

# **City of Gainesville**

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



## **Meeting Agenda**

**February 05, 2009**

**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

### 080707.

#### **Sixteenth Amendment to the Contract for Professional Consulting Services for the East Gainesville Sprout Project (B)**

**This item is a request for the City Commission to approve an updated professional services fee schedule for 2009 for consulting services for the East Gainesville Sprout Project.**

*Explanation: This amendment is necessary to adjust the professional services fees for the year 2009. The consultant has requested a 1.5% increase (rounded to the nearest dollar) for completing a variety of tasks within the scope of work.*

*Fiscal Note: The funding remaining in the purchase order is judged adequate at this time to accommodate the increase.*

#### RECOMMENDATION

*Recommended Motion: The City Commission authorize the City Manager to execute the Sixteenth Amendment to the contract for Professional Consulting Services for the East Gainesville Sprout Project, subject to approval by the City Attorney as to form and legality.*

080707\_Amendment\_20080115.pdf

### 080748.

#### **Annexation of Tax Parcel Number 07176-020-000 (B)**

**This is the submission of petition for voluntary annexation for the above referenced parcel number, which is located in the vicinity of SW Williston Road, SW 13th Street (SR 441) and SW 56th Avenue.**

*Explanation:* Mr. Valentin Zahariev, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located south of Williston Road and the City Limits, west of SW 20th Terrace, north of SW 56th Avenue, and east of the City limits. Staff has determined that the petition bears the signature of the property owner or authorized agents. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation. The area is approximately 96 acres.

*Fiscal Note:* The fiscal impact of this annexation will be addressed in the Urban Services Report.

**RECOMMENDATION**

*The City Commission: 1) receive the petition for annexation and make findings that it contains the signature of the property owner or authorized agents; 2) direct the City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.*

*Alternative Recommendation:*

*The City Commission deny acceptance of the petition.*

080748\_Petition\_20090205.pdf

**080749.**

**Annexation of City-owned Tax Parcel Number 07176-020-001 (B)**

**This is the submission of petition for voluntary annexation for the above referenced parcel number, which is located in the vicinity of SW Williston Road, SW 13th Street (SR 441) and SW 56th Avenue.**

*Explanation:* The City of Gainesville owns a parcel of land that is located in the vicinity of SW Williston Road, SW 13th Street (SR 441) and SW 56th Avenue. Tax Parcel 07176-020-001 is the site of a GRU Lift Station. This parcel is contiguous and surrounded by a larger parcel that has requested voluntary annexation into the City's corporate limits. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation.

*In order to annex this parcel into the City limits, the owner must submit a petition to the City of Gainesville for voluntary annexation. As the owner, the Mayor, on behalf of the City, must execute a petition for voluntary annexation.*

*Fiscal Note:* The fiscal impact of this annexation will be addressed in the Urban Services Report.

**RECOMMENDATION**

*The City Commission: 1) authorize the Mayor, as agent for the City, to sign the petition for voluntary annexation; 2) receive the petition for annexation and*

*make findings that it contains the signature of the property owner or authorized agent; 3) direct the City Manager to analyze the area; and 4) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area.*

080749\_Petition\_20090205.pdf

**080750.**

**Federal LECFTF Funding to Purchase 40 Tasers and Equipment for the Gainesville Police Department (B)**

**This item requests that the City Commission appropriate and expend an amount not to exceed \$47,000 from the Federal Law Enforcement Contraband Forfeiture Fund for the purchase of 40 Taser International X 26E Advanced Tasers and associated holsters, cartridges, replacement batteries and digital audio/video cameras for the Gainesville Police Department.**

*Explanation: The X 26E Advanced Tasers provide a safer, more effective tool for law enforcement officers facing situations that pose threats to their safety and the safety of others. The Tasers are reliable devices that utilize innovative technology to stop resistive suspects and provide effective alternatives to other types of force. The Gainesville Police Department already has some tasers in patrol and has assessed this to be an effective tool for law enforcement.*

*As of 2006, Florida State Statute (FSS) 943.1717 mandates what use of force level a Taser must be placed and also mandates the Criminal Justice Standards and Training Committee create specific training topics, hours and recertification requirements. The Gainesville Police Department will follow or exceed both the Florida State Statute and CJSTC requirements in both policy and training.*

*Fiscal Note: Funding is available for the Federal LECTFT for \$47,000. The balance of the account is \$1,887,015.00*

**RECOMMENDATION**

*The City Commission authorize the appropriation of an amount not to exceed \$47,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the purchase of 40 tasers and associated equipment from DGG Taser Inc.*

*Alternative Recommendation A: The City Commission authorize partial funding not to exceed \$20,000.00*

*Alternative Recommendation B: The City Commission deny funding.*

080750a\_TaserQuote\_20090205.pdf

080750b\_TaserSoleSource\_20090205.pdf

**080754.****Authorization to Purchase New Parking Citation System Software and Hardware (B)**

**This item authorizes the City Manager to execute a contract for purchase of new software and handheld ticketing machines for operation of the City's parking citation program.**

*Explanation:* The City last purchased new software and handheld machinery for the parking program in 2002. The initial term of the contract was three (3) years with two (2) two-year renewals. The contractor is T2 Systems, Inc. T2 has provided the City with excellent implementation assistance and training and maintenance services during the course of the contract. Beginning in late 2007, however, the City's handheld machinery became so technologically and programmatically obsolete that the handhelds were no longer supported by the vendor. The City has continued using them during the interim, but very few of the machines are still in working order.

The City issued an RFP for new services, which was accessed by ten vendors. Two vendors attended the City's mandatory pre-bid meeting; and one vendor submitted a bid on the due date of December 5, 2008. That vendor is T2, which also made an onsite presentation on December 17, 2008. Based on the system capabilities and equipment included in the T2 bid, and with input from the users of the ticket-writing machinery, the evaluation committee awarded T2 352 points out of 400 and chose to award the contract to T2 again. The new contract is for three (3) years with an optional three-year extension, and the bidder has guaranteed support for the handheld machinery during the entire six (6) years if the contract is extended.

*Fiscal Note:* The estimated acquisition cost of the software and hardware, and ticket-writing machines is \$164,975 and will be funded through parking citation revenues, which are projected to exceed budgeted levels by approximately \$190,000 in FY09. Recurring expenses of approximately \$22,000 per year for maintenance and software licensing fees will be funded equally in the operating budgets of the Police Department, Public Works and the Budget and Finance Department.

**RECOMMENDATION**

*The City Commission:* 1) authorize the City Manager to execute the contract with T2 subject to legal approval by the City Attorney, and 2) increase the parking citation revenue budget for FY09 by \$164,975

080754\_RFP for Parking System\_20090205.pdf

**080755.****Living Wage Ordinance Number 020663 (B)**

**This item proposes that the Living Wage Ordinance remain in effect.**

*Explanation:* The City Commission passed on second reading a Living Wage Ordinance March 17, 2003. Section 6 of the Ordinance stipulates that the Ordinance shall become effective one hundred eighty days (180) after the date of adoption. The Ordinance provides for a living wage requirement for certain employees of

contractors providing selected services to the City. Section 7 of the Ordinance stipulates that the Ordinance shall be deemed repealed five (5) years from the date of adoption. The General Government fiscal impact of the Living Wage Ordinance for the five years is as follows: FY2008 - \$28,527; FY2007 - \$4,141; FY2006 - \$46,290; FY2005 - \$19,200; FY2004 - \$0. GRU's fiscal impact of the Living Wage Ordinance for the five years is as follows: FY2008 - \$0; FY2007 - \$23,022; FY2006 - \$18,318; FY2005 - \$215,256; FY2004 - \$209,312.

*Fiscal Note: The future fiscal impact is unknown.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to draft, and the Clerk of the Commission to advertise, an ordinance readopting Article IX, Chapter 2 of the City of Gainesville Code of Ordinances, "Living Wage Requirements", thereby allowing the Living Wage requirements to remain in effect.*

*Alternate Recommendation A:*

*The City Commission authorize the City Attorney to draft, and the Clerk of the Commission to advertise, an ordinance readopting Article IX, Chapter 2 of the City of Gainesville Code of Ordinances, "Living Wage Requirements", thereby allowing the Living Wage requirements to remain in effect, setting a new five year repeal date.*

*Alternate Recommendation B:*

*The City Commission take no action allowing Ordinance 020663 to repeal.*

080755\_Ordinance\_20090205.pdf

**080761.**

**Quarterly Strategic Planning Report - FY 2009 \* 1st Quarter (B)**

**This item provides a report on the progress of the City Commission's Strategic Goals and Initiatives for 1st quarter of FY 2009.**

*Explanation: The City Commission Strategic Plan for FY 2009 - FY 2010 was adopted on July 28, 2008. This document includes progress reports from City staff who champion the City Commission's Strategic Goals and Initiatives for the 1st quarter of FY 2009.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission receive a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 1st quarter of FY 2009.*

080761\_FY 2009 Strategic Plan 1st Qtr Report.pdf

**080762.****City Code of Ordinances - Authorization of Chapter 2 Revisions (B)**

**This item seeks authorization by the City Commission to the City Attorney's Office to draft modifications to Chapter 2, Article IV, Divisions 1 and 2 of the City Code of Ordinances relative to the reorganization associated with the Planning and Development Services Department.**

*Explanation: In August, 2007, the former Community Development Department was reorganized into the Planning and Development Services Department. Since that time, the City Code of Ordinances has been updated by the City Clerk's Office to simply replace Community Development Department with Planning and Development Services Department where appropriate.*

*Chapter 2, Article IV, Divisions 1 and 2 lay out functions of the various Departments, and the former Community Development Department and therefore necessitates more extensive modifications and thus requires an Ordinance. Staff requests that the City Commission authorize the City Attorney's Office to draft said proposed modifications.*

*Fiscal Note: No fiscal Impact.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Attorney's Office to draft an Ordinance making modifications to the Chapter 2, Article IV, Divisions 1 and 2 of the City Code of Ordinances regarding the functions of the Planning and Development Services Department.*

080762\_Draft Mark Up\_20090205.pdf

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****080769.****Amendments to Contracts for Janitorial Services (NB)**

**Staff is recommending extending the contracts with Warjon, Inc. d/b/a Coverall and C&S Building Maintenance for janitorial services for various GRU facilities.**

*Explanation: Janitorial services are required at various GRU facilities for maintenance of offices, restrooms, and other designated areas as determined by the requirements of each facility. Such services include trash pick-up, general dusting, sweeping, mopping, carpet and floor cleaning. The contracts cover four GRU facilities located in the 5th Avenue compound, the GRU Administration Building and the Springhills Service Center.*

*Contracts with Coverall and C&S Building Maintenance for these services were approved by the City Commission on March 12, 2007. A one-year extension to each contract was approved by the City Commission on February 25, 2008 extending the term through March 31, 2009. Each contract provides for three additional one-year extensions upon mutual agreement of the parties and*

negotiation of the contract prices. The maximum increase of the contract pricing for each year is limited to the CPI, although neither company has requested a price increase for the next twelve months.

Coverall and C&S Building Maintenance have been diligent in providing janitorial services for two years in accordance with the requirements, therefore, to reduce administrative costs, staff requests authorization to extend each contract for the remaining three years. If requested, future price adjustments may be negotiated prior to each anniversary of the contract and will not exceed the CPI for the previous twelve months. Contract provisions include early termination for nonperformance or funds unavailability.

*Fiscal Note:* Funds are available in the FY 2009 budget and will be requested in subsequent year budgets.

**RECOMMENDATION**

*The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute three year amendments to the contracts with Coverall and C&S Building Maintenance for janitorial services, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to Coverall and C&S Building Maintenance in amounts not exceeding \$123,000 and \$77,000 for FY 2009, respectively, and for subsequent years of the contracts, pending final appropriation of funds for each year.*

## CITY ATTORNEY, CONSENT AGENDA ITEMS

**080764.**

**Communications Workers of America, ALF-CIO, CLC vs. City of Gainesville, Case No. CA-2009-002; Florida Police Benevolent Association, Inc. vs. City of Gainesville, Case No. CA-2009-003; International Association of Firefighters, Local 2157, Gainesville Professional Firefighters, Inc., v. City of Gainesville, case No.: CA-2009-004; Gator Lodge 67, Inc., Fraternal Order of Police v. City of Gainesville, Case No. CA-2009-005 (B)**

*Explanation:* On January 6, 2009, four of the City's bargaining units filed unfair labor practice charges against the City. The charges arise out of the City Commission's enactment of an ordinance relating to the City's retiree health insurance program and trust fund. The Plaintiffs allege that the City engaged in unfair labor practices by failing to bargain over the ordinance. The Plaintiffs request the City be prohibited from using the formula in the ordinance; bargain the issue; and pay attorney fees. On January 9, 2009, the Public Employees Relations Commission (PERC) issued a Notice that the charge was sufficient on its face to proceed to hearing. A hearing on the merits of the charges will be held before a PERC hearing officer.

**RECOMMENDATION**

*The City Commission authorize Special Counsel to represent the City in the cases styled Communications Workers of America, ALF-CIO, CLC vs. City of*

*Gainesville, Case No. CA-2009-002; Florida Police Benevolent Association, Inc. vs. City of Gainesville, Case No. CA-2009-003; International Association of Firefighters, Local 2157, Gainesville Professional Firefighters, Inc., v. City of Gainesville, case No.: CA-2009-004; Gator Lodge 67, Inc., Fraternal Order of Police v. City of Gainesville, Case No. CA-2009-005.*

080764\_retirement health\_20090205.pdf

## CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

### 080768.

#### City Commission Minutes (B)

##### RECOMMENDATION

*The City Commission approve the minutes of January 12, 2009 & January 26, 2009(Special Meetings); and January 15, 2009 (Regular Meeting); as circulated.*

080768\_reg\_min\_20090205.pdf

080768\_spec\_min\_20090205.pdf

080768\_spec26\_min\_20090205.pdf

## EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

## COMMITTEE REPORTS, CONSENT AGENDA ITEMS

## RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

### 070362.

#### Policy for Dual Naming City Roads and Memorializing Individuals (NB)

**The Recreation, Cultural Affairs and Public Works Committee formalized a framework to establish a policy by which the City Commission would consider requests for dual naming a city road or memorializing individuals. This committee is respectfully requesting that the recommended framework be adopted as city policy in these matters.**

*Explanation: Section 23 of the City of Gainesville Code of Ordinances defines how streets shall be designated and numbered to ensure consistency throughout the City. From time to time the City receives requests to allow a certain street to have a dual name designated to honor an individual. The majority of these requests have been associated with either war veterans that have died in the line of duty or fallen law enforcement officers from the community. However, some requests have been for outstanding members of a neighborhood or the community as a whole. Therefore, it has been suggested that a tiered system be developed for memorializing these lives. It is recommended that dual naming roads would be solely for those who died in the line of duty to either the City or the Nation, and these requests will continue to be handled by the Department of Public Works.*

*Placement of a memorial would be solely for community or neighborhood leaders, and these requests will continue to be handled by the Department of Parks, Recreation and Cultural Affairs. It is suggested that a mourning period of one year pass before the neighborhood or community leader's memorial could be acted upon. The Department of Parks, Recreation and Cultural Affairs has an administrative procedure in place for handling the placement of memorials. The Recreation, Cultural Affairs, and Public Works Committee in its last meeting recommended that a policy be established for dual naming city roads.*

*Fiscal Note: Funding for administrative and material costs for the dual named streets would be absorbed by the Public Works department as a part of their normal operating budget.*

**RECOMMENDATION**

*The City Commission: 1) adopt a policy to provide posthumous recognition of those who died in the line of duty to either the City or the Nation. The intent is to set forth a policy for establishing the honorary designation (or dual naming) of Gainesville city roads; 2) authorize the City Manager to implement an administrative procedure to carry out this policy in practice.*

**Legislative History**

8/13/07	City Commission	Referred (6 - 0 - 1 Absent)	Personnel and Organizational Structure Committee
3/27/08	Personnel and Organizational Structure Committee	No Action Taken	
8/14/08	Recreation, Cultural Affairs and Public Works Committee	Discussed	
9/11/08	Recreation, Cultural Affairs and Public Works Committee	Approved	
10/9/08	Recreation, Cultural Affairs and Public Works Committee	Approved	

070362\_Street Naming Policy\_20080814\_Rec.CulIPubwrkCommittee.pdf

**REGIONAL UTILITIES COMMITTEE, CONSENT**

**080520.**

**Utility Tier for the Elderly in Gainesville RUC Referral Item #080520 (NB)**

**This was a referral to the Regional Utilities Committee.**

*Explanation: On October 16, 2008, the City Commission referred this item to the Regional Utilities Committee at the request of Commissioner Henry to determine if GRU*

could offer special utility rates to the elderly in Gainesville.

Staff has researched this topic with the Florida Public Service Commission (PSC) and the City of Tallahassee. It was determined that the Florida PSC would not allow such a rate, as it would provide for interclass subsidies, which are not permitted. In speaking with staff at the City of Tallahassee, GRU staff found that such a rate is not offered by Tallahassee. Tallahassee does offer bill assistance to their low income and elderly customers but that occurs outside of the utility rate structure. This item was discussed at the January 14, 2009 Regional Utilities Committee meeting and it is being recommended that this item be removed from the referral list.

*Fiscal Note: None.*

**RECOMMENDATION**                      *The City Commission remove the Regional Utilities item #080520 from the referral list.*

**Legislative History**

10/16/08	City Commission	Referred (7 - 0)	Regional Utilities Committee
12/10/08	Regional Utilities Committee	Deferred	
1/14/09	Regional Utilities Committee	Approved as Recommended	

**070487.**

**Florida's Electric Reserve Margins RUC Referral Item #070487 (NB)**

**This was a referral to the Regional Utilities Committee.**

*Explanation: At the September 24, 2007 Commission meeting a referral was made to the Regional Utilities Committee (RUC) to explore the issue of when GRU Customers should be informed of the potential for power shortages. On January 14, 2009, the RUC received a presentation from GRU's Control Area Services Manager on the regulatory systems and processes in place to address capacity and fuel emergencies. These plans have pre-arranged thresholds for public notifications, in particular for pending fuel shortages, and GRU has pre-arranged public service announcements to be used in conjunction with these plans. Conformance is a requirement of the Florida Regional Reliability Coordinating Council (FRCC) enforced by the North American Electric Reliability Corporation (NERC) under the auspices of the Federal Energy Regulatory Commission (FERC).*

*Fiscal Note: None.*

**RECOMMENDATION**                      *The City Commission remove item #070487 from the Regional Utilities Committee referral list.*

**Legislative History**

9/24/07	City Commission	Referred (6 - 0 - 1 Absent)	Regional Utilities Committee
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12/10/08	Regional Utilities Committee	Deferred
1/14/09	Regional Utilities Committee	Approved as Recommended

**080132.****Cooking Grease Collection and Recycling RUC Referral Item #080132 (B)**

**This was a referral to the Regional Utilities Committee.**

*Explanation: At the June 23, 2008 meeting the City Commission referred the issue of the cooking grease collection and recycling citizen initiative to the Regional Utilities Committee. During a presentation on the Gainesville Clean Water Partnership Program by Sally Adkins, Commissioner Poe mentioned a student that was working on collecting cooking grease at his school and then converting it to bio-diesel fuel for the purpose of operating school equipment. Attached for review and approval is a report from staff resulting from conversations with Commissioner Poe, Kurt Seaburg with the Alachua County Environmental Protection Department, Larry Christian, and Erich Christian. GRU Staff supports the recycling of cooking grease, has written a letter of support for a grant to expand the activity, and has provided supplies to facilitate the collection and transport of used cooking oil. This item was discussed at the January 14, 2009 Regional Utilities Committee meeting and is being recommended for removal from the referral list.*

*Fiscal Note: None.*

**RECOMMENDATION**

*The City Commission: 1) approve the report from staff regarding this referral; and 2) remove this item from the referral list.*

**Legislative History**

6/23/08	City Commission	Referred (7 - 0)	Regional Utilities Committee
12/10/08	Regional Utilities Committee	Approved as Recommended	

Backup for Referral Item #080132 Cooking Grease 12 10 08.pdf  
080132\_report\_20090205.pdf

**EQUAL OPPORTUNITY COMMITTEE, CONSENT****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES**

**080770.****European Photovoltaic Industry Association (EPIA) Delegation Visit to Gainesville (NB)**

**Gainesville Regional Utilities' Solar Feed in Tariff has attracted significant attention both nationally and in Europe. In December of 2008, Mayor Pegeen Pegeen Hanrahan invited the members of the EPIA visit Gainesville. A delegation from the EPIA has timed their visit to coincide with a solar conference in Tallahassee and the final reading of the ordinance adopting the Solar Feed in Tariff in Gainesville.**

*Explanation: Gainesville Regional Utilities' Solar Feed in Tariff has attracted significant attention both nationally and in Europe. In December of 2008, Mayor Pegeen Hanrahan invited the members of the European Photovoltaic Industry Association (EPIA) to visit Gainesville. A delegation from the EPIA has timed their visit to coincide with a solar conference in Tallahassee and the final reading of the ordinance adopting the Solar Feed in Tariff in Gainesville. The purpose of their visit is to accept the Mayor's invitation to share Europe's experience with similar policies explore mutually beneficial opportunities including potential investment in solar manufacturing capability in Gainesville. While in Gainesville, the delegation will be meeting with key personnel and officials involved in economic development and career training, including representatives from the City of Gainesville, the Alachua County Board of County Commissioners, the Gainesville Area Chamber of Commerce, and the University of Florida.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission welcome the European Photovoltaic Industry Association delegation and receive presentations from the delegation members introducing themselves and discussing opportunities for future collaboration.*

**080771.****Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project (B)**

**In order to proceed with the Paynes Prairie Sheetflow Restoration project, there are several agreements that must be approved between the City and various other parties. This item includes a request for the City Commission to approve Memorandums of Understanding (MOU) between (1) GRU and the General Government Stormwater Management Utility (SMU) establishing an agreed upon approach to interdepartmental sharing of the City's project costs; and (2) between the City of Gainesville and the Florida Department of Environmental Protection (FDEP) that establishes responsibilities for implementation of the project. Approval is also requested to proceed with the purchase and subsequent donation of property known as the "Edwards Tract" in exchange for easements needed to facilitate the project.**

*Explanation: The Florida Department of Environmental Protection (FDEP) has issued a Total Maximum Daily Load (TMDL) for Alachua Sink which requires reduction in total nitrogen discharges to Alachua Sink from all sources. Under this TMDL, GRU is required by law to reduce its nitrogen discharges to Alachua Sink from its Main Street Water Reclamation Facility. SMU is required to achieve reduction in nitrogen loading to Alachua Sink resulting from stormwater runoff from the incorporated Gainesville urban area. GRU and SMU have identified the proposed Sweetwater Branch/Paynes Prairie Sheetflow Restoration project as a means for satisfying the TMDL requirements for both GRU and SMU.*

*The Conceptual Plan for Paynes Prairie Sheetflow Restoration (the Plan) was presented to the City Commission on April 9, 2007, agenda item #061100. A copy of the Plan that was provided to each commissioner at that time is attached here to. The Plan was approved and staff was directed to present Memoranda of Understanding (MOU) between GRU and SMU and between the City and FDEP to the City Commission for review and approval.*

*The project site for the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project includes property located within and adjacent to the Paynes Prairie Preserve State Park. The property located within the park is owned by Trustees and leased and managed by the FDEP. The City will be requesting that an easement be granted to facilitate the project over this area. The City desires to acquire in fee a 10.6 acre parcel of land for access and public use facilities located adjacent to the park, between the project site and Williston Road. This is part of a 25 acre parcel commonly known as the Bishop Henderson property and it is owned by Alachua County Forever.*

*The City will be requesting the State of Florida, Trustees grant an easement that will endure for the life of the project in order to facilitate the construction, operation and maintenance of the project facilities over the project site located within the park. In accordance with Trustees policy, a net positive benefit to the managing agency of the state lands where the land rights is being requested must be demonstrated in order for any easement rights to be granted. In order to meet this net positive benefit, SJRWMD has entered into a purchase agreement for a 276 acre tract of land located on the southern rim of Paynes Prairie, commonly referred to as the "Edwards Tract". This parcel of land is on the Paynes Prairie Preserve State Park acquisition list. The negotiated purchase price for the property is \$1.5 million. Contingent upon City Commission approval, it has been agreed that SJRWMD and the City will partner to purchase 185 acres of the tract and Alachua County Forever will purchase 91 acres. It is estimated that the City's total contribution to the purchase of the Edwards Tract will not exceed \$501,500.*

*The exchange proposal will be presented to the State of Florida Acquisition and Restoration Council (ARC) at their February 12-13, 2009 meeting in Tallahassee. The SJRWMD governing board approved their cost share participation on November 11, 2008. The Alachua County Forever purchase of 1/3 interest in the Edwards Tract is scheduled to be presented to the Alachua County Commission on January 27, 2009. Execution of the closing is subject to ARC approval, SJRWMD and City cost share participation, DEP execution of the MOU between DEP and the City, and DEP approval of the City's request for*

*the project easement. The donation of the Edwards property to the Trustees will occur simultaneously with the procurement of the easement from DEP.*

*Fiscal Note: The total cost of the project is estimated at approximately \$20 million. Funding for this request is included in the Water Wastewater Capital Improvements budget and within the Public Works Stormwater Capital Improvements budget and from grant funding and outside funding partners.*

**RECOMMENDATION**

*The City Commission: 1) Approve and authorize the General Manager and City Manager to execute an MOU allowing both GRU and SMU to fully participate in the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project implementation, operation, and maintenance; and 2) Authorize the General Manager, or his designee, to negotiate and execute an MOU with FDEP that will allow for the implementation of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project; and 3) Adopt the Resolution (attached) requesting that the Trustees of the Internal Improvement Trust Fund (Trustees) grant the City of Gainesville an easement for the construction, operation, and maintenance of the Paynes Prairie Sheetflow Restoration Project; and 4) Authorize the General Manager, or his designee, to negotiate and execute a Participation Agreement with SJRWMD to jointly purchase approximately 185 acres of the "Edwards Tract" and exchange the property with Trustees for easements over the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project site; and 5) Once the "Edward's Tract" is acquired, authorize the General Manager to declare the property surplus and to donate approximately 185 acres to the Trustees in exchange for all appropriate easements over the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project site, as outlined in the MOU between the City and DEP; and 6) Authorize the General Manager or his designee to enter into negotiations with Alachua County to purchase or obtain easements necessary to facilitate ingress/egress and development of future public access improvements within the Alachua County Forever Bishop Henderson property; and 7) Authorize the General Manager or his designee to sign all documents necessary to affect the land acquisitions, land donations and land exchanges including but not limited to purchase and sale agreements and applications, all subject to approval by the City Attorney as to form and legality.*

080771\_mou\_20090205.pdf

080771a\_tables\_20090205.pdf

080771b\_resolution\_20090205.pdf

080771c\_Resolution\_20090205.pdf

080771d\_conceptualplan\_20090205.pdf

080771e\_presentation\_20090205.pdf

**CLERK OF THE COMMISSION****CITY MANAGER****080756.****2008 City of Gainesville Benefits Survey Results (B)**

**This item involves a request for the City Commission to hear a presentation regarding the survey results for a Benefits Survey that was conducted in 2008.**

*Explanation: A benefit survey was conducted in 2008 to understand the competitiveness of the City's current benefit program as a component of our Total Rewards package (wages, benefits and other value added work-life benefits) in order to maximize the use of any available resources to attract and retain employees for the future. Lockton Company was selected from an RFP process to conduct a review and provide a market comparison of the City of Gainesville's current benefit package.*

*An internal management team and union leadership worked with Lockton to develop a customized survey tool and to identify the agencies regionally and nationally to be invited to participate. Lockton conducted the survey and performed a thorough analysis of the data gathered. Lockton provided the City with a market comparison of the City's benefit programs.*

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

**RECOMMENDATION**

*The City Commission hear a presentation by the Lockton Company on the results of the survey.*

080756\_PPT\_20090205.PDF

080756A\_Report\_20090205.pdf

**GENERAL MANAGER FOR UTILITIES****CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****COMMUNITY DEVELOPMENT COMMITTEE****080357.****Community Development Committee - City Commission Vision Statement (B)**

**This item provides a Community Development Committee recommended City Commission Vision Statement and alternative for consideration by the City Commission.**

*Explanation: At a City Commission Strategic Planning Retreat conducted last year, the Commission indicated an interest in pursuing a City Commission derived Vision Statement. Since that time, a City Commission workshop was held on the topic and the matter was referred to the Community Development Committee.*

*The Committee worked on a Vision statement over the last several months that resulted in the following recommendation: "Gainesville will be a safe, supportive, vibrant City, in a healthy relationship with our region, where we live near recreation, wilderness, commerce and schools."*

*Alternatively, the following is presented to the City Commission for consideration as well: "Gainesville will be a vibrant City in healthy economic, social and environmental relationship with our region, where we each live in a safe and supportive community near recreation, wilderness, shopping and our schools and jobs."*

*Fiscal Note: No fiscal Impact.*

**RECOMMENDATION**

*The City Commission: 1) consider the Committee's recommended and alternative Vision Statement; 2) direct staff to explore the manner in which the Vision Statement can be incorporated into the City's Comprehensive Plan; and, 3) remove this item from the CDC referral list.*

**Legislative History**

9/18/08	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
9/18/08	City Commission	Referred	Community Development Committee
9/23/08	Community Development Committee	Discussed	
10/23/08	Community Development Committee	Discussed	
12/23/08	Community Development Committee	Approved as Recommended	

- 080357b\_Memo\_20080923.pdf
- 080357c\_Scorecard\_20080923.pdf
- 080357\_VisionStatements\_20081023.pdf
- 080357A\_Meeting Hand Outs\_20081023.pdf
- 080357a\_Vision Statement A\_20090205.pdf
- 080357b\_Vision Statement B\_20090205.pdf
- 080357c\_CDC Minutes\_20090205.pdf

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

**OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****COMMISSION COMMENTS (if time available)****RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****080772.****Public Utilities Regulatory Policy Act (PURPA) Requirements (B)**

**On December 18, 2008, staff presented the federally required schedule and public participation procedure for consideration of four standards of the Public Utility Regulatory Policies Act of 1978 as amended by The Energy Independence Security Act (EISA) of 2007. At that time, the City Commission adopted the schedule for PURPA proceedings as recommended. The current presentation is consistent with said schedule and will review the topics to be considered prior to the General Manager making a final recommendation, which staff will present in March 2009.**

*Explanation: The Public Utility Regulatory Policies Act of 1978 (PURPA) was initially 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 nonregulated 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.*

*By action taken December 18, 2008, the City Commission met the deadline requirements to begin consideration of Rate Design to Promote Energy Efficiency Investments and Smart Grid Information. There is no timeline imposed for the Integrated Resource Planning Standard or the Smart Grid Investment Standard, but it is staff's recommendation that all four standards be addressed at this time due to their related issues and to aid in budget planning.*

*The PURPA Integrated Resource Planning (IRP) Standard requires that each*

electric utility shall 1) integrate energy efficiency as a resource into capacity plans, State and regional plans; and 2) adopt policies establishing cost-effective energy efficiency as a priority resource. Note that IRP was adopted by GRU as a planning standard in the early 1990s.

The PURPA Rate Design Modifications to Promote Energy Efficiency Investments Standard 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.

The standard for 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.

The standard for 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.

The following timeline was adopted by the City Commission on December 18, 2008:

January 30, 2009 - GRU staff's preliminary recommendation whether to consider adopting these standards 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 final 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 the standards discussed above.

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 on the amended Standards related to (1) Integrated Resource Planning; (2) Rate Design to Promote Energy Efficiency Investments; (3) Smart Grid Investments; and (4) Smart Grid Information as part of the process

*of determining whether or not to adoption these standards. Staff's recommendation to the City Commission will follow in March 2009.*

080772\_NoticeofHearing\_20090205.pdf

080772\_PURPApresentation\_20090205.pdf

**080765.**

**INDUSTRIAL DEVELOPMENT REVENUE BOND SERIES 2009 - HEAT PIPE TECHNOLOGY (B)**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA AUTHORIZING THE ISSUANCE OF THE CITY OF GAINESVILLE, FLORIDA INDUSTRIAL DEVELOPMENT REVENUE BOND, SERIES 2009 (HEAT PIPE TECHNOLOGY , INC. PROJECT) IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$1,225,000 (THE "2009 BOND") FOR THE PURPOSE OF PROVIDING FUNDS TO MAKE A LOAN TO HEAT-PIPE TECHNOLOGY, INC. (THE "BORROWER") TO PROVIDE FUNDS TO FINANCE THE COST OF REFINANCING OBLIGATIONS OF THE BORROWER RELATED TO THE CITY OF GAINESVILLE, FLORIDA INDUSTRIAL DEVELOPMENT BONDS (HEAT-PIPE TECHNOLOGY, INC. PROJECT), SERIES 1998; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT, A BOND PURCHASE AGREEMENT, AN ASSIGNMENT OF LOAN AGREEMENT, MORTGAGE, PROMISSORY NOTE AND OTHER COLLATERAL, THE 2009 BOND AND THE TAX REGULATORY AGREEMENT AND APPROVING THE FORM OF A MORTGAGE, ASSIGNMENT OF RENTS AND SECURITY AGREEMENT; AWARDED THE SALE OF THE 2009 BOND BY A NEGOTIATED SALE; AUTHORIZING CERTAIN OFFICIALS OF THE CITY OF GAINESVILLE, FLORIDA TO TAKE CERTAIN ACTION IN CONNECTION WITH THE ISSUANCE OF THE 2009 BOND; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF THE BOND; AND PROVIDING AN EFFECTIVE DATE.**

*Explanation: This Resolution approves the issuance of Industrial Development Revenue Bond, Series 2009 (Heat-Pipe Technology, Inc. Project) (the "2009 Bond"), in an principal amount of not exceeding \$1,225,000, for the purpose of making a loan of funds to Heat-Pipe Technology, Inc. (the "Borrower") in order to refinance certain obligations of the Borrower and thereby currently refund the City's Industrial Development Revenue Bonds (Heat-Pipe Technology, Inc. Project), Series 1998. The 2009 Bond shall not constitute a debt, liability of obligation of the City of Gainesville, Florida or the State of Florida or any political subdivision thereof, but shall be payable solely from the amounts paid by the Borrower to the City under the terms of a Loan Agreement. This Resolution approves the form of and authorizes: (i) the execution of the 2009 Bond, (ii) the execution and delivery of a Loan Agreement between the City and the Borrower, (iii) the execution and delivery of a Mortgage, Assignment of Rents and Security Agreement from the Borrower to the City, to be assigned by the City to provide security for the 2009 Bond, (iv) the execution and delivery of an Assignment of*

*Loan Agreement, Mortgage, Promissory Note and Other Collateral from the City to the Bank of America, N.A., the holder of the 2009 Bond, (v) the execution and delivery of a Bond Purchase Agreement among the City, the Borrower and Bank of America, N.A., and (vi) the execution of a Tax Regulatory Agreement and No Arbitrage Certificate between the City and the Borrower.*

*The Resolution also waives the requirements of the City's Industrial Development Revenue Bond Policy requiring credit enhancement of the 2009 Bond, a rating on the 2009 Bond from a credit rating agency and the appointment of an independent trustee for the 2009 Bond and utilization of an indenture of trust because the 2009 Bond is refunding already existing obligations of the City and is in effect to keep the costs of issuance commensurate with the small principal amount of the 2009 Bond.*

*This matter has been reviewed by the City Manager who also recommends the adoption of this Resolution and issuance of the 2009 Bond.*

*FISCAL IMPACT: All costs and expenses associated with the issuance of these bonds will be paid by the Borrower, Heat Pipe Technology, Inc.*

**RECOMMENDATION**            *The City Commission adopt the proposed Resolution.*

080765\_Draft Resolution\_20090205.pdf

## **ADOPTION READING-ROLL CALL REQUIRED**

## **ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

### **070268.**

#### **THE GAINESVILLE TRAFFIC SAFETY ENHANCEMENT ACT (B)**

##### **Ordinance No. 0-08-71**

**An Ordinance of the City of Gainesville, Florida; amending Chapter 26, Article II of the Gainesville Code of Ordinances by establishing "Divisions" for Article II; titling existing provisions as "Division 1. Generally" and creating a new Division 2 to be titled "The Gainesville Traffic Safety Enhancement Act" by establishing a red light traffic safety program; providing purpose and findings; authorizing the use and implementation of image control technologies/recorded images to enforce red light infractions; providing definitions; providing for adherence to red light traffic control signals; requiring signage; providing procedures for disposition and enforcement of infractions; providing that the registered owner of the motor vehicle involved in the violation is responsible and liable for payment of the fine; providing penalties; providing for collection of penalties and costs; providing for appeals; amending Appendix A, Schedule of Fees, Rates and Charges, providing for a public awareness campaign and grace period; providing for severability; providing a repealing clause; and providing an immediate effective date.**

*Explanation: PUBLIC SAFETY COMMITTEE REPORT*

*This item was referred to the Public Safety Committee at the July 26, 2007 City Commission budget hearing. The Public Safety Committee discussed this*

referral at its November 15, 2007 and February 7, 2008 meetings. The Committee's recommendation was then heard by the City Commission on March 24, 2008, at which time the item was postponed due to pending state legislation. Both house and senate bills failed. The Committee discussed this item again at its June 25, 2008 meeting.

The Committee requested that staff research the number of intersections where the City would consider using the cameras, and research companies who provide these services and the costs. A list of the ten top intersections was compiled by GPD and Public Works staff and a draft ordinance was written. Staff has met with five companies who provide this service. On March 24, 2008, the City Commission, after hearing presentation from City staff, referred the matter to the City Manager.

*Fiscal Note:* Expenses of the program shall be borne by the revenue from the program.

#### CITY ATTORNEY MEMORANDUM

The City Commission, on August 11, 2008, after hearing presentation from GPD staff, authorized the City Attorney's Office to draft and the Clerk of the Commission to advertise an ordinance establishing The Gainesville Traffic Safety Enhancement Act and authorized staff to initiate the RFP process for a service provider.

Under the ordinance:

(1) For the first 90 days following installation and operation of the first red light cameras, the City Manager will engage in a public awareness campaign and provide courtesy notices of violation to vehicle owners.

(2) After a red light infraction is recorded, the images will be reviewed by a police traffic infraction review officer to ensure accuracy, the integrity of the recorded images and that the images conform to the requirements of the Act.

(3) Notice of infraction will be sent to the owner of the vehicle. The notice of infraction will contain detailed information on the violation including at least two images evidencing the violation. One of the images will show the license tag of the vehicle. The Notice will also include a link to a website with photographs and/or moving images of the violation, the penalty imposed, payment process and procedure for contesting violation.

(4) Hearings will be conducted by a special magistrate in an administrative proceeding.

(5) There are specified grounds for requesting a hearing including, but not limited to, the vehicle being stolen at the time of the violation, or the malfunction of the traffic control signal.

(6) Vehicle owners may submit an Affidavit of Non Responsibility requesting dismissal of the infraction under specific grounds.

(7) Penalties are set at \$125.00 for the first and second violations and \$175.00 for third and subsequent violations. The special magistrate may also assess administrative costs.

This ordinance requires two readings. Should the Commission pass this ordinance on first reading, second and final reading will be held on February 19, 2009. The Gainesville Police Department will then solicit proposals from a qualified service provider to install and operate the cameras.

*As of the date of this memorandum, another bill has been filed in the state legislature that would expressly authorize a local government to enforce red light infractions through the use of recorded images. The likelihood of this bill passing both houses is uncertain at this time.*

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

**Legislative History**

7/26/07	City Commission	Referred (7 - 0)	Public Safety Committee
3/24/08	City Commission	Referred (7 - 0)	City Manager
8/11/08	City Commission	Approved as Amended (5 - 2)	

070268a\_cam red light\_20080728.pdf  
 070268b\_cam red light\_20080728.pdf  
 070268\_RLO\_20090205.pdf  
 070268\_RLO backup\_20080205.pdf

## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

**080566.**

**SOLAR FEED-IN TARIFF (B)**

**Ordinance No. 0-08-88**

**AN ORDINANCE AMENDING CHAPTER 27, SECTION 27-21, DEFINITIONS, GAINESVILLE CODE OF ORDINANCES, PROVIDING DEFINITIONS; AMENDING APPENDIX A, SECTION UTILITIES (1) ELECTRICITY OF THE GAINESVILLE CODE OF ORDINANCES BY ADDING PROVISIONS FOR THE PURCHASE OF SOLAR GENERATED ENERGY THROUGH A STANDARD OFFER CONTRACT FOR ALL CLASSES; LIMITING NET METERING DISTRIBUTED RESOURCE(S) RATES FOR GENERAL SERVICE AND LARGE POWER CLASSES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE**

**Explanation:** *Following a Solar Workshop with the City Commission held on October 13, 2008, staff was directed to modify the existing renewable energy incentives offered by Gainesville Regional Utilities by adding the ability to directly purchase solar-generated energy by means of a standard, non-negotiated contracted rate (commonly known as a "feed in tariff").*

*This Standard Offer is extended to all interested and qualified parties, including both GRU customers and non-customers, and both residential and commercial classes. The Net-Metering credit currently available to all classes of customers will only be available to those non-residential customers who install their systems prior to March 1, 2009. The Net Metering provision will continue for residential customers.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance, to become effective March 1, 2009, as revised.*

**Legislative History**

11/20/08 City Commission Approved as Amended (5 - 0 - 2 Absent)  
1/15/09 City Commission Adopted on First Reading, as revised (Ordinance) (5 - 0 - 2 Absent)

[080566\\_amendment\\_20081120.pdf](#)

[080566\\_draftordinance\\_20090115.pdf](#)

[080566\\_ordinance20090205.pdf](#)

**080605.****VOLUNTARY ANNEXATION - LAKES OF KANAPAHA (B)****Ordinance No. 0-08-84**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of Tax Parcel Numbers 06916-000-000, 06929-000-000, 06916-001-000, 06933-000-000, 06935-001-000 and 06917-000-000, generally located south of Tax Parcel 06819-010-000, west of SW 47th Street, north of SW Archer Road, and east of Lake Kanapaha and the City limits, as more specifically described in this Ordinance; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.**

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Thursday, September 18, 2007, at a regular City Commission meeting, the City Commission received and accepted the petitions for annexation, and determined that the petitions bore the signatures of the owners of the property that is the subject of this annexation. On October 16, 2008 and November 6, 2008, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act. The Urban Services Report contained a map detailing the annexation area.*

**ANNEXATION ORDINANCE**

*The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.*

*In the Ordinance, the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.*

*If adopted on first reading, the second and final reading of this ordinance will*

be February 5, 2009. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

Legislative History

1/15/09      City Commission      Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

080605\_Lakes of Kanapaha Annex\_20080115.pdf

080605\_Lakes of Kanapaha Annex\_20090115.pdf

080605\_MAP\_MOD\_PPT\_20080115.PDF

**080438.**

**REZONING - PRESTIGE LINCOLN MERCURY, INC.(B)**

**Ordinance No. 0-08-85, Petition No. 105ZON-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 2120 and 2140 Northeast 2nd Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: This petition requests a change in zoning from BUS (General business district) to BA (Automotive-oriented business district) for two parcels, both owned by Prestige Lincoln Mercury, Inc.*

*The subject property consists of two parcels with a total area of 1.53 acres. Both parcels are located immediately to the east of the existing Prestige dealership at 2201 North Main Street, with approximately 330 feet of frontage on Northeast 2nd Street. Surrounding zoning designations include General business (BUS) to the north; Automotive-oriented business (BA) to the west and south; and Planned development (PD) and RMF-6 (Multiple-Family Medium Density Residential, 8-15 du/ac) to the east.*

*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 these two parcels 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. There are several businesses where the BA zoning extends through the block to NE 2nd Street, including the Wade Raulerson GMC dealership immediately to the south of the subject property.*

*Public notice was published in the Gainesville Sun on September 6, 2008. The Plan Board held a public hearing on September 22, 2008.*

**CITY ATTORNEY MEMORANDUM**

*The City Commission, at its meeting of November 6, 2008, approved Petition No. 105ZON-08PB and authorized the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance rezoning the property to "BA: Automotive-oriented business district."*

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

**Legislative History**

11/6/08      City Commission      Approved (Petition) (6 - 1)  
1/15/09      City Commission      Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

080438\_petition\_20081106.pdf  
080438A\_staff ppt\_20081106.PDF  
080438B\_additional backup\_20081106.pdf  
080438\_draftordinance\_20090115.pdf

**071192.**

**REZONING - 4600 SW 41ST BOULEVARD (B)**

**Ordinance No. 0-08-24, Petition No. 28ZON-08PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the Alachua County zoning category of "Industrial services and manufacturing (MS) district" to the City of Gainesville zoning category of "I-1: Limited industrial district"; located in the vicinity of 4600 Southwest 41st Boulevard, commonly known as "Bear Archery" and consisting of approximately 25.85 acres; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF MEMORANDUM*

*This petition is a request to rezone a property from Alachua County Manufacturing and Services Industrial (MS) to City of Gainesville Limited industrial district (I-1). This property was annexed by the City on May 14, 2007, and must be brought into conformance with the City's Generalized Zoning Map and the Comprehensive Plan.*

*The 25.85-acre subject property contains Bear Archery, an existing manufacturing facility for archery equipment that was built in 1978. Bear Archery is located west of Interstate 75 and north of Williston Road. It is accessed by a frontage road (SW 41st Boulevard), and is adjacent to undeveloped land. The future land uses on all adjacent properties are Alachua County Light and Heavy Industrial. The adjacent properties zoned Agriculture (A) and Residential Multi-family (R-3) are not developed; one adjacent parcel zoned Manufacturing and Services Industrial (MS) contains one structure. The requested Limited industrial zoning is consistent with the surrounding land uses as well as the Industrial land use requested in related Petition 23LUC-08PB.*

*Public notice was published in the Gainesville Sun on March 5, 2008. The Plan Board held a public hearing on March 20, 2008.*

**CITY ATTORNEY MEMORANDUM**

*The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because the city staff and the plan board both recommend approval. This ordinance is a companion to Ordinance No. 071188, Petition 23LUC-08PB that was submitted to the Department of Community Affairs for their review and comment.*

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

**Legislative History**

1/26/09            City Commission            Approved (Petition) and Adopted on First Reading  
(Ordinance) (7 - 0)

071192\_petition\_20090126.pdf

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071188 071192 Niemann\_MOD\_20090126.PDF

**071193.**

**REZONING - 5724 SW 46TH PLACE (B)**

**Ordinance No. 0-08-28, Petition No. 29ZON-08PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the Alachua County zoning category of "Planned Development (PD) district" to the City of Gainesville zoning category of "CON: Conservation District"; located in the vicinity of 5724 Southwest 46th Place, commonly known as "Broken Arrow Bluff Park" and consisting of approximately 11.00 acres; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: This petition requests rezoning of a property from Alachua County Planned Development (PD) to City of Gainesville Conservation (CON). This 11-acre parcel is known as Broken Arrow Bluff Park and is located in a neighborhood north of Archer Road. Previously composed of seven separate parcels, the area was annexed by the City of Gainesville in 2007 and must be brought into conformance with the City's Generalized Zoning Map and the Comprehensive Plan. The annexed area is separated from City limits only by a publicly-owned County park. It is adjacent to Kanapaha Botanical Gardens and is part of the County's Hogtown Prairie Strategic Ecosystem. This land was part of a planned development but the residential units intended for this area were not built. These parcels were later purchased by the City and developed as a nature-based park.*

*The proposed Conservation zoning is consistent with the surrounding Alachua County land uses and zoning, which include Recreation/Conservation for Kanapaha Botanical Gardens to the north, east, and west, and Medium Density Residential/Planned Development for the existing neighborhood to the south. This request is also consistent with the City of Gainesville Conservation land use requested in related Petition 24LUC-08PB.*

*Public notice was published in the Gainesville Sun on March 5, 2008. The Plan Board held a public hearing on March 20, 2008.*

**CITY ATTORNEY MEMORANDUM**

*The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because the city staff and the plan board both recommend approval. This ordinance is a companion to Ordinance No. 071189, Petition 24LUC-08PB that was submitted to the Department of Community Affairs who offered no objections, recommendations, or comments.*

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

**Legislative History**

1/26/09            City Commission            Approved (Petition) and Adopted on First Reading  
(Ordinance) (7 - 0)

071193\_petition\_20090126.pdf

071193\_draft ordinance\_20090126.pdf

071189 071193 Niemann\_MOD\_20090126.PDF

**071195.**

**REZONING - 5901 NE WALDO ROAD (B)**

**Ordinance No. 0-08-19, Petition No. 32ZON-08PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the Alachua County zoning category of "Industrial services and manufacturing (MP) district" to the City of Gainesville zoning category of "I-1: Limited industrial district"; located in the vicinity of 5901 Northeast Waldo Road and consisting of approximately 51.5 acres; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF MEMORANDUM*

*This petition requests a rezoning for the subject property from Alachua County Manufacturing and Services Industrial (MP) to City of Gainesville Limited industrial (I-1). The subject property was annexed by the City on November 26, 2007 and must be brought into conformance with the City's Generalized Zoning Map and the Comprehensive Plan.*

*The subject property is a 51.50-acre parcel on Waldo Road north of the Gainesville Industrial Park. The majority of the property consists of planted pines, and wetlands are mapped as approximately one-half of the property. There is an existing 100,000 square foot warehouse that was built in 1974. The requested zoning designation is consistent with surrounding land uses, which include County Heavy Industrial to the north, west, and east, and City Industrial to the south. It is also consistent with the City Industrial land use requested in related Petition 33LUC-08PB.*

*Public notice was published in the Gainesville Sun on March 5, 2008. The Plan Board held a public hearing on March 20, 2008.*

**CITY ATTORNEY MEMORANDUM**

*The petition and ordinance are simultaneously submitted to the City*

*Commission for approval and adoption because the city staff and the plan board both recommend approval. This ordinance is a companion to Ordinance No. 071187, Petition 33LUC-08PB that was submitted to the Department of Community Affairs for their review and comment.*

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

**Legislative History**

1/26/09            City Commission            Approved (Petition) and Adopted on First Reading  
(Ordinance), as revised (7 - 0)

071195\_petition\_20090126.pdf

071187 071195 Niemann\_MOD\_20090126.PDF

071195\_draft ordinance\_20090205.pdf

**070941.**

**UNDERAGE PROHIBITION IN ALCOHOLIC BEVERAGE ESTABLISHMENTS (B)**

**Ordinance No. 0-07-121**

**An ordinance of the City of Gainesville, Florida, creating a new Article III of Chapter 4 of the Gainesville Code of Ordinances entitled "Underage Prohibition in Alcoholic Beverage Establishments" which restricts patronage of persons under 21 years of age in alcoholic beverage establishments under certain conditions; providing definitions; providing criteria for issuance of an Underage Prohibition Order; providing for an administrative hearing; providing exceptions; providing penalties; amending section 2-339 of the Code of Ordinances relating to the civil citation table of applicable codes and ordinances; providing for injunctive relief; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: At its meeting of February 25, 2008, the City Commission referred to the Public Safety Committee the issue of underage drinking in the City's Hospitality Districts. The Public Safety Committee in reviewing this issue found that Gainesville's Hospitality Districts (College Park and Downtown) contain many establishments which are bars. Some of the bars only allow patrons inside who are 21 or older, while others admit patrons who are 18-20 and give them a different indicator (e.g., wristband or hand stamp) that identifies them as unable to purchase or consume alcohol on the premises.*

*Several initiatives through the City of Gainesville and the Community Redevelopment Agency (the Gainesville Responsible Hospitality Partnership) have focused on reducing the sale to and service of alcoholic beverages to underage patrons in these establishments. At the same time, the Gainesville Police Department and Gainesville Fire Rescue have found continued problems related to the safety and security of the hospitality districts with repeat offending establishments over time.*

*To address the problem, the Public Safety Committee recommended that an entertainment permit be created to be issued to bars requesting to admit patrons less than 21 years of age. After a trial period and notice to the bars, bars wishing to admit underage patrons would be required to have an entertainment*

*permit. That entertainment permit would be granted based on objective measures related to public safety issues and would be subject to revocation based on underage drinking incidents occurring at the bar.*

*At its November 20, 2008 meeting, the City Commission approved the creation of entertainment permits for bars admitting patrons less than 21 years of age and directed the City Attorney to draft the ordinance. The City Attorney was also authorized to draft suggested changes to the dance hall ordinance to allow patrons less than 18 years of age entrance into bars for special events.*

*In preparing this ordinance, the City Attorney's Office found that no changes were needed to the dance hall ordinance as those establishments are not permitted to serve, nor are patrons permitted to possess, alcoholic beverages. Additionally, the City Attorney's Office simplified the application of the ordinance for legal reasons that resulted in administrative and fiscal efficiencies. The ordinance does not require the ministerial issuance of an entertainment permit, and would operate to prohibit persons under the age of 21 from patronizing any Alcoholic Beverage Establishment after 9 p.m., when the establishment is the site of multiple Underage Drinking Incidents. This ordinance:*

*(1) Regulates the admission of persons under 21 into Alcoholic Beverage Establishments which permit consumption of alcoholic beverages on premises.*

*(2) Does not, at its passage, restrict admission of persons under 21 into Alcoholic Beverage Establishments.*

*(3) Provides that Alcoholic Beverage Establishments which are the site of specified numbers of Underage Drinking Incidents based on aggregate occupancy load shall, through issuance of an Underage Prohibition Order by the City Manager or his designee, be restricted from admitting persons under 21 into the establishment after 9:00 pm for specified periods of time ranging from 90 days to 365 days.*

*(4) Provides that to be subject to a Underage Prohibition Order, for any quarter period in any alcoholic beverage establishment with an maximum occupancy load of less than 201, the number of incidents must exceed 5; in any alcoholic beverage establishment with an maximum occupancy load of more than 201, the number of incidents must exceed 10.*

*(5) Provides exceptions to accommodate employees, service personnel, persons accompanied by parents or legal guardians and special events where alcoholic beverages are not sold, served and not otherwise available to the public.*

*(6) Gives the Alcoholic Beverage Establishments a right to request an administrative appeal before a hearing officer prior to the Underage Prohibition Order becoming effective.*

*(7) Provides for judicial review if the Alcoholic Beverage Establishment does not accept the administrative finding.*

*(8) Provides that Alcoholic Beverage Establishments subject to an Underage*

*Prohibition Order must post signage at all public entrances advising of the restriction for the duration of the prohibition.*

*(9) Provides that Alcoholic Beverage Establishments which violate the Underage Prohibition Order are subject to Civil Citation which carries a \$500.00 penalty. Continued failure to comply with the Underage Prohibition Order may subject the Alcoholic Beverage Establishment owner/manager or other employees to arrest.*

*(10) Will be effective citywide.*

*The City Commission, at its meeting on January 15, 2009, approved this ordinance 6-0 on first reading, as revised as follows: 1) page 3, line 11 of the ordinance was amended by adding a comma after the word "establishment," and 2) page 11, lines 14 and 15 were amended to state that enforcement and implementation of this ordinance shall commence on April 1, 2009. In addition, based on comments from the City Commission, this Office proposes an amendment to page 4, lines 1 through 4 to clarify the language in that paragraph. Specifically, the word "result" is replaced with "disposition." Also, language is added to clarify that although the final disposition of any Underage Drinking Incident need not occur within the same quarter as the Underage Drinking Incident, the city manager or designee is still required to comply with the 45-day limit set forth in Section 4-53(c)(1).*

**RECOMMENDATION**                      *The City Commission adopt the proposed ordinance as amended.*

**Legislative History**

2/25/08	City Commission	Referred (7 - 0)	Public Safety Committee
7/28/08	City Commission	Approved, as shown above	
10/28/08	Public Safety Committee	Approved as Recommended	
11/20/08	City Commission	Approved as Recommended (4 - 0 - 3 Absent)	
12/15/08	Public Safety Committee	Discussed	
1/15/09	City Commission	Adopted on First Reading, as modified (Ordinance) (6 - 0 - 1 Absent)	

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- 070941d\_RespHospInstNotes\_20081215.pdf
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**RESOLUTIONS- ROLL CALL REQUIRED**

**080626.                      Resolution Opposing the City Charter Amendment (B)**

*Explanation:* An objective of Chapter 8 of the City of Gainesville's Code of Ordinances is to discourage and eliminate discriminatory practices in employment, housing, public accommodation, and fair credit based on race, color, gender, age, religion, national origin, marital status, disability, sexual orientation, or gender identity.

At its meeting on October 23, 2008, the Gainesville Human Rights Board voted to request that the City Commission pass a resolution opposing the City Charter Amendment contained in the initiative petition of "Citizens for Good Public Policy."

At the December 4, 2008, City Commission meeting, the Commission authorized the EO Director draft a resolution opposing the proposed City Charter Amendment subject to approval by the City Attorney as to form and legality.

**RECOMMENDATION**                      The City Commission adopt the proposed resolution.

**Legislative History**

12/4/08              City Commission              Approved as Amended (5 - 1 - 1 Absent)

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**080771.**

**Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project (B)**

**In order to proceed with the Paynes Prairie Sheetflow Restoration project, there are several agreements that must be approved between the City and various other parties. This item includes a request for the City Commission to approve Memorandums of Understanding (MOU) between (1) GRU and the General Government Stormwater Management Utility (SMU) establishing an agreed upon approach to interdepartmental sharing of the City's project costs; and (2) between the City of Gainesville and the Florida Department of Environmental Protection (FDEP) that establishes responsibilities for implementation of the project. Approval is also requested to proceed with the purchase and subsequent donation of property known as the "Edwards Tract" in exchange for easements needed to facilitate the project.**

*Explanation:* The Florida Department of Environmental Protection (FDEP) has issued a Total Maximum Daily Load (TMDL) for Alachua Sink which requires reduction in total nitrogen discharges to Alachua Sink from all sources. Under this TMDL, GRU is required by law to reduce its nitrogen discharges to Alachua Sink from its Main Street Water Reclamation Facility. SMU is required to achieve reduction in nitrogen loading to Alachua Sink resulting from stormwater runoff from the incorporated Gainesville urban area. GRU and SMU have identified the proposed Sweetwater Branch/Paynes Prairie Sheetflow Restoration project as a means for satisfying the TMDL requirements for both GRU and SMU.

The Conceptual Plan for Paynes Prairie Sheetflow Restoration (the Plan) was presented to the City Commission on April 9, 2007, agenda item #061100. A copy of the Plan that was provided to each commissioner at that time is attached

here to. The Plan was approved and staff was directed to present Memoranda of Understanding (MOU) between GRU and SMU and between the City and FDEP to the City Commission for review and approval.

The project site for the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project includes property located within and adjacent to the Paynes Prairie Preserve State Park. The property located within the park is owned by Trustees and leased and managed by the FDEP. The City will be requesting that an easement be granted to facilitate the project over this area. The City desires to acquire in fee a 10.6 acre parcel of land for access and public use facilities located adjacent to the park, between the project site and Williston Road. This is part of a 25 acre parcel commonly known as the Bishop Henderson property and it is owned by Alachua County Forever.

The City will be requesting the State of Florida, Trustees grant an easement that will endure for the life of the project in order to facilitate the construction, operation and maintenance of the project facilities over the project site located within the park. In accordance with Trustees policy, a net positive benefit to the managing agency of the state lands where the land rights is being requested must be demonstrated in order for any easement rights to be granted. In order to meet this net positive benefit, SJRWMD has entered into a purchase agreement for a 276 acre tract of land located on the southern rim of Paynes Prairie, commonly referred to as the "Edwards Tract". This parcel of land is on the Paynes Prairie Preserve State Park acquisition list. The negotiated purchase price for the property is \$1.5 million. Contingent upon City Commission approval, it has been agreed that SJRWMD and the City will partner to purchase 185 acres of the tract and Alachua County Forever will purchase 91 acres. It is estimated that the City's total contribution to the purchase of the Edwards Tract will not exceed \$501,500.

The exchange proposal will be presented to the State of Florida Acquisition and Restoration Council (ARC) at their February 12-13, 2009 meeting in Tallahassee. The SJRWMD governing board approved their cost share participation on November 11, 2008. The Alachua County Forever purchase of 1/3 interest in the Edwards Tract is scheduled to be presented to the Alachua County Commission on January 27, 2009. Execution of the closing is subject to ARC approval, SJRWMD and City cost share participation, DEP execution of the MOU between DEP and the City, and DEP approval of the City's request for the project easement. The donation of the Edwards property to the Trustees will occur simultaneously with the procurement of the easement from DEP.

**Fiscal Note:** The total cost of the project is estimated at approximately \$20 million. Funding for this request is included in the Water Wastewater Capital Improvements budget and within the Public Works Stormwater Capital Improvements budget and from grant funding and outside funding partners.

**RECOMMENDATION**

The City Commission: 1) Approve and authorize the General Manager and City Manager to execute an MOU allowing both GRU and SMU to fully participate in the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project implementation, operation, and maintenance; and 2) Authorize the General Manager, or his designee, to negotiate and execute an MOU with

*FDEP that will allow for the implementation of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project; and 3) Adopt the Resolution (attached) requesting that the Trustees of the Internal Improvement Trust Fund (Trustees) grant the City of Gainesville an easement for the construction, operation, and maintenance of the Paynes Prairie Sheetflow Restoration Project; and 4) Authorize the General Manager, or his designee, to negotiate and execute a Participation Agreement with SJRWMD to jointly purchase approximately 185 acres of the "Edwards Tract" and exchange the property with Trustees for easements over the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project site; and 5) Once the "Edward's Tract" is acquired, authorize the General Manager to declare the property surplus and to donate approximately 185 acres to the Trustees in exchange for all appropriate easements over the Sweetwater Branch/Paynes Prairie Sheetflow Restoration project site, as outlined in the MOU between the City and DEP; and 6) Authorize the General Manager or his designee to enter into negotiations with Alachua County to purchase or obtain easements necessary to facilitate ingress/egress and development of future public access improvements within the Alachua County Forever Bishop Henderson property; and 7) Authorize the General Manager or his designee to sign all documents necessary to affect the land acquisitions, land donations and land exchanges including but not limited to purchase and sale agreements and applications, all subject to approval by the City Attorney as to form and legality.*

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### **080773.**

#### **Florida League of Cities “Building Citizenship in the Community: Back to Basics” Initiative (B)**

*Explanation: The Florida League of Cities (FLC) has requested member municipalities to adopt a resolution in support of the League's presidential priority, “Building Citizenship in the Community: Back to Basics” initiative. Through this initiative, the League has designed and launched a campaign to increase civic awareness and participation. The League will provide education for constituents to increase their awareness of municipal issues, and help them become smarter municipal consumers.*

*Examples of civics activities that will result from the League of Cities' initiative*

*include: city-sponsored open houses and tours of municipal facilities; on-line public resources for use in classrooms civic clubs and other organizations; advisory boards that provide civic input to city councils; citizen academies that educate about city government and services; and youth councils that engage young people and seek youth voices on city issues.*

*Fiscal Note: No fiscal impact*

**RECOMMENDATION**

*The City Commission: 1) adopt the proposed resolution, and 2) transmit a certified copy to the Florida League of Cities.*

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## PLAN BOARD PETITIONS

### 080753. One College Park Planned Development (B)

**Petition 133PDV-08PB. C. David Coffey, P.A. agent for College Park Group, LLC. Rezone property, located in the 1700 block of NW 1st Ave and NW 2nd Ave, to allow construction of a mixed use development including a hotel and parking garage.**

*Explanation: This is a request to rezone property from UMU-1 (Up to 75 units/acre urban mixed-use district) and RMU (Up to 75 units/acre residential mixed use district) to PD (Planned Development District) to allow construction of a mixed use development including a hotel and parking garage. Located in the 1700 block of Northwest 1st Avenue and Northwest 2nd Avenue.*

*The proposed 'One College Park' Planned Development is located on 1.7 acres of the block that is between NW 17th and 18th Street and NW 1st and 2nd Avenues. Currently, the subject property is used as a surface parking lot. This rezoning to PD would apply to that entire block, with the exception of property on the southeast corner which is the site of Hurley Hall. Hurley Hall is a former single-family house that now contains meeting rooms used by the St. Augustine Church/Catholic Student Center. The continued use of that facility will not be affected by this rezoning.*

*This PD will allow for construction of a maximum of 56 apartment units, a 170-room hotel, 14,000 square feet of commercial, and a central parking structure that would serve all of these uses. The parking garage is proposed for a maximum of 610 parking spaces. The southern half of the subject property currently has a UMU-1 zoning district and the northern half has an RMU zoning district. These are both mixed use districts which allow residential development up to 75 units per acre. The UMU-1 district also allows a number of commercial uses (including hotels, restaurants, retail) that are not permitted within the RMU zoning district. The subject property is also part of the College Park Special Area Plan, which regulates the form and design of development based upon 'types' designated on the special area plan map. The southern half of the property allows Type I development within the special area plan, which permits retail, office, and residential uses within buildings a maximum of 6*

stories in height. The northern half of the property allows Type II development within the special area plan, which permits residential and limited office uses within buildings at a maximum height of 3.5 stories. One of the primary purposes of this request is to allow for 6 stories of development on the entire site, including the Type II area on the northern half. The One College Park PD does not propose to alter the uses that are currently permitted on the site.

Submitted for consideration are a PD report, layout map, and building elevations. The PD Report outlines proposed development standards and permitted uses within the development. The standards include regulations regarding parking, location of driveways, building uses and heights, building placement, and details such as garden walls, signage, and street treatments. The College Park Special Area Plan will remain applicable in all instances that are not specifically addressed by the PD Report, and then the requirements of the Land Development Code will apply in all other cases. A basic layout for the site is shown on the PD Layout Map, which depicts the location of the proposed uses on the site and the central parking structure.

Public notice for this petition was published in the Gainesville Sun on November 20, 2008. Letters were mailed to surrounding property owners on November 20, 2008.

The City Plan Board considered Petition 133PDV-08PB at a public hearing held on December 8, 2008. By a vote of 6 - 1, the City Plan Board approved the petition with amended conditions.

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 133PDV-08PB, subject to recommended conditions, with the associated PD report, layout map, and elevations.*

*Staff to City Plan Board - Approve Petition 133PDV-08PB with City Plan Board recommended conditions, with the associated PD report, layout map, and elevations.*

*Alternate Recommendations - The City Commission deny Petition 133PDV-08PB.*

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**080757.**

**Baldwin House (B)**

**Petition 123ZON-08PB. City Plan Board. Amend the City of Gainesville Land Development Code by overlaying the historic preservation/conservation district on an individual building on property**

**zoned CCD located at 11 SE 2nd Ave.**

*Explanation: This is a request by the property owner to have the property individually listed on the Local Register of Historic Places. The proposed building is significant on one of the review criteria required by the Land Development Code which is the minimum number with which to be compliant in order to approve the nomination; and the proposed nominated building retains its historic integrity as assessed against the seven criteria adopted by the Secretary of Interior and specified by the Land Development Code.*

*The Historic Preservation Board has held a public meeting on the proposed building on September 4, 2008. The nomination was heard and unanimously approved by the City of Gainesville's Plan Board on December 8, 2008.*

*Public notice for this petition was published in the Gainesville Sun on November 20, 2008. Letters were mailed to surrounding property owners on November 20, 2008.*

*Fiscal Note: None at this time.*

**RECOMMENDATION**

*Recommended Motion: The City Commission 1) Hear a presentation by Staff 2) Approve the nomination.*

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**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)**