

# **City of Gainesville**

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



## **Meeting Agenda**

**February 17, 2011**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Craig Lowe (At Large)*

*Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)*

*Commissioner Scherwin Henry (District 1)*

*Commissioner Lauren Poe (District 2)*

*Commissioner Warren Nielsen (District 3)*

*Commissioner Randy Wells (District 4)*

*Commissioner Thomas Hawkins (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

### 090842.

#### **Authorize Additional Connect Free Program funding for the GRACE Marketplace One Stop Homeless Assistance Center (B)**

**This item proposes to request City Commission approval to provide additional Connect Free Program funding in the amount of \$201,500 to cover the revised total cost to install the water/wastewater extension and services for the GRACE Marketplace One Stop Homeless Assistance Center.**

*Explanation: Effective October 1, 2001, GRU began collection of a 25 percent surcharge on connection charges for customer connections to the water and wastewater system outside of the city limits. On July 28, 2003, the City Commission passed Resolution #030223 specifying that one-half of the surcharge monies from this source would be used to extend water, wastewater and reclaimed water services within the City. The resolution specified that the program funding to be allocated address water and wastewater needs as follows: 1) 20% Public Health, Safety and Environmental; 2) 20% Affordable Housing; and 3) 60% Programmed Water/Wastewater Extensions. Program funding not expended in the Public Health and Affordable Housing set-asides by the end of each fiscal year is rolled over to the Programmed Extensions set-aside.*

*On April 1, 2010, the City Commission approved Connect Free Program Funding in the amount of \$423,500 to cover the water/wastewater extension and services for the GRACE Marketplace One Stop Homeless Assistance Center, which includes the installation of a lift station, force main, and water*

*services for the project and surrounding area.*

*Over the last several months, staff have been working with the engineering firm Causseaux, Hewitt & Walpole (CHW), who were contracted to design the utility infrastructure for the GRACE Marketplace & adjacent roadway. As part of this process, CHW reviewed and evaluated the estimated costs for the water/wastewater infrastructure installation for the project. As part of CHW's review and evaluation, a final cost estimate of \$625,000 was established for the water/wastewater infrastructure installation. As a result, the final cost estimate is \$201,500 higher than the preliminary cost estimate of \$423,500 to cover the water/wastewater infrastructure costs. In December 2010, the City's Connect Free Committee (CFC), comprised of General Government and GRU staff, reviewed and evaluated the requirement for the additional funds to ensure that the needed connections and services were being provided to the project. Therefore, the project will need additional funding in the amount of \$201,500 from the Connect Free Program to cover the difference between the preliminary and final cost estimates to install the required connections and services.*

*The Connect Free funds will assist in covering the estimated cost of the water and wastewater systems for the GRACE Marketplace project. Any upsizing of the water lines in order to allow service to other properties will be the responsibility of the neighboring property owner. ADC will also pay for the pipe system that runs from the meter location on the site to their property.*

*The lift station will be designed to GRU's design standards and will be owned and maintained by GRU. Future connections to the lift station and force main will be subject to GRU's standard extension and connection policies. Under the GRU lift station and force main rebate policy any developments that connect to the lift station and/or force main within the next 10 years must pay a rebate based on the amount of lift station and force main capacity they will utilize. Any rebates obtained from surrounding property owners would be refunded to the Connect Free Program to fund on-going projects. The rebate period expires after 10 years.*

*In reviewing the FY 2010 budget for the ConnectFree fund (Fund 117), a total of unexpended funds in the amount of \$188,721 were rolled from Public Safety (\$91,546) and Affordable Housing (\$97,175) into Programmed Extensions. Therefore, staff recommends allocating the additional funding from Public Services and Affordable Housing rollover of \$188,721 plus \$12,779 from Programmed Extensions to cover the total installation costs, which equates to \$201,500. This would provide a total of \$625,000 to cover the water/wastewater installation costs as estimated by CHW for the projects. The additional Connect Free Program funding will reduce the funding gap by providing the additional revenue needed to continue moving the project forward.*

*Fiscal Note: Funds are available in the Connect Free Program, Programmed Extensions set-aside allocation to fund the additional project costs of \$201,500.*

**RECOMMENDATION**

*The City Commission: 1) approve the allocation of additional Connect Free Program funds in the amount of \$201,500 to cover the cost to provide*

*water/wastewater connection and services for GRACE Marketplace One Stop Homeless Assistance Center.*

Legislative History

4/1/10 City Commission Approved as Recommended (5 - 0 - 2 Absent)  
090842\_Utility Est Ltr\_20110217.pdf

**100663.**

**Strategic Plan Quarterly Report - 1st Quarter of Fiscal Year 2011 (B)**

**This item provides a report on the progress of the City Commission's Strategic Goals and Initiatives for the 1st Quarter of Fiscal Year 2011.**

*Explanation: As part of the City of Gainesville Fiscal Year 2011 - 2012 Strategic Planning process, the City Manager prepares a quarterly report on accomplishments related to the City Commission Strategic Goals and Initiatives for each quarter of the Fiscal Year. This is the first quarter report for Fiscal Year 2011.*

*Fiscal Note: There is no fiscal impact.*

**RECOMMENDATION**

*The City Commission receive a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 1st Quarter of FY 2011.*

100663\_FY2011Q1 SP Report\_20110217.pdf

**100668.**

**Vehicle Parking in Multi-Family Residential Zoning Districts within the University Context Area (NB)**

**This item is a request to refer the issue of vehicle parking conditions on private property located in Multi-Family residential zoning districts to the Community Development Committee.**

*Explanation: The City of Gainesville regulates vehicle parking on private property located in Single-Family zoning districts within the University Context Area or a residential parking overlay district as provided in section 30-56.1 of the City of Gainesville Code of Ordinances. Section 30-56 provides regulation for parking including: dimensions of the parking area; allowable ground cover and proper landscaping; amount of the property that can be used for parking; and driveway plan approval requirements. The ideal result is to create well maintained and clearly defined parking areas that do not diminish the aesthetic value of the community.*

*Currently no such regulation exists in Multi-Family residential zoning districts within the University Context Area or residential parking overlay districts. In the University Context Area, Multi-Family districts are immediately adjacent to Single-Family districts which are subject to vehicle parking regulations. In this regard there may be properties that are similar in appearance but due to the difference in zoning, may have a dramatically different parking situation. In*

order to review the current situation and determine if a course of action should be set to address current conditions, staff recommends referring this item to the Community Development Committee.

*Fiscal Note:* None

**RECOMMENDATION**

The City Commission refer the issue of vehicle parking in Multi-Family residential zoning districts within the University Context Area to the Community Development Committee.

**100675.**

**Domestic Violence Grant Application (NB)**

**This item requests City Commission authorization for the Gainesville Police Department to pursue a grant from the Office on Violence Against Women to fund a domestic violence project.**

*Explanation:* In 2007 the City of Gainesville was awarded a domestic violence grant from the Office of Justice Programs, Office on Violence Against Women, which provided two years of funding for the project. The Gainesville Police Department has continued to work with partner agencies to impact the number and affect of domestic violence incidents within our community. The Office on Violence Against Women has announced a new grant cycle for projects aimed at improving the coordinated community response to this serious nationwide problem. The City of Gainesville is eligible to seek funding under this program. The grant program is designed to fund cooperative projects such as the project the Gainesville Police Department implemented in 2007, partnering with the State Attorney's Office, Alachua County Office of Victim Services, Peaceful Paths, and the Black on Black Crime Task Force. The Police Department will utilize funds from the grant to: fund personnel dedicated to domestic violence crimes; increase public awareness; provide prevention education to the community; continue to improve training of criminal justice personnel; provide assistance to domestic violence victims during the criminal investigation and prosecution; improve coordinated reporting and response time with the judicial system; and provide education and assistance to domestic violence victims in their recovery.

The application is due to the Office on Violence Against Women by February 23, 2011.

*Fiscal Note:* The solicitation allows for funding requests for a 24-month period of up to \$400,000, which is based on the population of the City of Gainesville. Grant funds awarded by the Office on Violence Against Women do not require any local matching funds.

**RECOMMENDATION**

The City Commission authorize the City Manager to:  
1) apply to the Office of Justice Programs, Office on Violence Against Women for the grant in an amount up to \$400,000; and if awarded 2) execute any other

necessary documents, pending review by the City Attorney as to form and legality.

**100676.****FY 2011 Internet Crimes Against Children Task Force Program Continuation (NB)**

*Explanation:* The United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention has requested that the City of Gainesville apply for funding under the FY 2011 Internet Crimes Against Children (ICAC) Task Force Program Continuation. This funding will allow the continuation of the Gainesville Police Department's North Florida ICAC Task Force which provides equipment, training, and investigative support to agencies investigating crimes involving the victimization of children through the use of technology.

*Fiscal Note:* The City is eligible to receive grant funding up to a maximum of \$340,000. No matching funds are required.

**RECOMMENDATION**

*The City Commission:* 1) authorize the City Manager to apply for these funds; and 2) execute any additional documents as may be required, subject to review and approval by the City Attorney as to form and legality.

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****CITY ATTORNEY, CONSENT AGENDA ITEMS****100667.****Ralph Pelton, as Personal Representative of the Estate of Erin E. Pelton, on behalf of the Estate and on behalf of survivors Ralph Pelton and Elaine C. Pelton, individually vs. Shakia N. Harris, individually, and City of Gainesville, a political subdivision; Eighth Judicial Circuit, Case No. 2011-CA-44 (B)**

*Explanation:* On January 25, 2011, the City was served with a Summons and Complaint filed by Ralph Pelton, as personal representative of the estate of Erin E. Pelton. On November 2, 2009, Erin E. Pelton was a passenger on an RTS Bus. Ms. Pelton exited the bus at the bus stop near the 2800 block of SW Archer Road and attempted to cross Archer Road. Ms. Pelton was struck by a vehicle driven by Shakia N. Harris. Ms. Pelton was pronounced dead at the scene from sustained injuries. The Complaint alleges negligence on the part of the City due to the location of the bus stop. The estate seeks money damages from the City.

**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Ralph Pelton, as Personal Representative of the Estate of Erin E. Pelton, on behalf of the Estate and on behalf*

*of survivors Ralph Pelton and Elaine C. Pelton, individually vs. Shakia N. Harris, individually, and City of Gainesville, a political subdivision; Eighth Judicial Circuit, Case No. 2011-CA-44.*

100667\_ConsentErinPelton\_20110217.pdf

## CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

### 100680.

#### City Commission Minutes (B)

##### RECOMMENDATION

*The City Commission approve the minutes of January 24, 2011 and February 3, 2011, as circulated.*

100680\_jan 24,2011\_20110217.pdf

100680\_feb. 3, 2011\_20110217.pdf

### 100723.

#### Appointment - Gainesville Housing Authority (NB)

*MODIFICATION - ADDED, February 16, 2011 @ 2:09 PM.*

##### RECOMMENDATION

*The City Commission confirm Mayor Craig Lowe's appointment of Yvonne Hinson-Rawls to the Gainesville Housing Authority to a term to expire August 1, 2015.*

## EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

## COMMITTEE REPORTS, CONSENT AGENDA ITEMS

## PUBLIC SAFETY COMMITTEE, CONSENT

### 100187.

#### Prohibiting Smoking in the Downtown "Bo Diddley" Plaza (B)

**This item involves a referral from the Gainesville City Commission on July 1, 2010 to consider the matter of prohibiting smoking in the Downtown "Bo Diddley" Plaza.**

*Explanation: During their July 1, 2010 meeting, the Gainesville City Commission discussed the topic of prohibiting smoking in the Downtown "Bo Diddley" Plaza. Commissioner Wells raised it in the context of the recent University of Florida's tobacco-free campus, and the possibility of prohibiting smoking at the Plaza, particularly during events. The Downtown Plaza is included in the listing of City Parks covered by City Codes, Chapter 18, Parks and Recreation. There currently are no restrictions regarding smoking in City Parks in this ordinance.*

*Staff researched this matter and provided an update the Public Safety Committee on September 27, 2010 to include 1) feedback from peer cities on what they do to address this issue (ban or restriction to specific areas); 2) advisory board feedback on the topic; 3) signage at the Plaza; 4) review of the current City ordinance governing activities allowed/prohibited in City parks, and whether to remove the Plaza from the listing identifying it as a City park; 5) consideration of cigarette butts and littering enforcement; 6) designating specific areas for smoking at the Plaza during events.*

*The Public Safety Committee again discussed this referral at their January 10, 2011 meeting and heard from a representative from the State Health Department regarding the Communities To Put Prevention To Work Program. The representative provided samples of signage and gave a list of Florida cities who have smoking restriction ordinances.*

*Fiscal Note: There are costs associated with the manufacturing and installation of signs and the related educational campaign. The City will seek to partner with the Health Department and Keep Alachua County Beautiful.*

**RECOMMENDATION**

*The City Commission: 1) move forward with voluntary compliance using signage; 2) authorize the City Manager to pursue partnerships with the Health Department and Keep Alachua County Beautiful for an educational campaign; and 3) have appropriate staff monitor the situation and observe what is taking place in other Florida cities so this issue can be revisited in one year.*

**Legislative History**

|         |                         |                             |                         |
|---------|-------------------------|-----------------------------|-------------------------|
| 7/1/10  | City Commission         | Referred (6 - 0 - 1 Absent) | Public Safety Committee |
| 9/27/10 | Public Safety Committee | Discussed                   |                         |
| 1/10/11 | Public Safety Committee | Discussed                   |                         |

100187a\_GvlCodesChapter18\_20100927.pdf

100187b\_Ord090657\_20100927.pdf

100187a\_CityofCoralSpgs\_20110110.pdf

100187b\_CityofParkland\_20110110.pdf

100187\_CasselberryLtr\_20110110.pdf

100187\_FLTobaccoFreeParks\_2011011011.pdf

100187\_SampleSigns\_20110110.pdf

100187\_Sample Signs\_20110217.pdf

**100198.**

**Code Enforcement - Graffiti Issues (B)**

*Explanation: This item was brought forward by Commissioner Mastrodicasa at the July 15, 2010 City Commission Meeting. Discussion began at the Public Safety Committee Meeting on September 27, 2010. At that meeting Commissioner Mastrodicasa requested that staff put together a model using the Tallahassee program and look to Keep Alachua County Beautiful to help manage working with businesses to see what is needed.*



*The Public Safety Committee discussed this referral at its September 27, 2010 and January 10, 2011 meetings, hearing reports from staff on how other cities handle their graffiti issues and the issue of gang related graffiti, including the Tallahassee model. At the January 10, 2011 meeting the Committee voted unanimously to recommend that the City Commission authorize drafting a graffiti abatement ordinance to provide Code Enforcement regulations to handle the clean up of graffiti by private owners; using a model from Miami Beach that was presented to the Committee that states if the owner doesn't clean up the graffiti, the City will clean it up and may bill them for it.*

*Fiscal Note: There is no fiscal impact deriving from this matter at this time.*

**RECOMMENDATION**

*The City Commission 1) authorize the City Attorney to draft and the Clerk of the Commission to advertise a Graffiti Abatement Ordinance based on the Miami Beach model, with the exception of giving the property owner ten days to respond instead of seven; and 2) remove this item from the Public Safety Committee's Referral List.*

**Legislative History**

|         |                         |                  |                         |
|---------|-------------------------|------------------|-------------------------|
| 7/15/10 | City Commission         | Referred (7 - 0) | Public Safety Committee |
| 9/27/10 | Public Safety Committee | Discussed        |                         |
| 1/10/11 | Public Safety Committee | Discussed        |                         |

100198\_GraffitiMtgMinsAug\_20100927.pdf

100198\_GraffitiOrdOtherCities\_20110110.pdf

100198\_GraffitiOrdinances\_20110217.pdf

**100224.**

**Bicycle Yield /Stop Ordinance (NB)**

*Explanation: This item involves Public Safety Committee review of a proposal for city consideration of a bicycle yield/stop ordinance allowing cyclist to yield rather than stop at stop signs.*

*Information points:*

*-Idaho is the only state to have approved a state law to allow bicyclists to yield at stop signs.*

*-Idaho has had this legislation for 27 years and has not seen much change in bicycle crash/fatality statistics.*

*-A few years ago Idaho also passed a law allowing cyclists to treat a red light as a stop sign after stopping and checking that no traffic is present.*

*-California and Oregon were unsuccessful at changing their state law, however, advocates are continuing to pursue changes.*

*-Public education would be a big part of this type of law change.*

*-The cycling community is divided over the issue.*

*Pro arguments:*

*-Cyclists of various levels/types all over the nation have long since adapted to*

yielding at stop signs successfully.

- Positive responsiveness to those using alternative transportation in our community; stop signs are more geared toward automobile issues/needs; cyclists have potential for greater view/vantage sight, sound perception than those operating from the possible obstruction of an automobile.
- Could conserve the momentum energy of cyclists if there is not traffic present; provides for what some recognize as needed considerations for a bicycle type vehicle vs. cars, trucks, buses, etc.
- Where sidewalk cycling is allowed without the requirement to stop at stop signs, the riders could be less visible to traffic than cyclists in the roadway and have less view/vantage point.

*Con arguments:*

- Perception to motorists could promote road rage/anger against cyclists; conflicts with bicyclists having all the same rights/responsibilities/duties as other vehicles. The issue could indicate a need for other type engineering options such as traffic calming (i.e. roundabouts, diverters, bike boulevards, bike routes, etc.); may send the wrong message to less experienced cyclists and cyclists who operate dangerously or with disregard to the law.
- Could focus on other bicycle priorities that are recognized from crash/fatality data or reported concerns.
- May send a message of convenience over safety.

*The Bicycle/Pedestrian Advisory Board (BPAB) has confirmed their support to pursue the state law change. The Public Safety Committee has heard both pro and con arguments and would like a gauge of state-wide input on the issue. If a good representation of state municipalities, bicycle groups and entities show support, the issue may be brought back to the City Commission and the Public Safety Committee.*

*The Public Safety Committee discussed this item at its November 29, 2010 and January 10, 2011 meetings. After a report from staff it was determined that nothing could be done by the City of Gainesville until the law was changed at a state-wide level. Staff will monitor the State situation for any changes.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission remove this item from the Public Safety Committee referral list.*

**Legislative History**

|          |                         |   |                         |
|----------|-------------------------|---|-------------------------|
| 8/5/10   | City Commission         | Approved as Amended and Referred to (7 - 0) | Public Safety Committee |
| 11/29/10 | Public Safety Committee | Discussed                                   |                         |
| 1/10/11  | Public Safety Committee | Discussed                                   |                         |

100224\_cthawkins\_20100805.pdf

100224\_WhyBicycHateStopSigns\_20101129.pdf

100224\_BicycleLawWording\_20101129.pdf

100224\_BikeYieldatStop-20101129.doc

## AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

### 100185.

#### Charter Officer Evaluations (B)

*Explanation: This item was referred by the City Commission to the Audit, Finance and Legislative Committee on July 1, 2010. On January 27, 2011, the Committee discussed this item and agreed on continuing the current Charter Officer evaluation process with an added written component modeled after Alachua County's performance evaluation form.*

#### RECOMMENDATION

*The City Commission approve a modified process for evaluating the performance of Charter Officers utilizing a written performance evaluation form, modeled after that used by Alachua County for its Charter Officers.*

#### Legislative History

|         |  |                             |   |
|---------|--|-----------------------------|---|
| 7/1/10  | City Commission                                | Referred (6 - 0 - 1 Absent) | Audit, Finance and<br>Legislative Committee |
| 1/27/11 | Audit, Finance and<br>Legislative<br>Committee | Recommended for Approval    |   |

100185\_Charter Officer Eval\_20110127.PDF

100185\_attachments\_20110127.pdf

100185\_Template\_COG\_20110217.PDF

### 100392.

#### Structure and Supervision of City Commission Support Staff (B)

*Explanation: This item was referred by the City Commission to the Audit, Finance and Legislative Committee on September 16, 2010. On November 30, 2010, the Committee discussed this issue and requested that the Human Resources Director explore time limited positions and report back at the next Committee meeting on January 27, 2011. The Committee agreed on an approach which would authorize Charter Officers to hire regular employees in specific positions for a specified length of time with the understanding that the individuals may no longer be hired in those specific positions at the end of the specified time period. The employee selected for such a position shall sign an acknowledgement of said understanding. This authorization would apply to the existing and newly created job classifications and pay grades and would require a competitive process.*

#### RECOMMENDATION

*The City Commission direct staff to return to the City Commission with recommended Human Resources Policy revisions and any other documents necessary to implement this approach.*

#### Legislative History

|         |                 |                             |   |
|---------|-----------------|-----------------------------|---|
| 9/16/10 | City Commission | Referred (3 - 2 - 2 Absent) | Audit, Finance and<br>Legislative Committee |
|---------|-----------------|-----------------------------|---|

11/30/10     Audit, Finance and     Retained in Committee  
                   Legislative  
                   Committee

1/27/11     Audit, Finance and     Recommended for Approval  
                   Legislative  
                   Committee

100392\_final Information from UF\_20110127.PDF  
 100392\_sample letter&lang\_20110217.pdf

**100507.****Funding RTS Routes and Associated ADA Service Outside the City Limits (B)**

**This item is a request to approve the service rate policy for transit service outside Gainesville City limits.**

*MODIFICATION - Withdraw from the Consent Agenda and send back to the Audit, Finance and Legislative Committee.*

*Explanation: The City of Gainesville Regional Transit System (RTS) provides transit services outside Gainesville City limits that are currently under contract with the Board of County Commissioners (BoCC).*

*On November 7, 2006, the Recreation, Cultural Affairs and Public Works Committee discussed rates for these services and although the Committee approved forwarding policy language to the City Commission for final approval, there is no record that the policy was adopted by the City Commission.*

*This item was referred by the City Commission to the Audit, Finance and Legislative Committee on November 4, 2010. On November 30, 2010, a proposed policy including the criteria for the service rate was discussed. The Committee requested that RTS staff bring back to their next meeting a set of formulas which would reflect the full cost of transit service provided outside the Gainesville City limits, including consideration of a possible surcharge for future service enhancement.*

*On January 27, 2011, a revised policy, which includes depreciation expense and a 10% surcharge for future service enhancement, was presented by RTS staff and discussed by the Committee. An additional item discussed but not recommended for implementation at this time was utilizing the Consumer Price Index (CPI) to reflect increased annual costs from calculation to payment of the service rate.*

*The updated policy calculates an hourly service rate of \$70.72 for FY2012 for transit services outside the City limits.*

*Fiscal Note: Revenue generated by the service rate will cover any operating expenses associated with the service.*

**RECOMMENDATION**

*The City Commission approve the revised service rate policy for transit services outside the Gainesville City limits.*

Legislative History

|          |  |                          |   |
|----------|--|--------------------------|---|
| 11/4/10  | City Commission                                | Referred (7 - 0)         | Audit, Finance and<br>Legislative Committee |
| 11/30/10 | Audit, Finance and<br>Legislative<br>Committee | Retained in Committee    |   |
| 1/27/11  | Audit, Finance and<br>Legislative<br>Committee | Recommended for Approval |   |

100507\_RTS Proposed Policy\_20101130.PDF  
100507\_Revised Formula\_20110127.pdf  
100507\_spreadsheets\_20110217.pdf  
100507\_Service Rate Policy\_20110217.PDF

**100533.****Review of GRUCom Revenues (B)**

*Explanation: In accordance with our Annual Audit Plan, we have completed a Review of GRUCom Revenues. Our report, which includes a response from the General Manager, is attached for your review.*

*We request that the Committee recommend the City Commission accept our report and the management response. Also, in accordance with City Commission Resolution 970187, Section 10, Responsibilities for Follow-up on Audits, we request that the Committee recommend the City Commission instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.*

**RECOMMENDATION**

*The City Commission: 1) Accept the City Auditor's report and the response from the General Manager for Utilities; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.*

Legislative History

|         |  |                          |  |
|---------|--|--------------------------|--|
| 1/27/11 | Audit, Finance and<br>Legislative<br>Committee | Recommended for Approval |  |
|---------|--|--------------------------|--|

100533\_grucom\_audit report\_20110127.pdf

**EQUAL OPPORTUNITY COMMITTEE, CONSENT****DISABILITY REVIEW COMMITTEE, CONSENT****100651.****Application for Disability Retirement for Cynthia L. Sandoval (B)**

**Retirement application for Cynthia L. Sandoval, Customer Service Representative Senior GRU-Customer Service for 16.083 years, who has**

**been under the care of a physician for medical reasons.**

*Explanation:* A meeting of the Disability Review Committee was conducted on Thursday, January 13, 2011 to review the application for disability retirement for Cynthia L. Sandoval. In reviewing the application and supporting information from her physician, it is the recommendation of the Disability Review Committee that the City Commission approve the application.

*Cynthia L. Sandoval, Customer Service Representative Senior GRU-Customer Service for 16.083 years, has been under the care of a physician for medical reasons. Information provided to the Committee from her physician and from the City of Gainesville's third party administrator Health Direct Inc., states that Ms. Sandoval is totally disabled and wholly and continuously unable to perform any and every duty of her employment or of a position to which she may be assigned.*

*Fiscal Note:* The current monthly salary, final average earnings of the employee's 36 highest consecutive months of earnings, and the estimated benefit for this employee has been determined to be: current monthly salary - \$4069.06; final average monthly earnings - \$4419.15; final monthly benefit - \$0.00 offsets have been taken for both Social Security and an early retirement benefit. These benefits shall become effective upon the City Commission's approval and would be paid from the Disability Pension Fund.

**RECOMMENDATION**

*The City Commission approve the submitted application for disability retirement for Cynthia L. Sandoval, Customer Service Representative Senior GRU-Customer Service.*

100651\_Application\_20110217.pdf

100651A\_Retirement Plan\_20110217.pdf

**100652.**

**Application for Disability Retirement for Thomas Travis Rahn (B)**

**Retirement application for Thomas Travis Rahn, Services Operator, GRU - Wastewater Collection for 15.333 years, who has been under the care of a physician for medical reasons.**

*Explanation:* A meeting of the Disability Review Committee was conducted on Thursday, January 13, 2011 to review the application for disability retirement for Thomas Travis Rahn. In reviewing the application and supporting information from his physician, it is the recommendation of the Disability Review Committee that the City Commission approve the application.

*Retirement application for Thomas Travis Rahn, Services Operator, GRU - Wastewater Collection for 15.333 years, has been under the care of a physician for medical reasons. Information provided to the Committee from Mr. Rahn's physician and from the City of Gainesville's third party administrator Health Direct Inc., states that Mr. Rahn is totally disabled and wholly and continuously unable to perform any and every duty of his employment or of a position to which he may be assigned.*

*Fiscal Note: The current monthly salary, final average earnings of the employee's 36 highest consecutive months of earnings, and the estimated benefit for this employee has been determined to be: current monthly salary - \$3837.46; final average monthly earnings - \$3684.62; final monthly benefit - \$1129.92 without a Social Security offset. These benefits shall become effective retro-active to December 1, 2010 upon the City Commission's approval and would be paid from the Disability Pension Fund.*

**RECOMMENDATION**

*The City Commission approve the submitted application for disability retirement for Thomas Travis Rahn, Services Operator, GRU - Wastewater Collection.*

100652\_Application\_20110217.pdf

100652A\_Retirement Plan\_ 20110217.pdf

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA**

**CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION**

**CITY MANAGER**

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**100677.**

**SETTLEMENT AGREEMENT AND CONSENT ORDER CONCERNING THE LAND APPLICATION OF BIOSOLIDS AT WHISTLING PINES RANCH (B)**

*MODIFICATION - Number 5 of the Recommendation will be removed from the agenda, as it was handled administratively.*

*Explanation: STAFF REPORT*

*Brief Explanation*

*At the City Commission Meeting on December 16, 2010, GRU staff updated the Commission on the status of its application to the County for a Special Exception to continue the land application of biosolids at Whistling Pines Ranch near Archer. As briefly presented (and as described in the background section below), the County and City staff are in disagreement as to the*

*applicability of the County Code to the biosolids application, with City staff being of the opinion that the biosolids application is a vested, legal non-conforming use and County staff being of the opinion that the use now requires a special exception with conditions that are, in GRU's analysis, onerously restrictive to operations. The conditions would make the continued use of the site for biosolids application cost prohibitive. As presented at the December 16, 2010 City Commission Meeting, in order to allow City and County staff to consider alternative solutions, the County Commission, at its meeting on December 14, 2010, deferred the hearing on the Special Exception until February 22, 2011.*

*After much analysis and discussion, City and County staff recommend that their respective Commissions approve a Settlement Agreement and Consent Order in order to avoid the expense, delay and uncertainty of imminent code enforcement proceedings and litigation between the two governments.*

*The Settlement Agreement and Consent Order will allow for voluntary amortization of the City's use. Under the terms and conditions of the Agreement, the City may continue its Class A or B biosolids application at the site for five years, subject to reasonable requirements concerning application setbacks, groundwater monitoring, and best management practices, after which the City's land application of Class A or B biosolids on the site will cease. GRU staff is of the opinion that this amortization period will allow time for the development of a new biosolids reuse strategy and transitioning to that new operational strategy.*

#### *Background Information*

*As part of its wastewater utility operations, GRU's water reclamation facilities create two products that are beneficially re-used (or recycled) in the community: reclaimed water used primarily for irrigation and industrial cooling processes; and biosolids which are land applied as an organic fertilizer for the growing of agricultural crops and grasses. Since 1981, the City has been applying biosolids on the Whistling Pines Ranch, an approximately 1300 acre farm in the westernmost portion of Alachua County.*

*In 2007, the City entered into a contract to purchase Whistling Pines Ranch to ensure its continued availability for the land application of biosolids. In conducting its due diligence as a purchaser, the City reviewed the County's Uniform Land Development Code ("ULDC") and found that Section 406.70(f) provides in part "All proposed sites for land application of biosolids shall require a special exception ....". The City did not believe that the amendment applied to its use of Whistling Pines, as it was not a "proposed site" but an existing site that has been in continuous use and legally permitted, monitored and inspected in accordance with all required federal, state and local regulations for over 25 years.*

*The County Planning staff opined that a special exception was required for Whistling Pines as a result of Section 408.14, which reads as follows:*

*"[T]he following nonconforming uses of land, not contained within principal*



*buildings, including but not limited to open storage; building supplies; vehicle, implement and machinery storage, either on the same lot or on another lot with a plant, factory or sales facility; junkyards; kennels; commercial dairies that did not exist prior to October 2, 1991; commercial animal raising and similar uses shall comply with this ULDC or be discontinued within 18 months following notice by the county unless determined to be vested under the provisions of chapter 402, article XXVII, Vested Rights, of this ULDC."*

*The City believes this section does not apply because the City's use is not one of the uses listed, nor is it similar to the listed uses. Alternatively, even if the City's use is one of the listed uses or a similar use, the ULDC exempts those uses if they are "vested", which the City believes its use to be, having been in legally permitted and in continuous operation with the knowledge of the County for over 25 years.*

*Despite their disagreement in interpretation, the City and County staff continued dialog concerning the special exception requirement. County staff initially determined that a 75 foot setback would be required from the property lines with no vegetated buffer. From the City's perspective, a 75 foot setback was operationally feasible and consistent with rules adopted by the FDEP which go into effect in January 2013. Based on this, the City filed for a special exception, even though it continued to be of the opinion that it was not required to do so.*

*The Special Exception application was heard by the Alachua County Planning Commission in October 2007. County staff recommended approval of the Special Exception with a 75 foot setback and the other conditions outlined in the Staff Report dated October 10, 2007. The Planning Commission voted 4-1 to approve the special exception with the staff recommended conditions.*

*After the Planning Commission meeting, in response to concerns raised by a few citizens, County staff asked the City to conduct studies to determine possible environmental/health effects (both airborne and in the ground) resulting from the application of biosolids on the site. Again, this testing was not required by the ULDC or any of the City's biosolids permits; however, in the spirit of good citizenship and improving the public knowledge of the science of biosolids, the City complied with the requests. After considerable time and expense, the City completed the studies and the results indicated that the biosolids use is safe.*

*While the City was in the process of doing the studies, County Staff discovered they erroneously had recommended the 75 foot setback instead of the 300 foot setback stated in the ULDC. County Staff also determined that a 40 foot vegetated and screened buffer would be required, along with more extensive groundwater monitoring. Such conditions unreasonably and significantly affect the existing use of the site such that, if the City been informed of same prior to the filing the application, the City would not have proceeded with the special exception process. As a result, City staff recommends withdrawal of the application for Special Exception.*

*The Special Exception was scheduled for hearing before the County*

*Commission on December 14, 2010. At that request of City and County staff, the County Commission deferred the matter until its February 22 meeting to allow staff from both governments to consider potential solutions. After much analysis and discussion, City and County staff drafted a Settlement Agreement and Consent Order for consideration by their respective Commissions.*

**RECOMMENDATION**

*The City Commission 1) hear a presentation from staff; 2) approve the withdrawal of the application for Special Exception; 3) approve the Settlement Agreement and Consent Order; 4) authorize the Mayor to execute and the Clerk of the Commission to attest the Settlement Agreement and Consent Order; and 5) authorize the General Manager to negotiate and execute the Cancellation of the Purchase and Sale Agreement for the Whistling Pines Ranch.*

100677\_ settlement agreement & consent order - unsigned\_20110217.pdf

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE**

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

**PUBLIC SAFETY COMMITTEE**

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE**

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

**100674.**

**Nomination - Library District Board of Trustees (B)**

**RECOMMENDATION**

*The City Commission nominate the two applicants for consideration of appointment by the Library Governing Board*

100674\_20110217.pdf

**COMMUNITY REDEVELOPMENT AGENCY**

**100669.**

**Community Redevelopment Agency Projects and Sustainability (B)**

**Community Redevelopment Agency (CRA) staff will give a presentation highlighting the sustainable features of their new office building located at 802 NW 5th Avenue and; how the CRA is making strides to become a more sustainable agency in both operations and project delivery.**

*Explanation: What was once a vacant lot in a blighted community is now bustling with activities of staff and guests of the Community Redevelopment Agency. What was once a vacant building, in disrepair, is now the future home of Southern Charm, a Gainesville original restaurant concept; and what was once a dimly lit street with parking code violations and eroded travel lanes is now well lit with brick sidewalks and new asphalt.*

*Redevelopment is more than bricks and mortar, more than aesthetic upgrades and new fencing; it is a fresh approach to the development and the economic development of a City. Redevelopment requires much thought in the realm of sustainability. Projects must stand the test of time, the economy, minimize damage to the environment, and serve the community.*

*Over the past year, CRA staff; advisory board members and the CRA Board have faced many challenges inherent with redevelopment projects. Due to persistence, vision and a lot of hard work; these challenges have been transformed into successes.*

*In October 2010, the CRA hosted their monthly board meeting at the new commercial development and CRA office building. CRA staff gave a presentation highlighting the building's sustainable features and demonstrated the progress and initiatives that the CRA is taking in the realms of sustainability. At the conclusion of the presentation, the CRA Board recommended that CRA staff give the presentation to the City Commission.*

*Fiscal Note: None at this time*

**RECOMMENDATION**

*CRA to the City Commission: hear presentation from staff highlighting the sustainable features of the new CRA office building located at 802 NW 5th Avenue; and how the CRA is making strides to become a more sustainable agency in both operations and project delivery.*

100669\_CRA PPT\_20110217.pdf

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**RECESS**

**RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****100643.****Coni Gesualdi Day - February 17, 2011 (B)**

**RECOMMENDATION**            *Recipient Coni Gesualdi to accept the proclamation.*

100643\_ConiGesualdi\_20110217.pdf

**100644.****Dr. William Eyerly Day - February 17, 2011 (B)**

**RECOMMENDATION**            *Gainesville Association for the Creative Arts Executive Director Dr. William Eyerly to accept the proclamation.*

100644\_DrWilliamEyerly\_20110217.pdf

**100645.****Dance Alive National Ballet Day - February 17, 2011 (B)**

**RECOMMENDATION**            *Dance Alive National Ballet Executive Director Judy Skinner and Artistic Director Kim Tuttle to accept the proclamation.*

100645\_DanceAliveBallet\_20110217.pdf

**100694.****Spay Day - February 22, 2011 (B)**

**RECOMMENDATION**            *No More Homeless Pets Operation PetSnip/Operation Catnip Executive Director Sandi Richmond, Board President Gladys Cofrin, and Board Members Martha Kern and Dr. Dale Kaplan-Stein to accept the proclamation.*

100694\_SpayDay\_20110217.pdf

**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**

**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****ORDINANCES, 2ND READING- ROLL CALL REQUIRED****100217.****OPEN CONTAINER VIOLATIONS (B)****Ordinance No. 100217**

**An Ordinance of the City of Gainesville, Florida, amending section 4.4 relating to consumption, consumption and sale and possession of alcoholic beverages; providing that the open consumption and/or possession of an open container of any alcoholic beverage on certain designated public places and motor vehicles may be enforced by civil citation; amending section 2-239, adding open consumption and/or possession of an open container of any alcoholic beverage on certain designated public places and motor vehicles to codes that may be enforced by civil citations and designating class of offense and amount of penalty; providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.**

*Explanation: PUBLIC SAFETY COMMITTEE REPORT*

*As part of the 2011-2012 biennial budget process, the City Manager presented several proposals recommended by the Employee Budget Strategy Team. The Team recommended changing the violation for open container from a criminal offense to a civil offense.*

*The Team proposed an ordinance similar to the current public urination ordinance which allows enforcement by civil citation. The Team also suggests that language from the Noise Ordinance be inserted to allow the enforcement by criminal citation when circumstances deem appropriate.*

*Currently, an individual charged with open container must be processed through the courts, pays a fine and/or perform community service and may serve time in jail. The offense results in a criminal record. Under this proposal, most offenders would be issued a civil citation, pay a fine and corresponding court costs and avoid criminal charges.*

*The Public Safety Committee voted 3-0 at its November 29, 2010 meeting to proceed to the City Commission to propose the changes in the ordinance.*

*In addition, while revising the ordinance to include the suggested changes, the former subparagraphs (b)(3) as to the number limit for boundary extension permits was moved to appear immediately after the provision as to said permits for improved clarity and organization.*

**CITY ATTORNEY MEMORANDUM**

*Although the presentation to the Public Safety Committee on November 29,*

2010, which resulted in the recommendation that the City Attorney draft and the Clerk of the Commission advertise the proposed changes in the ordinance, included estimates of cost savings and revenue increases based on a proposed fee of \$175.00, the \$175.00 amount was based upon the normal amount charged on a pretrial diversion program under a municipal ordinance violation methodology. For civil citations of this nature and kind, the violation is typically classified as a Class IV that carries a penalty of \$200.00. There is no category or class for \$175.00. The class and amount designation closest to that used in the proposal (Class IV and \$200.00) was therefore substituted for the \$175.00 proposed amount listed. This change has been reviewed with Becky Rountree, Administrative Services Director, who concurs with this change.

The City Commission at its January 6, 2011 meeting authorized City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance as recommended by the Public Safety Committee. If approved on first reading, second and final reading will be held on Thursday, February 17, 2011.

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

**Legislative History**

|          |                         |   |                         |
|----------|-------------------------|---|-------------------------|
| 7/22/10  | City Commission         | Referred (7 - 0)  | Public Safety Committee |
| 11/29/10 | Public Safety Committee | Discussed   |                         |
| 1/6/11   | City Commission         | Approved as Recommended (6 - 0 - 1 Absent)                          |                         |
| 2/3/11   | City Commission         | Adopted on First Reading, as amended (Ordinance) (5 - 1 - 1 Absent) |                         |

100217\_OpenContainerFeesPPt\_20101129.pdf

100217\_DraftOrdinance\_20110203.pdf

100217\_DraftOrdinance\_20110217.pdf

**100588.**

**GAINESVILLE TRAFFIC SAFETY ENHANCEMENT ACT  
AMENDMENT (B)**

**Ordinance No. 100588**

**An Ordinance of the City of Gainesville, Florida amending Chapter 26, Article II, Division of the Gainesville Code Ordinances, The Gainesville Traffic Safety Enhancement Act to comply with the “Mark Wandall Traffic Safety Act,” as codified in section 316.0083, Florida Statutes; authorizing the City of Gainesville to use Traffic Infraction Detectors to enforce violations of red light traffic control signals; amending Appendix A, Schedule of Fees, Rates and Charges, providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.**

*Explanation: CITY MANAGER STAFF REPORT*

*On February 19, 2009, the City Commission approved and adopted Ordinance # 070268 generally known as "The Gainesville Traffic Safety Enhancement Act" which established the red light traffic safety program. Although the Commission approved the program in 2009, upon the advice of the City*

*Attorney's Office, implementation was delayed due to the uncertainty of pending state legislation. Other Florida cities such as Orlando, Bradenton, Naples, Aventura, Pembroke Pines and Tampa adopted and implemented similar Red Light Camera Programs regardless of the pending legislation and some are still involved in legal challenges as a result.*

*On April 27, 2010, the Florida Senate passed HB 325, known as Mark Wandall Traffic Safety Act, establishing statewide regulation of red light cameras. This Act was signed into law on May 13, 2010 by Governor Crist and became effective July 1, 2010. The Act expressly preempts any local regulation of traffic violations involving the use of cameras. The new legislation also establishes a mandatory \$158.00 fine for a red light camera violation with no points assessed against the driver's record. This draft ordinance comports with state law as set forth in section 316.0083, Florida Statutes (2010), "Mark Wandall Traffic Safety Program."*

*The City staff have issued, on January 3, 2011, the RFP requesting proposals from qualified vendors for delivery and maintenance of traffic infraction detectors, and for all necessary hardware and administrative support to ensure a credible and reliable electronic camera recording system. The bids are due by January 24, 2011. This is all based on anticipated approval of the proposed ordinance.*

*The City Commission desires to implement the enforcement as set forth herein in order to promote, protect and improve the health, safety and welfare of its citizens, consistent with the authority of and limitations on the City pursuant to the state Constitution and state statutes.*

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

**Legislative History**

|          |                 |   |
|----------|-----------------|---|
| 12/16/10 | City Commission | Approved as Recommended (6 - 0 - 1 Absent)              |
| 2/3/11   | City Commission | Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent) |

100588\_2-19-09 Minutes\_20101216.pdf

100588\_COG MuniCode\_20101216.pdf

100588\_FS 316.0083\_20101216.pdf

100588\_DraftOrdinance\_20110203.pdf

## **PLAN BOARD PETITIONS**

## **DEVELOPMENT REVIEW BOARD PETITIONS**

## **SCHEDULED EVENING AGENDA ITEMS**

### **100672.**

#### **Update on the Status of the Cabot-Koppers Superfund Site (B)**

**This item involves receiving a presentation from the Local Intergovernmental Team (LIT) on the US Environmental Protection**

**Agency's Record of Decision for the Cabot-Koppers Superfund site.**

*MODIFICATION - PPT added to this item, February 15, 2011 @ 1:37 PM.*

*Explanation: The Local Intergovernmental Team (LIT) consists of representatives from the Alachua County Environmental Protection Department (ACEPD), Gainesville Regional Utilities (GRU), Alachua County Health Department (ACHD), Gainesville City Manager's office, as well as City Consultants. The LIT has provided written and verbal comments to United States Environmental Protection Agency (EPA), Florida Department of Environmental Protection (FDEP) and Beazer East, Inc on a variety of issues related to the Cabot-Koppers Superfund site including the Feasibility Study, Off-site soil sampling, Groundwater, Stormwater, Creek Sediment and Health Risk issues. The City Commission and Board of County Commissioners submitted technical comments to EPA's Proposed Plan for cleaning up the site in October 2010.*

*On February 2, 2011, the US EPA released the Final Cleanup Plan Approved for the Cabot/Koppers Superfund Site. The cleanup plan, also known as the Record of Decision (ROD) on the Cabot/Koppers Superfund Site, is available to the public on the EPA website at <http://www.epa.gov/region4/waste/npl/nplfln/cabkopfl.htm>.*

*The Local Intergovernmental Team has reviewed the EPA ROD and prepared a presentation to be heard by the City Commission on February 17, 2011 and the County Commission on February 22, 2011.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: 1) hear a presentation from the Local Intergovernmental Team; 2) discuss the US Environmental Protection Agency's Record of Decision for the Cabot-Koppers Superfund site; and 3) provide staff with direction as appropriate.*

100672\_MOD Koppers PPT\_20110217.pdf

**UNFINISHED BUSINESS****COMMISSION COMMENT****CITIZEN COMMENT (If time available)****ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**