

City of Gainesville

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



Meeting Agenda - Final

December 5, 2013

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

***Mayor Ed Braddy (At Large)
Commissioner Lauren Poe (At Large)
Commissioner Thomas Hawkins (At Large)
Commissioner Yvonne Hinson-Rawls (District 1)
Commissioner Todd Chase (District 2)
Commissioner Susan Bottcher (District 3)
Mayor-Commissioner Pro Tem Randy Wells (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****CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS**

[130439.](#)

State Homeland Security Grant Program Subrecipient Agreement 2013 (NB)

This item requests that the City Commission authorize the City Manager to enter into a contract with the State of Florida Division of Emergency Management to support equipment maintenance for Gainesville Fire Rescue's Hazardous Materials Team.

Explanation: Gainesville Fire Rescue's (GFR) Hazardous Materials Team has regional responsibilities for eleven counties and is classified as a State Type I Team providing a response capability with personnel and testing equipment for hazardous materials incidents within one hour. Through prior agreement, GFR was designated as one of 21 teams providing a statewide response network to hazardous materials emergencies. Funding for maintenance of equipment to support these capabilities is supplemented through a variety of homeland security and emergency services grants; one of these is the State Homeland Security Grant Program (SHSGP) offered through the State of Florida Department of Financial Services. Reimbursement funding offered for the 2013 program just recently approved includes up to \$15,000 for equipment sustainment. Equipment capability for this cycle of the grant program

will be focused on maintenance of the the MSA Safesite wireless atmospheric monitoring system, the Smiths LCD3.2 Chemical Detector, and the Smiths Radseeker RIID.

Fiscal Note: The City will receive up to \$15,000. There is no match required.

RECOMMENDATION

The City Commission authorize the City Manager or designee to enter into a contract with the State of Florida Division of Emergency Management, subject to approval of the City Attorney as to form and legality.

[130513.](#)

Approval and Authorization to Purchase Real Property on Southeast 4th Street (B)

This item is a request to approve and authorize the purchase of real property, located at 1125 Southeast 4th Street, known as Alachua County Tax Parcel 16026-000-000.

Explanation: As primary part of the proposed renovations to Southeast 4th Street, it is necessary to purchase property for stormwater retention and treatment. To treat the stormwater, north of Sweetwater Branch, the Public Works Department has identified a property, owned by the Joseph N. Holton QTIP Trust and known as Tax Parcel 16026-000-000. This parcel consists of 3.75 acres which would allow ample room for a retention pond to include a park with pedestrian walk. The pond and park amenity would be similar to the retention pond located southwest of Southwest 6th Street and Southwest 5th Avenue. The purchase would also supply additional right of way for the Southeast 4th Street Renovation Project. The Trust is asking \$500,000 for the property. The appraisal established a value of \$490,000.

This parcel contains two business tenants. In preliminary talks with the tenants, they may be interested in purchasing a portion of the property. The contract allows the City, as buyer, to subdivide the property prior to closing and to assign its interests in the subdivided parcels to other buyers. Based on information extracted from the appraisal, it is preliminarily estimated (but subject to change based on the City's subdivision requirements) that one parcel could consist of approximately 0.96 acres and would be valued at \$178,465 with the existing structures, the second parcel could consist of 0.67 acres and would be valued at \$140,000 with the existing structures and the third parcel (the one that the City would purchase for its roadway and stormwater improvement projects) could consist of 2.12 vacant acres and would be valued at \$181,835.

The Trust is willing to sell the property in three separate sales as long as all the parties close and the whole property is sold in its entirety. If the City is unable to subdivide the property prior to closing, or either or both of the other parties do not close on their respective portions, the City

would acquire each respective portion.

Fiscal Note: Funding is available in the Southeast 4th Street Reconstruction Project fiscal year 2011 to 2015 funds.

RECOMMENDATION

The City Commission: 1) approve and authorize the City Manager to execute the Contract for Purchase with the Joseph N. Holton QTIP Trust for the purchase of Tax Parcel 16026-000-000, subject to approval by the City Attorney as to form and legality; 2) authorize the City Manager to pursue all necessary approvals to subdivide the property prior to closing; and 3) if the subdivision is approved, authorize the City Manager to negotiate and execute Assignments of Contract to other buyers, subject to approval by the City Attorney as to form and legality.

[130513A_Contract_20131205.pdf](#)

[130513B_Aerial_20131205.pdf](#)

[130516.](#)

Ratification of Agreement between the International Association of Firefighters (IAFF), Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville for October 1, 2012 through September 30, 2015 (B)

Explanation: This Agreement has been reached through negotiations between the IAFF, Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville, and was ratified by the IAFF, Local 2157, Professional Firefighters Bargaining Unit on November 13 - 15, 2013. This Agreement extends the current Collective Bargaining Agreement through September 30, 2015.

A copy of the Agreement is on file in the Office of the Clerk of the Commission. After December 5, 2013, the Agreement will be on file in the Human Resources Department.

*Fiscal Note: Monies area available in General Fund fund balance for the Fiscal Year 2013 retroactive payments.
Funds are currently budgeted for Fiscal Year 2014 payments.*

RECOMMENDATION

The City Commission ratify the Agreement between the IAFF, Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville, extending the Agreement through September 30, 2015.

[130516A_Changes to IAFF Agreement 2012-2015_20131205.pdf](#)

[130516B_IAFF 2012 - 2015 Underline - Strikethrough w legal edits FINAL_2013](#)

[130516C_IAFF 2012 - 2015 CLEAN w legal edits FINAL_20131205.pdf](#)

[130517.](#)**Ratification of Agreement between the International Association of Firefighters (IAFF), Local 2157, District Chiefs Bargaining Unit and the City of Gainesville for October 1, 2011 through September 30, 2014 (B)**

Explanation: This Agreement has been reached through negotiations between the IAFF, Local 2157, District Chiefs Bargaining Unit and the City of Gainesville, and was ratified by the IAFF, Local 2157, District Chiefs Bargaining Unit on November 13-15, 2013. This Agreement extends the current Collective Bargaining Agreement through September 30, 2014.

A copy of the Agreement is on file in the Office of the Clerk of the Commission. After December 5, 2013, the Agreement will be on file in the Human Resources Department.

Fiscal Note: Monies are available in General Fund fund balance for the Fiscal Year 2012 lump sum payments and for the Fiscal Year 2013 retroactive payments. Funds are currently budgeted for Fiscal Year 2014 payments.

RECOMMENDATION

The City Commission ratify the Agreement between the IAFF, Local 2157, District Chiefs Bargaining Unit and the City of Gainesville, extending the Agreement through September 30, 2014.

[130517A Changes to IAFF-DC Agreement 2011-2014 20131205.pdf](#)

[130517B IAFF-DC 2011-2014 underline-strikethrough with final legal edits 201](#)

[130517C IAFF-DC 2011-2014 CLEAN with final legal edits 20131205.pdf](#)

[130518.](#)**Ratification of amendments to the Agreement between the International Association of Firefighters (IAFF), Local 2157, Professional Firefighters Bargaining Unit and the City of Gainesville for October 1, 2011 through September 30, 2012 (B)**

Explanation: This Agreement has been reached through negotiations between the IAFF, Local 2157 and the City of Gainesville, and was ratified by the IAFF, Local 2157, Professional Firefighters Bargaining Unit November 13-15, 2013. This amends the third fiscal year of the Collective Bargaining Agreement through September 30, 2012.

A copy of the Agreement is on file in the office of the Clerk of Commission. After December 5, 2013, the Agreement will be on file in the Human Resources Department.

Fiscal Note: Monies are available in General Fund fund balance for the Fiscal Year 2012 lump sum payments.

RECOMMENDATION

The City Commission ratify amendments to the Agreement between the City of Gainesville and

the IAFF, Local 2157, Professional Firefighters Bargaining Unit, amending the Agreement through September 30, 2012.

[130518A Changes to IAFF Agreement \(2012 Amendments\) 20131205.pdf](#)

[130518B ARTICLE 19 6 - Physical Fitness \(3rd year reopener FY 12\) 20131205.pdf](#)

[130518C ARTICLE 34 10b c and d - Sick Leave \(3rd year reopener FY 12\) 20131205.pdf](#)

[130518D ARTICLE 40 - Wages \(3rd year reopener FY 12\) 20131205.pdf](#)

[130522.](#)

Roof Replacement on the Westside Pool Pump Room (B)

This item involves a request for the City Commission to approve the appropriation of \$54,720 from the General Fund fund Balance for the expenses to replace the roof on the pump house at the H. Spurgeon Cherry (Westside) Pool.

Explanation: In late June, 2013, aquatic staff at Westside Pool noticed a leak in the roof of the pump house/mechanical room located in the back of the pool. During the following several weeks, the Gainesville area received record rainfall, and the leak and condition of the roof started to deteriorate rapidly. By late July, the roof had begun to sag. Facilities Management was called in to inspect the roof and determine the seriousness of the issue. Within a few days, the roof began to cave in. Facilities Management was able to temporarily support the roof structure by installing vertical support beams to prevent total collapse until engineering experts could be called in to assess the damage. Both Facilities Management staff and aquatic staff continued to monitor the roof daily throughout the summer. Due to the record rainfall received in July, all local roofing contractors and engineering firms were backlogged, and so it was some time before PRCA could finally get an inspection and professional analysis of the extent of the roof damage. In late October, Facilities Management received the engineering report and cost analysis to replace the roof structure on the Westside Pool pump house. The recommendation is to replace the entire roof due to the collapse. The total cost is estimated to be \$54,720, of which \$14,220 is for architectural/engineering services, and \$40,500 is for the actual roof repairs.

The Westside Pool pump room houses all the mechanical equipment for operating the pool (pumps, filters, electrical panels, etc), the chemicals necessary for sanitizing the pool water (sodium hypochlorite, muriatic acid, carbon dioxide tanks), and the surge pit (a small, deep pit of water below ground level that supplies the water necessary to operate the pumps). Due to the nature of the equipment, chemicals and function of the pump room, it is necessary to replace the roof to remove an unsafe situation. Since the pool is now closed for the season (Westside Pool is open from May through October each year), we no longer have staff on site monitoring the roof on a daily basis. Due to the unsafe condition of the roof, the liability caused, and the continued deterioration of the entire

roofing system, it is necessary to move forward to replace the roof as quickly as possible.

Fiscal Note: The total estimated cost of the roof replacement is estimated to be \$54,720. Neither General Services Department nor Parks, Recreation & Cultural Affairs Department has the funds to move forward on this project, and therefore are requesting the funds from the City's General Fund fund balance.

RECOMMENDATION

The City Commission to approve the appropriation of \$54,720 from the General Fund fund balance for the expenses to replace the roof on the pump house at the H. Spurgeon Cherry (Westside) Pool.

Alternative Recommendation:

The City Commission not approve the appropriation of \$54,720 from the General Fund fund balance for the expenses to replace the roof on the pump house at the H. Spurgeon Cherry (Westside) Pool, and provide staff with further direction.

[130522_roofestimate_20131205.pdf](#)

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[130543.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of October 3, October 17, November 7 and November 12, 2013.

[130543_Minutes_20131205.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

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT[130261.](#)**Sidewalk Cafés (B)**

This item involves a recommendation from the Community Development Committee to the City Commission to hear a staff presentation, authorize staff to enter into an agreement with Florida Department of Transportation (FDOT), and amend the Land Development Code to include FDOT requirements.

Explanation: This item was discussed by the Community Development Committee on November 13, 2013.

Section 30-121 of the City's Land Development Code regulates sidewalk cafés on the right-of-way by requiring business owners to apply for a City license and to maintain general liability insurance in the amount of no less than \$500,000, holding the city harmless for any personal injury or property damage resulting from the existence or operation of the sidewalk café. The license must be renewed annually.

The Florida Department of Transportation (FDOT) no longer allows sidewalk cafés on state-owned right-of-way free of charge. FDOT now requires the City to enter into a lease agreement with the State to manage sidewalk cafés on state-owned right-of-way, assessing a fee of \$2.00 per square feet per year. This fee is in addition to the license fee charged by the City. In addition, the State requires that business owners maintain general liability insurance in the amount of no less than \$2,000,000.

There are currently seven sidewalk cafés along state roads that would be affected by this change with current business owners interested in establishing at least two additional sidewalk cafes at the Woolly event venue and the Pop A Top Corner Store on North Main Street.

Fiscal Note: For sidewalk cafes along state roads, the City would lease the property from FDOT and then most likely enter into a license agreement with businesses wanting sidewalk cafés. The City would pass on all FDOT requirements to the business including payment of \$2.00 per square foot, insurance requirements, indemnifications, etc. The costs to the City would mainly be additional staff time to periodically monitor the sidewalk cafes and any additional costs incurred due to additional liability exposure; however, this is no different from the situation on city right-of-way that is used for sidewalk cafes.

RECOMMENDATION

The Community Development Committee to the City Commission - 1) authorize the City Manager to execute Sidewalk Café Lease Agreements with the FDOT, subject to approval by the City Attorney as to form and legality; and 2) direct staff to initiate

a petition to the City Plan Board to amend the Land Development Code to provide for sidewalk cafes on FDOT right-of-way.

Legislative History

9/5/13 City Commission Approved as Recommended

9/19/13 City Commission Approved as Recommended

[130261A_CDC Presentation_20131113.pdf](#)

[130261B_Ordinance 110942_20131113.pdf](#)

[130261C_Sidewalk Cafes Lease Agreement_20131113.pdf](#)

[130261D_Sidewalk Cafes Lease Agreement Addendum_20131113.pdf](#)

[130261A_SidewalkCafesPPT_20131205.pdf](#)

[130261B_Ordinance 110942_20131205.pdf](#)

[130261C_Sidewalk Cafes Lease Agreement_20131205.pdf](#)

[130261D_Sidewalk Cafes Lease Agreement Addendum_20131205.pdf](#)

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

[120044.](#)

Early Voting Site on the University of Florida (UF) Campus (B)

Explanation: The City Commission on May 17, 2012, based on a motion by Commissioner Wells, referred to the Audit, Finance and Legislative Committee the issue of supporting an early voting site on the UF campus, and one additional site within the City.

The Audit, Finance and Legislative Committee discussed this issue on August 29, 2013 and September 25, 2013, receiving input from Commissioner Susan Bottcher, Commissioner Todd Chase, Alachua County Supervisor of Elections Pam Carpenter, the Clerk of the Commission, the City Attorney, the City Auditor and numerous interested citizens. The Committee agreed to recommend that the City Commission approve moving forward with actions necessary to expand early voting sites for the Spring 2014 municipal elections to include the Supervisor of Elections site, the Millhopper Branch Library and a yet to be determined location on the UF Campus, taking into account any legal or logistical barriers, which could include for the 2014 election cycle, that the Reitz Union is currently undergoing major construction and that early voting for the March 11th election date would be during the University of Florida Spring Break unless the usual early voting dates were modified.

At its October 3, 2013 meeting, the City Commission: 1) directed the City Attorney to draft and the Clerk to advertise revisions to City ordinances to allow for additional early voting sites for municipal elections in accordance with state laws; 2) directed the City Attorney to request an advisory opinion from the State Division of Elections regarding whether the Reitz Union would meet the requirements of recently enacted State laws allowing expanded early voting sites, and 3)

directed the Clerk of the Commission to work on securing locations and addressing logistical issues regarding utilizing the Millhopper Branch Library and a yet to be determined location on the UF Campus, as additional early voting sites for the Spring 2014 municipal elections.

Ordinance 130397, providing for additional early voting sites, was adopted on first reading by the City Commission on November 7, 2013.

RECOMMENDATION

The City Commission authorize the Mayor to draft a letter to the Alachua County Library District and the University of Florida requesting access to the Millhopper Branch Library and the Reitz Union or an allowable alternative for early voting sites for municipal elections beginning in spring 2014.

Legislative History

5/17/12	City Commission	Referred to the Audit, Finance and Legislative Committee
7/11/13	Audit, Finance and Legislative Committee	Continued
8/29/13	Audit, Finance and Legislative Committee	Retained in Committee
9/25/13	Audit, Finance and Legislative Committee	Approved as Recommended
10/3/13	City Commission	Approved as Recommended

[120044-Code of Ordinances Reference to Early Voting Sites.pdf](#)

[120044 - Early Voting Site Cost Estimate from Supervisor of Elections.pdf](#)

[120587.](#)

City Commission Emails on the Internet Referral (B)

This item presents options for making Commissioner emails available on the internet

Explanation: During the Audit, Finance and Legislative Committee of September 25, 2013, members asked staff to explore options for Commissioner emails available on the internet. Staff explored several options that met the following functional needs: 1) searchable by the public, 2) the option to subscribe to get a copy of every email as they are sent and received, and 3) ability to retain the current List Serv functionality used by the Communication Office, GPD, and RTS.

Upon researching the available products to meet the functional needs listed above, staff offers three options for consideration (Exhibit 1). In addition to the options presented, several key questions require further discussion (Exhibit 2).

Staff was also asked to consider policies and procedures required to implement this action. Two existing policies Use of Information Technology Systems Policy (G-7) and Public Records Policy and Administrative Procedure (G-5) will cover any potential issues. Procedures should include potential public disclosure of confidential or exempt information; medical information, social security numbers, credit card numbers, etc. Each Commissioner may also want to include a signature line amended to state that, not only are emails to and from Commissioners public, but will be posted on the internet as well. Staff also suggests that the site include a notice to citizens to be aware that emails to Commissioners are public domain.

Upon direction by the City Commission, including the option chosen and the answers to key questions, staff could implement the solution within 60 days.

Fiscal Note: Option 2 results in no additional cost at this time

RECOMMENDATION

The Audit, Finance and Legislative Committee recommends the City Commission: 1) approve moving forward with Option #2 to provide public access to City Commissioner emails and 2) direct staff to conduct a test phase of the process to ensure that proper steps are taken to remove any confidential information from emails before they are made accessible.

Legislative History

11/15/12	City Commission	Referred to the Audit, Finance and Legislative Committee
9/25/13	Audit, Finance and Legislative Committee	Retained in Committee

[120587-A City Commissioners Email Options_DG \(2\).PDF](#)

[120587-B G-5 Public Records Administrative Procedures.PDF](#)

[120587-C G-5 Public Records Policy.PDF](#)

[120587-D G-7 Use of Technology Policy.PDF](#)

[130467.](#)

Review of General Fund Forecasted Revenues and Other Sources of Funds for the Fiscal Year Ending September 30, 2014 (B)

Explanation: In accordance with Section 12(a), Budget Reviews, of Commission Resolution 970187 and our Annual Audit Plan, the City Auditor's Office has completed an audit of General Fund revenue estimates for the fiscal year ending September 30, 2014. The objective of our review was to evaluate the reasonableness of the forecasted General Fund Revenues and Other Sources of Funds set forth in the Fiscal Year 2013-2014 Final General Government Financial and Operating Plan Budget adopted by the City Commission on September 19, 2013.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our conclusion based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our conclusion based on our audit objective.

Conclusion

Based on our review, we believe that the projected Fiscal Year 2013-2014 General Fund Revenues and Other Sources of Funds in the total amount of \$107,101,770, as adopted by the City Commission on September 19, 2013, are reasonable and can be relied upon as part of the Final General Government Financial and Operating Plan Budget. While we have projected some revenue sources at a different level than the approved General Fund budget, we do not believe that the total value of these differences is material in relation to the overall Fiscal Year 2013-2014 General Fund Revenues and Other Sources of Funds. The total estimated difference is approximately \$321,000 or 0.3% less than budgeted.

The differences are reflected in the attached schedule of General Fund Forecasted Revenues and Other Sources of Funds for the Fiscal Year Ending September 30, 2014 and an accompanying Explanation of Differences. Management continually monitors the City's financial position throughout the fiscal year and makes adjustments as necessary. Monitoring reports are provided to the City Commission through the Audit, Finance and Legislative Committee on a quarterly basis, with any significant changes from budgeted figures discussed in committee.

RECOMMENDATION

The Audit, Finance and Legislative Committee recommends that the City Commission accept the City Auditor's report.

[130467- Review of General Fund Forecasted Revenues...FY ending 9-30-2014.](#)

[130466.](#)

Report on the Status of Outstanding Audit Recommendations for November 2013 (B)

Explanation: City Commission Resolution 970187, City Auditor Responsibilities and Administrative Procedures, requires the City Auditor to notify the appropriate Charter Officer of recommendations projected for implementation in the following six months. The responsible department managers prepare a written status report to the appropriate Charter Officer who then provides this information to the City Auditor. The City Auditor's Office verifies that corrective action has been taken and summarizes the results to the Audit, Finance and Legislative Committee.

During the past several months, the City Auditor worked with the

appropriate Charter Officers in preparing a status report on 34 outstanding audit recommendations. We have reviewed management's feedback on the implementation of outstanding recommendations and prepared the attached status report summarizing the results of our review.

We would like to express our thanks to the City Manager, Equal Opportunity Director, General Manager for Utilities and the various departments participating in this review process.

RECOMMENDATION The Audit, Finance and Legislative Committee recommends that the City Commission accept the City Auditor's report.

[130466 -#335 - November 2013 Status of Outstanding Audit Recommendations](#)

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

[130546.](#)

Alachua County Boundary Adjustment Act (B)

This item provides an update on the status of the Alachua County Boundary Adjustment Act. *estimated staff presentation 10 minutes*

Explanation: The Alachua County Boundary Adjustment Act is an Interlocal Service Boundary Agreement passed in 1990 by the Legislature of the State of Florida to set forth procedures for establishing municipal reserve areas and for adjusting the boundaries of municipalities in Alachua County. The provisions set forth in the Alachua County Boundary Adjustment Act preempt other laws, specifically the Municipal Annexation or Contraction Act (Fla. Stat. §171).

The eight other municipalities in Alachua County have voted to file a local bill that would repeal the Alachua County Boundary Adjustment Act. The City of Gainesville has not taken a position in support or opposition of an action to repeal the Alachua County Boundary

Adjustment Act. If the Alachua County Boundary Adjustment Act were repealed, the City would adhere to the procedures set forth in the Municipal Annexation or Contraction Act (Fla. Stat. §171).

The major differences between the Alachua County Boundary Adjustment Act and the Municipal Annexation or Contraction Act (Fla. Stat. §171) are:

- The Alachua County Boundary Adjustment Act establishes urban reserve areas from which the cities can annex, where the Municipal Annexation or Contraction Act (Fla. Stat. §171) is silent on urban reserves in the absence of an interlocal agreement;*
- The Alachua County Boundary Adjustment Act has greater administrative requirements for voluntary annexation than the Municipal Annexation or Contraction Act (Fla. Stat. §171.044);*
- The voluntary annexation process has the potential to take longer under the requirements of the Alachua County Boundary Adjustment Act than the Municipal Annexation or Contraction Act (Fla. Stat. §171.044).*

The establishment of urban reserves in the Alachua County Boundary Adjustment Act has been shown to reduce intergovernmental conflict, especially when the boundaries of two municipalities are close. Prior to the adoption of the Alachua County Boundary Adjustment Act and the establishment of urban reserves, competition between municipalities to annex a given property caused heated debate. Based on this history, staff recommends that the City Commission consider retaining this element in an interlocal agreement.

A voluntary annexation takes at least six months from the receipt of a signed annexation petition to the effective date of the annexation under the requirements in the Alachua County Boundary Adjustment Act. There is potential to reduce that amount of time under the requirements of the Municipal Annexation or Contraction Act (Fla. Stat. §171.044).

Fiscal Note: None

RECOMMENDATION

The City Commission receive a presentation from staff and take appropriate action.

Alternative Recommendation

The City Commission: 1) receive a presentation from staff; 2) discuss the City's position on the local bill to repeal the Alachua County Boundary Adjustment Act; and 3) direct the City Manager to include support or opposition of the local effort to repeal the Alachua County Boundary Adjustment Act in the Legislative Agenda.

[130546A Chapter 90-946 20131205.pdf](#)
[130546B Florida Statute 171 20131205.pdf](#)
[130546C Reserve Areas 20131205.pdf](#)
[130546D BAA PowerPt 20131205.pdf](#)
[130546 MOD BAA PowerPt 20131205.pdf](#)

[120521.](#)**NW 8th Avenue Project (B)**

This item is presentation regarding the data collected during the trial testing of NW 8th Avenue between NW 31st Drive and NW 23rd Street as a two lane facility with on-street bikelanes.

Explanation: The FY09-13 Capital Improvement Plan (CIP) included \$3,640,000 for NW 8th Avenue from 4100 block to NW 6th Street. At the May 2, 2013 City Commission meeting, the City Commission directed staff to conduct a trial reduction of NW 8th Avenue between NW 31st Drive and NW 23rd Street (Segment B) to a two lane facility with on-street bike lanes. Staff was asked to study the traffic (vehicular, bicycle & pedestrian) conditions along the corridor and bring a report back to the City Commission.

On September 17, 2013, the City Commission received a memorandum outlining what data staff proposed to collect for the trial period. Staff will be presenting the results of that traffic study and requesting direction from the City Commission on the final design configuration of Segment B.

RECOMMENDATION

The City Commission hear a presentation regarding the data collected during the NW 8th Avenue lane reduction trial.

Legislative History

10/30/12	City Commission	Completed
5/2/13	City Commission	Approved, as shown above - See Motion(s)

[120521 Presentation 20121030.pdf](#)
[120521 Hudson letter 20121101.pdf](#)
[120521 citizens 20121101.pdf](#)
[120521-MOD Presentation 20130502.pdf](#)
[120521 Presentation 20131205.pdf](#)
[120521-MOD Feedback Summary 20131205.pdf](#)
[120521 MOD pics 20131205.pdf](#)

GENERAL MANAGER FOR UTILITIES

[130540.](#)**Innovation District Water, WasteWater and Reclaimed Water Infrastructure Funding (B)**

In December 2011, the City Commission authorized staff to prepare an ordinance to establish a funding mechanism for water, wastewater, and reclaimed water improvements needed to support redevelopment in the Innovation District (iDistrict). Several alternatives were evaluated by staff and the Economic Development/University Community Committee (EDUCC). The proposed approach includes the designation of water, wastewater, and reclaimed water “iDistrict Infrastructure Improvement Areas.” Within these areas GRU will construct necessary capacity improvements. The cost for these improvements will be recovered via infrastructure improvement area charges applied to the building square footage of new development within the designated areas. Staff will present the proposed approach. An ordinance implementing the charges is being prepared and will be presented to the City Commission for first reading on December 19, 2013.

Explanation: Significant capacity improvements to the potable and reclaimed water distribution systems and wastewater collection system will be required to meet projected future demands within the iDistrict and surrounding areas. GRU's general water and wastewater extension policy requires that new development pay for the infrastructure improvements needed to serve it. This includes both additional piping needed to connect the development and improvements to existing facilities to increase capacity. Under the current policy, developers typically design and install most of these improvements, with GRU review and approval, as part of the design and construction for their development projects. GRU may elect to fund “oversizing” of improvements if deemed feasible. This policy is longstanding in the City of Gainesville and is common in many other municipalities.

There are unique characteristics within the iDistrict area that create a challenge for redevelopment under our current policy; however, these same distinctive characteristics will enable GRU to optimize infrastructure improvements with the proposed new policy. These characteristics include:

- 1. High Density Redevelopment Imminent. The area being redeveloped is currently mostly low to moderate density. Design of utilities within the iDistrict will be challenging due to the high density of redevelopment, the large number of utilities present, and the limited space allocation available for utilities. Design and construction of utility improvements on a project by project basis may be difficult and result in long lead times for design and construction, which could deter development. However, the design and construction of utility improvements by GRU based on a master plan will streamline the water and wastewater review and installation process.*

2. *Multiple Developers.* The redevelopment of the iDistrict area will be driven by multiple developers each with independent engineers and designers. Having multiple independent project partners would make it difficult to optimize the design of utility infrastructure unless these improvements are master planned and coordinated by GRU.

3. *High Development Demand.* The projected development demand for iDistrict is higher than traditional redevelopment and therefore will need close coordination with GRU to optimize utility infrastructure design and construction.

4. *Large Infrastructure Improvements.* Many of the improvements needed are fairly large in scale, but will benefit multiple projects. Without the proposed ordinance, costs for improvements may be disproportionately borne by some projects, depending on timing. A comprehensive policy and funding mechanism would proportionally distribute the cost of water, wastewater, and reclaimed water infrastructure throughout projects within the iDistrict Infrastructure Improvement Area.

5. *Time to Market.* The time to market for the iDistrict is critical. Having a policy and funding mechanism in place that allows GRU to design and construct utilities for the iDistrict area will expedite the redevelopment process.

With the proposed approach, GRU will construct water, sewer, and reclaimed water capacity improvements to meet development demands within the designated iDistrict Infrastructure Improvement Areas based on a master plan. The cost for these improvements will be recovered via iDistrict Infrastructure Improvement connection charges which will apply to new development within the designated areas. These charges will be calculated based on the square footage of new buildings constructed and will be due at the time water service is received.

Fiscal Note: Capital improvements anticipated during the 6-year capital budget period are included in GRU's long-range capital plans. The proposed approach will involve on-going capital expenditures by GRU, with recovery of these expenditures over time via revenues from future connections and redevelopments within the iDistrict Infrastructure Improvement Area.

RECOMMENDATION

The City Commission hear a presentation from staff on the proposed iDistrict Infrastructure Improvement Area ordinance for constructing and funding potable water, reclaimed water, and wastewater system capacity improvements in the iDistrict area.

[130540 ppt 20131205.pdf](#)

[130541.](#)

Update on Development of Minimum Flows and Levels Rules and Request for Authorization to Participate in Administrative Challenge

if Necessary to Resolve Issues with Proposed Rules (B)

Staff will provide an update to the City Commission on the development of Minimum Flows and Levels (MFLs) for the Lower Santa Fe River and Ichetucknee River and Priority Springs by the Suwannee River Water Management District (SRWMD) and Florida Department of Environmental Protection (FDEP). These MFLs and accompanying prevention/recovery plans are to be adopted as rules by the FDEP. There are significant concerns about the technical validity of the proposed rules, and there are significant potential impacts to GRU and the community. Staff is continuing to work with the regulatory agencies and stakeholders to resolve issues with the proposed rules. However, if these issues cannot be resolved it may be necessary to participate with other utilities in an administrative challenge to the rules.

Explanation: Minimum flows and levels (MFLs) are regulatory standards that are intended to protect springs, rivers, and lakes from unacceptable impacts due to groundwater pumping. These standards are calculated individually for each water body by the water management districts, and define the extent to which flows and/or water levels in the water body can differ, without causing harm to the ecological system, from those which would occur if there was no groundwater pumping. If a water body is not meeting its MFL, then the MFL will be accompanied by a "prevention/recovery strategy" which defines actions that will be taken to bring the water body into compliance with the MFL. Both the MFLs and prevention/recovery strategies are adopted by rule, and permitted water users (including GRU) must take actions to comply with these rules.

GRU has been working in conjunction with several other utilities in the region as part of the North Florida Utility Coordination Group (NFUCG) to provide technical review of the MFLs and recovery plans for the Lower Santa Fe and Ichetucknee River MFLs. At this time FDEP is on an accelerated schedule to adopt these MFLs in January/February 2014 so that they might be approved by the legislature in the 2014 session. There are significant concerns about the technical validity of the proposed MFLs. The recovery being proposed was developed with little stakeholder input and does not define the extent of actions or costs to meet the MFLs. The costs and actions required are to be figured out later. The economic impacts to GRU, our community, and the region as a whole are highly uncertain and potentially substantial.

We are requesting FDEP delay rule adoption until:

- 1. There is a full peer and stakeholder review of the new MFL approach; and*
- 2. A comprehensive and effective Recovery Strategy is developed in collaboration with stakeholders as required by state law to define a strategy with costs on how the MFL will be met.*

We are continuing to work with SRWMD and FDEP to this end.

However, if these issues cannot be resolved, it will be necessary to participate in an administrative challenge to the proposed rule. Efforts to initiate this challenge would need to begin in early January 2014. Staff is requesting that the City Commission authorize the Interim General Manager or her designee to participate with the NFUCG, if necessary, in an administrative challenge to the proposed MFLs.

Fiscal Note: If GRU participates in an administrative challenge, the cost to GRU is expected to be less than \$100,000. Adequate funding is available in the FY2014 capital budget.

RECOMMENDATION

1. The City Commission hear a presentation from staff on the development of Minimum Flows and Levels (MFLs) for the Lower Santa Fe River and Ichetucknee River and Priority Springs; and
2. Authorize the Interim General Manager of Utilities or her designee to:
 - a. Continue working with regulatory agencies and other stakeholders to resolve issues with the proposed Lower Santa Fe River and Ichetucknee River MFLs and prevention/recovery plans; and
 - b. Participate in administrative challenge to the rule if issues cannot be resolved.

[130541 ppt 20131205](#)

[130173.](#)

Proposed Consent Order Regarding Wastewater Overflows (NB)

Staff will present the proposed Consent Order to the City Commission developed by the Florida Department of Environmental Protection (FDEP). The Consent Order is for violations regarding broken force mains and subsequent discharge of wastewater to the environment that occurred in July and August of 2013. The Consent Order requires GRU to pay administrative costs (\$250), civil penalties (\$7,500), conduct an engineering analysis of the existing force main, and develop and implement a valve exercising program for the force main system. The valve exercising program could result in significant long-term fiscal impacts including additional staff, vehicles, and equipment.

Explanation: On Friday July 26, 2013, GRU was called to investigate a wastewater odor at the 800 Block of SW 34th Street. GRU crews identified a leak on the 36" force main located just east of SW 34th Street. The leak was caused by a failure in a joint on a 36" diameter high density polyethylene (HDPE) pipe. The Commission received a presentation on August 1, 2013 detailing the events.

In addition, on August 13, 2013, an air release valve (ARV) on a 12" force main at the Gainesville Airport corroded and broke off.

Approximately 58,000 gallons of wastewater was released from the force main as a result of this failed ARV. GRU crews responded and repaired the force main within 30 minutes of the reported failure.

As a result of these two incidents, the Florida Department of Environmental Protection (FDEP) has issued a proposed Consent Order. The Consent Order consists of the following elements:

- 1) Develop and implement a Valve Exercising Program;
- 2) Hire a Professional Engineer to conduct an analysis of joint deflections adjacent to the joint failure;
- 3) Pay the FDEP \$250 in administrative fees; and
- 4) Pay the FDEP \$7,500.00 in civil penalties or implement an in-kind project of at least \$11,250.00.

We are requesting that FDEP modify several of the submittal dates for the Valve Exercising Program, the engineering analysis, and submittal of an in-kind project. A copy of the document depicting these proposed modifications has been included for your reference.

GRU will most also most likely opt to pursue an in-kind project in-lieu of the civil penalty that will be beneficial to our system and community as well as meeting the FDEP criteria of environmental enhancement, environmental restoration, or a capital/facility improvement project.

The Valve Exercising Program has the potential for significant long-term cost impacts. The valve exercising program could be conducted either by Utility Crews, (Two (2) additional Service Operators in the Wastewater Collection Department, and a service truck with valve exercising equipment), or by third-party contractual services. It is estimated that either approach will have the same budgetary impact of approximately \$230,000 per year. In addition, there may be additional improvements, such as valve replacements, that will be required as part of the valve exercising program. The costs of these improvements are uncertain, but will be estimated as the program is developed.

Fiscal Note: The estimated fiscal impact includes adding two full-time employees in the wastewater collection area, purchasing a new vehicle, and valve exercising equipment. The staffing, vehicle, and equipment budgeted at \$230,000 per year. In addition to these costs are potential costs associated with valve replacements that will be determined through program development and implementation. It is proposed that monies for these items would be included in the FY 2015 and subsequent budgets.

RECOMMENDATION

1. The City Commission hear a brief presentation from staff on the elements of the proposed Consent Order; and
2. Authorize the Interim General Manager of Utilities or her designee to finalize the negotiation of the Consent Order and execute the Order on behalf of the City.

Legislative History

8/1/13 City Commission Heard

[130173 ppt 20130801](#)**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE****PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE****PUBLIC SAFETY COMMITTEE**[110683.](#)**Alcohol Sales and Consumption Outdoors Downtown and Special Event Permits for Bars (B)**

The basis of these referrals is an interest in addressing increasing demand for outdoor events in the downtown area that allow the sale and consumption of alcohol on City property and also the interest of private alcohol serving establishments to allow for the temporary outdoor sales and consumption of alcoholic beverages beyond University of Florida football home games. A draft re-write of the City's alcohol ordinance will be presented for City Commission consideration and direction.

Estimated staff presentation time 20 minutes

Explanation: The Public Safety Committee has discussed referrals relating to Alcohol Sales and Consumption Outdoors Downtown and Special Event Permits for Bars on a number of occasions. The basis of these referrals is an interest in addressing increasing demand for outdoor events in the downtown area that allow the sale and consumption of alcohol on City property and also the interest of private alcohol serving establishments to allow for the temporary outdoor sales and consumption of alcoholic beverages beyond University of Florida football home games.

The City Commission has made a number of changes to the City's alcohol ordinance to address interest in these types of events including changes to allow alcohol at the United Downtown events on Fridays before home football games and at the Santa Fe Spring Arts Festival.

The Public Safety Committee and City Commission have been receiving additional requests to make other City properties available for the temporary sale and consumption of alcohol including Parking Lot 10.

In reviewing these requested changes to the alcohol ordinance, the City Attorney's Office and staff reviewed the history of changes to the ordinance and felt that a more practical approach would be to re-write the alcohol ordinance to address these ongoing issues in a more holistic fashion. The City Attorney's Office and staff met several times to develop the proposed draft ordinance. City staff provided the draft ordinance to those interested in the subject and met with GDOT at their September 10, 2013 meeting. The draft ordinance was presented to the Public safety Committee on September 25, 2013. The Public Safety Committee decided to forward the items to the City Commission for discussion and consideration without making specific recommendations.

Fiscal Note: The City will need to recover costs from event organizers for services provided to support outdoor special events. Even with cost-recovery, as more events take place requiring City support, staff resources may become stretched.

RECOMMENDATION

The City Commission: 1) hear a presentation from City staff; 2) provide City staff with direction on any concerns or proposed changes to the draft ordinance; and 3) direct the City Attorney to prepare and the Clerk of the Commission to advertise revisions to the City's alcohol ordinance.

Legislative History

2/2/12	City Commission	Referred to the Public Safety Committee
2/29/12	Public Safety Committee	Discussed
3/15/12	City Commission	Withdrawn
3/28/12	Public Safety Committee	Discussed
5/3/12	City Commission	Approved as Amended
10/25/12	Public Safety Committee	Discussed
11/15/12	City Commission	Approved as Recommended
2/28/13	Public Safety Committee	Discussed
3/21/13	City Commission	Approved as Recommended
9/25/13	Public Safety Committee	Discussed

[110683a_EugeneArticle_20120229.pdf](#)
[110683b_SchaerEmail_20120229.pdf](#)
[110683c_AlcoholOrdin_20120229.pdf](#)
[110683_SFCFestivalInfo_20121025](#)
[110683_Ordinance Amending Sec 44 Draft_092513](#)
[110683_PlanningOutdoorAlcoholChapter 4_20130925](#)
[110683A_Outdoor Alcohol Use_20131205.pdf](#)
[110683B_Draft Code Revisions_20131205.pdf](#)

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

[130547.](#)

Mayor Ed Braddy - Audit of GRU (NB)

RECOMMENDATION

The City Commission discuss a forensic audit of GRU.

[130555.](#)

Commissioner Yvonne Hinson-Rawls - Digital Divide (B)

RECOMMENDATION

The City Commission receive a presentation on "Bridging the Digital Divide".

[130555_Digitaldividepresentation_20131205.pdf](#)

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

[130544.](#)

King Celebration 2014 - January 12-21, 2014 (B)

RECOMMENDATION

President Martin Luther King, Jr. Commission of Florida, Inc. Honorable Rodney Long to accept the proclamation.

[130544_KingCelebration_20131205.pdf](#)

[130545.](#)

Martin Luther King, Jr. Hall of Fame Day - January 12, 2014 (B)**RECOMMENDATION**

President Martin Luther King, Jr. Commission of Florida, Inc. Honorable Rodney Long to accept the proclamation.

[130545_MLKHallofFame_20131205.pdf](#)

CITIZEN COMMENT (6:00pm)**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**

[130422.](#)

Resolution for a Joint Participation Agreement (JPA) - Service Development Funds for Regional Transit System (RTS) Routes 2 and 24 (B)

This item is a request for a Resolution authorizing the City Manager to execute a Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the operation of Routes 2 and 24.

Explanation: The Florida Department of Transportation (FDOT) allocates service development funds to transit agencies each year. The allocations are given at FDOT discretion on a competitive basis for agency projects that meet FDOT Service Development Grant (SDG) criteria.

One of Regional Transit System's (RTS) main objectives is to improve transit frequencies to 30 minutes or less during peak hours. This includes the reduction of morning headways on Routes 2 and 24 that serve some of the most economically challenged and most transit-dependent areas in the Gainesville community. Routes 2 and 24 would run 30-minute headways for 8 revenue hours on weekdays from approximately 6:30 a.m. to 10:30 a.m. and 2:30 p.m. to 6:30 p.m. The initial ridership estimate is 200 additional daily passenger trips or 50,400 annual passenger trips.

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

Fiscal Note: This Joint Participation Agreement requires the City of Gainesville to match funding in the amount of \$60,000 for operating costs. Matching funds are allocated in the RTS FY13-14 operating budget.

RECOMMENDATION *The City Commission adopt the Resolution.*

[130422A BondResolution_20131205.pdf](#)

[130422B Agreement_20131205.pdf](#)

[130423.](#)

Resolution for a Joint Participation Agreement (JPA) - Service Development Funds for Regional Transit System (RTS) Route 41 (B)

This item is a request for a Resolution authorizing the City Manager to execute a Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the operation of Route 41.

Explanation: The Florida Department of Transportation (FDOT) allocates service development funds to transit agencies each year. The allocations are given at FDOT discretion on a competitive basis for agency projects that meet FDOT Service Development Grant (SDG) criteria.

Route 41 provides service between the Northwood Village Shopping Center and the University of Florida (UF) and Shands Healthcare on Archer Road via U.S. Highway 441 (Martin Luther King Jr. Blvd.). This proposed route covers about 8.3 miles, passing a number of employment centers, retail opportunities, and residential complexes. It would begin with 60-minute headways (30-minutes during peak hours) and operate for 16.5 revenue hours of service only on weekdays from approximately 7:00 a.m. to 6:00 p.m. It would also enhance service to the RTS Park and Ride Lot. The initial ridership estimate is 250 additional daily passenger trips or 55,000 annual passenger trips.

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

Fiscal Note: The Joint Participation Agreement requires the City of Gainesville to provide a local match in the amount of \$90,000 for operating costs which will be funded by UF student transportation fees.

RECOMMENDATION *The City Commission adopt the Resolution.*

[130423A Resolution_20131205.pdf](#)

[130423B Agreement_20131205.pdf](#)

[130427.](#)

Resolution for a Joint Participation Agreement (JPA) - Service Development Funds for Regional Transit System (RTS) Route 77 (B)

This item is a request for a Resolution authorizing the City Manager to execute a Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the operation of new Route 77.

Explanation: The Florida Department of Transportation (FDOT) allocates service development funds to transit agencies each year. The allocations are given at FDOT discretion on a competitive basis for agency projects that meet FDOT Service Development Grant (SDG) criteria.

This new fixed-route, Route 77, will provide service between Santa Fe College (SF) and student apartment complexes on SW 62nd Blvd. via Newberry Road and I-75. Route 77 would begin with 40-minute headways and operate for four (4) revenue hours of service only on weekday mornings. The initial ridership estimate is 80 additional daily passenger trips or 15,000 annual passenger trips.

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

Fiscal Note: This Joint Participation Agreement requires the City of Gainesville to provide a local match in the amount of \$46,000 for operating costs which will be funded by SF student transportation fees.

RECOMMENDATION *The City Commission adopt the Resolution.*

[130427A_BondResolution_20131205.pdf](#)

[130427B_Agreement_20131205.pdf](#)

[130428.](#)

Resolution for a Joint Participation Agreement (JPA) - Service Development Funds for Regional Transit System (RTS) Route 39 (B)

This item is a request to adopt a Resolution authorizing the City Manager to execute a Joint Participation Agreement (JPA) between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for the continued operation of Route 39.

Explanation: The Florida Department of Transportation (FDOT) allocates service development funds to transit agencies each year. The allocations are given at FDOT discretion on a competitive basis for agency projects that meet FDOT Service Development Grant (SDG) criteria.

Route 39 would continue to connect Santa Fe College (SF) to the Gainesville Regional Airport and low income housing via State Road 222. Route 39 serves as a major east-west connector and allows for north-south connections with RTS routes 6,8,15, and 24. Adjustments to

Route 39 would increase frequency and improve ridership benchmarks. This route operates during weekdays only from approximately 7:30 a.m. to 3:30 p.m.

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

Fiscal Note: This Joint Participation Agreement requires the City of Gainesville to provide a local match in the amount of \$56,000 for operating costs which will be funded by SF student transportation fees.

RECOMMENDATION *The City Commission adopt the Resolution.*

[130428A Resolution 20131205.pdf](#)

[130428B Agreement 20131205.pdf](#)

[130465.](#)

Proposed Fiscal Year 2014 Annual Audit Plan (B)

Explanation: Resolution 970187, City Auditor Responsibilities and Administrative Procedures, Section 4 (b) requires the City Auditor to submit an Annual Audit Plan to the City Commission for approval. The process of preparing the Annual Audit Plan includes defining auditable units, obtaining input from City Commissioners and Charter Officers, evaluating information gained from previous audits and assessing the relative risks involved in different City programs and operations.

Each of the requested projects is weighed against other planned or required projects resulting in Exhibit A, which represents a compilation of proposed audits for the City Auditor's work plan for Fiscal Year 2014. Audits are classified into the following categories:

*Revenue/Cost Containment Audits
Operational Audits
Compliance Audits
Follow-up Audits
Other Projects*

We request that the Committee recommend the City Commission approve our Fiscal Year 2014 Annual Audit Plan by resolution.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

[130465 - Annual Audit Plan FY2014.PDF](#)

[130468.](#)

FINAL AMENDMENT TO THE FY 2012-2013 GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN (B)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY

OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; AMENDING RESOLUTION NO. 120271 AS AMENDED BY RESOLUTION NO. 120758, 130100 AND 130254, BY MAKING CERTAIN ADJUSTMENTS TO THE GENERAL OPERATING AND FINANCIAL PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2012-2013 General Government budget those transactions and activities that were not anticipated during the budget process.

Fiscal Note: All of the recommended changes are funded either by increases in revenue budgets, decreases in expenditure budgets, or decreases in appropriate fund balances.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

[FY13 4th Qtr Final Amendatory Budget Resolution.PDF](#)

[130468- FY2013 Amendatory 4th Quarter-Final.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[130106.](#)

TEXT CHANGE - TERM LIMIT ELIMINATION FOR DEVELOPMENT REVIEW BOARD, CITY PLAN BOARD, BOARD OF ADJUSTMENT AND HISTORIC PRESERVATION BOARD. (B)

Ordinance No. 130106; Petition No. PB-13-52 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code by eliminating term limits for board members serving on the Development Review Board, City Plan Board, Board of Adjustment, and Historic Preservation Board; by amending Section 30-353. - City plan board; by amending Section 30-354. - Board of adjustment; by amending Section 30-355. - Historic preservation board; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

This petition/ordinance eliminates term limits for the Board of Adjustment, City Plan Board, Development Review Board and Historic Preservation Board. This item was referred to the Community Development Committee (CDC) and discussed at the January 14, 2013 CDC meeting. The rationale for the referral cited the need to support

the retention of qualified volunteers to serve on the subject quasi-judicial boards. Eliminating the term limits for the boards will allow the City Commission to reappoint members who wish to continue to serve but would have been ineligible due to the existing term limits. Retention of qualified members enhances the ability of these quasi-judicial boards to meet quorum requirements and fulfill the various functions of the boards. As stated in Article X, Division 2 of the Land Development Code, each quasi-judicial board adopts rules of procedure. All rules must conform to Land Development Code, Article X, the Code of Ordinances and state law. Revisions to the rules of procedure must be approved by the individual boards and adopted by the City Commission. The second part of the staff recommendation is to direct staff to prepare revisions to the rules of procedure for the subject quasi-judicial boards.

After public notice was published in the Gainesville Sun on June 11, 2013, the City Plan Board held a public hearing on June 27, 2013, and recommended approval of this petition by a vote of 4-1.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings and shall become effective immediately upon final adoption.

RECOMMENDATION *The City Commission (1) approve Petition No. PB-13-52 TCH, (2) adopt the proposed ordinance, and (3) direct staff to prepare revisions to the rules of procedure for the subject quasi-judicial boards.*

[130106B staff report 20131205.pdf](#)

[130106C CDC background material 20131205.pdf](#)

[130106D Application 20131205.pdf](#)

[130106E CPB minutes 20131205.pdf](#)

[130106F staff ppt 20131205.pdf](#)

[130106A draft ordinance 20131205.pdf](#)

[130440](#)

HISTORIC PROPERTY TAX EXEMPTION - 418 NW 4TH AVENUE (B)

Ordinance No. 130440

An ordinance of the City of Gainesville, Florida, finding that property located at 418 NW 4th Avenue, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2014, and continuing for 10 years under certain conditions; authorizing the Mayor and the Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City;

providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. In order to approve a property for such exemption, the Historic Preservation Board (HPB) and the City Commission must determine that a particular property is eligible for the property tax exemption (i.e., historical designation or contributing property) and that it has been improved consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

The process for a property owner to receive a historic preservation property tax exemption entails two steps. First, the property owner submitted Part 1 (Preconstruction Application) of the Historic Preservation Property Tax Exemption Application for the restoration/rehabilitation of a contributing residential building in the Pleasant Street Historic District. Part 1 was approved by the HPB on August 6, 2011, with a finding that the property was eligible for the exemption and that the proposed improvements met the required standards.

Second, the applicant completed the restoration/rehabilitation work and submitted Part 2 of the property tax exemption application (Final Application for Review of Completed Work). Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as well as the City's Guidelines for Rehabilitating Historic Buildings. On October 1, 2013, the HPB approved Part 2 with a finding that the eligible property has been improved consistent with the required standards; the HPB recommended the City Commission approve same. The renovations eligible for the tax exemption total \$52,000.00. However, pursuant to City Code and State Statute, the actual amount of the exemption will be determined by the County Property Appraiser.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective immediately upon final adoption; however, the ad valorem tax exemption shall not become effective until January 1, 2014.

RECOMMENDATION

The City Commission: 1) approve Part 2 of the Historic Preservation Property Tax Exemption Application; and 2) adopt the proposed ordinance.

[130440A_draft ordinance_20131205.pdf](#)

NORTH OF MORNINGSIDE NATURE CENTER AND EAST OF
NORTHEAST WALDO ROAD (B)

Ordinance No. 130339

An ordinance of the City of Gainesville, Florida, annexing a certain portion of the City of Gainesville reserve area, as petitioned for by the City as the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act, that includes Tax Parcel No. 10860-000-000, which is generally located south of NE 39th Avenue, west of Morningside Nature Center, north of E University Avenue, and east of NE Waldo Road; making certain findings; providing for inclusion of the area in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance will annex, at the request of the City of Gainesville as the property owner, a parcel that is unincorporated, compact, and contiguous to the current boundaries of the City of Gainesville. The parcel is within the City of Gainesville reserve area and is generally located south of NE 39th Avenue, west of Morningside Nature Center, north of E University Avenue, and east of NE Waldo Road. The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On August 1, 2013, the City Commission received and accepted the petition for voluntary annexation. On September 5, 2013, the City Commission adopted the Urban Services Report for the area as mandated by the Boundary Adjustment Act as a prerequisite to the adoption of an annexation ordinance. Because this is a voluntary annexation pursuant to the Boundary Adjustment Act, no referendum is required.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings and shall become effective immediately upon adoption.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

[130339A_draft ordinance_20131205.pdf](#)

[130340.](#)

VOLUNTARY ANNEXATION - CITY-OWNED PARCEL LOCATED
SOUTH OF FRED CONE PARK (B)

Ordinance No. 130340

An ordinance of the City of Gainesville, Florida, annexing a certain portion of the City of Gainesville reserve area, as petitioned for by the City as the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act, that includes Tax Parcel No. 16146-000-000 and a portion of the right-of-way of SE Hawthorne Road, and which is generally located south of E University Avenue and Fred Cone Park, west of Tax Parcel No. 16143-000-000, north of SE Hawthorne Road, and east of SE 24th Street and the Alachua County Sheriff's office; making certain findings; providing for inclusion of the area in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance will annex, at the request of the City of Gainesville as the property owner, a parcel that is unincorporated, compact, and contiguous to the current boundaries of the City of Gainesville. The parcel is within the City of Gainesville reserve area and is generally located south of E University Avenue and Fred Cone Park, west of Tax Parcel No. 16143-000-000, north of SE Hawthorne Road, and east of SE 24th Street and the Alachua County Sheriff's office. The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On August 1, 2013, the City Commission received and accepted the petition for voluntary annexation. On September 5, 2013, the City Commission adopted the Urban Services Report for the area as mandated by the Boundary Adjustment Act as a prerequisite to the adoption of an annexation ordinance. Because this is a voluntary annexation pursuant to the Boundary Adjustment Act, no referendum is required.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings and shall become effective immediately upon adoption.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

[130340A_draft ordinance_20131205.pdf](#)

[130341.](#)

VOLUNTARY ANNEXATION - TAX PARCEL NO. 05871-002-000 -

CITY-OWNED PARCEL LOCATED NORTHEAST OF GRU
DEERHAVEN GENERATING STATION (B)

Ordinance No. 130341

An ordinance of the City of Gainesville, Florida, annexing a certain portion of the City of Gainesville reserve area, as petitioned for by the City as the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act, that includes Tax Parcel No. 05871-002-000 and a portion of the right-of-way of State Road 121, and which is generally located south of NW 128th Lane, west of State Road 121 and Seminole Woods Subdivision, north of Tax Parcel No. 05882-004-000, and east of Tax Parcel No. 05878-004-001; making certain findings; providing for inclusion of the area in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance will annex, at the request of the City of Gainesville as the property owner, a parcel that is unincorporated, compact, and contiguous to the current boundaries of the City of Gainesville. The parcel is within the City of Gainesville reserve area and is generally located south of NW 128th Lane, west of State Road 121 and Seminole Woods Subdivision, north of Tax Parcel No. 05882-004-000, and east of Tax Parcel No. 05878-004-001. The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On August 1, 2013, the City Commission received and accepted the petition for voluntary annexation. On September 5, 2013, the City Commission adopted the Urban Services Report for the area as mandated by the Boundary Adjustment Act as a prerequisite to the adoption of an annexation ordinance. Because this is a voluntary annexation pursuant to the Boundary Adjustment Act, no referendum is required.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings and shall become effective immediately upon adoption.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

[130341A_draft ordinance_20131205.pdf](#)

[130342](#).

VOLUNTARY ANNEXATION - TAX PARCEL NO. 05871-003-000 -

CITY-OWNED PARCEL LOCATED NORTHEAST OF GRU
DEERHAVEN GENERATING STATION (B)

Ordinance No. 130342

An ordinance of the City of Gainesville, Florida, annexing a certain portion of the City of Gainesville reserve area, as petitioned for by the City as the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act, that includes Tax Parcel No. 05871-003-000 and a portion of the right-of-way of NW 128th Lane, and which is generally located south of NW 142nd Avenue and Tax Parcel No. 05871-000-000, west of State Road 121, north of NW 128th Lane, and east of Tax Parcel No. 05869-002-000; making certain findings; providing for inclusion of the area in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance will annex, at the request of the City of Gainesville as the property owner, a parcel that is unincorporated, compact, and contiguous to the current boundaries of the City of Gainesville. The parcel is within the City of Gainesville reserve area and is generally located south of NW 142nd Avenue and Tax Parcel No. 05871-000-000, west of State Road 121, north of NW 128th Lane, and east of Tax Parcel No. 05869-002-000. The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On August 1, 2013, the City Commission received and accepted the petition for voluntary annexation. On September 5, 2013, the City Commission adopted the Urban Services Report for the area as mandated by the Boundary Adjustment Act as a prerequisite to the adoption of an annexation ordinance. Because this is a voluntary annexation pursuant to the Boundary Adjustment Act, no referendum is required.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings and shall become effective immediately upon adoption.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

[130342A_draft ordinance_20131205.pdf](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[130411.](#)**CONSOLIDATED POLICE OFFICERS AND FIREFIGHTERS
RETIREMENT PLAN AMENDMENTS FOR FIREFIGHTERS (B)****Ordinance No. 130411**

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Article VII, Division 8 (Consolidated Police Officers and Firefighters Retirement Plan) of the Code of Ordinances of the City of Gainesville; amending Section 2-596, Definitions; amending the definition of accrued benefit relating to the multiplier for firefighters; amending the definition of earnings related to overtime pay and termination vacation pay for firefighters; adding a definition of firefighter; amending the definition of service credit rules related to service credit for sick leave earned by firefighters; amending Section 2-599 related to contributions of firefighters; amending Section 2-600, Retirement dates and benefits, related to years of service and age required for normal retirement of firefighters and sick leave credit for firefighters entering DROP; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of Thursday, January 17, 2013, authorized the preparation and advertisement of this Ordinance. The Ordinance amends the Consolidated Police Officers and Firefighters Retirement Plan (Plan) in accord with the collective bargaining process between the City and Professional Fire Fighters of Gainesville, Local 2157 ("IAFF"). The changes negotiated with IAFF include modifications to the multiplier, the length and components of final average earnings, contributions of firefighters, eligibility for normal retirement, as well as other changes mandated by Florida Statutes, as more specifically described in the title and body of the Ordinance. Only firefighters, as that term is defined in the Ordinance, will be affected by the changes. The collective bargaining agreements that include these changes were ratified by the members of the IAFF and will be presented to the City Commission for ratification at the same meeting as the Second Reading of this Ordinance.

Note: The draft Ordinance dated 10-23-13 provided at first reading was modified due to a scrivener's error on page 3, line 18, to remove the duplicate "who is". The correct version is dated 11-26-13.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/21/13 City Commission Adopted on First Reading (Ordinance)

[130411_draft ordinance_20131121.pdf](#)

[130411_draft ordinance_20131205.pdf](#)

[130278.](#)

TEXT CHANGE - AMEND LIST OF PERMITTED USES BY RIGHT FOR THE BA ZONING DISTRICT (B)

Ordinance No. 130278; Petition PB-13-72 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code by adding public administration uses to the list of permitted uses by right in Section 30-62 - Automotive-oriented business district (BA); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition/ordinance amends the list of permitted uses by right in the Automotive-oriented business district (BA) to add Division J - Public Administration as described in the Standard Industrial Classification (SIC) Manual, but specifically excluding correctional institutions. Division J - Public Administration includes a wide variety of offices and facilities encompassing the activities of the federal, state, and local governments. Adding Public Administration to the list of permitted uses for properties with BA zoning will provide additional opportunities for locating government offices within city limits.

Public Administration is a permitted use in all of the business and mixed use zoning districts within the City with the exception of the BA and Tourist oriented business (BT) zoning districts.

The BA zoning district primarily allows for a variety of automotive and large-scale commercial uses that commonly require outside sales and display of goods or require immediate proximity to major transportation arteries. The BA zoning district also provides for a small selection of compatible smaller-scale retail and service uses. BA zoning is generally located east of NW 13th Street, north of University Avenue, and west of Waldo Road.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective immediately upon final adoption.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

[130278B_Staff Report_20131121.pdf](#)

[130278C_Proposed Text Change to BA_20131121.pdf](#)

[130278D_Comp Plan GOPs_20131121.pdf](#)

[130278E_Application Package_20131121.pdf](#)

[130278F_CPB minutes_20131121.pdf](#)

[130278G_staff ppt_20131121.pdf](#)

[130278A_draft ordinance_20131121.pdf](#)

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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