

City of Gainesville

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



Meeting Agenda

December 18, 2008

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER

AGENDA STATEMENT

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

080587.

Bid Award - SE 12th Street Roadway Improvements (B)

This item is a request for the City Commission to authorize the bid award to Commerical Industrial Corporation for the SE 12th Street Roadway Improvements for reconstruction of SE 12th Street, minor widening of SE 2nd Avenue, pond construction, and Rosewood Branch Creek restoration in the amount of \$501,708.28.

Explanation: On October 9, 2008, the City Purchasing Division solicited bids for the SE 12th Street Roadway Improvements for reconstruction of SE 12th Street, minor widening SE 2nd Avenue, pond construction, and Rosewood Branch Creek restoration construction project. Five (5) firms responded with bids. Commercial Industrial Corporation was the lowest responsible and responsive bidder in the amount of \$501,708.28.

Fiscal Note: Funding is allocated and identified in the following sources for this project: HUD EDI Special Project Grant, CDBG, Public Improvement Capital Projects Fund 304, and the Stormwater Management Utility Fund.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the bid award to Commercial Industrial Corporation for the SE 12th Street Roadway Improvements for reconstruction of SE 12th Street, minor widening SE 2nd Avenue, pond construction, and Rosewood Branch Creek restoration; and 2) authorize the City Manager to execute the contract and

issue a purchase order in an amount not to exceed \$501,708.28, subject to approval by the City Attorney as to form and legality.

080587_BidTab_20081218.pdf

080622.

Smithsonian Community Grant Award (NB)

This item involves a request that the City accept a Smithsonian Community Grant award to assist in the development and implementation of China Fest.

Explanation: On August 1, 2008, the City of Gainesville's Department of Parks, Recreation and Cultural Affairs applied for a Smithsonian Community Grant award in an amount of \$5000 to support the China Fest entertainment costs. The China Fest event was held on Sunday, October 26, 2008, on the Thomas Center Grounds. China Fest was held in collaboration with the "Documenting China: Photography and Social Change" exhibition in the Thomas Center Main Gallery which runs from October 25, 2008 - January 4, 2009. It attracted over 700 participants, many new to the Thomas Center and the Galleries.

Fiscal Note: No match is required.

RECOMMENDATION

Recommended Motion: The City Commission accept the Smithsonian Community Grant award for development and implementation of China Fest.

Alternative Recommendation: The City Commission decline the Smithsonian Community Grant award for development and implementation of China Fest.

080631.

Selection of Clinical Psychology Associates of North Central Florida, Inc. as the Provider for the City of Gainesville's General Employees Assistance Program and Substance Abuse Professional for the City's Various Drug-Free Workplace Programs (B)

This item involves the selection of Clinical Psychology Associates of North Central Florida to provide Employee Assistance Program and Substance Abuse Professional Services for the City of Gainesville.

Explanation: The City solicited bids via Demand Star for qualified mental health professionals to provide Employee Assistance Program (EAP) service and to act as the City's Substance Abuse Professional for the City's various Drug-Free Workplace Programs. The City received bids from three (3) vendors. After a careful review of the proposals, using the criteria set forth in the Request for Proposals, Clinical Psychology Associates of North Florida, Inc. was deemed the most qualified to provide the necessary services. The provider has been the City's EAP for many years and their knowledge of the City's policies and drug testing programs will ensure a smooth transition. Clinical Psychology

Associates of North Central Florida, Inc is a local vendor. The services to be provided include psychological and mental health services to City of Gainesville employees and their families as well as acting as the City's Substance Abuse Professional under the various Federal and other Drug-Free Workplace Programs.

Fiscal Note: Funds in the amount of \$41,000 are necessary for this contract and have been included in the General Insurance Fund.

RECOMMENDATION

The City Commission: 1) approve the selection of Clinical Psychology Associates of North Florida, Inc. for the provision of the EAP programs for City of Gainesville employees; and 2) authorize the City Manager or his designee to negotiate with and enter into an agreement for three years beginning January 1, 2009, with the possibility of two (2) additional one-year extensions, subject to the approval of the City Attorney as to form and legality.

080631_RFP for EAP_20081218.pdf

080631A_Bid Award Recommendation_20081218.pdf

080631B_Evaluation Summary_20081218.pdf

080633.

Request for Proposal Award - ADA Complimentary Paratransit Service (B)

This item is a request for the City Commission to authorize the Request for Proposal award to MV Transportation Inc. as Primary Contractor to provide ADA Complimentary Paratransit Service in accordance with Federal Transportation Administration (FTA) regulations.

Explanation: On September 19, 2008, the City's Purchasing Division solicited Request for Proposals to provide ADA paratransit service in accordance with FTA regulations. The Request for Proposal process was implemented in compliance with and as required by the FTA, Florida Statutes and City of Gainesville policies.

Two (2) proposals were submitted within the deadline. The submissions contained the technical proposal and the price proposal. The technical proposals and price proposals were evaluated by City staff and MV Transportation, Inc. was scored as the Primary Contractor.

Fiscal Note: Funds in the amount of \$900,000 have been provided by Federal Grants and budgeted by RTS to cover the cost of the ADA Complimentary Paratransit.

RECOMMENDATION

The City Commission: 1) authorize the Request for Proposal award to primary contractor MV Transportation, Inc.; and 2) authorize the City Manager to execute the contract, subject to approval by the City Attorney as to form and legality.

080633_BidTab_20081218.pdf

080635.**Continuation of Employee Bus Pass Programs (B)**

This item involves a request for the City Commission to authorize the City Manager to execute service agreements with local agencies for employee bus pass programs.

Explanation: The employee bus pass program was created to alleviate traffic and parking problems, particularly at the University of Florida and Downtown. The program has been in effect since January 24, 2000, with University of Florida employees being the first to participate. The program has grown to include the City of Gainesville, Alachua County, University of Florida, Shands Hospital, North Florida and South Georgia Veterans Health System (VA), and the Alachua/Bradford Regional Workforce Board.

University of Florida employees account for over 1 million of the 1.5+ million passengers trips completed since the Employee Pass Program began in 2000. Use of public transportation continues to increase for all agencies participating in the program. This program is now available to over 29,000 participants.

The rate is currently \$4.50 per person for this program. Based on the FY09 regular adult fare increase of 50%, the new rate will be \$6.75 per person for this program. At the current participation levels, the revenue collected will be \$197,491.50; which is an increase of \$65,830.50 from FY08.

Fiscal Note: At the new rate of \$6.75 per rider, revenue in the amount of \$197,491.50 will be collected for the continuation of these programs, and some of the individual service agreements will exceed \$50,000.

RECOMMENDATION

The City Commission: 1) approve the annual contract for continuation of the Employee Bus Pass Program for City employees through January 2010; and 2) authorize the City Manager to execute service agreements with local agencies for continuation of the employee bus pass program, subject to approval by the City Attorney as to form and legality.

080635_Report_20081218.pdf

080637.**Domestic Violence Grant Application (NB)**

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

Explanation: In 2007 the City of Gainesville was awarded a domestic violence grant from the Office of Justice Programs, Office on Violence Against Women, which provided two years of funding for the project. The Gainesville Police Department has continued to work with partner agencies to impact the number and effect of domestic violence incidents within our community. The Office on Violence Against Women has announced a new grant cycle for projects aimed at

improving the coordinated community response to this serious nationwide problem. The City of Gainesville is eligible to seek funding under this program. The grant program is designed to fund cooperative projects such as the project the Gainesville Police Department implemented in 2007, partnering with the State Attorney's Office, Alachua County Office of Victim Services, Peaceful Paths, and the Black on Black Crime Task Force. The Police Department will utilize funds from the grant to: fund personnel dedicated to domestic violence crimes; increase public awareness; provide prevention education to the community; continue to improve training of criminal justice personnel; provide assistance to domestic violence victims during the criminal investigation and prosecution; and provide education and assistance to domestic violence victims in their recovery.

The application is due to the Office on Violence Against Women by January 15, 2009.

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

RECOMMENDATION

The City Commission authorize the City Manager to: 1) apply to the Office of Justice Programs, Office on Violence Against Women for the grant in an amount up to \$400,000; and if awarded 2) execute any other necessary documents, pending review by the City Attorney as to form and legality.

080651.

Project Safe Neighborhoods FY 2009 Grant Application (NB)

This item requests City Commission authorization for the Gainesville Police Department to pursue the Project Safe Neighborhood Grant from the U.S. Department of Justice to fund the Tactical Impact Unit.

Explanation: The U.S. Department of Justice has announced it is seeking applications for funding under the Project Safe Neighborhood (PSN) Grant Program. This program furthers the U.S. Department of Justice's mission by providing grants to support and expand PSN task force efforts to reduce gun crime. Congress has appropriated funding to maintain current and expand PSN comprehensive gun crime reduction strategies. The program's effectiveness is based on the cooperation of local, state, and federal agencies in a unified offensive led by the U.S. Attorney in each of the 94 (ninety four) federal judicial districts. The City of Gainesville has received grant awards through the Project Safe Neighborhood Grant Program in the past and is eligible to continue to seek funding from this program.

The Gainesville Police Department will utilize funds from the grant to conduct overtime details to target geographical areas that have had a dramatic increase in firearms-related offenses.

Fiscal Note: Grant funds awarded for the Project Safe Neighborhood Program do not require any local matching funds. The solicitation allows for funding requests for up to a 36-month period. Applicants must provide a budget that is allowable and reasonable. The Gainesville Police Department's project will not exceed \$34,000. There are no specified limitations for the amount of an award. Each federal judicial district is eligible to apply for a formula-based allocation, based on population, which will flow through the PSN fiscal agent (Florida Department of Law Enforcement). The U.S. Department of Justice will determine each district's final grant award, which may take into account the district's need for funding and past performance.

RECOMMENDATION

The City Commission authorize the City Manager to: 1) apply to the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, for a grant in an amount up to \$34,000; and if awarded, 2) accept and execute the grant award and any other necessary documents, pending review by the City Attorney as to form and legality, and 3) approve the expenditures as outlined in the approved grant award.

080660.

Settlement of Worker's Compensation Claim - Sharon Sawyer (NB)

This item involves the full and final settlement of Sharon Sawyer's workers' compensation claim(s), which will include all future medical and indemnity payments. The total settlement amount is \$30,000 and represents a significant cost advantage to the City of Gainesville.

Explanation: While employed by GPD, Mrs. Sawyer received an injury to her right knee which has involved multiple surgeries with ongoing medical treatment. As a result of her injuries, the present potential exposure to the City in future medical treatment and retraining benefits is in the range of \$60,000 to \$208,000 with the potential for future permanent total exposure.

Recently, the City and Mrs. Sawyer attempted to mediate a settlement of her worker's compensation claim. Mrs. Sawyer and her attorney, Christopher Costello, have agreed to the proposed settlement. The City Attorney's Office, the Risk Management Department, GPD, Special Counsel and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount of \$30,000 includes all attorney fees, future medical costs, past and future indemnity payments, and taxable costs.

Fiscal Note: The settlement of this case in the amount of \$30,000 will be paid out of the General Insurance Fund.

RECOMMENDATION

The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation claim of Sharon Sawyer, in the amount of \$30,000.

080661.**Approval of the List of Qualified Law Firms to Represent the City of Gainesville in Litigated Worker's Compensation Claims (NB)**

This item involves establishing a list of qualified firms to represent the City of Gainesville in litigated worker's compensation claims.

Explanation: The City recently went through a Request for Qualification (RFQ) process to qualify outside counsel to represent the City of Gainesville with respect to litigated worker's compensation claims. Five firms responded to the RFQ, and after a review by Risk Management and City Attorney's staff, the following firms were selected as qualified based on the criteria set forth in the RFQ.

- 1) James Spears, Esquire - Broussard, Cullen, DeGailler & Eagan, P.A.
- 2) Mark Gelman, Esquire - Eraclides, Johns, Hall, Gelman, Johannessen & Kempner, L.L.P.
- 3) Derrick Cox, Esquire - Hurley, Rogner, Miller, Cox, Waranch & Westcott, P.A.
- 4) Sean O'Connor, Esquire - McConnaughay, Duffy, Coonrod, Pope and Weaver, P.A.
- 5) Mitchell Feldman, Esquire - Silver, Levy, Feldman & Bass P

Fiscal Note: The funds necessary to fund outside counsel are included in the Worker's Compensation Budget in the General Insurance Fund.

RECOMMENDATION

The City Commission: 1) approve the firms listed above for use in the defense of the City's Workers' Compensation cases as outlined in the Request for Qualifications; and 2) authorize the City Manager to execute the documents necessary to effectuate the recommendation subject to approval by the City Attorney as to form and legality.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**CITY ATTORNEY, CONSENT AGENDA ITEMS****CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****080656.****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of December 1, 2008 (Joint City/County Meeting) and

December 4, 2008, as circulated.

080656_minutes_20081218.pdf
080656a_minutes20081218.pdf

080673.

Student Seat Appointments to Advisory Board/Committees for terms to expire January 1, 2010 (B)

RECOMMENDATION

The City Commission appoint Members to the following Student Seats on City Commission Advisory Boards and Committees for terms to expire January 1, 2010.

- Board of Adjustment – Crystal J. Jones*
- Citizens Advisory Committee for Community Development – Alysia A. Powell*
- Development Review Board – Christopher M. Ellis*
- Gainesville Human Relations Advisory Board – David S. DiGiacomo*
- Historic Preservation Board – Charlotte Winters*
- Nature Centers Commission – Joshua S. Carlton*
- Pension Review Committee – David S. DiGiacomo*
- Public Recreation and Parks Board – Natalie L. Logan*
- Water Management Committee – Kyle W. Robisch*

080673_StudentSeatTally.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

080677.

Special Meeting - Land Use Changes (NB)

RECOMMENDATION

The City Commission schedule land use changes to a special meeting on January 22 or January 26, 2009 (there are Commission conflicts with both dates).

Alternative Recommendation A.: Schedule for January 29, 2009 (Commissioner Lowe and City Attorney, Marion Radson can not attend).

Alternative Recommendation B: Schedule as planned for January 15, 2009 and continue to a suitable date and time at the meeting.

CITY MANAGER

080679. The 2008 3CMA Savvy Award for Communication Technology, the 3CMA Silver Circle Award for Printed Communications, and the 3CMA Award of Excellence in TV & Video Production Received by the Communications Office. (NB)

The Communications Office was recognized with the three awards at the 20th Annual International City/County Communications and Marketing Association (3CMA) Awards Banquet. An Award of Excellence in the Public Service Announcement category, a Silver Circle Award in the Printed Publications Category and the highest award, the Savvy Award, in the Communication Technology category was awarded to the City of Gainesville Communications Office. The awards are hereby presented to the City Commission for acknowledgement.

Explanation: Each year, peer judges at the City/County Communications and Marketing Association recognize excellence in the field of communications and marketing through the organization's Savvy Awards Program. Winners are announced and recognized at the organization's annual awards banquet. At this year's award program, which was held on October 23, 2008, the City of Gainesville Communications Office was honored with three awards in three differing categories, which indicates communication excellence across a broad spectrum of communications media channels.

The 3CMA Award of Excellence in the TV and Video, Public Service Announcement (PSA) category was received by the Communications Office for a PSA produced by the Broadcast Division in partnership with the City of Gainesville Equal Opportunity Office entitled, "It's About Opportunity." The PSA was developed to educate the public on equal access to programs, services, activities, and facilities of the City of Gainesville without regard to an individual's sex, race, religion, national origin, marital status, sexual orientation, color, age or disability and also to raise awareness of the purpose of the Office of Equal Opportunity and how it can help both Gainesville citizens and the City of Gainesville as an organization.

The 3CMA Silver Circle Award in the Printed Publications, Internal Newsletter category was received for Pathways, The City of Gainesville employee newsletter that was produced to improve organizational communication by informing City employees about available benefits, programs, and available

services of interest them. The publication is currently on hiatus until additional resources become available to resume publication.

The highlight of this series of awards is the highly esteemed 3CMA Savvy Award, honoring creative marketing and communications. The Communications Office received this award in the Communications Technology, External Newsletter category for the production and distribution the City of Gainesville electronic newsletter entitled Municipal Minutes.

Fiscal Note: There is no fiscal impact associated with this item.

RECOMMENDATION

The City Commission acknowledges and recognizes the 2008 3CMA Award of Excellence, Silver Circle Award, and Savvy Award received by the City of Gainesville Communications Office.

080623.

Updated Joint Plan for Orderly Annexation of Gainesville's Urban Reserve Area (B)

Hear an updated joint City/County plan for orderly annexations in Gainesville's Urban Reserve Area as required in Section XIII of the Interlocal Agreement for the Transition of Services upon Annexation between the City of Gainesville and Alachua County.

Explanation: The Plan for orderly annexation of Gainesville's Urban Reserve Area proposes that the City and County work together to conduct one annexation referendum per year over the next six years, balanced geographically across Gainesville's Urban Reserve Area. The Plan also proposes that we extend the Interlocal Agreement for the Transition of Services upon Annexation (also known as the Annexation Transition Agreement) to 2014.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) adopt the proposed Plan to conduct one annexation referendum per year over the next six years, balanced geographically across Gainesville's Urban Reserve Area; and 2) extend the Interlocal Agreement for the Transition of Services upon Annexation (also known as the Annexation Transition Agreement) to 2014.

Alternative Recommendation A:

The City Commission: 1) recommend changes to the proposed Plan to conduct one annexation referendum per year over the next six years, balanced geographically across Gainesville's Urban Reserve Area; and 2) extend the Interlocal Agreement for the Transition of Services upon Annexation (also known as the Annexation Transition Agreement) to 2014.

080623_Orderly Annexation Update_20081218.pdf

080647.

Presentation on EAR Public Participation Plan (B)

The purpose of this item is to explain the proposed Public Participation Plan for the Evaluation and Appraisal Report (EAR) on the 2000-2010 City of Gainesville Comprehensive Plan.

Explanation: Florida's local governments are required to evaluate their comprehensive plans once every seven years, in accordance with a schedule established by the Florida Department of Community Affairs. The City of Gainesville's Evaluation and Appraisal Report (EAR) on its comprehensive plan is required to be adopted by November 1, 2010. The EAR is the first step in updating a comprehensive plan. It is intended to: identify major issues for the community; review past actions of the local government in implementing the comprehensive plan since the last EAR; assess the degree to which plan objectives have been met; assess successes and shortcomings of the plan; identify how the plan should be changed; respond to changing conditions and trends affecting the community; respond to the need for new data; respond to changes in State of Florida requirements re: growth management and development; respond to changes in regional plans; and ensure effective intergovernmental coordination

Staff proposes an extensive public participation process that provides for evaluation of major issues and of comprehensive plan elements in the upcoming EAR. The process will include but not be limited to numerous workshops, use of the City's website for publicizing meetings, posting documents, and receiving public comments, and use of TV Channel 12 to promote public participation in developing the EAR. The process will begin early in 2009 and will culminate with a hearing by the City Commission no earlier than August 2010. The deadline for the City's adoption of the EAR is November 1, 2010.

Fiscal Note: None

RECOMMENDATION

The City Commission hear a presentation on the Public Participation Plan for the Evaluation and Appraisal Report (EAR) on the 2000-2010 City of Gainesville Comprehensive Plan, and provide guidance to staff.

080647_EAR Plan_20081218.pdf

080646.

Tree Advisory Board's Proposal for Changes to the Land Development Code (B)

This item requests the City Commission to refer the Tree Advisory Board's drafted changes in the Land Development Code to the Plan Board.

Explanation: Tree Advisory Board (TAB) duties include charges to "clarify tree regulations that exist in the city's codes," "advise all departments of the city on tree issues," and help "develop the goals and objectives for the city's comprehensive plan with respect to trees." The 2000 Comprehensive Plan commits to maintaining

Gainesville's tree canopy at 1994 levels (60%). Recent UF research documents canopy coverage in 2005 declined at 50%. Widespread Cabbage Palm death in nearby counties and Laurel Wilt disease (predicted to cause the extinction of Red Bay in several years) make it critical to diversify the urban forest and provide better tree protection now. The TAB has identified Code requirements that are contrary to best arboricultural practices. The proposed changes correct these. In addition, the TAB proposes major changes in the protection of Heritage trees. Gainesville's penalties for lethal construction damage to or outright removal of Heritage trees are minimal compared to other cities. The other most serious threat to Gainesville's continued status as a Tree City is the insufficient space being set aside for young shade trees on development projects. Current Code encourages planting young shade trees under cramped circumstances to meet close set-back requirements. The result will be damage to buildings and pavement within a decade or two. The Board has consulted with various experts, affected parties, City departments and the public about these problems. Due to the extensive nature of the proposed changes, some city departments are continuing to evaluate the impact of the proposed changes on their operations and will be providing their comments. The TAB believes these proposed changes to existing Code language, if adopted, will result in a much more sustainable urban forest and assure Gainesville's future as a community with wonderful trees.

Fiscal Note: No additional funds are requested

RECOMMENDATION

The City Commission refer the Tree Advisory Board's proposed changes to the Plan Board, requesting the Plan Board to direct Planning staff to prepare the petition for review.

Alternative Recommendation

The City Commission deny the referral.

080646A_MEMO_20081218.PDF

080646B_PROPOSED CODE CHANGES_20081218 .PDF

080646C_PROPOSED TREE LIST_20081218.PDF

080646D_ORIGINAL CODE LANGUAGE_20081218.PDF

080646E_CURRENT TREE LIST_20081218.PDF

080646F_PPT_20081218.PDF

GENERAL MANAGER FOR UTILITIES

080671.

Public Utilities Regulatory Policy Act (PURPA) Requirements (B)

Staff will make a presentation on the schedule and public participation procedure for consideration and determination of Standards 16, 17, 16 and 17 of the Public Utility Regulatory Policies Act of 1978 as amended by The Energy Independence Security Act (EISA) of 2007. PURPA jurisdictional members have until December 19, 2008, to begin consideration of Integrated Resource Planning, Rate Design to Promote Energy Efficiency Investments, Smart Grid Investments and Smart Grid Information.

Note that the numbering of the standards is redundant. Standard numbers 16 and 17 were each used twice when the legislation was written and we must now refer to these items as designated in the legislation.

Explanation: The Public Utility Regulatory Policies Act of 1978 (PURPA) was enacted as part of the National Energy Act by President Jimmy Carter. The Energy Independence Security Act (EISA) of 2007 adds four additional PURPA standards that state commissions and non-regulated utilities must consider. These include (1) Integrated Resource Planning; (2) Rate Design to Promote Energy Efficiency Investments; (3) Smart Grid Investments; and (4) Smart Grid Information.

PURPA jurisdictional members have until December 19, 2008, to begin consideration of Standard 17, Rate Design to Promote Energy Efficiency Investments and Standard 17, Smart Grid Information. There is no timeline imposed for Standard 16 Integrated Resource Planning or Standard 16, Smart Grid Investment, but it is staff's recommendation that all four standards be addressed at this time for simplicity.

The PURPA Integrated Resource Planning Standard (16) requires that each electric utility shall: 1) integrate energy efficiency resources into utility, State and regional plans; and 2) adopt policies establishing cost-effective energy efficiency as a priority resource.

The PURPA Rate Design Modifications to Promote Energy Efficiency Investments Standard (17) states that the rates allowed to be charged by any utility shall: 1) align utility incentives with the delivery of cost-effective energy efficiency; and 2) promote energy efficiency investments.

Standard 16, Consideration of Smart Grid Investments states that prior to undertaking investments in non-advanced grid technologies, an electric utility must consider investment in a qualified smart grid system based on appropriate factors.

Standard 17, Smart Grid Information, states that all electricity purchasers shall be provided direct access to information from their electricity provider regarding prices, usage, intervals and projections and sources.

Staff recommends the following timeline:

January 30, 2009 - GRU staff recommendation will be released and available at the Office of the General Manager at 301 SE 4th Avenue, Gainesville, Florida 32614-7117, or by telephone at 352-393-1000. The GRU staff recommendation will also be available at the Office of the Clerk of the Commission at 200 East University Avenue, Gainesville Florida 32602-0490, or by telephone at 352-334-5015. The Notice (attached) of Hearing will be published in the Gainesville Sun.

On, or before February 5, 2009 - members of the general public planning to participate in the hearing must file a Notice of Intent to Participate in Hearing (attached) and may file written testimony and any other information in support of or in opposition to the adoption of the GRU staff recommendation. Notice of Intent may be filed at the meeting.

February 5, 2009 - public hearing shall be held at the City Commission meeting, after 6 pm.

March 5, 2009 - The General Manager shall issue a Recommended Decision for Gainesville City Commission consideration

March 19, 2009 - The Gainesville City Commission shall issue their decision adopting, modifying or rejecting the Recommended Decision regarding the implementation of Standards 16, 17, 16 and 17.

PURPA requires that all consideration and determination on implementation be completed by December 19, 2009.

Fiscal Note: The estimated cost for consideration and determination of PURPA requirements is included in the FY 2009-10 Budget.

RECOMMENDATION

The City Commission receive a presentation regarding the schedule for consideration and determination of Standards 16, 17, 16 and 17 of the Public Utility Regulatory Policies Act of 1978 as amended by The Energy Independence Security Act (EISA) of 2007 and the public participation procedure for PURPA standards and adopt staff's recommended schedule.

080671_PURPA_20081218.pdf

080672.

Amendment to Gainesville Code of Ordinances to Implement Solar Feed-In-Tariff (NB)

This item is regarding the Solar Feed-In-Tariff.

Explanation: On October 13, 2008, staff gave a presentation to the City Commission regarding Solar Feed-In-Tariff (FIT) during the Solar Workshop. This was followed up with a workshop hosted by staff on November 10, 2008, to receive input from Solar Contractors from our community. On November 20, 2008, the City Commission directed the City Attorney to draft and the Clerk to advertise the amendment to the City's Ordinance per staff's recommendation. Additional analysis has been performed and staff would like to discuss the results before prices are finalized.

Fiscal Note: Under staff's initial proposal, one MW of PV installed with a payment of \$0.26 per kWh will result in an impact of \$0.32 on a 1,000 kWh residential bill in 2009. If the payment per kWh is increased to \$0.32, the impact on a 1,000 kWh residential bill would be \$0.42.

RECOMMENDATION

The City Commission 1) Receive a presentation from staff discussing the reasons that different FIT models yielded varied results; 2) provide guidance to staff on setting FIT prices.

CITY ATTORNEY**CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****080654.****State Housing Initiatives Partnership Program (SHIP) Affordable Housing Advisory Committee Incentive Review and Recommendation Report (B)**

Explanation: A 2007 amendment to the State Housing Initiatives Partnership Program Act, Subsections 420.907-420.9079, F.S., and (the Act") required all counties and municipalities in the State of Florida to establish Affordable Housing Advisory Committees and to appoint members to the Advisory Committee by Resolution. In accordance with the Act , the City of Gainesville adopted Ordinance No. 070872 on April 14, 2008, establishing the City of Gainesville Affordable Housing Advisory Committee (the "Advisory Committee"); and adopted Resolution #080049 on June 23, 2008, appointing 11 members to the SHIP Affordable Housing Advisory Committee (AHAC) as follows:

- 1. Ishmal S. Rentz (residential builder)*
- 2. Phil Leitner (banking or mortgage industry)*
- 3. Jack Barry Sharp, II (home building labor representative)*
- 4. Carol Parker (advocate for low-income persons)*
- 5. David Frazier, III (for-profit provider of affordable housing)*
- 6. Juanita Miles Hamilton (not-for-profit provider of affordable housing)*
- 7. Obie Spratling (real estate professional)*
- 8. Randolph M. Wells (local planning agency representative)*
- 9. Cynthia Ashford (City resident)*
- 10. Wayne P. Castello (employer representative)*
- 11. Kali Richard Blount (essential services personnel representative)*

Members elected Randolph M. Wells to serve as the Chair, Juanita Miles Hamilton to serve as Vice Chair and Ishmal Rentz to serve as Secretary.

The SHIP AHAC's main purpose is to triennially review and evaluate established policies, procedures, ordinances, land development regulations, the adopted comprehensive plan, and eleven affordable housing incentives, and to recommend actions or initiatives to the local governing body to encourage or facilitate affordable housing while protecting the ability of property to appreciate in value. The SHIP AHAC's initial report must be submitted to the City Commission by December 31, 2008 and triennially thereafter. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies,

procedures, regulations, ordinances, or plan provisions, including recommendations to amend the City of Gainesville comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, the SHIP AHAC shall submit a report to the City Commission that includes recommendations and evaluates the implementation of, affordable housing incentives in the following areas:

- a. The processing of approvals of development orders or permits, as defined in s. 163.6164 (7) and (8), for affordable housing projects is expedited to a greater degree than other projects;*
- b. The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing;*
- c. The allowance of flexibility in densities for affordable housing;*
- d. The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons;*
- e. The allowance of affordable accessory residential units in residential zoning districts;*
- f. The reduction of parking and setback requirements for affordable housing;*
- g. The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing;*
- h. The modification of street requirements for affordable housing;*
- i. The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing;*
- j. The preparation of a printed inventory of locally owned public lands suitable for affordable housing; and*
- k. The support of development near transportation hubs and major employment centers and mixed-use developments.*

In accordance with 420.9076(6), F.S, incentives (a) and (b) must be adopted by the City Commission.

Since their appointment in June 2008, the SHIP AHAC has continued to meet and review housing and other related planning issues to prepare their proposed report. Pursuant to the Act, the SHIP AHAC shall be cooperatively staffed by the Housing Division and the Planning and Development Services Department to the extent necessary to ensure an integrated approach to the work of the committee. As a part of the process, the Housing Division and Planning and Development Services provided staff support and submitted background information needed to assist the SHIP AHAC with its scope of work. Materials provided to the SHIP AHAC included documents such as SHIP Local Housing Assistance Plan (LHAP), Affordable Housing Incentive Plan (AHIP), Comprehensive Plan-Housing Element, related sections of the Land Development Code, and other related City ordinances and resolutions, and recent housing data.

The Act requires for the SHIP AHAC's report and amended LHAP to be submitted to the Florida Housing Finance Corporation by May 2, 2009. To meet the stated deadline, the time line for the SHIP AHAC reports is scheduled as follows:

Feb 2008-June 2008: City to establish AHAC, and then advertise and conduct

application process for public to apply for appointment to the AHAC.

June 30, 2008: City Commission to adopt Resolution to appoint 11 members to AHAC.

July 2008-Nov 2008: AHAC to complete draft report and conduct public hearing.

December 2008: AHAC to present proposed incentives and recommendations report to City Commission.

March 31, 2009: City Commission to adopt amendments to LHAP to incorporate Strategies.

May 2, 2009: City to submit the AHAC's report and amended LHAP to Florida Housing Finance Corporation.

In accordance with the Act, the SHIP AHAC was required to conduct a public hearing to review and discuss the SHIP AHAC's proposed incentive review and recommendation report with the general public. In addition, staff advertised the public hearing on the City's website, City press release and published a notice in the Gainesville Sun newspaper. A public hearing was held on November 18, 2008. No public comments were received for this proposed report. For your reference, attached is a copy of the SHIP AHAC Incentive Review and Recommendation Report, which includes recommendations to on-going housing incentives, and other items that will require additional study and time. The SHIP AHAC's presentation will provide further details regarding said recommendations.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) hear a presentation on the SHIP AHAC Incentive Review and Recommendation Report from the SHIP AHAC Chairperson; and 2) accept the SHIP AHAC's report and take action as appropriate to adopt proposed recommendations by March 31, 2009.

080654_SHIP Report_20081218.pdf

080654A_SHIP PowerPoint_20081218.pdf

080681.

Student Seat Appointments to Advisory Board/Committees for terms to expire January 1, 2010 (B)

RECOMMENDATION

The City Commission appoint Student Seat Members to the following City Commission Advisory Boards and Committees for terms to expire January 1, 2010.

*Gainesville/Alachua County Cultural Affairs Board –
Boucher, Jonathan G. Comm. Donovan, Poe and
Mayor Hanrahan*

Lawson, Latasha N. Comm. Hawkins and Lowe
Livanec, Kate J. Comm. Mastrodicasa

Gainesville Energy Advisory Committee –

Garcia, Mario O. Comm. Donovan and Lowe
Logan, Natalie L. Comm. Poe
Robisch, Kyle W. Comm. Mastrodicasa
Sooy, Bryant E. Comm. Hawkins and Mayor
Hanrahan

Student Community Relations Advisory Board –

Dumbroff, Julie N. Mayor Hanrahan
Lawson, Latasha N. Comm. Donovan,
Mastrodicasa and Poe
Williams, Cayla L. Comm. Hawkins and Lowe

080681_Additional Student Seat Appointments.pdf

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

080676.

Commissioner Thomas Hawkins - Gainesville Wilderness Institute (B)

RECOMMENDATION

The City Commission hear a presentation from John Davidson, Executive Director, Gainesville Wilderness Institute.

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080676a_presentation_20081218.pdf

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

080580.

Martin Luther King, Jr. Hall of Fame Day - January 18, 2009 (B)

RECOMMENDATION

County Commissioner Rodney Long to accept the proclamation.

080580_MLKHallofFameProc_20081218.pdf

080581.**King Celebration 2009 - January 12-22, 2009 (B)****RECOMMENDATION**

County Commissioner Rodney Long to accept the proclamation.

080581_KingCele09_20081218.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****ADOPTION READING-ROLL CALL REQUIRED****080014.****INTERLOCAL AGREEMENT AND COMPREHENSIVE PLAN
AMENDMENT - CREATION OF PUBLIC SCHOOLS FACILITIES
ELEMENT (B)**

(1) Interlocal Agreement for Public School Facility Planning between the School Board of Alachua County, Alachua County, and all cities and towns within Alachua County; and

(2) Ordinance No. 0-08-42, Petition 46CPA-08PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by creating and adding a Public Schools Facilities Element; by creating Goals, Objectives and Policies to implement the new element; providing directions to the city manager; stating intent to adopt the new element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Interlocal Agreement

The City, School Board, County and other cities and towns within Alachua County entered into an Interlocal Agreement for Public School Facility Planning in November 2003. This Interlocal was updated and a new version approved in August 2006.

In 2005, the Legislature passed and the Governor signed into law Senate Bill 360, requiring that local governments and school boards adopt uniform district-wide school concurrency programs by December 1, 2008, including updating any existing interlocal agreements to implement the required school concurrency comprehensive plan amendments.

A staff working group developed an updated interlocal agreement that addresses

and implements the required school concurrency comprehensive plan amendments. A final version of this new interlocal agreement was approved by the County in June 2008 and by the School Board in July 2008 (attached as Exhibit "A"). Upon execution by all parties, this 2008 Interlocal Agreement will replace the existing 2006 Interlocal Agreement.

Ordinance

On July 14, 2008, the City Commission approved this ordinance for transmittal to the Florida Department of Community Affairs (DCA) for review in accordance with state law. On September 19, 2008, DCA issued its Objections, Recommendations and Comments (ORC) Report to the City (attached as Exhibit "B") for the three school concurrency related amendments. In the ORC report, the DCA made several objections, comments and recommendations to this amendment, largely requesting the City to make its amendment uniform with that adopted by the County and throughout the School District.

Planning staff has reviewed these issues and revised several policies to bring this ordinance into compliance with applicable state law, consistent with DCA's recommendations. The Planning staff response to the ORC Report is attached as Exhibit "C".

Background

The 2005 Florida Legislature mandated that availability of public schools be made a prerequisite for approval of residential construction, and directed a closer integration of planning for school capacity with comprehensive planning. Under the statewide schedule, the School Board of Alachua County and the local governments in our county have been working together, in accordance with the Interlocal Agreement for Public School Facility Planning, to establish school concurrency this year. Over the past year, a staff working group with support from the University of Florida's Center for Building Better Communities has developed data and analysis for the required Public Schools Facility Element (PSFE) and for related amendments to the Intergovernmental Coordination Element and Capital Improvements Elements.

Staff made a presentation on public school concurrency (Legislative no. 070707) to the City Commission on December 10, 2007, which referred the matter to the Community Development Committee. On February 14, 2008, the Committee reported back to the City Commission with a recommendation that the Commission authorize staff to take school concurrency-related comprehensive plan amendments to the City Plan Board, and remove the item from the referral list. The City Commission approved the matter as recommended on March 10, 2008.

Concerns regarding the impact of countywide growth and development patterns and their impact on schools located in Gainesville were expressed at the Community Development Committee meeting in February. In response, staff drafted PSFE Policy 5.1.3, which requires that during the comprehensive plan Evaluation and Appraisal Report (EAR) process which will begin in 2009, staff will review the comprehensive plan and make a recommendation to the Plan Board regarding the need for plan amendments that would help to support

public schools within or proximate to Gainesville's city limits.

The data and analysis show that the school concurrency service areas (SCSAs) for all three middle schools (Westwood, Lincoln and Bishop) in Gainesville are under the 100 percent, proposed level of service (LOS) threshold in the School Board's 5-year District Facilities Plans. The same is true (with one exception - Bucholz at 106.9 percent in 2008/09 and 102.1 percent in 2009/10) for the CSAs for the three regular high schools located either in Gainesville (GHS) or nearby (Bucholz and Eastside). The Long-Range District Facilities Program shows additional capacity for 200 students at both Eastside and Bucholz in the 10-year program.

The three concurrency service areas that include elementary schools located in Gainesville (Northwest Gainesville, East Gainesville, and South Gainesville SCSAs) are under the 100 percent, proposed level of service (LOS) threshold in the 5-year School District Facilities Plans. However, major capacity issues regarding elementary schools outside of Gainesville have prompted School Board staff to make the following recommendations for the first 5 years: additional capacity for 200 students at Alachua Elementary; new elementary school in the High Springs SCSA; and a new elementary school in the West Urban SCSA. For the second 5 years the recommendation includes four new elementary schools (in the Newberry, Northwest Gainesville, South Gainesville and Alachua SCSAs). These recommendations, if implemented, comprise a financially feasible plan that will meet the 100 percent LOS standard by 2011/12. To meet possible capacity deficiencies within the first 5-year period, an interim LOS standard greater than 100 percent for currently backlogged SCSAs (none of which is within our city limits) is recommended.

The proposed Public School Facilities Element meets statutory requirements for public school concurrency, and is consistent with the related, proposed amendments to the Intergovernmental Coordination Element, the Capital Improvements Element, and the agreement. The data and analysis for these amendments to the City's 2000-2010 City of Gainesville Comprehensive Plan are in the following documents (which due to bulk and size are not attached, but are on file in the Office of the Clerk of the Commission and available for viewing as attachments under Legistar No. 080014): City of Gainesville - Public School Facilities Element - February 6, 2008 (Exhibit "D"); School Board of Alachua County Public School Facilities Element - Supplemental Dataset - December 2, 2008 - Proposed School Concurrency Program with Updated Capacity/Enrollment Data (Exhibit "E"); Table 15 - School Board of Alachua County 5-Year District Facilities Work Program (FY 08/09 - 12/13) in \$1,000s (Exhibit "F"); and Alachua County Schools - School Concurrency Map Series, consisting of three maps (Composite Exhibit "G"); and the Interlocal Agreement (which is attached as Exhibit "A").

Public Notice was published in the Gainesville Sun on April 2, 2008. The Plan Board held a public hearing April 24, 2008. On April 24, 2008, the Plan Board held a public hearing, and by a vote of 7-0 recommended the City Commission approve the Petition, as revised. On June 23, 2008, the City Commission heard and approved the Petition, as revised, by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION

The City Commission (1) approve the Interlocal Agreement and authorize the Mayor to execute and the Clerk of the Commission to attest same on behalf of the City; (2) receive the Objections, Recommendations and Comments Report of the Florida Department of Community Affairs; and (3) adopt the proposed ordinance, as amended.

Legislative History

6/9/08	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
6/23/08	City Commission	Approved (Petition), as recommended by staff, as amended (6 - 0 - 1 Absent)
7/14/08	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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080014D_200806091300.pdf

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080016.

COMPREHENSIVE PLAN AMENDMENT - INTERGOVERNMENTAL COORDINATION ELEMENT - SCHOOL CONCURRENCY (B)

Ordinance No. 0-08-43, Petition 47CPA-08PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Intergovernmental Coordination Element relating to public school concurrency; by amending Policy 1.1.1 and Policy 1.1.2 to update statutory references; by creating a new policy 1.1.4 to provide for coordination in

implementing public school concurrency requirements; by renumbering existing policies; providing directions to the city manager; stating intent to adopt the amended element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

On July 14, 2008, the City Commission approved this ordinance for transmittal to the Florida Department of Community Affairs (DCA) for review in accordance with state law. On September 19, 2008, the DCA issued its Objections, Recommendations and Comments (ORC) Report to the City (attached as Exhibit "A") for the three school concurrency related amendments. In the ORC, the DCA made no objection, recommendation or comment as to this amendment. Therefore, no revisions were made to the ordinance as approved at the transmittal hearing.

Background

The Intergovernmental Coordination Element (ICE) must be amended to meet statutory requirements for public school concurrency and updated so that its statutory references are current. The proposed amendments are consistent with the proposed Public School Facilities Element that is the subject of related Petition 46CPA-08 PB, and will further its implementation. Data and analysis for these amendments to the City's 2000-2010 City of Gainesville Comprehensive Plan are in the documents entitled City of Gainesville - Public School Facilities Element - February 6, 2008; School Board of Alachua County Public School Facilities Element - Supplemental Dataset - December 2, 2008 - Proposed School Concurrency Program with Updated Capacity / Enrollment Data; Table 15: School Board of Alachua County 5-Year District Facilities Work Program (FY 08/09 -12/13) (in \$1,000s); Alachua County Schools - School Concurrency Map Series, consisting of three maps; and the Interlocal Agreement for Public School Facility Planning.

This comprehensive plan amendment updates references to the Florida Statutes in two existing ICE policies, and adds a policy regarding implementation of the interlocal agreement regarding public school facility planning and implementation of the Public School Facilities Element to extend concurrency requirements to public schools.

The proposed amendments to the Intergovernmental Coordination Element are consistent with the City of Gainesville 2000-2010 Comprehensive Plan, and are recommended for approval.

Public Notice was published in the Gainesville Sun on April 2, 2008. On April 24, 2008, the Plan Board held a public hearing and, by a vote of 7-0, recommended approval of the Petition. On June 23, 2008, the City Commission held a public hearing and approved the Petition.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the

Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION

The City Commission (1) receive the Objections, Recommendations and Comments Report of the Florida Department of Community Affairs and (2) adopt the proposed ordinance.

Legislative History

6/9/08	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
6/23/08	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
7/14/08	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

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080012.

COMPREHENSIVE PLAN AMENDMENT - CAPITAL IMPROVEMENTS ELEMENT - SCHOOL CONCURRENCY (B)

Ordinance No. 0-08-44, Petition 48CPA-08PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Capital Improvements Element relating to public school facilities; by referencing in Policy 1.2.6 adoption of Level Service Standards for Public School Facilities; by creating and adopting Table 15, consisting of the 5-year District Facilities Work Program for the School Board of Alachua County; providing directions to the city manager; stating intent to adopt the new element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

On July 14, 2008, the City Commission approved this ordinance for transmittal to the Florida Department of Community Affairs (DCA) for review in accordance with state law. On September 19, 2008, the DCA issued its Objections, Recommendations and Comments (ORC) Report to the City

(attached as Exhibit "A") for the three school concurrency related amendments. In the ORC report, the DCA objected that this amendment was not reflective of the 5-Year District Facilities Work Program on file with the Florida Department of Education and is not the best available data and analysis to support this amendment.

Planning staff reviewed this issue and found the School Board had adopted a new 5-Year District Facilities Work Program on October 7, 2008, and filed it with the State (subsequent to the City's transmittal of this amendment). This ordinance has been revised to incorporate the most current district work program that is on file with the State Department of Education. The Planning staff response to the ORC Report is attached as Exhibit "B".

Background

The Capital Improvements Element (C.I.E.) must be amended in order to meet statutory requirements for public school concurrency. The amendments are consistent with the proposed Public School Facilities Element that is the subject of related Petition 46CPA-08 PB, and are required for its implementation. Data and analysis for these proposed amendments to the City's 2000-2010 City of Gainesville Comprehensive Plan are in the documents entitled City of Gainesville - Public School Facilities Element - February 6, 2008; School Board of Alachua County Public School Facilities Element - Supplemental Dataset - December 2, 2008 - Proposed School Concurrency Program with Updated Capacity / Enrollment Data; Table 15: School Board of Alachua County 5-Year District Facilities Work Program (FY 08/09 -12/13) (in \$1,000s); Alachua County Schools - School Concurrency Map Series, consisting of three maps; and the Interlocal Agreement for Public School Facility Planning.

The LOS (Level of Service) standard for public school facilities is required to be included in the C.I.E. This comprehensive plan amendment meets this requirement by adding Public School Facilities to the list of LOS standards in Policy 1.2.6 of the Capital Improvements Element. The 5-Year Schedule of Capital Improvements is required to be updated by adding the School Board's five-year capital improvements program. The addition of the School Board of Alachua County 5-Year District Facilities Work Program to the 5-Year Schedule of Capital Improvements meets this requirement.

The proposed amendments to the Capital Improvements Element are consistent with the City of Gainesville 2000-2010 Comprehensive Plan, and are recommended for approval.

Public Notice was published in the Gainesville Sun on April 2, 2008. On April 24, 2008, the Plan Board held a public hearing and, by a vote of 7-0, recommended approval of the Petition. On June 23, 2008, the City Commission held a public hearing and approved the Petition.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing

will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION *The City Commission (1) receive the Objections, Recommendations and Comments Report of the Florida Department of Community Affairs and (2) adopt the proposed ordinance as amended.*

Legislative History

6/9/08	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
6/23/08	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
7/14/08	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

080198.

MOBILE HOME (MH) DISTRICT SETBACKS (B)

Ordinance No. 0-08-74; Petition No. 90TCH-08 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code of the City of Gainesville relating to Residential low density districts (RMF-5, RC and MH); by amending Table 2 of section 30-52 to decrease setbacks for principal and accessory structures in the MH: 12 units/acre mobile home residential zoning district; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition requests a change to the text of the Land Development Code regarding setbacks for principal and accessory structures in the MH: 12 units/acre mobile home residential zoning district. In response to a request by a local builder who is redeveloping a property zoned MH, the new setbacks will increase the buildable area of individual lots by lowering the side and rear setbacks for principal and accessory structures. There is no change requested

for the front setbacks, minimum lot size, or density.

This change will also bring setbacks in the MH district more in conformance with other zoning districts with similar minimum lot size and density requirements, such as Residential conservation (RC) and Alachua County's Manufactured/mobile home park (RM) district.

Public notice was published in the Gainesville Sun on July 2, 2008. The Plan Board held a public hearing on July 17, 2008, and by a vote of 6-0 recommended the City Commission approve the petition. On September 2, 2008, the City Commission approved the Petition by a vote of 7-0.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, January 15, 2009.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/21/08 City Commission Approved (Petition) (7 - 0)

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080544.

REZONING - 300 BLOCK OF NE 39TH AVENUE (B)

Ordinance No. 0-08-83, Petition No. 119ZON-08PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from "BUS: General business district" to "BA: Automotive-oriented business district"; located in the vicinity of the 300 block of Northeast 39th Avenue, as more specifically described in this ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF MEMORANDUM

This petition requests a change in zoning from BUS (General business district) to BA (Automotive-oriented business district) for one parcel owned by Southeast Car Agency, Inc.

The subject property consists of one parcel adjacent to the existing Southeast Car Agency dealership, located on the north side of NE 39th Avenue just west of Main Street. Zoning on the surrounding properties includes Automotive-oriented business (BA) on the existing dealership to the west; Planned Development (PD) (Auto Town Center) to the north; and General business (BUS) zoning to the east and south.

The major difference between the BUS and BA zoning is that the BUS zoning allows more general retail sales uses, whereas BA allows wholesale motor vehicle and motor vehicle parts and supplies, automotive dealers and gasoline

service stations, and automotive repair, services and parking.

If approved, the requested zoning will encourage the redevelopment of this parcel and allow the expansion of the adjacent auto dealership. Automotive-oriented zoning is found along the North Main Street corridor north of 16th Avenue, consistent with Future Land Use Policy 4.2.5.

Public notice was published in the Gainesville Sun on October 7, 2008. The Plan Board held a public hearing on October 23, 2008.

CITY ATTORNEY MEMORANDUM

If the City Commission adopts this Ordinance on first reading on December 18, 2008, second and final reading will be held on January 15, 2009.

RECOMMENDATION *The City Commission: 1) approve Petition 119ZON-08PB; and 2) adopt the proposed ordinance.*

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080544_draft ordinance_20081218.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

080227.

FIVE POINTS SPECIAL AREA PLAN (B)

Ordinance No. 0-08-70; Petition 89TCH-08 PB

An ordinance of the City of Gainesville, Florida, amending Chapter 30, Appendix A, Section 8, Exhibit A(f)(9) of the Land Development Code, relating to the prohibited uses within the Five Points Special Area Plan; by adding social services (MG-83), residences for destitute people, food distribution centers for the needy, membership organizations (MG-86), dormitories, rooming houses and boarding houses (GN-702), rehabilitation centers, and social services homes or halfway houses to the list of prohibited uses; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Plan East Gainesville (PEG) was a joint City/County planning initiative to stimulate and guide the physical and economic development of East Gainesville. Extensive public participation occurred during the development of PEG's Final Report. In February 2003, the final report of PEG was completed.

On August 8, 2005, the City Commission implemented one of the recommendations of the PEG final report by establishing the Five Points Special Area Plan (SAP) Overlay Zoning District.

The Five Points SAP is less than 50 acres in size, including public road right-of-way. The area is located at the primary crossroads of East Gainesville. That is where University Avenue, Waldo Road, Williston Road, Hawthorne Road, and 15th Street come together. The Depot Avenue and Waldo Road Greenway rail-trails also come together in the Five Points area.

On February 12, 2007, based on citizen concerns about a proposal to place a social service use within the Five Points SAP, the City Commission asked staff to review the potential to amend the Five Points SAP to prohibit or restrict social service uses.

Staff review indicated that the Five Points SAP could be amended to prohibit social service and rehabilitative service uses. On April 23, 2007, the City Commission directed staff to process a Land Development Code amendment petition to add Rehabilitation Centers and Social Service Homes or Halfway Houses to the list of prohibited uses in the Five Points SAP. The City Plan Board heard the petition (50TCH-07 PB) on May 17, 2007. Consistent with staff's recommendation, the City Plan Board voted 6-0 to recommend that the City Commission approve the petition.

The ordinance for 50TCH-07 PB was initially scheduled for first reading on the January 14, 2008 City Commission agenda, but was withdrawn and continued for further review and consideration by staff. Staff requested that the item be withdrawn due to concerns that other uses which are similar to Rehabilitation Centers and Social Service Homes or Halfway Houses should be treated in the same manner, unless there is a rational basis for treating those uses differently (as is required by the Equal Protection Clause contained in the 14th Amendment to the United States Constitution). Regulations that do not treat similar uses in the same manner, and do not provide a rational basis for the difference in treatment, are unlikely to withstand a legal challenge.

Staff research indicated that other uses currently allowed in the Five Points SAP are similar to rehabilitation centers, and to social service homes or halfway houses, and should also be prohibited.

On June 23, 2008, the City Commission directed staff to process the subject Land Development Code amendment (Petition 89TCH-08 PB) that adds the following uses to the list of prohibited uses within the Five Points SAP: rehabilitation centers, social service homes or halfway houses, social services (MG-83), residences for destitute people, food distribution centers for the needy, membership organizations (MG-86), rooming houses and boarding houses (GN-702), and dormitories. The Plan Board heard this petition on July 17, 2008 and voted 5-1 to recommend that the City Commission approve this petition. The motion approved by the Plan Board, however, included the recommendation that the City Commission and the City Attorney reevaluate whether Membership Organizations (MG-86) should be prohibited. The Plan Board questioned whether that category belonged in the same group as the other uses proposed to be prohibited. Staff did not find a legitimate health, safety, or welfare basis for treating Membership Organizations (MG-86) differently from the other "assembly uses" that are proposed to be prohibited.

At its September 2, 2008 meeting, the City Commission approved the petition by

a vote of 6-1. On September 18, 2008, the City Commission authorized the Mayor and Clerk to execute the final administrative order approving the petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings. Should the Commission pass the ordinance on first reading, second and final reading is scheduled for Thursday, December 18, 2008.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/21/08	City Commission	Approved (Petition) (6 - 1)
9/18/08	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
12/4/08	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

080227_petition_20080821.pdf
 080227A_staff ppt_20080821.PDF
 080227_EC&D PPT_20080821.pdf
 080227_fivepoints20080821.pdf
 080227a_fivepoints_20080821.pdf
 080227_Let & EX_A_MOD_20080821.pdf
 080227_EX_B_MOD_20080821.pdf
 080227_EX_C_MOD_20080821.pdf
 080227_Final Admini Order 5 Points_20080918.pdf
 080227_finaladminorder_20080918.pdf
 080227_5 Points SAP_20081204.pdf

080174.

AMENDMENT OF PS ZONING ORDINANCE 060015 FOR 837 SOUTHEAST 7TH AVENUE - COTTON CLUB MUSEUM AND CULTURAL CENTER INC. (B)

Ordinance No. 0-08-59; Petition No. 76PSZ-08PB

An ordinance of the City of Gainesville, Florida, amending Ordinance No. 060015, adopted by the City Commission of the City of Gainesville on October 23, 2006, that rezoned certain property located in the vicinity of 837 Southeast 7th Avenue and commonly referred to as the "Cotton Club," to "PS: Public services and operations district;" by adding certain uses to the list of uses permitted by right on the property; by specifying the setbacks for certain uses on the property; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

This is a request to amend Ordinance No. #060015 which rezoned the site at 837 Southeast 7th Avenue from RSF-4, Single-Family Residential District, to PS, Public Services and Operations District, and established a list of permitted uses on the site. That ordinance was adopted by the City Commission on October 23, 2006.

The applicant for this request is the Cotton Club Museum and Cultural Center,

Inc. (CCMCC), an organization formed to manage the historic rehabilitation of the six vacant historic structures on the site for use as a museum and cultural center. The purpose of this request is to reflect recent changes made by the CCMCC to its long term development plans for the Cotton Club site.

The subject parcel is 1.84 acres in size and is located in Southeast Gainesville's Springhill Neighborhood. The subject parcel is the northern half of a block bounded by 8th Street on the west, 9th Street on the east, 8th Avenue on the south, and 7th Avenue on the north. The largest building on the site was moved from Camp Blanding to its current location after World War II and has been used as a movie theater, nightclub and storage building. In the past, this one-story wood frame building has been known as The Perryman Theater, The Cotton Club and The Blue Note. The subject property also contains five other vacant one-story structures. Those structures are four small wood frame houses and the former Perryman Grocery Store.

The subject property is zoned "PS: Public Services and Operations district." According to Section 30-75(a) of the City of Gainesville's Land Development Regulations, the purpose of the PS zoning is to provide suitable locations for public and private utility and recreation activities that serve and are used by the public. The subject property is designated "REC: Recreation," on the Comprehensive Plan's Future Land Use Map. The Recreation designation identifies appropriate areas for public and private leisure activities. Land development regulations shall address the scale, intensity and buffering of structures and outdoor improvements.

The first portion of the request involves expanding the list of permitted uses. The PS district zoning regulations allow the adopting ordinance to contain site specific development and use criteria. In this case, the proposal is to add the following to the list of permitted uses: Small café or restaurant with indoor and outdoor seating, Historic-themed general store, Outside farmers' market, Library and/or historical archive, and Outside entertainment events, including weddings and fundraisers. The Plan Board, staff, and the applicant agree that allowing these uses on the site could benefit both the site and the community.

The second portion of the request involves minimum building setbacks. The building setback requirements for PS districts are specified in Section 30-75(e) of the City of Gainesville's Land Development Code. Essentially, that section sets dimensional requirements (including setbacks) for the following two types of uses: Office and administrative activities (Section 30-75(e)1) and all intensive recreation uses (Section 30-75(e)2).

As to all other uses, Section 30-75(e)3 allows those setbacks to be specified in a PS zoning ordinance. In this case, the applicant proposed 10 foot setbacks to the front, side, and rear for all uses not specified in Sections 30-75(e)1 and 2. However, at the June 19, 2008 Plan Board Meeting, the applicant agreed with (and the Plan Board approved) staff's recommendation for 20 foot minimum rear setbacks. In addition, the applicant requested (and the Plan Board approved) a zero-foot setback from Southeast 8th Street for an uncovered deck and ramp as necessary for Americans with Disabilities Act (ADA) compliant ingress and egress to the Perryman building.

The third portion of the request involves prohibiting the moving of the existing historic buildings on the site. In this case, the Plan Board determined that the applicant could implement this prohibition through other means such as deed restrictions, rather than implementing a governmental regulation.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of July 28, 2008, authorized the City Attorney's office to prepare and the Clerk of the Commission advertise the necessary ordinance amending Ordinance No. 060015 relating to the Cotton Club PS zoning. Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/28/08 City Commission Approved (Petition) (5 - 0 - 2 Absent)
12/4/08 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

080174_plan board staff report_20080728.pdf
080174_DRAFT PB minutes_20080728.pdf
080174_PPT_20080728.PDF
080174_Cotton Club_20081204.pdf

080343.

NEW RESIDENTIAL SINGLE-FAMILY RURAL (RSF-R) ZONING DISTRICT (B)

Ordinance No. 0-08-65; Petition No. 97TCH-08 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code of the City of Gainesville, by creating the "RSF-R: 1 unit/acre single-family rural residential district;" creating new definitions; specifying permitted uses; specifying general requirements, dimensional requirements and standards; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT DEPARTMENT SERVICES STAFF REPORT

This petition has been prepared in response to the need for a zoning district that will accommodate rural, large-lot residential parcels that have been annexed into the City. The proposed RSF-R: 1 unit/acre single-family rural residential district supports the City's strategic goals by creating a comparable zoning district to Alachua County's residential estate districts. The County's residential estate districts are RE (1 unit per 2 acres or less) and RE-1 (1 per 2 acres to 2 per acre). These large-lot rural residential districts allow the keeping of poultry and livestock including horses, cows, hogs, chickens, and ducks.

Permitted uses for RSF-R are largely the same as the City's other single-family residential zoning districts, with the addition of passive public parks and recreation facilities and the keeping of fowl or livestock. The addition of this district to the City's zoning code will reduce the creation of non-conforming lots and uses, provide for single family lots of one acre or more, and allow fowl or

livestock ownership, with limitations, in rural neighborhoods that are annexed into the City.

Public notice was published in the Gainesville Sun on August 6, 2008. The Plan Board held a public hearing on August 28, 2008, and by a vote of 6-0, recommended the City Commission approve the Petition.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/4/08 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (6 - 0 - 1 Absent)

080343_New RSF-R_20081204.pdf

080608.

**HISTORIC PROPERTY EXEMPT FROM AD VALOREM TAXATION -
615 SE 2ND PLACE (B)**

Ordinance No. 0-08-75; Petition No. 5AVT-07HBP

An ordinance of the City of Gainesville, Florida, finding that property located at 615 SE 2nd Place, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF
REPORT*

Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. As part of its review, the Historic Preservation Board (HPB) and the City Commission must determine whether "the proposed improvement is consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and is therefore an eligible improvement."

The process entails two steps: First, the Petitioner filed Parts 1 (evaluation of property eligibility) and 2 (description of improvements) of the Historic Preservation Property Tax Exemption Application for the restoration/rehabilitation of a contributing residential building in the Southeast Historic District. Parts 1 and 2 were approved by the HPB on May 1, 2007.

Second, the applicant completed the restoration/rehabilitation work and filed Part 3 (Request for Review of Completed Work) of the Historic Preservation Property Tax Exemption Application. Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the City's Guidelines for Rehabilitating Historic Buildings. The renovations eligible for the tax exemption total \$104,000.

On November 4, 2008, the HPB found the property eligible for the tax exemption and recommended the City Commission grant same.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/4/08 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (6 - 0 - 1 Absent)

080608_AdValoremExempt_20081204.pdf

080609.

HISTORIC TAX EXEMPT FROM AD VALOREM TAXATION - 318 NE 10TH AVENUE (B)

Ordinance No. 0-08-77; Petition No. 2AVT-07HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 318 NE 10th Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. As part of its review, the Historic Preservation Board (HPB) and the City Commission must determine whether "the proposed improvement is consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and is therefore an eligible improvement."

The process entails two steps: First, the Petitioner filed Parts 1 (evaluation of property eligibility) and 2 (description of improvements) of the Historic

Preservation Property Tax Exemption Application for the restoration/rehabilitation of a contributing residential building in the Northeast Historic District. Parts 1 and 2 were approved by the HPB on March 6, 2007.

Second, the applicant completed the restoration/rehabilitation work and filed Part 3 (Request for Review of Completed Work) of the Historic Preservation Property Tax Exemption Application. Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the City's Guidelines for Rehabilitating Historic Buildings. The renovations eligible for the tax exemption total \$110,000.

On November 4, 2008, the HPB found the property eligible for the tax exemption and recommended the City Commission grant same.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/4/08 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (6 - 0 - 1 Absent)

080609_AdValoremExempt_20081204.pdf

080610.

**HISTORIC PROPERTY EXEMPT FROM AD VALOREM TAXATION -
224 NW 2ND AVENUE (B)**

Ordinance No. 0-08-78; Petition No. 3AVT-08HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 224 NW 2nd Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF
REPORT*

Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. As part of its review, the Historic Preservation Board (HPB) and the City Commission must determine whether "the proposed improvement is consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and is therefore an eligible

improvement."

The process entails two steps: First, the Petitioner filed Parts 1 (evaluation of property eligibility) and 2 (description of improvements) of the Historic Preservation Property Tax Exemption Application for the restoration/rehabilitation of a contributing residential building in the Pleasant Street Historic District. Parts 1 and 2 were approved by the HPB on September 4, 2008.

Second, the applicant completed the restoration/rehabilitation work and filed Part 3 (Request for Review of Completed Work) of the Historic Preservation Property Tax Exemption Application. Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the City's Guidelines for Rehabilitating Historic Buildings. The renovations eligible for the tax exemption total \$124,322.52.

On November 4, 2008, the HPB found the property eligible for the tax exemption and recommended the City Commission grant same.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

12/4/08 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (6 - 0 - 1 Absent)

080610_AdValoremExempt_20081204.pdf

080611.

HISTORIC PROPERTY EXEMPT FROM AD VALOREM TAXATION - 708 NORTHEAST BOULEVARD (B)

Ordinance No. 0-08-79; Petition No. 4AVT-07HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 708 Northeast Boulevard, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF
REPORT*

Chapter 25, Article IV, of the Code of Ordinances authorizes the City

Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. As part of its review, the Historic Preservation Board (HPB) and the City Commission must determine whether "the proposed improvement is consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and is therefore an eligible improvement."

The process entails two steps: First, the Petitioner filed Parts 1 (evaluation of property eligibility) and 2 (description of improvements) of the Historic Preservation Property Tax Exemption Application for the restoration/rehabilitation of an individually listed structure on the Local Register of Historic Places. Parts 1 and 2 were approved by the HPB on April 3, 2007.

Second, the applicant completed the restoration/rehabilitation work and filed Part 3 (Request for Review of Completed Work) of the Historic Preservation Property Tax Exemption Application. Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the City's Guidelines for Rehabilitating Historic Buildings. The renovations eligible for the tax exemption total \$373,021.68.

On November 4, 2008, the HPB found the property eligible for the tax exemption and recommended the City Commission grant same.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/4/08 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (6 - 0 - 1 Absent)

080611_AdValoremExempt_20081204.pdf

080612.

**HISTORIC PROPERTY EXEMPT FROM AD VALOREM TAXATION -
11 SE 2ND AVENUE (B)**

Ordinance No. 0-08-80; Petition No. 1AVT-05HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 11 S.E. 2nd Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an

immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. As part of its review, the Historic Preservation Board (HPB) and the City Commission must determine whether "the proposed improvement is consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and is therefore an eligible improvement."

The process entails two steps: First, the Petitioner filed Parts 1 (evaluation of property eligibility) and 2 (description of improvements) of the Historic Preservation Property Tax Exemption Application for the restoration/rehabilitation of an individually listed structure on the Local Register of Historic Places. Parts 1 and 2 were approved by the HPB on September 6, 2005.

Second, the applicant completed the restoration/rehabilitation work and filed Part 3 (Request for Review of Completed Work) of the Historic Preservation Property Tax Exemption Application. Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the City's Guidelines for Rehabilitating Historic Buildings. The renovations eligible for the tax exemption total \$432,785.79.

On September 4, 2008, the HPB found the property eligible for the tax exemption and recommended the City Commission grant same.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/4/08 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (6 - 0 - 1 Absent)

080612_AdValoremExempt_20081204.pdf

080619.

HISTORIC TAX EXEMPT FROM AD VALOREM TAXATION - 512 NE 10TH AVENUE (B)

Ordinance No. 0-08-76; Petition No. 3AVT-07HPB

An ordinance of the City of Gainesville, Florida, finding that property located at 512 NE 10th Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain

improvements beginning January 1, 2009, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Chapter 25, Article IV, of the Code of Ordinances authorizes the City Commission to grant ad valorem tax exemptions for historic properties pursuant to Florida law. As part of its review, the Historic Preservation Board (HPB) and the City Commission must determine whether "the proposed improvement is consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and is therefore an eligible improvement."

The process entails two steps: First, the Petitioner filed Parts 1 (evaluation of property eligibility) and 2 (description of improvements) of the Historic Preservation Property Tax Exemption Application for the restoration/rehabilitation of a contributing residential building in the Northeast Historic District. Parts 1 and 2 were approved by the HPB on April 3, 2007.

Second, the applicant completed the restoration/rehabilitation work and filed Part 3 (Request for Review of Completed Work) of the Historic Preservation Property Tax Exemption Application. Staff inspected the completed work and found the work meets the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the City's Guidelines for Rehabilitating Historic Buildings. The renovations eligible for the tax exemption total \$494,000.

On November 4, 2008, the HPB found the property eligible for the tax exemption and recommended the City Commission grant same.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 18, 2008.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/4/08 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (6 - 0 - 1 Absent)

080619_AdValoremExempt_20081204.pdf

080576.

**PROPOSED CHARTER AMENDMENT - PROTECTION OF
CITY-OWNED LANDS FOR CONSERVATION, RECREATION AND
CULTURAL PURPOSES (B)**

Ordinance No. 0-08-87

An ordinance of the City of Gainesville, Florida; approving an amendment to the Charter Laws of the City of Gainesville; amending Article V of the Charter Laws, entitled "Special Provisions" pertaining to the protection of City-owned lands acquired or used for conservation, recreation, or cultural purposes; providing for submission of the charter amendment to the voters for approval or disapproval at the March 24, 2009 regular municipal election; approving the ballot title and summary to be placed on the ballot; providing that this charter amendment shall become effective immediately; providing directions to the codifier; providing directions to the clerk of the commission; providing a severability clause; providing a repealing clause; providing for liberal construction and interpretation; and providing an immediate effective date.

Explanation: On November 6, 2008, the City Commission authorized this office to prepare an ordinance containing the proposed charter amendment, the ballot title and summary, and to submit the proposed amendment to a vote of the electorate at the next regular City election to be held on Tuesday, March 24, 2009. The proposed charter amendment is included in Section 1 of the ordinance.

Florida Statute Section 101.161(1) provides that every measure put to a vote of the electorate must have a ballot summary with a maximum of 75 words and a title with a maximum of 15 words set out in the ordinance. The ballot title and summary are included in Section 2 of the ordinance.

The proposed charter amendment and ballot summary and title are patterned after the Alachua County Charter amendment that was approved by the voters at the general election on November 4, 2008. A copy of Alachua County Ordinance No. 08-16 is attached for reference. The City Attorney's Office offers several revisions to the county's charter amendment for clarification purposes that are included in the proposed city charter amendment: 1) the term "property" is refined to mean real properties owned by the City in fee simple; 2) the process for placing real properties on the registry is by ordinance that requires notice and public hearing instead of resolution; 3) the determination of "loss of value" on the sale or change of use of real properties is made by the city commission.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

11/6/08	City Commission	Referred (7 - 0)	City Attorney
12/4/08	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)	

080576_draft ordinance_20081204.pdf

RESOLUTIONS- ROLL CALL REQUIRED**080655.**

Proposed Modifications to the Alachua County Boundary Adjustment Act (B)

The Countywide Visioning and Planning Committee (CVPC) is requesting

support for the CVPC recommended changes to the Alachua County Boundary Adjustment Act (BAA).

Explanation: The Countywide Visioning and Planning Committee (CVPC) has completed a process of evaluating the Boundary Adjustment Act (BAA). There is agreement among the CVPC members that the Boundary Adjustment Act is an adequate vehicle for annexation in Alachua County and that the Act should be revised and brought up to date. The CVPC completed their analysis, which included input from all the municipalities, and development of recommended modifications to the Boundary Adjustment Act on October 30, 2008.

On behalf of the CVPC, County Commissioner and Chair of the CVPC, Rodney Long, and City of Alachua Mayor and BAA Taskforce Chair Jean Calderwood, presented the recommended changes to the BAA to the Legislative Delegation on December 4th.

In order for the Legislative Delegation to move forward in introducing the amendment for the Boundary Adjustment Act pursuant to the Countywide Visioning and Planning Committee's recommended modifications, there must be consensus among the County and all municipalities. The CVPC has asked that the County and each municipality conduct a public hearing on the proposed modifications to the BAA prior to the final recommendations being sent to the Legislative Delegation for a special act. The County will hold a final public hearing on January 13th for public input and to present the finalized recommended changes to the BAA.

Staff has reviewed the modifications recommended by the CVPC's Task Force and will provide a presentation.

Fiscal Note: None at this time

RECOMMENDATION

The City Commission: 1) hear a report from staff on the suggested changes to the Boundary Adjustment Act, and 2) discuss any other possible changes to the BAA, and 3) approve the Commission's position on the recommended changes to the BAA, adopt the proposed resolution, and direct staff to convey that position to the CVPC.

Alternative Recommendation:

The City Commission: 1) hear a report from staff on possible changes to the BAA, and 2) discuss any other possible changes to the BAA, and 3) not endorse changes to the BAA nor adopt the proposed resolution.

080655_CountyPowerPoint_20081218.pdf

080655b_CountyStaffEval_20081218.pdf

080655c_COGPowerPoint_20081218.pdf

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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