

City of Gainesville

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



Meeting Agenda

May 20, 2010

1:00 PM

City Hall Auditorium

City Commission

***Mayor Craig Lowe (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Lauren Poe (District 2)
Commissioner Jack Donovan (District 3)
Commissioner Randy Wells (District 4)
Commissioner Thomas Hawkins (At Large)
Commissioner Jeanna Mastrodicasa (At Large)***

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone 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

090912.

Ranking of Firms for Construction of the City of Gainesville Fire Station 8 and NW 42nd Ave Roadway (B)

This is a request for the City Commission to approve staff's ranking of the firms as listed below for construction of the City of Gainesville Fire Station 8 and NW 42nd Avenue Road and direct the City Manager to negotiate and execute a contract and any subsequent amendments with the first ranked firm. If a contract cannot be executed with the first ranked firm negotiations will continue with the next ranked firm until a contract can be executed.

Explanation: On March 17th, 2010, the City's Purchasing Division received eight (8) bids from construction firms for the construction of the 42nd Avenue road connection to the station, and the development and construction of Fire Station 8 property per the plans and specifications of the architect. Staff has evaluated the qualifications, proposals of the firms, and prices and is recommending the following ranking:

- 1) MM Parrish Construction Company
- 2) Mandese White Construction, Inc.
- 3) Scherer Construction of North Florida, LLC
- 4) Ethridge Construction of Marion County, Inc.
- 5) Boran Craig Engel Construction, Inc.
- 6) Slack Construction, Inc.
- 7) Bradanna, Inc.

8) MDM Services, Inc.

Fiscal Note: Funds are available through a 2005 Capital Improvement Revenue bond.

RECOMMENDATION

The City Commission approve staff's recommended ranking of the Firms and authorize the City Manager to negotiate and execute a contract and any subsequent amendments with the first ranked firm. If a contract cannot be executed with the first ranked firm negotiations will continue with the next ranked firm until a contract can be executed.

Alternative Recommendation: The City Commission not approve staff's recommended ranking.

090912_Bid Tab_20100506.pdf

090970.**Purchase of Vehicle Detection and Traffic Signal Equipment (B)**

This item is a request to purchase vehicle detection and traffic signal equipment from Temple, Inc. for the replacement and repair of vehicle detection systems at traffic signals in the amount not to exceed \$250,000. This equipment is also related to the Traffic Management System.

Explanation: In order for traffic signals to operate efficiently and reduce congestion and delay, vehicle detection systems at each traffic signal must be operating properly. As part of the Traffic Management System, broken and inoperable vehicle detection systems are being replaced. This will allow staff to maximize traffic flow on corridors and minimize delay on both major and minor streets.

Temple, Inc. is the vendor for two (2) traffic vehicle detection manufacturers, Iteris and Sensys. Iteris Vantage video detection systems and Sensys magnetometer detection systems are used by the traffic signal controller to detect vehicles. This allows the intersection to operate more safely and efficiently. This operation is called fully-actuated control. Purchasing detection equipment will enable every intersection to operate as fully-actuated. Studies have shown that broken detectors can add as much as 20% to travel times and delay to isolated and coordinated intersections. Video detection is an alternative to cutting loops in the pavement where asphalt is likely to fail. Magnetometers provide wireless detection from small pucks in the roadway that transmit wirelessly back to the traffic controller.

Fourteen (14) intersections will require a detection upgrade to either of these systems in the near future. Other intersections may be changed out as existing detection breaks down and is inoperable.

Fiscal Note: Funding in the amount of \$250,000 for this purchase from Temple, Inc. is available in the Public Works FY10 operating budget and the Traffic Management System CIRB of the 2005 Capital Project Fund. All items will be purchased under the Pinellas County contract and sole source agreement.

RECOMMENDATION

The City Commission: 1) approve the purchase of the

vehicle detection and traffic signal equipment from Temple, Inc.; and 2) authorize the City Manager to execute all necessary documents and purchases of this equipment for the remaining TMS project phases, subject to approval by the City Attorney as to form and legality.

090970_ContractAward_20100506.pdf

090970_SoleSource_20100506.pdf

090995.

Human Resources: Policy C-3, Changes in Employee Status Affecting Pay and Policy L-8, Military Leave (B)

Explanation: Policy C-3, Changes in Employee Status Affecting Pay: This policy is amended to include involuntary demotions and reclassifications downward and the effect of these actions on an employee's pay. These changes reflect current practice.

Policy L-8, Military Leave: This policy is updated to reflect a change in Florida Statute requiring employers to provide base pay for the first thirty calendar days to employees called to state active duty.

Fiscal Note: No impact.

RECOMMENDATION

Approve Policies C-3, Changes in Employee Status Affecting Pay and L-8, Military Leave.

090995_C-3 Changes in Employee Status Affecting Pay_20100520.PDF

090995A_C-3 Changes in Employee Status Affecting Pay - Final_20100520.PDF

090995B_L-8 Military Leave Policy_20100520.PDF

090995C_L-8 Military Leave Policy -Final_20100520.PDF

091016.

State LECFTF Funding for the Summer HeatWave 2010 Program (NB)

Explanation: HeatWave is a summer youth program in its third year aimed at providing focused & structured summer recreational activities complete with positive messaging and guest speakers reinforcing weekly positive themes. Activities include a series of three-on-three basketball tournaments that will take place for eight weeks at the Martin Luther King Center. It is free to all youth participants. In addition, Operation Respect Yourself pool events will occur at all three City pools. This is a joint partnership primarily between the City of Gainesville Parks, Recreation, and Cultural Affairs Department and the Gainesville Police Department. In kind services provided by City staff and materials purchased last year will be utilized to decrease many costs. This request is for facilitators, materials and supplies.

Fiscal Note: Funds in the amount of \$10,000 for this expenditure are available in the State Law Enforcement Contraband and Forfeiture Trust Fund, as allowed under FSS 932.7055. The balance in the account is \$112,065.00.

RECOMMENDATION

City Commission approve the use of State Law Enforcement Contraband Forfeiture Trust Funds not to exceed \$10,000 to support the Summer HeatWave 2010

Program.

Alternate Recommendation: Deny funding which will result in the Summer HeatWave 2010 Program being cancelled or scaled back greatly.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

091017.

GAINESVILLE JOB CORPS CENTER FINAL SETTLEMENT AGREEMENT AND FINAL CONSENT ORDER (B)

Explanation: INTRODUCTION

This endeavor originally started several years ago at the initiative of Erik Bredfeldt when he served as the City's Economic Development Director. Several lots at the Airport Industrial Park were affected by the contamination that migrated onto the City-owned property from adjacent property. The contamination made the lots unavailable for sale and development. The contamination also potentially threatened the City's wellfield which is downstream from Little Hatchet Creek raising concerns of GRU. The City Attorney's Office with the assistance of Bill Pence, Special Counsel, worked diligently over the past years to bring about this desired result.

BACKGROUND

In the early to mid-1990s, chlorinated solvent contamination was discovered at the Site. For several years following discovery, DOL, as the current property owner, worked with FDEP by retaining environmental consulting firms to attempt to delineate the extent of environmental impacts at the Site. By April 2001, the results of such investigations identified significant groundwater contamination present along the southern boundary of the Site, which had migrated onto several unimproved lots within Airport Industrial Park which the City seeks to sell for commercial development.

The source of contamination was suspected to have been the result of releases of chlorinated solvents from the Site during the former operation of The Sperry Corporation ("Sperry") manufacturing plant, which operated at the Site from approximately 1955 to 1978. To encourage Sperry to come to Gainesville in the early 1950s, the City's Employees Fidelity Fund ("EFF") entered into an agreement with Sperry pursuant to which EFF agreed to construct a manufacturing plant and office building at the Site in return for long term rental payments that were set based on the EFF's cost to acquire the Site and construct the buildings. Sperry closed the plant in 1978 and exercised an option to purchase the land for a nominal sum. On August 31, 1978, Sperry took title to the Site and, thereafter, sold the Site to DOL on October 2, 1978 at market value.

Migration of the contamination onto the northern parcels within Airport Industrial Park has impaired the City's effort to develop such tracts for commercial uses. To facilitate the sale of parcels within the periphery of such impacts, such as the parcel acquired by Florida Food Service, Inc., the City was required to indemnify the purchaser from any liability that may arise solely as a result of ownership of the parcel onto which the groundwater contamination had migrated. As a result, the City has doggedly pressed FDEP to require DOL, as current owner of the Site, and Unisys Corporation, as successor to Sperry, to complete site assessment and construct a permanent remedy for the Site.

In the early 2000s, DOL retained a new consultant that suggested, for the first time, that the impacts detected on the Site were not related to past uses of the Site but were, in fact, caused by releases of contaminants on the Airport Industrial Park parcels located immediately downgradient of the Site. Unisys agreed with DOL's consultant and further work at the Site stopped. The City then spent several years seeking to convince FDEP of DOL's and Unisys' legal liability for Site conditions. After several high level meetings, including one with current FDEP Secretary Mike Sole, the City was successful in convincing FDEP to file suit against DOL. After suit was filed by FDEP, DOL and Unisys agreed to pursue further investigations at the Site. The results of those investigations confirmed that the groundwater impacts present at the southern boundary of the Site, which have migrated onto several parcels within Airport Industrial Park, were the result of releases of contaminants from Sperry's manufacturing plant during its past operations.

FDEP, Unisys, DOL and the City have been engaged in negotiations over the past year in an attempt to resolve the question of liability for current contamination at the Site and the Airport Industrial Park parcels located immediately downgradient. As a result of the negotiations, the parties recently agreed (the City's agreement is subject to approval by the City Commission) upon the terms and conditions of a Settlement Agreement and Consent Order. A discussion of the major provisions of each document follows.

SETTLEMENT AGREEMENT

The Settlement Agreement requires Unisys to be solely responsible for performing all work required to remediate the reported chlorinated solvent contamination (trichloroethene and its breakdown products) at the Site, including the off-site impacts on the Airport Industrial Park parcels, pursuant to FDEP's cleanup criteria rule, 62-780 Florida Administrative Code ("F.A.C."). In return for this commitment, DOL agrees to pay to Unisys the sum of \$728,000 as a cash-out settlement. DOL is obligated to pay additional sums to Unisys in the event the total cleanup costs exceed \$3,360,000.00. DOL agrees to be solely responsible for remediating PCB contamination identified on the Site (which has not migrated onto Airport Industrial Park parcels).

The City's obligations under the Settlement Agreement are limited to several "in kind" services, none of which require any cash payment to Unisys. These include the following:

- 1. Grant access to City-owned or leased property as needed for the remedy.*
- 2. Assist Unisys in obtaining access to property not owned or leased by City as needed for the*

remedy, providing such effort does not require City to pay any sum of money or provide other consideration for such access.

3. Accept at no charge purge water from Site groundwater monitoring wells delivered by Unisys to City's permitted wastewater treatment facility. This is not expected to generate any material volume of wastewater (several hundred gallons at most).

4. Provide clearing and grubbing and installation of temporary gravel-based roads on City-owned or leased property, similar to that provided by City during prior investigations at the Site, as may be reasonably necessary for performance of the remedy. City Staff provided similar services during prior field investigations.

5. Prepare and record deed restrictions for City-owned property impacted by the reported contamination, limited to restricting: (a) use of groundwater for any purpose; (b) drilling for water on the property; and (c) installation of any wells on the property without FDEP's consent. The deed restrictions are limited to those already agreed to by FFS upon its purchase of an adjacent parcel within Airport Industrial Park and, therefore, are not expected to reduce the marketability of the remaining impacted parcels.

Unisys also agrees in the Settlement Agreement to assume City's environmental indemnity obligations to FFS with respect to the reported contamination and to extend such indemnity obligations to any subsequent indemnity containing similar provisions that the City may be required to provide in connection with the sale of other parcels in Airport Industrial Park impacted by the reported contamination.

All three parties agree in the Settlement Agreement to release each other from prior claims arising out of the reported contamination, providing each party complies with its respective obligations under the Settlement Agreement. (Note: Due to bulk and size, the Settlement Agreement is not attached and is available for inspection and review in the Office of the Clerk of the Commission.)

CONSENT ORDER

The Consent Order obligates DOL to pay Unisys the cash out sum provided in the Settlement Agreement. The Consent Order obligates Unisys to: (i) complete assessment and remediation of the reported chlorinated solvent contamination in accordance with 62-780 F.A.C.; (ii) submit a start-up report to FDEP within a specified time period; (iii) submit quarterly progress reports to FDEP; (iv) submit a pilot test report to FDEP within a specified time period; (v) submit a Remedial Action Plan to FDEP within a specified time period; and (vi) reimburse FDEP \$81,721.56 for costs and expenses incurred by FDEP at the Site.

The City's sole obligation under the Consent Order is to provide access to Unisys to the City-owned parcels within Airport Industrial Park that are immediately adjacent to the Site and which have confirmed groundwater impacts present on them. The access must remain available until FDEP has issued a Site Rehabilitation Completion Order for the Site. Failure to provide this access will subject the City to stipulated penalties of \$200/day.

In return for all parties having performed their respective obligations under the Consent Order, FDEP waives its right to seek civil damages or penalties against all parties for the reported contamination.

CONCLUSION

As a result of the City's persistent efforts to compel the responsible parties to proceed with remediation of the Site, the parties have now reached agreement on the terms and conditions to provide for remediation of the Site.

In order to facilitate the settlement, the City, subject to approval by the City Commission, has agreed to provide several limited "in kind" services that are not expected to result in any material commitment of time or expense by the City or its staff. In addition, the City will be required to provide access to several City-owned parcels within Airport Industrial Park and agree to record limited deed restrictions for such parcels. The extent of the deed restrictions are similar in nature to those obtained from FFS at the closing of the sale of an Airport Industrial Park parcel to FFS. In return for this limited commitment, DOL agrees to pay a substantial sum of money (at least \$728,000.00) to Unisys to be used to fund site cleanup work and Unisys agrees to be fully responsible for implementing further investigation and remediation work at the Site, all in accordance with 62-780, F.A.C.

The City's proposed obligations under the Settlement Agreement and Consent Order are reasonable and should be approved by the City Commission in order to facilitate implementation of a final remedy at the Site.

RECOMMENDATION

The City Commission: 1) approve the terms and conditions of the Settlement Agreement and the Consent Order and; 2) authorize the City Attorney to execute the Agreement and Order on behalf of the City of Gainesville.

091017_agreement_20100520.pdf

090906.

FINAL WRITTEN ORDER - APPEAL OF PRELIMINARY DEVELOPMENT PLAN APPROVAL FOR THE HIGHWAY 441 SUPER WAL-MART (B)

Final Order of the City of Gainesville, Florida In The Matter of Appeal of Preliminary Development Plan Approval granted by the Development Review Board for the Highway 441 Super Wal-Mart; Legistar No. 090906; Petition No. DB-10-6

Explanation: On March 11, 2010, the Development Review Board held a public meeting approving, by a vote of 3-2, the Preliminary Development Plan for Petition No. DB-10-6 with staff conditions.

On March 16, 2010, John Hudson filed an appeal challenging the approval granted by the Development Review Board.

The City Commission held formal quasi-judicial hearings on April 1, 2010 and

May 4, 2010 to consider the appeal. At the conclusion of the May 4, 2010, hearing the City Commission announced its oral order to affirm the approval of the Preliminary Development Plan by the Development Review Board with further amendments imposed by the City Commission. City Commission Rules and the Land Development Code require the decision to be embodied in a written order. Copies of the proposed order were submitted to the parties to the appeal.

RECOMMENDATION

The City Commission authorize the Mayor and Clerk of the Commission to execute the Final Order.

Legislative History

4/1/10 City Commission Continued (6 - 0 - 1 Absent)
5/4/10 City Commission Approved, as shown above - See Motion(s)

090906_appeal_20100401.pdf
090906a_Staff PPT_20100401.pdf
090906b_DRB Petition 10-6 Rpt_20100401.pdf
090906c_CityAttorneyMemo_20100401.pdf
090906d_Wal-Mart Master Plan_20100401.pdf
090906_Recusal_Ltr._20100401.pdf
090906_Gville Walmart CCOM Hearing.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**091019.****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of April 26, 2010, April 29, 2010, May 4, 2010 and May 6, 2010, as circulated.

091019_wkshp_april 26_20100520.pdf
091019_joint city_county_april 29_20100520.pdf
091019_spec_walmart_may 4_20100520.pdf
091019_reg_may 6_20100520.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE,
CONSENT****090855.****Johnson Stinson - Citizen Comment - Request to Name the Basketball Courts at Westside Park the Sidney Davis Martin, Jr. Memorial Basketball Courts (B)**

This item involves a referral by the City Commission to the Recreation, Cultural Affairs and Public Works Committee regarding the naming of the

basketball courts at Albert "Ray" Massey Westside Park after the late Sid Martin, Jr.

Explanation: Mr. John Stinson appeared at the March 4, 2010 City Commission meeting requesting the City Commission honor and recognize the late Sid Martin, Jr. Mr. Stinson stated that the basketball courts at Albert "Ray" Massey Westside Park were located there as a result of Mr. Martin's efforts. Following a motion by Commissioner Poe, the consideration of this request was referred to the Recreation, Cultural Affairs and Public Works Committee.

Both the Parks and Recreation Advisory Board and the Nature Centers Commission adopted a policy to address park and park feature naming. Mr. Stinson was contacted by staff and provided with both the policy as well as the appropriate forms to complete in order for this to be pursued.

On April 21, 2010 the Parks and Recreation Advisory Board met and reviewed Mr. Stinson's request and the petition that he provided. The Board supports Mr. Stinson's request and recommends its approval.

Fiscal Note: Basketball court signage would be funded from the Parks, Recreation and Cultural Affairs Department operating budget.

RECOMMENDATION

The City Commission approve the naming of the basketball courts at Albert "Ray" Massey Westside Park in honor of the late Sid Martin, Jr. as the "Sidney Davis Martin, Jr. Memorial Basketball Courts" and remove this item for the Recreation, Cultural Affairs and Public Works Committee Referral list.

Legislative History

3/4/10	City Commission	Referred (5 - 0 - 2 Absent)	Recreation, Cultural Affairs and Public Works Committee
4/8/10	Recreation, Cultural Affairs and Public Works Committee	Approved, as shown above - See Motion(s)	

090855A_Policy_20100408.pdf
 090855B_Petition_20100408.pdf
 090855_Policy_20100520.pdf

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

091001.

Depot Park Program - Approval of Depot Park Implementation Documents (B)

This item requests approval of four implementation documents related to the construction of Depot Park, which were approved by the Community Redevelopment Agency on April 19, 2010.

Explanation: Constructing the vision for Depot Park is rapidly falling into place. This agenda item is a summary of the work underway to complete construction plans for

Phase 1, a summary of work recently completed concerning Depot Avenue and stormwater recommendations, and a recommendation to approve four important planning documents prior to finalizing the park construction plans. The documents relate to both park improvements and the rehabilitation of the Depot Building:

- 1. 90% Park Master Plan*
- 2. Park Design and Technical Standards*
- 3. 30% Phase 1 park Design Development drawings*
- 4. 95% Depot Building Rehabilitation Plans*

Master Plan: As of March 2010, Carol R. Johnson Associates (CRJA) completed the 90% plan containing the organizing principle and primary features for creating Gainesville's soon-to-be-constructed flagship park. The remaining 10% will allow the CRA and the Public Works Department to finalize some coordination details concerning areas adjacent to the stormwater plan. Throughout the 90% Master Plan runs the theme of sustainability. Developing a sustainable design ethos is approached by first seizing on the 35-acre site's industrial history, railroad legacy, and role in restoring Paynes Prairie. The 90% Master Plan reveals these characteristics in the park design and considerable effort was made to create functional and sustainable features from them. For example, the park's industrial and railroad history provides the two remnant rail corridors that cross the site. These corridors will become new multi-use paths that will connect to existing rails-to-trails. The paths will arc across Depot Park under canopy trees along historic rail alignments in view of the restored Depot Building, where passengers and freight once passed in the 19th and 20th centuries. In the Depot Building, park visitors can explore exhibits on the park's industrial past, which will also engage them in thinking about how that past has created a need for sustainable practices today. A few footsteps from the Depot, children and their caretakers can not only play, but also learn about Florida's water supply at the interactive fountain, which resembles a natural spring ecosystem. Restored wetlands, located further south, are living systems that cleanse stormwater before entering Sweetwater Branch and Paynes Prairie. These wetlands also function as teaching laboratories, highlighting their role as habitat and purification systems. Depot Park will be the first city park intentionally designed from the outset with sustainability as its central design philosophy. With approval of the 90% Depot Park master plan, the CRA will be able to initiate the site plan approval process in May. The CRA approved the Master Plan on April 19, 2010.

The 90% Master Plan development was a partnership consisting of the Public Works Department, Parks, Recreation and Cultural Affairs Department, Gainesville Regional Utilities, Gainesville Police Department, and Gainesville Fire Rescue.

Abbreviated list of Depot Park features:

Multi-use trail for cycling, walking, and roller blading

Amphitheater for small outdoor performances

Comfort station to provide restroom facilities

Play areas and interactive fountain to stimulate children's play activities

Pond overlooks for quiet view of the ponds

Major and minor gateways with signature sculptural features

*Parking area for convenient park access
Trailhead gathering trail users
Lawns for free play
Picnic and grilling areas for family gatherings
Maintenance support facility*

*Design and Technical Standards: As the City's flagship park, the materials and design techniques envisioned for the park are intended to capture the imagination of park visitors and yet be durable. All the companies whose products are specified are established, reputable businesses selected to ensure manufacturing consistency, long-term customer support and high quality design. Sustainability is represented by the use of low voltage LED lighting with full cut-off, native grasses and wildflowers, and low flow rate irrigation systems, to list some examples. In keeping with the native plant theme, park entrances will be signified with large scale gateway elements symbolizing the native Florida wiregrass, *Aristida spicata*. Certain benches and waste containers will receive this laser cut design to harmonize with the entrance treatments. Additional measures to further site sustainability include porous pavements, high reflective surfaces, recycled timber, and ACQ treated wood. The CRA approved the final Design and Technical Standards dated February 2010 (received on March 3, 2010) on April 19, 2010.*

Examples of Standards:

*Concrete walkways with decorative exposed aggregate edging
Contemporary steel benches with decorative backrests symbolizing native wiregrass
Steel trash receptacles with coordinating grass design
LED accent lighting for walkway lighting
Full cut-off parking lot and rail trail lighting
Native plant materials and Florida Friendly landscape practices*

30% Design Development Drawings - Phase 1: The CRA approved the concept for the northern part of the park on September 21, 2009. Phase 1 is the northern portion of the park from South Main Street to SE 4th Street and from Depot Avenue to the northern boundary of the Phase 2 stormwater pond. This phase also includes the Depot Park multi-use trail connecting to the Downtown Connector from Depot Avenue. The approval enabled the CRA to pursue construction documents for Phase 1. To date, CRJA has completed 30% Design Development documents for Phase 1, which includes park entrances, a parking area, a children's area, and the Depot Park trail. The children's area is the primary feature and is intended to be a complete play environment embodying boundless design that allows all children, regardless of ability, to participate in play. The fenced children's area will be a short walk from the parking area on SE 4th Street, the Depot Building, and the comfort station. A paved "trikeway" with simulated train tracks loops through the play area, connecting its various features which consist of climbing areas, earthen mounds, slides, different types of swings, and an interactive water feature. A miniature bridge supports the trikeway as the path segues to the interactive water feature. With sustainability in mind, CRJA designed the water feature to mimic a seep, a type of spring, with water flowing from its rock-surfaced sides. Parents will find comfortable seating nearby in order to observe their children. Staff will provide an overview of Phase 1 improvements. The CRA approved the 30% Design Development

drawings on April 19, 2010.

Park Features Contained in Phase 1

Zone A - SE 4th Street Gateway and Trailhead with parking

Zone B - Children's Area with fencing, interactive fountain, comfort station and play areas

Zone C - Paths and parklands, picnic tables

Zone D - Promenade surrounding the Phase 2 Pond with benches and lighting

Zone E - Main Street Gateway and lawn

Zone F - Pedestrian Bridge (for multi-use trail)

Zone G - Depot Park multi-use trail connecting to the Downtown Connector

Depot Context Area - Interpretive area, seating and plaza connected to the Depot Building

95% Depot Building Rehabilitation Plans: The building will showcase sustainability and innovation through the re-cycling and adaptive re-use of this historic structure. To support this goal, the building is designed to achieve LEED certification and consistency with Secretary of the Interior Standards for Historic Rehabilitation. The CRA completed 100% rehabilitation plans for the building and the context area, a plaza-like area around the building to be used for interpretation of the building. Special paving will be embedded in the context area and in a portion of Depot Avenue to signify the most recent position of the building before the planned 2010 relocation 28 feet 6 inches south. Native planting and authentic materials are used throughout the context area design. A wildflower meadow with native grasses will be planted between restored steels rail resting on full-sized, recycled cross ties parallel to the Depot in a design that recalls the acclaimed "Highline" in New York City. The design will create a stunning, natural visual presence as visitors approach the Depot.

The CRA is planning to bid construction by summer 2010. Later this year, the CRA is planning to issue an Invitation to Negotiate (ITN) for the building uses reviewed by the CRA in late-2009 consisting of restaurant, cafe, and museum elements. The museum, cafe, and restaurant will have thematic ties to the historic use of the building and will inspire people to learn and think about how the actions of past generations affect the ability of future generations to meet their needs. The CRA approved the 95% plans (as 100% plans) on April 19, 2010.

Depot Avenue and Stormwater Design Update:

The CRA partnered with the Public Works Department to coordinate the roadway improvements with the proposed Depot Park master plan. The coordination of the improvements will create a cohesive and attractive public realm adjacent to Depot Park. Some aspects of the design that were enhanced are:

Widening the Depot Avenue bicycle path to 10 feet and re-routing connections to park entrances

Selection and layout of brick paving materials to delineate clear sidewalk and park edges

Specification of pedestrian lighting

Extension of water and sewer service to the park consistent with the Master Plan

Selection and layout of native wildflowers and grasses along the roadway in concert with the park materials
Acquisition of the Canary Island Date Palm at the center of the roundabout from the City tree farm

Depot Avenue Phase 1 is substantially complete (between SE 3rd Street and the east 600 block). The CRA contributed approximately \$39,000 for Phase 1 brick sidewalks and \$75,000 for pedestrian lights throughout the entire project.

Coordination is continuing for Phase 2 (between South Main Street and SE 3rd Street) incorporating into the construction plans a loading zone for the Depot Building, elements of the historic context area, and extending additional utility service to the park.

Because of their treatment function, the planned stormwater ponds are anticipated to have low water quality. To address this issue, the CRA authorized CRJA to work with the Parks, Recreation and Cultural Affairs Department, Public Works Department and the CRA with the objective to develop recommendations to ease maintenance, increase water quality, ensure permit compliance, and enhance aesthetics. CRA and Public Works staff have discussed these recommendations and will incorporate elements as funding allows.

Schedule

2010 (Calendar Year)

2nd Quarter - Complete 100% Park Design Development
3rd Quarter - Complete 100% Park Construction Documents
3rd Quarter - Bid Depot Building construction
3rd Quarter - Issue ITN for Depot Building uses
4th Quarter - Move Depot Building back to the Depot Avenue site
4th Quarter - Start Depot rehabilitation
4th Quarter - Bid Phase 1 park construction

2011 (Calendar Year)

1st Quarter - Start park construction
4th Quarter - Complete Phase 1 park improvements and building rehabilitation.
Depot Park opens for public use.

In summary, constructing the vision for Depot Park is rapidly falling into place. The park master plan is guiding the construction documents, which are underway. By the end of the year, the site remediation is expected to be finished and the park turned over for development. By the end of 2011, Phase 1 will be completed. The CRA, City departments, and CRJA have created a visionary park design that promises to be of regional importance. It is our hope that people visiting the park will be energized and inspired.

Budget:

The estimated cost for construction of the Phase 1 Park improvements and rehabilitation of the Depot Building is expected to be approximately \$5.2 million, not including the Phase 2 stormwater pond. Public Works estimates the

Phase 2 pond construction cost will be \$3.0 million.

Fiscal Note: Funding for completing construction for Depot Park will be funded through the following sources:

Downtown Trust Fund - \$167,000

Department of Transportation Local Agency Program - \$627,679

City of Gainesville Bonds - \$1,504,569

US Housing and Urban Development Grant - \$94,933

US Housing and Urban Development Urban Development Assistance Grant - \$1,110,465

Rails to Trails grant - \$387,217

Wild Spaces Public Places - \$1,000,000

Public Works Department (to be determined) - \$300,000

RECOMMENDATION

City Manager to the City Commission: Recommend approval of the following documents: 1) the 90% Depot Park Master Plan Graphic dated March 17, 2010; 2) the Depot Park Design and Technical Standards dated February, 2010; 3) the Depot Park Phase I 30% Design Development plans dated March 26, 2010; and 4) 95% Depot Building Rehabilitation Plans dated April 15, 2010.

091001_MASTER PLAN_20100520.pdf

091001_STANDARDS_20100520.pdf

091001_30% PLANS_20100520.pdf

091001_PLAY AREA 30%_20100520.pdf

091001_95% PLANS_20100520.pdf

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****091031.****Mayor Craig Lowe - Committee Assignments (NB)****RECOMMENDATION**

The City Commission confirm the Mayor's committee assignments.

COMMISSION COMMENTS (if time available)**RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****091020.****Memorial Day - May 31, 2010 (B)****RECOMMENDATION**

Gainesville Detachment of the Marine Corp League World War II Veteran Bob Gasche to accept the proclamation.

091020_Memorial_20100520.pdf

091021.**Clair C. Chaffin Day - June 8, 2010 (B)****RECOMMENDATION**

Veterans of Alachua County and National Veterans Groups Marine Corpsmen Second Class Clair C. Chaffin, Iwo Trio Member Kathy Dow, and Gainesville Detachment of the Marine Corp League World War II Veteran Bob Gasche to accept the proclamation.

091021_Chaffin_20100520.pdf

091022.**Emergency Medical Services Week - May 16-22, 2010 (B)**

RECOMMENDATION

Gainesville Fire Rescue Special Operations Chief Don Sessions to accept the proclamation.

091022_EMS_20100520.pdf

091023.**National Public Works Week - May 16-22, 2010 (B)****RECOMMENDATION**

City of Gainesville Public Works Department Director Teresa Scott, P.E. to accept the proclamation.

091023_PublicWorks_20100520.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****090487.****REZONING – 4306 AND 4322 NW 13TH STREET (B)****Ordinance No. 0-09-76, Petition No. PB-09-120ZON**

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 “BUS: General business district” to “BA: Automotive-oriented business district”; located in the vicinity of 4306 and 4322 Northwest 13th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This is a request to rezone property located at 4306 and 4322 Northwest 13th street. Tax parcel 07925-000-000 located at 4306 N.W. 13th Street is currently zoned BUS (General business district) with Commercial land use. North of this property is tax parcel 07910-000-000 located at 4322 N.W. 13th Street, which is zoned BUS and RSF-1 (3.5 units/acre single-family residential district) and has Commercial and Single Family (up to 8 units per acre) land use. The commercial portion of this property extends approximately 400 feet west from N.W. 13th Street before the single-family designated area of the property is reached. The request of this petition is to rezone the properties from BUS to BA (Automotive-oriented business district). The land use would remain Commercial because BA is one of the implementing zoning districts of the Commercial land use.

The character of the area in the general vicinity of the subject properties is commercial. South of the subject properties is a used automobile business with

an automobile salvage yard and a former new car dealership. East of the rezoning site across N.W. 13th Street is a Badcock furniture store with MU-1 (8-30 units/acre mixed use low intensity) zoning and Mixed-Use Low-Intensity (8-30 units per acre) land use. Mobile home sales lie to the north of that with BA zoning and Commercial land use. South of the furniture store are two single-family homes and a gasoline station/convenience store, with MU-1 zoning and MU-L land use. North of the subject properties is Family Pool, Spa and Billiard with associated storage and an office building to the north of that, both with BA and OF (General office district) zoning and Commercial and Office land use. West of the subject site is low-density single-family residential use, with Single-Family land use and RSF-1 zoning. Properties with BA zoning and Commercial land use lie adjacent to the subject properties on the north and the south. The BA designation on the west side of N.W. 13th Street extends north from the site of the former new car dealership in the 4200 block up to the 4800 block, which is the point where N.W. 6th Street intersects with N.W. 13th Street. The exceptions are the subject properties which are zoned BUS. The proposed automotive-oriented zoning would be compatible with the surrounding land uses. The zoning change to BA will make the subject properties consistent with the zoning for other properties on the west side of N.W. 13th Street in this corridor. Future uses on the subject properties will likely be more compatible with uses typically found in the BA zoning district.

The City Plan Board reviewed the petition and recommended approval, Plan Board vote 6-1.

Public notice was published in the Gainesville Sun on September 8, 2009. The Plan Board held a public hearing on September 24, 2009.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of December 3, 2009, authorized the City Attorney to draft the proposed ordinance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/5/09	City Commission	Continued (Petition) (7 - 0)
12/3/09	City Commission	Approved (Petition) (4 - 1 - 2 Absent)

090487_petition_20091105.pdf

090487d_Staff PPT_20091203.pdf

090487F_Revised Map_20091203.pdf

090487_staff report_20091203.pdf

090487A_maps_aerial, existing land use_existing & proposed zoning_20091203.pdf

090487B_rezoning report_20091203.pdf

090487C_land use & zoning appl_workshop info_20091203.pdf

090487d_Staff PPT_20091203.pdf

090487E_cpb minutes_20091203.pdf

090487_petition_20091203.pdf

090487_draft ordinance_20100520.pdf

090487_draft ordinance_20100520.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

PLAN BOARD PETITIONS**DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS****091007.****Progress Report on Comprehensive Plan Evaluation and Appraisal Report (B)**

Explanation: Planning staff held a series of workshops with the City Plan Board to share progress and hear feedback regarding the Evaluation and Appraisal Report (EAR) of the Comprehensive Plan. To date, the Plan Board has reviewed the following elements: the Historic Preservation and Recreation Elements, the goals, objectives, and policies of which have been substantially met; the Cultural Affairs Element, which will see substantial revision as a result shifting responsibilities; and the Intergovernmental Coordination Element, which has been mostly successful.

The purpose of this item is to provide the City Commission and the public with a brief update on the progress of the EAR in regard to these elements, as well as additional aspects of the EAR as required by Florida Statute 163.3191, including population projections; population growth and changes in land area; relevant changes to state laws and administrative codes and to the strategic regional plan; location and extent of vacant lands; and location of past development.

Generally the goals, objective and policies of the above mentioned elements have been met. One major finding based on staff and plan board review is that the levels of service for the Recreation Element will need to be revised to an acreage based standards or a combination of acreage and facility based standards.

Over the next few months staff will review issues related to other major elements of the Comprehensive Plan such as: coordination with Alachua County on the Charter County Transportation Surtax and Local Option Infrastructure sales tax to fund transportation mobility projects; a special transportation concurrency redevelopment trip credit; new transit level of service (seats/headways); community character and urban design; and establishing policies in the Comprehensive Plan that would put more emphasis on redevelopment and additions to existing development over development of vacant lands.

Fiscal Note: None.

RECOMMENDATION

Staff to City Commission - the Commission hear a presentation by Planning staff regarding the progress of the Evaluation and Appraisal Report, and provide feedback and direction on any comprehensive plan issues and the draft EAR Report chapters on the Historic Preservation, Recreation, Cultural Affairs,

and Intergovernmental Coordination Elements.

091007_ear background information_20100520.pdf

091007A_historic preservation element_20100520.pdf

091007B_cultural affairs element_20100520.pdf

091007C_recreation element_20100520.pdf

091007D_intergov coordination element_20100520.pdf

091007E_staff ppt_20100520.PDF

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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