

City of Gainesville

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



Meeting Agenda

October 18, 2012

1:00 PM

MODIFIED AGENDA

City Hall Auditorium

City Commission

***Mayor Craig Lowe (At Large)
Mayor-Commissioner Pro-Tem 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)
Commissioner 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****CITY MANAGER, CONSENT AGENDA ITEMS**

[110094.](#)

Region4: Transformation Through Imagination Grant (NB)

This item involves a budget amendment to the "Culture Builds Florida" grant from the State of Florida Division of Cultural Affairs which supported an art exhibition and related community education and engagement project titled "Region4: Transformation Through Imagination."

Explanation: In 2011, the City of Gainesville was awarded a \$24,000 grant from the State of Florida Division of Cultural Affairs to collaborate with the Superfund Art Project (SAP) to mount an exhibition and create related programs that would help the public learn more about the Cabot-Koppers Superfund site and the plans for remediation of the site. The exhibition opened at the Thomas Center on March 2, 2012, ran through April 28, 2012, and won many positive comments from the media and public. A traveling exhibition of photographic blowups of the exhibition's artwork and text materials is currently on a 5-city Florida/Georgia tour and the original exhibition is being remounted in Tallahassee in October.

The budget for the grant matched the State award of \$24,000 with \$9,000 in City funds; \$5,000 in outside support raised by the Superfund

Art Project (Formed in 2008, SAP is a creative public outreach component of the Protect Gainesville's Citizens group); and \$10,000 in-kind support. Unfortunately, the \$5,000 support from the Superfund Art Project was not realized as they were unable to secure the promised contributions due to difficult economic times. Project expenses were exceeded by \$1,053 as a result of costs related to technology installations. It should be noted however, that actual in-kind support by the University of Florida, Superfund Art Project, Project Curator for the project, exceeded its \$10,000 budget by over \$22,500.

City Grant Procedure #26 states: "All grant amendments which increase the amount of the local match above the amounts(s) originally approved by the City Commission, or which significantly change the total grant amount or substantially change the purpose of the grant, must be presented to the City Commission for approval."

Fiscal Note: In compliance with the City Grant Procedure #26, it is therefore requested that the Region4: Transformation Through Imagination budget be amended to reflect an additional expense of \$6,053. The funds to cover the additional expense are in the Parks, Recreation and Cultural Affairs budget. This amendment does not affect the final grant report that has been filed with the State of Florida.

RECOMMENDATION

The City Commission direct that the "Region4: Transformation Through Imagination" grant budget be amended to reflect an additional expense of \$6,053.

Legislative History

7/21/11 City Commission Approved as Recommended

120379.

Contract Award with WCA of Florida, Inc., for Pick-up and Disposal of Trash from Regional Transit System (RTS) Bus Stops (B)

This item is a request to approve rankings and execute a contract with WCA of Florida, Inc., for the pick-up and disposal of trash from Regional Transit System (RTS) Bus Stops.

MODIFICATION - Revised recommendation per the City Attorney's Office - Updated 10/17/2012 @ 2:30 PM.

Explanation: The Purchasing Division solicited bid proposals for the pick-up and disposal of trash from Regional Transit System (RTS) bus stops. The process was implemented in compliance with, and as requested by, the Federal Transit Administration (FTA), Florida Statutes and City of Gainesville policies.

Five (5) proposals were submitted by the deadline. An evaluation team consisting of City staff evaluated the proposals and is recommending the following ranking of the five (5) firms:

1. WCA of Florida, Inc.
2. Waste Pro of Florida, Inc.

3. *Florida Express Environmental*
4. *Tribond, LLC*
5. *Treasure Enterprise, Inc.*

RTS desires to enter a five-year contract with WCA of Florida, Inc.

Fiscal Note: Funds not to exceed \$51,707 annually are available in the RTS operating budget.

RECOMMENDATION

The City Commission: 1) Award the bid to the highest ranked responsive, responsible bidder and 2) authorize the City Manager to execute a five-year contract, subject to approval by the City Attorney as to form and legality.

[120379_BidTab_20121018.pdf](#)

[120427.](#)

Memorandum of Understanding Between the Alachua County Sheriff's Office (ACSO) and the Gainesville Police Department for the Problem Oriented Policing Grant (POP) Awarded Through the Edward Byrne Memorial Justice Assistance Grant (B)

This is a request for City Commission approval to accept the grant award as a sub-recipient for up to \$20,000 for overtime reimbursement.

MODIFICATION - Revised recommendation per the City Attorney's Office. Item updated 10/17/2012 @ 2:00 PM.

Explanation: The Gainesville Police Department is a sub-recipient of the Problem Oriented Policing Grant (POP) for fiscal year 2012-13. As a part of the Memorandum of Understanding from the Alachua County Sheriff's Office (ACSO) acting as the program administrator, the Gainesville Police Department is eligible to receive up to \$20,000 for reimbursement for overtime pay for specific services associated with this Edward Byrne Memorial Justice Assistance Grant.

Fiscal Note: The Gainesville Police Department is eligible for up to \$20,000 for reimbursement for overtime pay for specific services associated with the grant for the period of October 1, 2012 through September 30, 2013.

RECOMMENDATION

The City Commission: 1) Authorize the City Manager, or his designee to execute the Memorandum of Understanding between the Alachua County Sheriff's Office and the Gainesville Police Department and any other necessary documents, subject to the approval by the City Attorney as to form and legality; and 2) approve the overtime expenditures as outlined in the approved Memorandum of Understanding.

[120427_MOU_20121018.pdf](#)

[120430.](#)**Interlocal Agreement for the Allocation and Implementation of National Pollutant Discharge Elimination System and for Orange Creek Basin Management Action Plan Projects (B)**

This item is a request for the City Commission to approve and execute an Interlocal Agreement between Alachua County and the City of Gainesville for the Allocation and Implementation of NPDES Program Requirements and OCBMAP Projects

Explanation: The City of Gainesville, Alachua County (County) and the Florida Department of Transportation (FDOT) entered into a tri-party Interlocal Agreement for the joint implementation of the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Stormwater Systems (MS4) program in the Gainesville Urbanized Area in September of 2001. This Interlocal Agreement presented a financial plan for the implementation of programs to meet requirements of the Clean Water Act. Since that time, the City has served as the administrative body of the Gainesville Clean Water Partnership - a Partnership under which the City, County and FDOT have worked cooperatively on programs that meet Clean Water Act requirements.

Upon expiration of the tri-party agreement on September 30, 2012, FDOT and Alachua County have mutually agreed to enter into separate Interlocal Agreements with the City for continued collaborative implementation of programs that meet permit requirements. The City has established an agreement with the FDOT for the time period covering 2013-2017. The City and County seek to establish a similar agreement.

Fiscal Note: Over the five year term of the Agreement, the County will provide up to \$517,704 to the City of Gainesville for allocation and implementation of NPDES Programs. The City's portion of the costs for implementation of NPDES Programs is up to \$1,057,064 over the five year term contingent on approval of Stormwater Management Utility fund (SMU) allocations.

RECOMMENDATION

The City Commission: 1) approve the Interlocal Agreement with Alachua County for the Allocation and Implementation of the NPDES Program Requirements; 2) authorize the City Manager to execute the Interlocal Agreement with Alachua County, subject to approval by the City Attorney as to form and legality.

[120430_Agreement_20121018.pdf](#)

[120442.](#)**Bid Award - Depot Park Phase II Pond and Pump Station Project (B)**

This is a request for the City Commission to authorize the bid award in the amount of \$5,191,900 to R.E. Arnold Construction, Inc., for the Depot Park Phase II Pond and Pump Station project.

MODIFICATION - Remove Item from the Agenda per the City Manager and reschedule for 11/1/12. This item was removed 10/17/2012 @ 1:55 PM.

Explanation: On July 25, 2012, the City Purchasing Division solicited bids for the Depot Park Phase II Pond and Pump Station project. Four (4) firms responded with bids. R.E. Arnold Construction, Inc. was the lowest responsible and responsive bidder in the amount of \$4,514,696.99.

Fiscal Note: Funding in the amount of \$4,514,696.99 plus a 15% contingency amount for a total of \$5,191,900 is provided by grants from the Department of Environmental Protection (DEP LP), Environmental Protection Agency (EPA SPAP) and the U.S. Department of Housing and Urban Development (HUD). Other funding includes monies from the Stormwater Management Utility Fund (SMUF) and a loan from the State Revolving Fund (SRF).

RECOMMENDATION

The City Commission: 1) award the bid to R.E. Arnold Construction, Inc., for the construction of the Depot Park Phase II Pond and Pump Station project; 2) authorize the City Manager to execute the contract, subject to approval as to form and legality by the City Attorney; and 3) issue a purchase order in an amount not to exceed \$5,191,900.

[120442_Bid Tab_20121018.pdf](#)

[120443.](#)

Traffic Engineering Services Agreement between the City of Gainesville and Alachua County for FY 2013 (B)

This item is an agreement between the City of Gainesville (City) and Alachua County (County) for traffic engineering services in the amount of \$193,332.03 in revenue to the City during FY13.

Explanation: For thirty-four (34) years, the City of Gainesville and Alachua County have entered into an annual agreement for maintenance of traffic signals and traffic engineering services. Under terms of this agreement, the City of Gainesville maintains and operates all traffic signals, flashing school beacons, and flashing warning beacons in the unincorporated area of Alachua County. In addition, the City assists Alachua County with traffic signal design and construction inspection activities. The agreement was put into place in an effort to prevent duplication of services and has resulted in significant cost savings for both the City and County. The agreement provides a mechanism for the County to reimburse the City for traffic counts, traffic accident studies, and traffic signal design activities the City performs for the County. The County's contribution for traffic signal maintenance is based on the current number of traffic signals in operation in the unincorporated Alachua County.

Fiscal Note: The County will pay the City \$193,332.03, plus costs for materials for traffic signal maintenance and operation for FY13.

RECOMMENDATION

The City Commission authorize the City Manager to execute the renewal for Traffic Engineering Services between the City of Gainesville and Alachua County for the period of October 1, 2012

to September 30, 2013, subject to approval by the City Attorney as to form and legality.

[120443 Agreement 20121018.pdf](#)

[120444.](#)

Interlocal Agreement for Establishment of an Illicit Discharge Detection and Elimination Program and Stormwater Public Outreach Programs (B)

This item is a request for the City Commission to approve and execute an Interlocal Agreement between Alachua County and the City of Gainesville for Establishment of Illicit Discharge Detection/ Elimination and Stormwater Public Outreach Programs.

Explanation: The City of Gainesville (City), Alachua County (County), and the Florida Department of Transportation (FDOT) have maintained a tri-party Interlocal Agreement for the joint implementation of the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Stormwater Systems (MS4) program in the Gainesville Urbanized Area since September of 2001. This Interlocal Agreement presented a financial plan for the implementation of programs to meet requirements of the Clean Water Act. Since that time, the City has served as the administrative body of the Gainesville Clean Water Partnership - a Partnership under which the City, County and FDOT have worked cooperatively on programs that meet Clean Water Act requirements. Two programs include the Illicit Discharge Detection/ Elimination and Stormwater Public Outreach Programs. Since 2003, the City has contracted with the Alachua County Environmental Protection Department to maintain an active Illicit Discharge Detection and Elimination Program.

Upon expiration of the tri-party agreement on September 30, 2012, FDOT and Alachua County have mutually agreed to enter into separate Interlocal Agreements with the City for continued collaborative implementation of programs that meet permit requirements. The City seeks to establish an agreement with the Alachua County Environmental Protection Department to continue maintaining Illicit Discharge Detection and Elimination programs, establish Public Outreach programs and maintain existing stream gages in the area that generate data related to NPDES.

Fiscal Note: Over the five year term of the Agreement, the City, through the Gainesville Clean Water Partnership, will provide up to \$1,063,753 to Alachua County for implementation of Illicit Discharge Detection/Elimination, Public Outreach and Stream Gage NPDES Programs.

RECOMMENDATION

The City Commission: 1) approve the Interlocal Agreement with Alachua County for Establishment of Illicit Discharge Detection/Elimination and Stormwater Public Outreach Programs; 2) authorize the City Manager to execute the Interlocal Agreement with Alachua County and all

related documents, subject to approval by the City Attorney as to form and legality.

[120444 Agreement 20121018.pdf](#)

[120445.](#)

Ranking for Professional Engineering Services for the SW 6th Street Project (B)

This item is a request for the City Commission to approve the ranking of Engineering Firms/Teams and authorize a contract for engineering services for the SW 6th Street Project that includes SW 6th Street from West University Avenue to SW 2nd Avenue north of recent improvements and SW 6th Street from SW 2nd Avenue south of recent improvements to the existing asphalt line approximately 260 feet south of SW 4th Avenue.

Explanation: On July 9, 2012, the City Purchasing Division solicited written statements of qualifications to provide engineering services for the SW 6th Street Project (RFQ No. PWDA-120062-DS). Nine (9) engineering firms submitted statements on August 9, 2012. Evaluation of the written submittals resulted in the invitation of four (4) firms to present orally to the evaluators. These presentations held September 12, 2012 further established the qualifications, project approach and methodology for the project.

The evaluators rank the firms as follows:

1. Comprehensive Engineering Services, Inc.
2. Lochrane Engineering, Inc.
3. DRMP, Inc.
4. The R-A-M Professional Group, Inc.

Fiscal Note: Funding is available through the City of Gainesville's Capital Improvement Plan that provides \$1,500,000 for the project.

RECOMMENDATION

The City Commission: 1) accept the selection of the four most qualified firms in the order of ranking; and 2) authorize the City Manager or designee to negotiate and execute a contract for professional services with the top ranked firm or next firm if those negotiations are not successful, subject to approval by the City Attorney as to form and legality.

[120445 Bid Tab 20121018.pdf](#)

[120477.](#)

Contract for Project Management and Quality Management Services for the Regional Transit System (RTS) Maintenance, Operations and Administration Facility Project with Scherer Construction of North Florida, LLC (B)

This item is a request to approve rankings for Request for Qualifications (RFQ) #RTSX-130018-DS and execute a contract with Scherer Construction for Project Management and Quality Management Services for the RTS Maintenance, Operations and Administration Facility Project.

MODIFICATION - New Item added 10/17/2012 @ 2:15 PM.

Explanation: On October 4, 2012, the City's Purchasing Division solicited Request for Qualifications (RFQ) for Project Management and Quality Management Services for the RTS Maintenance, Operations and Administration Facility Project. The RFQ process was implemented in compliance with, and as required by, the Federal Transit Administration (FTA), Florida Statutes and City of Gainesville policies.

One (1) proposal was submitted by the deadline. The submission contained the technical proposal. An evaluation team consisting of City staff evaluated the qualifications and is recommending entering into a contract with Scherer Construction of North Florida, LLC, 2504 NW 71st Place, Gainesville, Florida 32653. The Scherer Construction PM/QM team has experience with multiple federal funded projects.

Fiscal Note: Federal Transit Administration (FTA) funds are available for these services.

RECOMMENDATION

The City Commission authorize the City Manager or designee to negotiate and execute a contract with Scherer Construction of North Florida, LLC, subject to approval by the City Attorney as to form and legality.

[120477 MOD Ranking Sheet 20121018.pdf](#)

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

[120424.](#)

Contract for HVAC Services at GRU Facilities (B)

Staff recommends award of the contract with Johnson Controls, Inc. for HVAC preventive maintenance services and repairs, equipment replacement and installation at GRU facilities.

Explanation: Heating, ventilation and air conditioning (HVAC) preventive maintenance and repair services are required at GRU facilities to ensure continuous operation of HVAC equipment. The facilities house essential utility operations including the GRU Administration Building, Springhills Service Center, Deerhaven and Kelly Generating Stations, Kanapaha and Main Street Water Reclamation Facilities, Murphree Water Treatment Plant, Boulware Springs, electric substations and radio towers. These facilities contain essential electronic systems and equipment which must be continually cooled in order to operate properly. Failure of HVAC units can cause electronic equipment to quickly overheat leading to costly equipment repair or replacement.

The contract focuses on preventive maintenance to reduce the potential for unforeseen equipment downtime. However, in the event of an emergency, the contract requires a four hour response time to quickly address the urgent situation and minimize the cost impact to operations.

The contract also includes service for ice machines. The contract's provisions ensure that requested annual price adjustments will not exceed the Consumer's Price Index (CPI) for each year of the contract.

Invitations to Bid were sent to 16 prospective HVAC companies and the bid was posted on the GRU website. A mandatory pre-bid meeting and walk-through of the facilities was held with four companies in attendance. Four responses were received, two as no bids. Bids were evaluated based on pricing, references, past performance, a report sample and local preference. A tabulation of the bids received is attached for your reference.

Fiscal Note: Funds are available in GRU's FY 2013 budget and will be requested in subsequent year budgets.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a five-year contract with JCI for HVAC preventive maintenance services and repairs, equipment replacement and installation at GRU facilities; 2) approve the issuance of purchase orders for these services to JCI in amounts not to exceed \$134,100 per year subject to the final appropriation of funds for these services in each fiscal year of the agreement.

[120424 Bid 20121018.pdf](#)

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

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

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

[120388.](#)

Review of Ironwood Golf Course Revenues (B)

Explanation: In accordance with our Annual Audit Plan, the City Auditor's Office has completed a Review of Ironwood Golf Course Revenues. The primary objective of our audit was to evaluate the system of management control over revenues collected at Ironwood Golf Course. During our review, we interviewed key personnel, analyzed operating data and evaluated management controls.

Based on the results of our review, we believe opportunities exist for the Parks and Recreation Department to strengthen management controls at the Ironwood Golf Course. Our report, which includes a response from the City Manager, is attached for your review. The report provides several recommendations related to strengthening internal controls over receipting and recording Ironwood revenues, improving the timeliness of cash reports and deposits, strengthening green fee surcharge collections, improving internal controls over gift cards and complimentary rounds, as well as updating operating policies and procedures.

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

RECOMMENDATION

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

Legislative History

10/2/12	Audit, Finance and Legislative Committee	Recommended for Approval
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[120388_ironwood_report_20121002.pdf](#)

[120406](#)

**Fiscal Year 2012 Operating Funds Quarterly Monitoring Report -
Quarter Ending June 30, 2012 (B)**

Explanation: The City's General Government Budget Policy requires staff to prepare and submit a quarterly Budget compliance report in substantially the same form as the final budget document, for all major operating funds, including the status of General Fund fund balances to the Audit, Finance and Legislative Committee.

RECOMMENDATION

The City Commission receive the quarterly budget monitoring report for the quarter ended June 30,

2012.

Legislative History

10/2/12 Audit, Finance and Recommended for Approval
Legislative
Committee

[120406 3rd Qtrly Report Final 20121002.pdf](#)

[120390](#)

Quarterly Financial Report - Gainesville Regional Utilities (B)

RECOMMENDATION

*The City Commission receive the GRU Quarterly
Financial Report as of June 30, 2012.*

Legislative History

10/2/12 Audit, Finance and Recommended for Approval
Legislative
Committee

[120390 GRU 2012 Third Quarter 20121002.pdf](#)

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

[120458.](#)

City Commission Workshop (NB)

*MODIFICATION - Remove item from the agenda - meeting scheduled at the
October 4, 2012 meeting - Updated 10/17/2012 @ 2:10 PM.*

RECOMMENDATION

*The City Commission schedule a workshop on
October 30th at A. Quinn Jones Center regarding
NW 8th Avenue.*

CITY MANAGER

GENERAL MANAGER FOR UTILITIES

[120438.](#)**Solar FIT Update & 2013 Pricing Recommendation (B)**

Explanation: The Solar Feed-In-Tariff (FIT) program was launched in early 2009 stipulating GRU purchase solar photovoltaic electricity from system owners at a guaranteed price via a twenty year contract. The program includes an annual capacity limit of 4MW per year. Around the first of the year, GRU's Purchasing Department will publicly announce an open solicitation process and provide applicable rules for the capacity solicitation. Currently there is 1 MW of capacity available in 2013.

Staff has performed the requisite analysis and is proposing new Solar FIT rates for the 2013 solicitation. The proposed rates are 0.21 \$/kWh for Class 1 systems, 0.18 \$/kWh for Class 2 systems, and 0.15 \$/kWh for Class 3 systems.

Fiscal Note: The purchased power cost of the FIT program was estimated as part of the fuel expenditures included in the GRU budget proposal for FY 2013.

RECOMMENDATION

The City Commission receive a presentation from staff and direct the City Attorney to draft and the City Clerk to advertise the ordinance to adopt the recommended 2013 FIT rates.

[120438_ppt_20121018.pdf](#)

[120439.](#)**Deerhaven Unit 2 Turbine Upgrade (B)****RECOMMENDATION**

The City Commission hear a presentation from GRU staff on the Deerhaven Unit 2 Turbine Upgrade.

[120439_ppt_20121018.pdf](#)

CITY ATTORNEY**CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE**[110952.](#)

Amendment to the City of Gainesville Traffic and Motor Vehicle Ordinance overtime metered parking (B)

This item is a request to amend Section 26-76 of the City of Gainesville Code of

Ordinances to provide that overtime metered parking, or overtime signs, shall not be applicable to employees on official business in governmental owned vehicles, whether or not marked by governmental license plates or other official governmental marking.

Explanation: Section 26-76 of the Code of Ordinances pertaining to the Exception for governmental vehicles in the parking codes exempts government vehicles that either have government license plates or have government markings on the vehicles. This exemption does not apply to unmarked government vehicles such as undercover or covert law enforcement vehicles from GPD or from other agencies.

Under the current ordinance, the only appeal of the citation is Alachua County Court. These cases are heard before a Hearing Officer. Both the offending party and the Enforcement Official who issued the citation must appear before the Hearing Officer, further taking them out of service. In general, the Hearing Officer grants the dismissal of the citation at which time the City must then pay the \$40 non-prevailing party fee to Alachua County Circuit Court.

The ordinance amendment, as proposed, would grant the City Attorney the authority to administratively dismiss these citations via the Affidavit of Explanation process. This would save the City the non-prevailing party fee as well as the time for the parking enforcement personnel to attend these hearings.

The Committee offered a motion regarding this item to bring it to the full City Commission for consideration.

Amending this ordinance will give the City attorney the authority to excuse the ticket in lieu of going to court.

A motion was made in Committee to move forward with this recommendation and bring it to the full Commission for consideration. Motion carried 2-1.

Fiscal Note: Under the current ordinance, the City must pay a non-prevailing party fee of \$40 for each citation dismissed by the Alachua County Court Hearing Officer. In addition to court fees, City parking enforcement personnel must be present in court. If amended as proposed, the City would save the non-prevailing party fee as well as the time for the parking enforcement personnel to attend these meetings.

RECOMMENDATION

The Recreation, Cultural Affairs and Public Works Committee recommends the City Commission: 1) hear a presentation from staff on the impacts of this ordinance modification; 2) direct the City Attorney to draft an amendment to the ordinance and the Clerk to advertise this ordinance modification; and 3) remove this item from the RCAPW pending referral list.

Legislative History

6/21/12 City Commission Referred to the Recreation, Cultural Affairs and Public Works Committee

[110952 Overtime Metered Parking 20120621.pdf](#)

[110952 Contract 20120822.pdf](#)

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

[120386.](#)

Hunger Awareness Month - November 2012 (B)

RECOMMENDATION

Long Foundation, Inc. President Rodney Long to accept the proclamation.

[120386_HungerAware_20121018.pdf](#)

[12](#)

National Arts and Humanities Month - October 2012 (B)

RECOMMENDATION

Gainesville/Alachua County Cultural Affairs Board Chair Carol Velasques Richardson to accept the proclamation.

[120387_ArtsHumanities_20121018.pdf](#)

[120389.](#)

Gene G. Francis Day - October 18, 2012 (B)

RECOMMENDATION

City Of Gainesville Planner Gene G. Francis to accept the proclamation.

[120389_GeneFrancis_20121018.pdf](#)**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED**[120364](#)**SECOND AMENDMENT TO THE FY 2011-2012 GENERAL GOVERNMENT FINANCIAL AND OPERATING PLAN (B)**

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2011-2012 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.

Legislative History

10/2/12 Audit, Finance and Recommended for Approval
 Legislative
 Committee

[120364_2nd Amendatory budget resolution_20121004.pdf](#)[120364_Res_Exhibit_A_20121002.pdf](#)[120414.](#)**Qualified Target Industry (QTI) Refund Resolution - Registerpatient.com, Inc. (B)**

This item seeks City Commission approval for a QTI contribution for the prospective relocation of information technology jobs associated with Registerpatient.com, Inc. a health services and information technology firm, within the City of Gainesville.

Explanation: Registerpatient.com Inc., a health services and information technology firm, is currently considering the creation of up to 32 net new information technology jobs (the firm currently has 5 employees) within the City limits. If the firm chooses to select Gainesville/Alachua County for this particular project, site location will take place within the City's Enterprise

Zone in the vicinity of SE 2nd Avenue and SE 2nd Street.

The QTI incentive is a state tool available to Florida communities to encourage job growth in targeted, high value added businesses. Pre-approved applicants creating jobs in Florida receive refunds on the various taxes they pay including corporate, sales, ad-valorem, insurance premium and other taxes. The QTI incentive is performance based and the firm will only receive funds based upon jobs created and meeting other criteria as required by Florida statute.

Eligible QTI applicants must pay an average annual wage that is at least 115% of the State Metropolitan Statistical Area's average annual wage rate. In order to apply, the applicant works with Enterprise Florida prior to making a decision to locate (or expand). The local community normally provides a Resolution to indicate that the commitments of local financial support exist, namely up to 20% of the total tax refund.

In this particular case, Registerpatient.com Inc. is indicating that it will create up to 32 net new jobs at an average wage of approximately \$45,000 at the proposed location. This firm has pledged a capital investment of approximately \$514,000 over five years regarding the relocation in addition to the proposed job creation.

Due to the incentive calculated per job (\$6,000 for location in Enterprise Zone and \$2,000 for jobs located in an Enterprise Florida designated High Impact Business Sector) the total incentive would be \$256,000. Of this, the City would be asked to provide a 10% match (\$25,600) over a period of four years with an equal 10% match (\$25,600) coming from Alachua County for a total local match of \$51,200.

The Gainesville Area Chamber of Commerce and its economic development arm, the Council for Economic Outreach (CEO) have been working with Registerpatient.com and recommends approval of this request.

Fiscal Note: If this item is approved, the City Commission agrees to budget and appropriate up to \$25,600 over four years in the event that tax refunds are approved by the state.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; 2) authorize the Mayor to execute and the Clerk to attest to the QTI Resolution regarding Registerpatient.com Inc.; and 3) direct the City Manager to forward the executed QTI Resolution to Enterprise Florida.

[120414A_RESOLUTION_20121018.pdf](#)

[120414B_Project Overview_20121018.pdf](#)

[120354.](#)

Resolution Authorizing and Approving the purchase of 60 acres from the Suwannee River Water Management District (B)

This item involves the adoption of a Resolution Authorizing and Approving the purchase of 60 acres commonly known as Buck Bay Recreation Area from the Suwannee River Water Management District.

MODIFICATION - New Item Added 10/17/2012 @ 2:00 PM.

Explanation: The Suwannee River Water Management District ("District") owns 60 acres of property, commonly known as the Buck Bay Recreation Area, north of Gainesville, on State Road 121 in Alachua County, Florida. In July 2004 a representative from the District approached Parks, Recreation and Cultural Affairs Department about leasing the 60-acre tract of land that borders SR 121 and runs along NW 102 Place to the City for the use as a potential recreational park. The District indicated this long-term lease would allow the City of Gainesville to pursue active recreational fields. Staff did a site assessment on the land and met both with the District and citizens to discuss potential recreational development. A 50-year Lease Agreement was approved on July 10, 2006. The conditions of the lease provided the City with the First Right of Refusal should the District declare Buck Bay Recreation Area as surplus and gave the City the option to purchase the property at the fair market value.

On June 21, 2011, staff of the District recommended to the Governing Board to declare the property as surplus as it was no longer needed for conservation purposes. On June 29, 2011, the City received notification from the District that the property had been declared as surplus and District staff was authorized to begin discussions with the City for conveyance of the property. On May 29, 2012, the District received an opinion of value from Real Property Analyst, Inc., Robert Sutte, MAI, of \$186,000 for the property. The City Manager recommended a purchase option consisting of a fifteen year promissory note at one percent for the fair market value as provided in the draft contract negotiated by City and District staff.

On August 2, 2012, the City Commission approved Resolution No. 120216 for purchase of the property consistent with the draft contract negotiated by City staff. On August 14, 2012, the District Governing Board considered but did not accept the City's offer, stating a preference for payment in full at closing. The City Manager executed and transmitted to the District a contract for the purchase that offers payment in full at closing, contingent upon approval of the contract by the City Commission. The District Governing Board approved the contract at their October 9, 2012 meeting.

Fiscal Note: Funding is available to cover the full cost of purchasing the property in the Greenspace Acquisition Fund. There are no restrictions on using Greenspace Acquisition funds for purchase of a property envisioned for active recreation, although in recent years the funds have been primarily used for the purchase of conservation lands. The City Commission could choose to fund the acquisition from the Greenspace Acquisition Fund without repayment or choose to provide annual repayments from the General Fund over a ten year period, or some other repayment schedule, to replenish the funds used and make them available for

future conservation land acquisition.

RECOMMENDATION

The City Commission: 1) adopt the Resolution; 2) confirm payment for purchase of the property from the Greenspace Acquisition Fund and determine if the Commission would like to establish a repayment schedule, and 3) authorize the City Manager to execute all documents associated with the acquisition of the 60 acres commonly known as Buck Bay Recreation Area from the Suwannee River Water Management District, subject to approval by the City Attorney as to form and legality.

Legislative History

9/20/12 City Commission Withdrawn

[120354_Resolution_20120920.pdf](#)

[120354A_MOD Resolution_20121018.pdf](#)

[120354B_MOD SRWMD Resolution_20121018.pdf](#)

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[120178](#)

REZONING - RTS MAINTENANCE FACILITY (B)

Ordinance No. 120178; Petition No. PB-12-52 PSZ

An ordinance of the City of Gainesville, Florida, establishing uses permitted by right, dimensional requirements, and other development regulations as more specifically set forth in this ordinance for approximately 22.82 acres of certain real property located in the vicinity of 200 SE 16th Avenue that is zoned Public services and operations district (PS), commonly known as the RTS Maintenance Facility site; providing for approval of a preliminary development plan; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance establishes certain uses permitted by right, dimensional requirements, and other development regulations for approximately 22.82 acres of property known as the RTS Maintenance Facility site. The property, located in the vicinity of 200 SE 16th Avenue, is currently zoned Public services and operations district (PS) with a designated use of "Utilities." The primary reason for this ordinance is to expand the allowable uses on the RTS Maintenance Facility site, and to approve a

preliminary development plan for the specific use as shown on the plan.

This ordinance would allow government offices, RTS operations/maintenance and repair facilities, utilities, recreation/open space and conservation area, wireless communications, outdoor storage, solar generation stations, physical fitness facilities, and any use customary and incidental to any permitted use. The proposed uses of this property are consistent with the Comprehensive Plan, the Land Development Code, the site's current use, and the adjacent properties' land use and zoning.

Public notice was published in the Gainesville Sun on June 12, 2012. On June 28, 2012, the City Plan Board held a public hearing and, by a vote of 5-0, recommended approval of the petition with staff conditions.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on October 18, 2012.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

10/4/12 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

Planning Manager Ralph Hilliard gave a presentation.

Walpole

[120178A_draft ordinance_20121004.pdf](#)

[120178B_Ordinance No. 0-82-76 \(2740\)_20121004.pdf](#)

[120178C_staff report_20121004.pdf](#)

[120178D_Maps Exhibit 1-3_20121004.pdf](#)

[120178E_exhibit 4_Site plan_20121004.pdf](#)

[120178F_exhibit 5_20121004.pdf](#)

[120178H_cpb minutes_20121004.pdf](#)

[120178I_staff ppt_20101004.pdf](#)

[120178_petition_20121004.pdf](#)

[120178_MOD_PRES_CC1_121004_PS RZ.ppt](#)

120279.

REZONING - URBAN VILLAGE (B)

Ordinance No. 120279; Petition No. PB-12-73 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 313 acres of annexed properties, as more specifically described in this ordinance, located in the Urban

Village (in the vicinity of SW 20th Avenue, SW 24th Avenue, SW 34th Street, and SW 43rd Street) from the Alachua County zoning categories of Business and professional (BP), Retail sales and services (BR), Planned development (PD), Single family low density (R-1a & R-1c), Multiple family medium density (R-2), Multiple family medium-high density (R-2a), Multiple family high density (R-3), and Manufactured mobile home park (RM) to the City of Gainesville zoning category of Urban mixed-use district 2 (UMU-2); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

This ordinance will rezone approximately 313 acres in the Urban Village from various Alachua County zoning districts to the City of Gainesville zoning category of Urban mixed-use district 2 (UMU-2). Most of the properties under consideration were annexed into the City in June 2009, while some were annexed in 2008. The City adopted land use designations for these properties on November 3, 2011 (Ordinance 100698). On June 7, 2012 (Ordinance 110642), the City amended the text of the Urban mixed-use 2 (UMU-2) zoning district to add regulations specific to these Urban Village properties in anticipation of this rezoning.

These Urban Village properties proposed for rezoning are located in southwest Gainesville in the vicinity of SW 20th Avenue and SW 24th Avenue, west of SW 34th Street and east of Interstate 75. The primary east-west corridors are SW 20th Avenue and SW 24th Avenue (each two lanes). A private road, Windmeadows Boulevard, also serves as an east-west corridor. The north-south corridors are SW 34th Street (6 lanes), SW 38th Terrace (2 lanes), and SW 43rd Street (2 lanes).

The proposed UMU-2 zoning is compatible with the Urban Mixed Use-2 land use category designation on these properties and was chosen to promote the redevelopment vision for this area as Gainesville's Urban Village by increasing densities and allowing a broader mix of uses. Unlike the existing Alachua County zoning, the UMU-2 zoning district allows non-residential and mixed uses and provides for higher densities.

Existing development in this area is primarily multi-family residential, with existing developed densities generally ranging between 8.5 to 38 units per acre (average = 17.3 units/acre). The UMU-2 zoning district permits 10-100 units/acre, and up to an additional 25 units/acre by special use permit. Two areas of commercial/retail use exist along SW 34th Street: one south of SW 20th Avenue and one north of Windmeadows Boulevard. An additional small commercial/retail area is located on SW 20th Avenue, north of the intersection with SW 43rd Street. A business professional area with office/commercial uses exists on SW 34th Street immediately north of SW 20th Avenue. There are four existing Planned Developments in the area: Venture Apartments, Hickory Hills, Mill Run, and Southwest Villas. All of these Planned

Developments (PDs) are proposed to be designated UMU-2 since most of the PDs are fully built-out under the provisions/regulations established in their respective PDs adopted by Alachua County, and do not meet City of Gainesville Planned Development district requirements. An existing nursing home, Signature Healthcare of Gainesville, is located within the area on SW 20th Avenue, and there is one place of religious assembly.

Public notice was published in the Gainesville Sun on July 10, 2012. On July 26, 2012, the City Plan Board held a public hearing and, by a vote of 6-0, recommended approval of the petition with the deletion of Tax Parcel 06724-000-000. Tax Parcel 06724-000-000 was deleted because it was determined that certain additional land in that parcel should be designated UMU-2 and not Conservation based on the updated Federal Emergency Management Agency (FEMA) flood maps. The Plan Board recommended that Tax Parcel 06724-000-000 be considered under a separate petition for land use and zoning to establish the correct Conservation/UMU-2 split zoning district and land use designation lines.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on October 18, 2012.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

10/4/12 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance)

Principal Planner Onelia Lazzari gave a presentation.

[120279A_draft ordinance_20121004.pdf](#)

[120279B_staff report_20121004.pdf](#)

[120279C_Maps_exhbits A-1- A-5_20121004.pdf](#)

[120279D_Exhibit B_application_20121004.pdf](#)

[120279E_cpb minutes_20121004.pdf](#)

[120279F_staff ppt_20121004.pdf](#)

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

TIME CERTAIN - 7:30PM

(B)

Explanation: Section 2.02 of the Charter Laws of the City of Gainesville apportions the City into election districts for the purpose of electing district commissioners to the City Commission. The Charter also requires the City Commission to adjust the boundary lines of the districts whenever, in its judgment, the districts are not ratably or equally proportioned in accordance with the Florida Constitution and the Constitution of the United States, but not less frequently than within the second year following each decennial census. The City Commission last redistricted the City in 2002 taking into account data from the 2000 census. Therefore, in accordance with Section 2.02 of the Charter, the City Commission is required to redistrict within the second year following the 2010 census. Accordingly, first reading for the redistricting ordinance is proposed for November 15, 2012; if approved, second reading would be December 6, 2012.

On March 1, 2012, the City Commission appointed a Citizen Election District Review Committee consisting of residents of the City of Gainesville to review and recommend any changes in the size and areas of the four election districts. The City Commission also approved the contract with Dr. Kenneth Wald, Professor at the Political Science Department of the University of Florida, an expert in the field of redistricting and apportionment and who previously performed these services for the City. The City Attorney's Office provided legal counsel and support staff to the Committee.

During the late spring and summer months, the Citizen Election District Review Committee held public meetings in which they reviewed information, reports, and recommendations from Dr. Wald, and received legal advice from the City Attorney. On October 2, 2012, a public hearing was held by the Committee regarding revisions to the districts.

The Committee has reached agreement and is prepared to present their report and recommendation to the City Commission to adopt the Plan 1 District Map.

RECOMMENDATION

The City Commission hear a presentation and receive the final report and recommendation to adopt the Plan 1 District Map prepared by the Citizen Election District Review Committee and the City's Consultant Dr. Kenneth Wald.

[120311A Election District Report_20121013.pdf](#)

[120311B Election Districts Memos_20121018.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)