, 06687-007-000, and 06686-000-000.**

*Explanation: This petition is a large-scale land use amendment to change the Future Land Use category from an Alachua County to a City of Gainesville designation. The City of Gainesville annexed this 13.03-acre area on November 26, 2007. The subject property consists of six parcels under common ownership, all of which are currently landlocked and undeveloped. These parcels are located southwest of the intersection of SW 20th Avenue and 43rd Street.*

*This area is currently designated as Alachua County Medium High Density Residential (8 to 14 dwelling units/acre) future land use with Multiple-family, medium-high density (R-2A) zoning, which allows 8 to 14 dwelling units per acre.*

*In this petition, there are two City of Gainesville land uses proposed by the petitioner. On the northwestern portion of the site, 2.88 acres of Conservation land use is proposed, with the boundary established by a surveyed wetland line. South of the wetland line, 10.15 acres of Residential Medium-Density (8-30 units per acre) is proposed, which is equivalent to the current Alachua County land use designation.*

*Staff agrees with the proposed land uses, but recommends a modification of the boundary between the future land uses from what is proposed by the petitioner. Staff's proposal expands the lands designated Conservation to provide additional protection for Hogtown Creek, the wetlands, and the ten-year flood channel. Staff's delineation also takes into consideration Alachua County's*

*Strategic Ecosystem designation. The modified line is parallel to an existing, surveyed power line easement that crosses the property. This recommendation will result in approximately 3.77 acres of designated Conservation future land use and 9.24 acres of Residential Medium-Density.*

*Under the Alachua County Medium Density Residential (8-14 dwelling units/acre) land use designation, the applicant would be allowed from 104 to 182 units on 10.15 acres, calculated using the entire 13.03 acre site. The City proposed Residential Medium Density (8 - 30 units per acre) land use would allow a range of 74 - 277 units per acre on 9.24 acres. The higher range of the City land use would have to be achieved using either density bonus point or by Planned Development (PD) zoning district.*

*The Plan Board reviewed the petition, and after considerable debate regarding the environmental issues on the site, including wetlands, the ten-year flood channel, and the County's Strategic Ecosystem designation, approved staff's recommendation by a vote of 6-0. Related to PZ-08-130 ZON. (Old Petition no. 129LUC-08 PB).*

*Public notice was published in the Gainesville Sun on April 7, 2009. The Plan Board held a public hearing on April 23, 2009.*

*Fiscal Note: None.*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition PZ-08-129LUC as modified. The Plan Board voted 6-0.*

*Staff to City Commission - The City Commission approve Petition PZ-08-129LUC as modified.*

*Staff to City Plan Board - Approve Petition PZ-08-129LUC as modified.*

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090089A\_cpb minutes-20090618.pdf

090089B\_revised staff ppt\_20090618.PDF

**090090.**

**Townhomes at Westwood Annexation Rezoning (B)**

**Petition PZ-08-130 ZON Eng, Denman & Associates, agent for Townhomes of Westwood LLC. Rezone the annexed area from Alachua County Multiple-family, medium-high density (R-2a) district to City of Gainesville RMF-7 (8-21 units/acre multiple-family residential district) (southern portion) and Conservation (northern portion), located in the general vicinity of the intersection of Southwest 20th Avenue and 43rd Street, and consisting of tax parcel numbers 06687-000-000, 06687-003-000, 06687-005-000, 06687-006-000, 06687-007-000, and 06686-000-000.**

*Explanation: This is a quasi-judicial item.*

*This petition requests a rezoning from an Alachua County to a City of Gainesville designation. The City of Gainesville annexed this 13.03-acre area on November 26, 2007. The subject property consists of six parcels under common ownership, all of which are currently landlocked and undeveloped. These parcels are located southwest of the intersection of SW 20th Avenue and 43rd Street. This area is currently designated as Alachua County Medium High Density Residential (8 to 14 dwelling units/acre) future land use with Multiple family, medium-high density (R-2A) zoning, which allows 8 to 14 dwelling units per acre.*

*In this petition, there are two City of Gainesville zoning districts proposed by the petitioner. On the northwestern portion of the site, 2.88 acres of Conservation zoning is proposed, with the boundary established by a surveyed wetland line. South of the wetland line, 10.15 acres of RMF-7 (8-21 units/acre multiple-family residential district) is proposed, which is generally equivalent to the current Alachua County zoning designation but allows higher density with density bonus points.*

*Staff agrees with the proposed zoning districts, but recommends a modification of the boundary from what is proposed by the petitioner. Staff's proposal expands the lands designated Conservation to provide additional protection for Hogtown Creek, the wetlands, and the ten-year flood channel. Staff's delineation also takes into consideration Alachua County's Strategic Ecosystem designation. The modified line is parallel to an existing, surveyed power line easement that crosses the property. This recommendation will result in approximately 3.77 acres of designated Conservation zoning and 9.24 acres of RMF-7.*

*Under Alachua County's development regulations as interpreted by staff, the property owner would have been allowed up to 182 units under the R-2A zoning district (13.03 acres at 8-14 du/ac). Under the proposed zoning categories, RMF-7 zoning (10.15 acres at 14 du/ac by right, up to 21 du/ac with density bonus points) would allow 142 units by right, with up to 213 units with the density bonus. Staff's modified proposal (9.24 acres of RMF-7) would allow 129 units by right, with up to 194 units with the density bonus points.*

*The petitioner has the option to propose a Planned Development (PD) zoning, which would potentially achieve higher overall density while allowing greater flexibility in the site layout and a creative approach to the conservation areas.*

*The Plan Board reviewed the petition, and after considerable debate regarding the environmental issues on the site, including wetlands, the ten-year flood channel, and the County's Strategic Ecosystem designation, approved staff's recommendation by a vote of 6-0. Related to PZ-08-129 LUC. (Old petition no. 130ZON-08 PB).*

*Public notice was published in the Gainesville Sun on April 7, 2009. The Plan Board held a public hearing on April 23, 2009.*

*Fiscal Note: None.*



**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition PZ-08-130ZON as modified. The Plan Board voted 6-0.*

*Staff to City Commission - The City Commission approve Petition PZ-08-130ZON as modified.*

*Staff to City Plan Board - Approve Petition PZ-08-130ZON as modified.*

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**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)****MODIFICATIONS TO THE AGENDA****090157.****Modifications to the June 18, 2009 Agenda**

*NOTE: Added June 16, 2009 @ 4:00 PM.*

**RECOMMENDATION**

*Modifications to the agenda attached.*

June 18, 2009\_MODS.PDF