

City of Gainesville

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



Meeting Agenda

August 11, 2008

1:00 PM

City Hall Auditorium

City Commission

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

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

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

080205.

Bid Award - Annual Contract for Redi-Mix Concrete for FY 2008/2009 (B)

This item is a request for the City Commission to authorize the bid award to Florida Rock Industries, Inc., as the primary supplier and Cemex, Inc., as a secondary supplier for the annual contract for Redi-Mix Concrete for FY 2008/2009.

Explanation: On May 13, 2008, the Purchasing Division solicited bids for the Annual Contract for Redi-Mix Concrete. Two (2) firms responded with bids. Florida Rock Industries, Inc., is recommended as the primary supplier, and Cemex, Inc., is recommended as the secondary supplier.

The Public Works Department Operations Division purchases approximately 2000 cubic yards of Redi-Mix concrete for use in the routine maintenance of City streets and drainage facilities. Redi-Mix concrete is used in capital projects and in repairs to City facilities as necessitated by utility installations.

Fiscal Note: Funding sources are available and will be identified as needed through the Public Works Department fiscal year operating budget and the City's Capital Improvement Plan capital project accounts.

RECOMMENDATION

The City Commission: 1) approve the bid award to Florida Rock Industries, Inc., as primary supplier and Cemex, Inc., as secondary supplier for Annual Redi-Mix Concrete for FY 2008/2009; and 2) authorize the City Manager to execute the contracts

and all related documents with Florida Rock Industries, Inc., and Cemex, Inc.

080205_BID TAB_200808111300.pdf

080206.

First Extension to the Contract for Sidewalk Construction/Replacement Services for FY 2009 (B)

This item is an extension to the contract for sidewalk construction/replacement services with JoyTech Construction, Inc.

Explanation: The contract dated October 20, 2007, with JoyTech Construction, Inc., will expire on September 30, 2008. JoyTech Construction, Inc., has responded to the City's requests for services promptly and their services have been reliable and their finished product consistently meets or exceeds City Standard requirements.

The contract allows for two one-year extensions. This is the first request for an extension to the contract.

Fiscal Note: Funding sources are available and will be identified as needed through the Public Works Department fiscal year operating budget and the City's Capital Improvement Plan capital project accounts.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to execute the First Extension to the contract with JoyTech Construction, Inc., for Sidewalk Construction/Replacement Services, extending the term of the contract from October 1, 2008 to September 30, 2009.

080206_Contract_20080811.pdf

080208.

Third Extension to the Contracts for Professional Environmental Engineering Services for FY 2009 (B)

This item is an extension to the Contracts for Professional Environmental Engineering Services with Water & Air Research, Inc. and Environmental Consulting & Technology, Inc.

Explanation: The contract with Water & Air Research, Inc. dated May 2, 2006, First Extension dated August 16, 2006, and Second Extension dated January 24, 2008, and the contract with Environmental Consulting & Technology, Inc. dated May 3, 2006, First Extension dated August 16, 2006, and Second Extension dated July 28, 2007, will both expire on September 30, 2008. After 25 months Environmental Consulting & Technology, Inc., has requested a total average hourly rate increase of 9.8%, an annual equivalent increase of 4.9%. Water & Air Research, Inc., hasn't requested a rate increase at this time. Both vendors have responded to the City's requests for services promptly and their services have been reliable and accurate.

The contracts allow for five one-year extensions. This is the third request for an extension to each contract.

Fiscal Note: Funding sources are available and will be identified as needed through the Public Works Department fiscal year operating budget and the City's Capital Improvement Plan capital project accounts.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to execute the Third Extensions to the contracts with Water & Air Research, Inc., and Environmental Consulting & Technology, Inc., for Professional Environmental Engineering Services, extending the term of the contract from October 1, 2008 to September 30, 2009, subject to final appropriation of funds for FY2009.

Alternative Recommendation: The City Commission authorize the City Manager to execute the Third Extensions to the contracts with Water & Air Research, Inc., and Environmental Consulting & Technology, Inc., for Professional Environmental Engineering Services, extending the term of the contract from October 1, 2008 to September 30, 2009, without the rate increase for Environmental Consulting & Technology, Inc.

080208a_Contract_20080811.pdf

080208b_Contract_20080811.pdf

080210.

Award of Contract for Trash Pick-Up and Disposal from City of Gainesville Regional Transit System (RTS) Bus Stops (B)

This item is a request to approve the contractor selected to provide pick-up and disposal of trash from City of Gainesville Regional Transit System (RTS) Bus Stops.

Explanation: The Purchasing Division solicited bid proposals for an annual contract for the pick-up and disposal of trash from the RTS bus stops. A total of five (5) bids were received. After evaluation of the bids, staff recommended award of the contract to Glen Bellamy Landscaping LLC. This contract was executed and has since been terminated. Staff conferred with Purchasing and is recommending the award of this contract to the next lowest responsive bidder which is Waste Management, Inc., of Florida. This contract will commence upon execution and expire on September 30, 2009, with the option to extend the term of this contract for a 12-month period with a maximum of three such extensions as described in Section 4 of the contract.

Fiscal Note: Funding in the approximated amount of \$53,234.64 is available in the RTS FY08 budget and in the proposed RTS FY09 budget for the contract for Trash Pick-up and Disposal from RTS Bus Stops.

RECOMMENDATION

The City Commission: 1) approve the award of the contract to Waste Management, Inc., of Florida; and 2) authorize the City Manager to execute a contract with Waste Management, Inc., of Florida in the amount not to exceed \$53,234.64, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission not award the contract to Waste Management, Inc., to provide Pick-up and Disposal of Trash from RTS Bus Stops, would require issuance of a new Invitation to Bid.

080210_Contract_20008111300.pdf

080213.**Recommendation for Award of Contract for Energy Efficiency Upgrades to Anglin Construction (B)**

This item involves a request to award the contract for energy efficiency upgrades at various City buildings to Anglin Construction.

Explanation: In preparation for major upgrades to the heating and air conditioning systems at City Hall, Thomas Center and the Old Library Building, staff requested bids to perform prerequisite tasks to these buildings to insure maximum efficiencies. Prerequisite tasks include the replacement of electric motors, insulation, window tinting, etc. Bids were sent out via Demand Star with six (6) firms attending the mandatory Pre-bid meeting. Two (2) firms responded with Anglin Construction Company being the low responsive bidder.

Fiscal Note: The General Services Department has funds in the amount of \$324,200 available in various Capital Projects accounts for FY 08.

RECOMMENDATION

Recommended Motion: The City Commission: 1) award the contract for Energy Efficiency Upgrades to Anglin Construction and authorize the City Manager or his designee to execute the contract pending approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission can deny this request and require General Services to put this work back out to bid.

080213_BID TAB_20080811.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**080250.****Change Order for Technology Consulting Services (NB)**

Staff recommends approval of a change order to the contract with AAC

Utility Partners, LLC for technology consulting services for the Financial Management Information System and Customer Care System projects.

Explanation: On November 13, 2006, the City Commission authorized award of a contract for consulting services to AAC Utility Partners, LLC (AAC) in the amount of \$420,000 to assist with SAP software projects, including evaluation and selection of an implementer for the Financial Management Information System (FMIS) project and implementation project oversight as well as Customer Relationship Management (CRM). At that time, the scope of the FMIS project exclusively included financials; however, the project scope was expanded to include the integration of Purchasing, Stores and Assets due to the network between these systems to financials.

Change orders within the City Commission threshold of 10% covered a portion of the extended time line of the deliverable based contract to complete the project. Additional expenditures in an estimated amount of \$191,200 are required to complete the final nine (9) months of the FMIS portion of the contract through Go-live in 2009. These expenditures were included in the fiscal year 2008 and 2009 budgets.

The original scope of the SAP Customer Care System (CCS) included the development, testing, and implementation of corporate reporting tools. This function was scheduled to be completed after Go-Live. During the post go-live period, we have discovered that some of the corporate reporting tools implemented require restructure to meet the Utility's reporting requirements. Additional external resources will be required to manage the specific project. This will again be a deliverables based contract. The SAP reporting tools ensure the continuity of information needed to run the business on a daily basis. Many of these reports have regulatory or audit requirements which have time line implications. We feel it is best to engage AAC for this project management role. They have unique knowledge about both the CCS and FMIS implementations, both of which are building blocks for this reporting function. Their Project Manager role on these projects make them well suited to provide the expertise needed. The anticipated cost for a complete review and restructure of corporate reporting is \$216,000 for all SAP related projects.

Staff recommends a change order to AAC to cover these additional expenses since they have a unique understanding of these projects and the reporting needs of the Utility.

Fiscal Note: Funds for this project have been included in the FY 2008 and the proposed FY 2009 budget.

RECOMMENDATION

The City Commission authorize the General Manager, or his designee, to execute a change order in the amount of \$407,200 (new not to exceed amount of \$869,200) for additional technology consulting services for the Financial Management Information System and Customer Care System projects, subject to the approval of the City Attorney as to form and legality.

CITY ATTORNEY, CONSENT AGENDA ITEMS**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****080226.****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the special meeting minutes of July 16, 2008, July 17, 2008, July 21, 2008 (2 sets); and July 28, 2008 (Regular Meeting); as circulated.

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080226b_min_20080811.pdf
080226c_min_20080811.pdf
080226d_min_20080811.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT****PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT****PUBLIC SAFETY COMMITTEE, CONSENT****070726.****Vehicle for Hire - Fee Issue Referral (B)**

Explanation: This item was referred to the Public Safety Committee at the November 26, 2007 City Commission Meeting to discuss the fees for Vehicles for Hire.

Discussion began at the January 10, 2008 Public Safety Committee meeting. At that meeting, Gainesville Police Department and the City's Finance Department staff were tasked with reviewing the fees and looking at 1) a multi-year licensing structure; 2) what fees could be reduced; and 3) what to include in the franchise fee. Both departments were also instructed to meet with the Vehicle for Hire companies who have Occupational Licenses with the City to discuss their concerns and to discuss eliminating several fees that are currently charged.

At the July 29, 2008 Public Safety Committee, GPD staff recommended eliminating the Application Fee of \$55.25 and the Vehicle Inspection Fee of

\$27.50. Reductions in several other fees were recommended including: reducing the Driver's Permit Fee from \$27.50 to \$20.00, the Medallion Fee from \$82.75 annually to \$25.00 biennially, and the Late Fee from \$55.25 per month to \$25.00 per month.

The Public Safety Committee voted to support these recommendations and forward them to the City Commission.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk to advertise amendments to Appendix A of the City Code to include new Vehicle for Hire fees.

Legislative History

11/26/07 City Commission Referred (7 - 0) Public Safety Committee
070726_VFH Fees_20080811.pdf

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

EQUAL OPPORTUNITY COMMITTEE, CONSENT

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

080251.

Purchased Gas Adjustment (B)

Explanation: During the July 10, 2008 and July 21, 2008 GRU Budget presentations, staff mentioned amendment of the PGA Calculation to be discussed at the next City Commission meeting. Currently, the calculation does not allow for Levelization and it has a seasonal component that allows for over- or under-collections to remain outstanding for several months. Staff is proposing a methodology with a monthly true-up factor to return over collections or recover under collections more timely than the delayed seasonal true-ups. Additionally, staff is proposing the addition of a Levelization component to the calculation to smooth the variability of gas prices to aid customers.

RECOMMENDATION

The City Commission receive a presentation from staff regarding the Purchased Gas Adjustment. Upon City Commission approval, authorize the City Attorney to draft and the Clerk to advertise the staff proposed ordinance change.

080251_gasadjustment_20080811.pdf

CITY ATTORNEY**CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****COMMUNITY DEVELOPMENT COMMITTEE****080160.****Healthy City, Healthy Region (The Rusk Report): An Update - Ten Years Later - January, 2007 (B)**

This is a referral from the Community Development Committee to the City Commission regarding the adoption of proposed action items flowing from the Committee's review of the Rusk Report.

Explanation: The recent 2007 Update Report sponsored by the City of Gainesville represents a ten year update of the Healthy City, Healthy Region Report jointly sponsored by Alachua County and the City of Gainesville in 1997. The 2007 Update Report provides an executive summary and information on four issues: land use and residential patterns; regional economic growth; adult education levels; and, racial economic segregation. Finally, the 2007 Update Report then offers six overall recommendations as follows:

- (1) City and County explore a jointly appointed corporate limits council as a mechanism to support the City's annexation policy*
- (2) City and County explore "density" as a method of signaling or requiring annexation of urban areas*
- (3) City Commission and staff should build a close working relationship with the Alachua School Board on planning/capital projects*
- (4) City Commission should appoint a Task Force on inclusionary zoning to develop an inclusionary zoning law; this should be a joint undertaking with the County*
- (5) City Commission should encourage amendment of the County Comprehensive Plan to establish a more rigorous standard for agricultural zoning to help promote infill development*
- (6) City Commission should initiate discussions with the County Commission with respect to joint planning coordination resulting in a joint planning*

Commission.

Review of the 2007 Update Report's conclusions and recommendations was referred to the Community Development Committee and at its recent June 24th meeting, the Committee voted out the following recommendations that are roughly in sync with the 2007 Update Report's recommendations:

- (1) The City Commission endorse the Countywide Visioning and Planning Committee's efforts at joint planning;*
- (2) The City Commission direct the City Manager and/or designee to report to the City Commission on all Alachua County large scale comprehensive plan amendments and residential development in the urban reserve area that crosses a staff recommended impact threshold;*
- (3) The City Commission direct the City Manager and/or designee to schedule a Commission Workshop on the topic of actions that can be pursued by the City to ensure the proper education of children;*
- (4) The City Commission endorse the efforts of the Affordable Housing Advisory Committee to address issues of affordable housing with presentation back to the City Commission;*
- (5) The City Commission include in the development of its future Strategic Plan/Vision goals regarding: 1) attraction and retention of City residents with higher incomes; and, 2) a balanced concern for the plight of families that are struggling to earn a decent wage;*
- (6) The City Commission direct the City Manager and/or designee to request a report from Alachua County Plan staff on the status of their EAR and to indicate the City Commission favors a more rigorous standard for agricultural zoning within the County.*

Fiscal Note: No fiscal impact anticipated at this time.

RECOMMENDATION

Recommended Motion: Community Development Committee to City Commission: 1) hear a brief presentation on the Rusk Report; 2) adopt the Community Development Committee's recommendations regarding implementation of the 2007 Update Report's conclusions and recommendations.

080160A_Staff_PPT_20080728.pdf

080160B_Rusk_Report_20080728.pdf

PUBLIC SAFETY COMMITTEE

070268.

Cameras at Red Lights (B)

Explanation: This item was referred to the Public Safety Committee during the July 26, 2007 City Commission Budget Hearing. The Public Safety Committee began discussion of this referral at its November 15, 2007 meeting and completed the discussion at its meeting on February 7, 2008. The Committee's recommendation was sent to the March 24, 2008 City Commission meeting. At that time the item was put on hold until the State Senate and House Bills in

legislation were decided. Both bills failed to pass. The Committee then discussed this item again at its June 25, 2008 meeting in order to familiarize new Committee members Commissioners Hawkins and Poe with the item.

In the original discussions on this item, the Committee requested staff research the number of intersections where the City would consider using the cameras and research companies who provide these services and the costs. A list of the ten top intersections was compiled by GPD and Public Works staff and a draft ordinance was written. Staff has met with five companies who provide this service.

Fiscal Note: The installation of these cameras would be at no cost to the City. The company chosen after the RFP process would be responsible for the installation, education, advertising and processing of the citations.

RECOMMENDATION

The Commission 1) hear an presentation from staff; 2) authorize the City Attorney's Office to complete the draft and advertise the ordinance; and 3) authorize staff to proceed with the RFP process.

Alternative A: The Commission decide not to proceed with installing cameras at red lights.

Legislative History

7/26/07	City Commission	Referred (7 - 0)	Public Safety Committee
3/24/08	City Commission	Referred (7 - 0)	City Manager

070268a_cam red light_20080728.pdf

070268b_cam red light_20080728.pdf

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

080133.

Commissioner Jack Donovan - Accessibility: A Study of the Regional Transit System (B)

Explanation: In partnership, Masters in Public Health students from the UF College of Public Health and Health Professions and the Center for Independent Living of North Central Florida conducted an evaluation of 254 bus stops located on four key Gainesville Bus Routes. Students will present the background, methods and findings from this study along with recommendations for feasible and essential changes that can improve accessibility - and thus, quality of life for individuals who are living with disabilities.

RECOMMENDATION

City Commissioners are requested to listen to this presentation and consider the important implications

from this study's findings and recommendations.

Legislative History

7/14/08 City Commission Withdrawn

080133_20080714.pdf

080133a_20080714.pdf

080133_busaccessibility_20080811.pdf

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

080027.

LAND USE CHANGE - 6600 NE 39TH AVENUE (B)

Ordinance No. 0-08-32, Petition 22LUC-08PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the Alachua County land use category of "Rural/Agriculture" to the City of Gainesville land use category of "Conservation"; located in the 6600 block of Northeast 39th Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition is a small-scale land use amendment to change the Future Land Use category from Alachua County Rural/Agriculture to City of Gainesville Conservation.

This 6.2-acre parcel is City-owned land that was annexed by the City in 2007 and must be brought into conformance with the City's Generalized Future Land Use Map. This area is vacant, forested land located on the south side of Northeast 39th Avenue approximately 2.5 miles from the Gainesville Regional Airport main entrance. It is adjacent to vacant City-owned parcels and County agricultural land. No development is currently planned for this parcel.

Public notice was published in the Gainesville Sun on April 30, 2008. The Plan Board held a public hearing on May 15, 2008.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION *The City Commission: 1) approve Petition 22LUC-08PB; and 2) adopt the proposed ordinance.*

080027_Land Use Change 6600 NE 39 Ave_20080811.pdf

080027_petition_20080811.pdf

080027_staff ppt_20080811.PDF

080023

REZONING - 6600 NE 39th AVENUE (B)

(Quasi-Judicial) Ordinance No. 0-08-33, Petition No. 62ZON-08PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from the Alachua County zoning category of "Agricultural (A) district" to the City of Gainesville zoning category of "CON: Conservation district"; located in the 6600 block of Northeast 39th Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition requests a rezoning from Alachua County Agriculture (A) to City of Gainesville Conservation (CON).

This 6.2-acre parcel is City-owned land that was annexed by the City in 2007 and must be brought into conformance with the City's Generalized Zoning Map. This area is vacant, forested land located on the south side of Northeast 39th Avenue approximately 2.5 miles from the Gainesville Regional Airport main entrance. It is adjacent to vacant City-owned parcels and County agricultural land. No development is currently planned for this parcel.

Public notice was published in the Gainesville Sun on April 30, 2008. The Plan Board held a public hearing on May 15, 2008.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board both recommend approval.

RECOMMENDATION

The City Commission: 1) approve Petition No. 62ZON-08PB; and 2) adopt the proposed ordinance.

080023_Rezoning 6600 NE 39 Ave_20080811.pdf

080023_petition_20080811.pdf

080023_Rezoning 6600 NE 39 Ave_20080811.pdf

080023_staff ppt_20080811.PDF

080023_QuasiJudicialform_20080811.pdf

080028.**LAND USE CHANGE - CHILI'S GRILL AND BAR (B)****Ordinance No. 0-08-34, Petition 25LUC-08PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the Alachua County land use category of "Commercial" to the City of Gainesville land use category of "Commercial"; located at 3530 Southwest Archer Road, commonly known as "Chili's Grill and Bar"; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition is a small-scale land use amendment to change the Future Land Use category from Alachua County Commercial to City of Gainesville Commercial.

This 0.92-acre parcel is the site of Chili's Grill and Bar, an existing restaurant on Archer Road that is contiguous with Butler Plaza. This area was annexed by the City in 2007, and must be brought into conformance with the City's Generalized Future Land Use Map. This area is currently designated as Alachua County Heavy Commercial land use with Highway-oriented business services (BH) zoning; it is completely built out and no new development is anticipated at this time.

Public notice was published in the Gainesville Sun on April 30, 2008. The Plan Board held a public hearing on May 15, 2008.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION *The City Commission: 1) approve Petition 25LUC-08PB; and 2) adopt the proposed ordinance.*

080028_Land Use Change Chilis_20080811.pdf

080028_petition_20080811.pdf

080028_staff ppt_20080811.PDF

080024.

REZONING - CHILI'S GRILL AND BAR (B)

Ordinance No. 0-08-35, Petition No. 61ZON-08PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from the Alachua County zoning category of "Highway oriented business services (BH) district" to the City of Gainesville zoning category of "BUS: General business district"; located at 3530 Southwest Archer Road, commonly known as "Chili's Grill and Bar"; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition requests a rezoning from Alachua County Highway oriented business services (BH) district to City of Gainesville General business BUS).

This 0.92-acre parcel is the site of Chili's Grill and Bar, an existing restaurant on Archer Road. The subject parcel was annexed by the City in 2007, and must be brought into conformance with the City's Generalized Zoning Map. The land use designation in the Butler Plaza area, of which Chili's is an outparcel, is Alachua County Commercial.

Public notice was published in the Gainesville Sun on April 30, 2008. The Plan Board held a public hearing on May 15, 2008.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board both recommend approval.

RECOMMENDATION *The City Commission: 1) approve Petition No. 61ZON-08PB; and 2) adopt the proposed ordinance.*

080024_Rezoning Chilis_20080811.pdf

080024_petition_20080811.pdf

080024_staff ppt_20080811.PDF

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

080041.**STUDENT ADJUNCT MEMBERSHIP (B)****Ordinance No. 0-08-47**

An ordinance of the City of Gainesville, Florida, repealing Section 2-248, relating to student adjunct members; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: On June 9, 2008, the City Commission approved the Clerk of the Commission's consent agenda recommendation and authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance requiring Code Sections relating to the Student Adjunct positions and implement changes made by Karen Johnson via City Commission policy.

On July 3, 2008, Kurt Lannon, the Clerk of the Commission, informed a City Attorney intern that he wished to have the entire Section on Student Adjunct members repealed per Karen Johnson's report of May 12, 2008. Instead, the Clerk wants to make the administration of these seats purely a matter of policy within the Clerk's office. He explained that the positions will still exist, but by making this a matter of policy and not a City Ordinance, it will allow his office greater flexibility and efficiency in managing these positions. The Clerk's office plans to incorporate Karen Johnson's recommendations into its revised policy concerning Student Adjunct members.

This ordinance requires two hearings. Should the City Commission pass this ordinance on first reading, second and final reading will be held on Thursday, August 21, 2008.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

6/9/08 City Commission Approved as Recommended (7 - 0)

080041_studentadjunct_20080811.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**RESOLUTIONS- ROLL CALL REQUIRED****080158.****Green Local Government Resolution (B)**

The Florida Green Building Council, Inc. (FGBC) is a non-profit corporation whose primary mission is to develop and maintain Green designation standards for Florida and to promote cost-effective, sustainable environmental improvements.

Explanation: In addition to certification standards for Green homes, commercial buildings,

high rises, and developments, the FGBC now certifies Green Local Governments for outstanding environmental stewardship. The FGBC expects that "certified green city and county governments will not only gain recognition and publicity, but also function in a more efficient manner through better internal communication, cost reductions, and effective risk and asset management." This is the premier local government certification process, and the only one that is specifically developed for the Florida context.

The City of Gainesville participated in pilot testing of the standard in 2002 and since this time, some level of certification (from pre-application to full certification) has been achieved by 17 Florida cities and counties, and at least 44 more have passed resolutions proclaiming their intent to become a Green Local Government. Certification involves meeting and documenting criteria from a variety of Departments, including GRU, Communications/Marketing, Recreation and Parks, Fire Rescue, Public Works, Information Technology, Planning and Development Services, GPD, Economic Development, and Human Resources. Staff has collected input regarding the current level of participation in various "green" activities, and has found that each department of General Government and GRU has already implemented some portion of the criteria listed in the FGBC Green Local Government standard. Staff believes that pursuing the certification will help to structure the response of various departments to the City's energy efficiency needs, as well as provide excellent marketing potential.

In order to pursue the certification, the City will enter the pre-application phase, at which time the FGBC will assign a project evaluator to assess which criteria are applicable and the points needed to attain full certification. Information and documentation will then be gathered from departments throughout General Government and GRU, and assembled into the final application packet for the FGBC.

On February 11, 2008, the City Commission referred the matter to the EDUCC. The EDUCC discussed the City Commission's referral on April 7, 2008, and on June 23, 2008 voted 3-0 in favor of recommending that the City adopt a resolution endorsing the FGBC's Green Local Government certification.

RECOMMENDATION

EDUCC to the City Commission: (1) hear a presentation from staff; (2) adopt the Resolution endorsing the Green Local Government Standard; (3) direct and authorize the City manager to take actions necessary to initiate and complete the application process for the Green Local Government Standard; (4) provide \$4,500 from City Commission contingency funds to be used for the application fee.

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PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS**070399.****Site Selection for Fleet Management Garage and Materials Storage Facility (B)**

This item involves a detailed explanation of the site evaluations for the selection of the Fleet Management Garage and Materials Storage Facility.

Explanation: After reviewing the options that were presented to the City Commission on June 23, 2008, the Commission requested that staff continue to consider all three (3) options and provide additional information to assist the City Commission in evaluating which option best meets the needs of the Community on a long term basis. In addition, staff was directed to provide base information on three (3) options as recommended by a citizen. Staff is therefore presenting information on a total of six (6) options. The back up documents will show options A through F and additional detailed information as requested by the City Commission. Option A includes the Wurn, Progressive Investment South and Commercial Concepts plats and a small portion of the T.J. Hawes property. This option was created to take advantage of a possible donation of (36) acres that would provide additional buffer and a park. The initial cost for a total of 75.5 acres, (which includes purchase price, site preparation, developmental and mitigation costs, etc.) is \$4,015,000, and an annual operating cost (associated with transporting vehicles to and from the garage) of \$279,456. Option B is the ADC Development and Investment Group, LLC which offers a total of 63.06 acres for an initial cost of \$5,034,500 and an annual operating cost of \$302,354. The useable contiguous acreage must be identified as the current description does not show this. Option C is the T.J. Hawes Trustee property which offers a total of 151.88 acres for an initial cost of \$7,038,721 and an annual operating cost of \$318,117. This offer also includes the option to sell the southern section of the property only which would require acquisition of approximately (75) acres to allow for (20) useable contiguous acres. The initial cost would be \$5,113,721 and the annual operating cost remaining the same at \$318,117. Option D is the Gain Development Industrial property offering a total of (40) acres for an initial cost of \$2,955,475 and an annual operating cost of \$556,293. Option E is the Terrapointe Southern Reality Services property offering a total of (36.7) acres for an initial cost of \$1,287,000 and an annual operating cost of \$604,254. Option F is the JDF Logistics, Inc. property which offers 78.37 acres for an initial cost of \$3,935,000 and an annual operating cost of \$413,625.

The estimated initial cost for each of the six (6) options is expected to provide a minimum of (20) useable contiguous acres which would accommodate future expansion and also allow for additional functions to be performed from each location.

Fiscal Note: Funding for the projects was approved by the City Commission as part of the FY09-FY13 CIP. Depending on the option chosen adjustments to the operating budgets might be necessary in order to offset additional cost in fuel expenses.

RECOMMENDATION

The City Commission: 1) hear a presentation from

staff on the various options; and 2) select a site and authorize the City Manager, or his designee, to initiate negotiations with the representative(s) of the chosen property(ies) and authorize the City Manager, upon successful contract negotiations, to execute the contract and related documents upon approval by the City Attorney's office as to form and legality.

Alternative Recommendation

Reject all properties and risk losing the option that would best meet the needs of the Community on a long term basis and direct staff to conduct an additional search.

Legislative History

8/27/07	City Commission	Referred (7 - 0)	Community Development Committee
9/13/07	Community Development Committee	Approved as Recommended	
10/30/07	Community Development Committee	Approved as Recommended	
11/5/07	City Commission	Withdrawn	
12/4/07	Community Development Committee	Approved as Recommended	
1/17/08	Community Development Committee	Approved as Recommended	
2/18/08	City Commission	Approved as shown above (See Motion) (7 - 0)	

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Citizen Comment.pdf

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UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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