

City of Gainesville

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



Meeting Agenda

May 14, 2007

1:00 PM

City Hall Auditorium

City Commission

***Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Rick Bryant (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Jack Donovan (District 3)
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

050351

Amendment to Existing Town Tire Purchase Order for FY07 (NB)

This item involves increasing an existing purchase order due to increases in associated costs.

Explanation: In May 2006, the City Commission awarded a one-year contract, final extension to Town Tire for the services of tire repair, balancing and alignment. The estimated cost of services for the requested extension was \$150,000. Due to the increase need for tire repair services a modification to increase the existing purchase order is required in the amount of \$52,000 for a total of \$202,000 to cover expenses through September 2007.

Fiscal Note: Additional funding request of \$52,000 is available in Fleet Management's Budget for FY 2007.

RECOMMENDATION

The City Commission: 1) approve the purchase order modification increase to Town Tire for a total of \$202,000; and 2) authorize the City Manager or his designee to execute modification.

Alternative Recommendation A: The City Commission require re-bidding the contract and risk losing the discount currently allowed under the Agreement.

Alternative Recommendation B: The City Commission return to past practice by requesting quotation on

demand and risk losing the efficiencies and price protection of the current contract.

Legislative History

9/12/05 City Commission Approved as Recommended (4 - 0 - 3 Absent)

5/8/06 City Commission Approved as Recommended (5 - 0 - 2 Absent)

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061036.

Purchase Agreement - Land for Fire Station 8 (B)

This item requests that the Commission authorize the City Manager to execute a purchase agreement for approximately two acres of vacant land behind 4127 NW 34th Street for construction of Gainesville Fire Rescue Station 8.

Explanation: For several years the Fire Rescue staff has been evaluating improvements to response time within the City of Gainesville. Standards for fire rescue services are published by the National Fire Protection Association (NFPA); additionally, the City's Fire Department is also evaluated and given a classification rating by the Insurance Services Office (ISO). The ISO rating is used by the insurance industry to establish fire insurance rates for properties in the protected areas. The NFPA standards identify a travel time of four minutes for the closest fire suppression unit or advanced life support unit once they have been paged for a fire or emergency medical call. Fire rescue staff believes that emergency response apparatus can cover two miles in the allowed four minutes based on a travel average of thirty (30) miles per hour. The ISO standard does not use travel times; their evaluation considers property located within 1.5 road-miles of an engine company. Staff uses the NFPA standards for illustration purposes and believes this standard provides good quality and cost-effective services to our community.

In 2005, the City Commission committed to building and operating an eighth fire station in the vicinity of NW 39th Avenue and 34th Street. This station will provide coverage to an area that is essentially built-out where there is very little available property suitable for a fire station. Over the past year and a half, multiple parcels have been evaluated and several property owners contacted in an effort to secure property suitable to locate the new station. Due to the response and coverage model changes that would occur if the fire station is located away from the NW 39th Avenue and 34th Street intersection, only parcels within approximately 1/4 of a mile of that intersection were considered.

Local churches own several of the desirable parcels and presentations to the congregations were conducted. In each case, the congregation elected to retain ownership of the property and discussions were ended. All other owners except for two declined to sell. A comparison of the two available parcels, one north of 39th Avenue and one south of 39th Avenue, resulted in the selection of the north parcel.

Desjam Enterprises, Inc., Mary K. Van Hemel, Director, has agreed to subdivide

the property, tax parcel 06081-000-000, and sell the approximately 1.7 acres of vacant land located behind the daycare center at 4127 NW 34th Street and a fifty foot access corridor, totaling the sale to 2.02 acres. The scheduled closing date is on, or before, June 30, 2008 to allow adequate time to complete the environmental and engineering reviews and required land use and zoning changes. The current appraised value is \$566,000 and the owners have agreed to a sale price of \$650,000 due to the lengthy delay in closing required for the land use and zoning change process.

Fiscal Note: The purchase price of the parcel is \$650,000. Additional costs may include, but not be limited to, approximately \$5,000 for documentary tax stamps and recording fees; environmental audit and soil bearing test fees estimated at \$5,520; and a boundary survey and lot split fee of approximately \$8,000 for an estimated total of \$668,520. The funding source for this purchase will be the Capital Improvement Revenue Bonds (CIRB), Series 2005. The City Commission adopted a resolution authorizing the issuance of the CIRB 2005 on October 24, 2005 to address capital projects, including construction of Fire Station 8.

RECOMMENDATION

The City Commission authorize the City Manager to execute the purchase agreement with Desjam Enterprises, Inc. for the rear approximately 1.7 acres of tax parcel 06081-000-000 and a fifty foot access corridor, subject to approval by the City Attorney as to form and legality.

Alternate Recommendation A: The City Commission decline to authorize the City Manager to execute the purchase agreement.

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061039.

Gainesville Greens (GG Development Associates) Parking Agreements (B)

This item recommends the City Commission approve: 1) a License Agreement to allow Gainesville Greens the use of 233 parking spaces in the Southwest Downtown Parking Garage; 2) a Second Amendment to the License Agreement with Ken and Linda McGurn to accommodate the License Agreement with Gainesville Greens.

Explanation: Gainesville Greens, a mixed use project, will consist of a 10-story building with 144 condominium units and 17-20,000 square feet of retail/restaurant space to be constructed on property commonly known as City Parking Lot 10 (SW 1st Avenue and 2nd Street). The developer has requested 233 parking spaces in the City's Southwest Downtown Parking Garage.

Ken and Linda McGurn (KLM) have a prior agreement with the City which grants them the rights to 225 'development spaces' in the City garage for future development. KLM has executed an agreement with Gainesville Greens to assign the rights to these 225 development spaces to Gainesville Greens. In addition, the City has agreed to allocate eight additional parking spaces to Gainesville Greens. This assignment of parking spaces requires modifications to

one of the original parking garage agreements between the City and KLM and an additional agreement between the City and Gainesville Greens.

Staff has reviewed the allocation of parking spaces in the garage. Based on parking agreements with Alachua County and KLM, as well as the request from Gainesville Greens, the allocation of the 842 parking spaces in the garage will be as follows:

<i>Public =</i>	<i>375</i>
<i>KLM =</i>	<i>138</i>
<i>Gnv Greens =</i>	<i>233</i>
<i>Unallocated =</i>	<i>96</i>
<i>Total =</i>	<i>842</i>

The 375 public parking spaces will meet the demand for public parking.

The SECOND AMENDMENT TO LICENSE AGREEMENT FOR USE OF PARKING GARAGE, between the City and KLM, provides for the following:

- 1. The Agreement acknowledges that KLM has assigned its rights to the 225 development spaces to Gainesville Greens.*
- 2. Should the developer default in his agreement with KLM, the City shall execute the necessary documents returning the rights to the 225 development spaces to KLM in accordance with KLM's parking agreements with the City.*
- 3. If Gainesville Greens is not constructed and completed, then this SECOND AMENDMENT shall be treated as if it were never in effect.*

The LICENSE AGREEMENT FOR USE OF PARKING GARAGE, between the City and Gainesville Greens, provides for the following:

- 1. The Agreement acknowledges that KLM has assigned to the developer of Gainesville Greens its rights to 225 development spaces and that the City has agreed to allocate eight additional spaces in the garage for the project.*
- 2. Parking spaces in the garage shall be "floating spaces" and shall not be designated or marked within the garage.*
- 3. Allows the developer, at his expense, to construct and operate a pedestrian bridge between the project and the garage.*
- 4. The City will grant an air rights easement to Gainesville Greens.*
- 5. The developer shall pay a monthly fee for the parking spaces. This fee will be equal to 80% of the prevailing long term monthly rental rate charged by the City for monthly parking. Based on the current garage rates, the fee paid by the developer today would be \$20/space/month through September 2007. The monthly fee will not be increased by more than 10% per year.*
- 6. The Term of the Agreement is for 99 years or the life of the Project, whichever ends sooner.*

Approval of these two Agreements will provide the 233 parking spaces requested by the developer of the Gainesville Greens project.

Fiscal Note: Based on Fiscal Year 2007 parking garage rates, Gainesville Greens will pay the City \$4,660 per month (\$55,920 annually) for their 233 parking spaces in the Southwest Downtown Parking Garage. The payments will commence the first month after the Certificate of Occupancy has been issued for the project.

RECOMMENDATION

Recommended Motion: The City Commission

authorize the City Manager to execute (1) the SECOND AMENDMENT TO LICENSE AGREEMENT FOR USE OF PARKING GARAGE between Ken and Linda McGurn and the City of Gainesville and (2) the LICENSE AGREEMENT FOR USE OF PARKING GARAGE between GG Development Associates and the City of Gainesville, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission not approve the SECOND AMENDMENT TO LICENSE AGREEMENT FOR USE OF PARKING GARAGE and not approve the LICENSE AGREEMENT FOR USE OF PARKING GARAGE.

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061184.

Revision of Rules for City Plan Board (B)

Explanation: The current City Plan Board Rules were last revised in January of 2005. In October of 2006, planning staff requested and received advice from the City Attorney's office regarding changing Article XIII of the Rules for City Plan Board to allow for some flexibility with regard to the application of Robert's Rules of Order. The City Attorney's office suggested that Article XIII could be amended to provide an exception from the application of Robert's Rules whenever a board specific rule may conflict with the general parliamentary rules of procedure. The City Commission in its adopted rules includes a rule that allows for similar flexibility.

Rule XX of the City Commission's rules states that Robert's Rules of Order, Newly Revised (Tenth Edition), so far as they are applicable and do not conflict with City Commission Rules or the Ordinances or Charter of the City, shall guide the City Commission as needed. This rule has been used to govern the procedures of the City Commission. By similarly amending its rules, and applying its rules consistently and fairly, the City Plan Board can avoid a potential legal or other challenge by a person who believes they were denied due process or were denied their right to be heard at a public hearing.

Article XIII of the City Plan Board's rules currently states that Robert's Rules of Order shall govern parliamentary procedure in City Plan Board meetings. On December 14, 2006, the City Plan Board, by a vote of 6-0, revised Article XIII by replacing that text with the following: Roberts Rules of Order, Newly Revised (Tenth Edition), so far as they are applicable and do not conflict with these (City Plan Board) Rules of the Ordinances of the City, shall guide the City Plan Board as needed with respect to parliamentary procedure.

Fiscal Note: None

RECOMMENDATION

The City Commission approve the revision to Article XIII, Rules for City Plan Board.

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061199.

U.S. Department of Homeland Security Buffer Zone Protection Program (NB)

This item requests City Commission acceptance of a grant in the amount of \$50,000 for the U.S. Department of Homeland Security Buffer Zone Protection Program.

Explanation: The Department of Homeland Security provides protective action funding to protect and secure critical infrastructure and key resources sites across the country through the Buffer Zone Protection Program. The program is designed to reduce vulnerabilities of these sites by extending the protection area around a site into the surrounding community and supporting the prevention and preparedness efforts of local first responders. The Department of Homeland Security designated the Oaks Mall as a critical infrastructure/key resource. The Gainesville Police Department developed and implemented a Buffer Zone Plan for the Oaks Mall. As a result, the City of Gainesville is receiving \$50,000 in grant funds for the acquisition of the materials, equipment, and resources necessary to implement the Buffer Zone Plan for the Oaks Mall. The Gainesville Police Department will purchase ten (10) Self-Contained Breathing Apparatus (SCBA) and the other necessary equipment to support the SCBAs for the Special Weapons and Tactics Team.

Fiscal Note: The \$50,000 in grant funds awarded by the U.S. Department of Homeland Security does not require any local matching funds.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to: 1) accept the \$50,000 in grant funds, and 2) execute any other necessary documents, pending review by the City Attorney as to form and legality.

061200.

Application for FY 2007 HUD Continuum of Care Homeless Assistance Program Funding (NB)

The City of Gainesville will participate in the development of an application for HUD Continuum of Care Homeless Assistance Program funding by serving as the grantee for two local projects.

Explanation: Since 1995, the City of Gainesville has coordinated with other Gainesville/Alachua County organizations to submit applications for funding under HUD's Continuum of Care Homeless Assistance Program. Each annual application has competed successfully with the results being eleven projects, along with multiple renewals, funded in the past twelve years.

Local organizations again have an opportunity to apply for homeless assistance funding through HUD. Two projects, for which the City has served as the "lead

agency” or grantee, will be included in this year's consolidated application:

1. A request for the Meridian Behavioral Healthcare, Inc. “HOPE” Program, for a \$99,098 one-year renewal. This project provides supportive services and transitional housing for up to 11 mentally ill and dually diagnosed homeless individuals at leased scattered sites. It was initially funded in 1995.

2. A request from VETSPACE, Inc. for \$106,215 for a one-year renewal to provide supportive services and transitional housing for up to 12 homeless veterans in leased scattered sites. This project was initially funded in 1999.

These projects have been developed in collaboration with over 30 participating agencies and organizations, including the City of Gainesville, that are part of the Alachua County Coalition for the Homeless & Hungry. The Coalition has taken the lead in submitting the consolidated application. If funded, the City would act as fiscal agent for the receipt and disbursement of grant funds for the Meridian Behavioral Healthcare “HOPE” Program and VETSPACE transitional housing projects via subrecipient agreements.

The deadline for submitting this application to HUD is June 8, 2007.

Fiscal Note: This application requests \$205,313 in funding from HUD for two projects. The City of Gainesville would act as the fiscal agent for both projects, and all required matching funds will be provided by the project sponsors.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager or designee to apply for grant funding in collaboration with the Alachua County Coalition for the Homeless and Hungry under the U.S. Department of Housing & Urban Development (HUD) Continuum of Care Homeless Assistance Program and to act on behalf of the City of Gainesville in all matters pertaining to said grants; and (2) authorize the City Manager to execute subrecipient agreements with Meridian Behavioral Healthcare, Inc. and VETSPACE, Inc. if selected by HUD to receive funding through the Continuum of Care Homeless Assistance Program, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission defer action until a later meeting.

061204.

Amendment to Personnel Policy Number 12 - Military Leave (B)

This item is to amend Personnel Policy Number 12 - Military Leave.

Explanation: The City of Gainesville Policy Number 12, Military Leave, is amended to allow the City of Gainesville to supplement an employee's military pay by an amount not to exceed the employee's regular base pay, (i.e., no overtime, certification

pay, educational incentive pay or special duty pay, etc.), for those employees called to active military duty. This amendment also allows the City of Gainesville to continue City health and basic life insurance coverage for employees called to active military duty at the same rates as for active employees. This amendment becomes retroactively effective on April 1, 2007, and shall be repealed on April 1, 2008, unless renewed by City Commission action.

A copy of this policy is on file in the Clerk of the City Commission's Office. After May 14, 2007, the policy will be on file in the Human Resources Department.

Fiscal Note: Funds are currently budgeted for Fiscal Year 2007-2008 in the individual departments of General Government and GRU.

RECOMMENDATION The City Commission ratify the amendment to City of Gainesville Policy Number 12 - Military Leave
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061205.

Status of On-Line Parking Ticket System (NB)

City staff has written software to permit citizens to pay their parking tickets on-line. This is a status update on staff's on-line payment efforts.

Explanation: Staff began the process of writing a web-based parking payment system in January, 2006. The application required integration to the City's T2 Parking Ticket system, and to PayPal - the credit card processing firm. Further enhancements to the system have been incorporated, and now parking payments are transparently integrated with the City's cashiering system. This enhancement fully automates the posting of on-line payments to the City's finance system.

PayPal was deemed a cost-effective solution for handling credit card payments, although staff wanted an opportunity to evaluate their charge-back costs once the system had been in place for at least six months.

In the six months since this program's inception, the City has collected a net amount of \$32,449 for 1,524 parking tickets. The cost to the City for using PayPal has been \$1,437 - approximately 4.24%.

Staff believes that using PayPal continues to be a cost-effective approach and will continue to monitor this process and related costs. Should changes be required, recommendations will be brought forth for consideration.

Fiscal Note: None

RECOMMENDATION The City Commission accept this status report.

061207.**Decorative Aluminum Fencing for Greentree and Northeast Park (B)**

This item involves the replacement of old chain link fencing along the boundaries of Greentree and Northeast Parks, with decorative black aluminum fencing to improve the appearance along the roadway.

Explanation: The City Commission allocated \$75,000 from Capital Improvement Recreation Bond (CIRB) monies to improve the fencing along Greentree and Northeast Parks. This fence will replace the chain link fence that currently borders the northern boundary along Northeast 16th Avenue at Northeast Park, and the boundary at Greentree Park that runs along Northwest 39th Avenue as well as Northwest 19th Street. The Demandstar program sent bids to 194 fence companies; 20 of those downloaded the bid document, and 8 responded with bids. Staff reviewed all bids and determined that B & T Contractors was the lowest most responsible bidder at \$68,559.90. It will cost \$27,221.55 to replace the fencing along Northeast Park, and \$41,338.35 to replace the fencing along Greentree Park. The proposed decorative black aluminum fencing will dramatically improve the appearance of both park boundaries.

Fiscal Note: Funds in the amount of \$68,559.90 for Northeast Park and Greentree Park decorative fence are allocated in 335-850-C380-5720-6030 CIRB Capital Project funds.

RECOMMENDATION

The City Commission: 1) approve the bid award to B & T Contractors; and 2) authorize the City Manager or designee to execute the contract and issue a purchase order in an amount not to exceed \$68,559.90.

Alternative Recommendation: The City Commission deny the request.

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070003.**Application for Disability Retirement for Lonnie Harvey, Jr. (B)**

Explanation: The applicant, Lonnie Harvey, Jr. received notification on December 11, 2006 that his position as a Transit Operator could no longer be held open past December 21, 2006 due to the exhaustion of his FMLA leave and that he should make inquiries into any post-employment benefits that may be available. On December 20, 2006, Mr. Harvey applied for disability retirement. All information was forwarded to the City of Gainesville's Third Party Administrator for review. On Friday, April 6, 2007, the Disability Review Committee met to review the application.

The Disability Review Committee reviewed the application and clinical assessment of the Third Party Administrator. Upon review of the application, it was noted according to Mr. Harvey's application, the injury occurred in July 1991, which was prior to his hire date of April 11, 2005. According to the Disability Pension Plan Division 6, section 2-560: (b) All preexisting physical or mental disabilities, impairments or limitations shall be stated on the medical

history record. The employees shall, by signing a statement, waive any and all future rights to a disability pension (except one rising out of and in the course of employment with the city) from the city if the future disability results from or is caused by a condition existing prior to employment or reemployment by the city.

This injury is a result of a pre-existing condition incurred through a previous employer and not an in-line of duty disability. Therefore to grant a disability retirement under these circumstances would be a violation of the ordinance.

The Disability Review Committee determined that under these circumstances, Mr. Harvey was not eligible for a disability benefit and is recommending denial of the application for disability benefits.

Fiscal Note: There would be no fiscal impact since no benefit is payable under the recommendation of the Disability Review Committee.

If Mr. Harvey were to be awarded a disability benefit, final monthly benefit would be approximately \$816.93, and would be paid from the Disability Pension Fund.

RECOMMENDATION

The City Commission deny the submitted application for disability retirement for Lonnie Harvey, Jr., Transit Operator, RTS, for the reasons explained in the explanation.

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070011.

Amendment to Existing Ring Power Purchase Order for FY07 (NB)

This item involves increasing an existing purchase order due to increases in associated costs.

Explanation: In October 2006, the Fleet Department issued an annual blanket purchase order to Ring Power for parts and services of Caterpillar engines and equipment. The estimated cost of services for the requested 12 month period was \$25,000. Due to the increase need for repairs and services to Caterpillar powered equipment, a modification to increase the existing purchase order is required in the amount of \$35,000 for a total of \$60,000 to cover expenses through September 2007.

Fiscal Note: Additional funding request of \$35,000 is available in the Fleet Management's Budget for FY 2007.

RECOMMENDATION

The City Commission: 1) approve the purchase order modification increase to Ring Power for a total of \$60,000; and 2) authorize the City Manager or his designee to execute modification.

Alternative Recommendation A: The City Commission require bidding a contract and risk losing the discount currently allowed under the Agreement.

Alternative Recommendation B: The City Commission return to past practice by requesting quotation on

demand and risk losing the efficiencies and price protection of the current Agreement.

070023.**Authorization to Increase Communications Services Tax Rates (NB)**

This item authorizes the City Attorney to draft and the Clerk of the Commission to advertise a revision to the Communications Services Tax Rate in Section 25-81 of the City's Municipal Code in Accordance with Requirements of Chapter 202.20(2) Florida Statutes.

Explanation: When the Communications Services Tax became effective in October 2001, it replaced a number of revenue sources including a portion of municipal utility tax revenues and certain franchise fees previously received by local governments. Inherent in the law was a promise to local governments that their revenues, at least in the year of adoption, would be unaffected by the change in the law. Local governments were permitted to measure their revenues in the first fiscal year 2002 and make adjustments to their rates, including an adjustment for the revenues that should have been received.

The City of Gainesville originally adopted the rate that had been estimated as a proper replacement rate by the Department of Revenue. After the first six months of the new tax, City staff estimated the underpayment that had been received and adjusted its rates accordingly. Looking back, however, and using a full year's revenue from October 2001 through September 2002, it is clear that even our previous adjustment was underestimated. Now that we have complete information from that first year, and because this particular type of emergency rate-setting is anticipated to sunset July 1 of this year under a recently adopted bill, staff is requesting that the City Commission authorize the drafting and advertising of changes to the Communications Services Tax rate. The City Attorney is requesting a Technical Advisory opinion from the Department of Revenue affirming the City's ability to increase the rates by ordinance.

Using the provisions of Chapter 202.20(2) Florida Statutes, staff is requesting a one-year catch-up rate of 7%, which would become effective September 1, 2007, and a new permanent rate of 5.57% which would become effective September 1, 2008, absent any additional necessary changes due to further Department of Revenue audits. The rates cited above are the calculated rates plus the .12% additional rate to which the City is entitled because it does not charge construction permit fees to communications services taxpayers.

Fiscal Note: Staff estimates the additional revenue in FY08 would be in excess of \$1million and additional revenue beginning in FY09 would approximate \$200,000 annually.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise revisions to the City's Communications Services Tax Rate including the .12% for forgoing construction permit fees, setting a total one-year catch-up rate of 7% and a new permanent rate thereafter of 5.57%.

070025.**Holds on Secondhand Dealers - Sec. 22-22 of the Gainesville Code of Ordinances (NB)**

Explanation: Florida State Statute (F.S.S.) 538.06, Holding Period, was revised in 2006 to allow law enforcement officers to place a ninety (90) day written hold order on goods where there is probable cause to believe the property is stolen. According to F.S.S. 538.17, Local Regulation of Secondhand Dealers, municipalities are required to meet minimum requirements of the state statute or enact more restrictive measures. Section 22-22 of the Gainesville Code of Ordinances currently permits officers to place a sixty (60) day hold order and is, therefore, less restrictive than state statute.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) approve amendment to Sec.22-22 of the Gainesville Code of Ordinances relating to hold orders issued by police, to be consistent with the holding period provided for in §538.06, F.S., and 2) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Sec. 22-22 of the Gainesville Code of Ordinances to provide of a 90-day hold consistent with state statutory provisions.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**070032.****Reimbursement for Oversizing of Wastewater (WW) and Reclaimed Water (RCW) Facilities at Brytan Planned Development (NB)****Reimburse the developer of Brytan Planned Development for the oversizing of Wastewater (WW) and Reclaimed Water (RCW) facilities.**

Explanation: Brytan is a mixed use planned development located in the 7500 block of SW Archer Road. A wastewater gravity collection system, pump station and force main must be constructed to provide wastewater service for the project. The pump station and force-main network will connect to an existing 8-inch force main to the west of the project and an existing 24-inch stub out connected to an existing 36-inch force main located in the southern right-of-way of SW Archer Road.

In order to properly serve adjacent undeveloped parcels and minimize the expense associated with multiple lift stations that GRU would have to operate and maintain increased depth of the Brytan gravity collection system is required. For the same reason, GRU is requiring wastewater stubouts to the property line. Additionally, the force main is being oversized at the direction of GRU to increase wastewater system capacity and reliability. The Developer's Engineer

has accommodated this in the development design. The developer's incremental cost to oversize the force main, deepen the gravity wastewater system and stubout wastewater service, for which reimbursement is being sought, is \$300,000.00.

The recommended amount of \$300,000.00 includes all design, construction, labor, and materials associated with the WW and RCW system oversizing to satisfactorily complete the work.

Fiscal Note: Monies for this project are available in the FY 07/08 Water and Wastewater Capital Improvements Budget.

RECOMMENDATION

The City Commission authorize the General Manager or her designee to negotiate and execute an agreement for reimbursement to Brice Business Group for the oversizing of WW and RCW facilities in an amount not to exceed \$300,000.00 subject to approval of the City Attorney as to form and legality.

070033.

Reimbursement for Oversizing of Wastewater (WW) Facilities at Shands Ambulatory Surgery Center (NB)

Reimburse the developer of Shands Ambulatory Surgery Center for the oversizing of Wastewater (WW) facilities.

Explanation: Shands Ambulatory Surgery Center is located at 3480 Hull Road. A privately maintained wastewater pump station and GRU maintained 4-inch force main must be constructed to provide wastewater service for the project. Additionally, a segment of 16-inch force main is being oversized at the direction of GRU to increase wastewater system capacity, reliability and redundancy.

The facilities constructed under this agreement will ultimately be part of improvements to add redundancy and thus improve the reliability of a major wastewater conveyance system. Additionally, it is anticipated this oversizing will serve the future Urban Student Village proposed in this area. The Urban Student Village will require a new master wastewater pump station and force main that will discharge to the SW 34th Street force main. The 16-inch force main is adequately sized to transmit wastewater flow resulting from the development in this area.

The Developer's Engineer accommodated this in the development design. The developer's incremental cost to oversize the force main and stubout wastewater service, for which reimbursement is being sought, is \$360,000.00.

The recommended amount of \$360,000.00 includes all design, construction, labor, and materials associated with the WW system oversizing to satisfactorily complete the work.

Fiscal Note: Monies for this project are available in the FY 07/08 Water and Wastewater Capital Improvements Budget.

RECOMMENDATION

The City Commission authorize the General Manager or her designee to negotiate and execute an agreement for reimbursement to the University of Florida Foundation for the oversizing of WW facilities in an

amount not to exceed \$360,000.00 subject to approval of the City Attorney as to form and legality.

070034.

Software Upgrade for Risk Management and Safety and Training Management (NB)

Staff recommends upgrading a software solution for risk management and safety and training management with Unique Software Solutions, Inc.

Explanation: Utility and General Government staff have evaluated its current process for the ability to maintain, track and access risk management, safety and training data used by various City agencies. At present, several separate software systems support various departments, some with identical or similar information. Staff believes that an integrated software solution would allow consolidation of employee safety, training and risk management information in a shared database which could be accessed based on an employee's authorization requirements. Using a common software solution would improve staff's ability to track, manage and access employee health and safety related information such as worker's compensation injuries, FMLA leave, safety training and compliance, accident reporting, job hazard analysis and related issues. Unique Software Solutions has been used by the City since 1997 in a Windows format. The upgrade will include the addition of modules and user licenses in a web-based application that will meet the needs of all operational health services. One of the important additions will include a Learning Management System (LMS) that will allow integration of Risk Management functions for all City agencies. The LMS application is currently performed by software whose license expires at the end of the fiscal year. By integrating the LMS functions with those performed by Unique Software Solutions, all City departments will use a single training database to schedule and track federal and state mandated training as well as progression through training programs. This purchase will allow for an upgrade to the system which reduces the overall cost of establishing an integrated system. The application package for General Government and the Utility is \$42,950. Implementation and training costs will be shared and are anticipated not to exceed \$30,000.

RECOMMENDATION

The City Commission 1) authorize the General Manager, or her designee, to upgrade to an existing software license agreement with Unique Software Solutions, Inc. for a safety & training management application suite (OHM/Web), subject to the approval of the City Attorney as to form and legality, and 2) approve the issuance of purchase orders in amounts not exceeding \$73,000 for Utility and General Government requirements.

FISCAL IMPACT

Funds are available in both GRU and General Governments FY 07 budgets.

CITY ATTORNEY, CONSENT AGENDA ITEMS**061201.****ROBERT ALEXANDER NEVILLE M.D. VS. K-9 OFFICER
CONCANNON, A. VAN HALL AND NORMAN BOTSFORD; UNITED
STATES DISTRICT COURT CASE NO. 1:06CV00199MP-AK (B)**

Explanation: On March 30, 2007, the City received a copy and request for waiver of service of a Complaint filed by Mr. Robert Alexander Neville in Federal Court. He alleges that his civil rights were violated by actions and policies of the Gainesville Police Department and the specified Officers. Mr. Neville seeks money damages and exemplary and punitive relief, treble damages and attorney's fees.

RECOMMENDATION

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville and City employees acting in the course and scope of their employment and with the consent and waiver of potential conflict by the City employees, in the case Robert Alexander Neville M.D. vs. K-9 Officer Concannon, A. Van Hall and Norman Botsford; United States District Court Case No. 1:06cv00199MP-AK.

061201_200705141300.pdf

061202.**KIMBERLY EWELL VS. CITY OF GAINESVILLE; EIGHTH
JUDICIAL CIRCUIT, COURT CASE NO. 2007-CA-369 (B)**

Explanation: On April 17, 2007, the City was served with a Summons and Complaint filed by Attorney Jonathan Rotstein on behalf of Kimberley Ewell in the Circuit Court. Ms. Ewell alleges that she was a passenger in a vehicle involved in an automobile accident with a City vehicle. She claims to have sustained bodily injury, loss of capacity for the enjoyment of life, expenses for hospitalization, medical and nursing care, loss of earnings and ability to earn money. Ms. Ewell seeks money damages and attorney's fees.

RECOMMENDATION

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville in the case Kimberly Ewell vs. City of Gainesville; Eighth Judicial Circuit, Court Case No. 2007-CA-369

061202_200705141300.pdf

070020.**PROGRESSIVE EXPRESS INSURANCE COMPANY, A/S/O VICTOR
DELGADO VS. CITY OF GAINESVILLE; ALACHUA COUNTY
COURT; CASE NO.: 01-07-SC 1135 (B)**

Explanation: On April 23, 2007, the City was served with a Summons and Complaint filed by

Attorney Richard L. Rothman on behalf of Progressive Express Insurance Company a/s/o Victor Delgado in the County Court. The Plaintiff alleges that they paid out damages to their insured due to a motor vehicle accident involving the Gainesville Police Department. The Plaintiff is seeking money damages in the amount of \$4,899.25 together with costs and pre-judgment interest.

RECOMMENDATION

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City in the case styled Progressive Express Insurance Company, a/s/o Victor Delgado vs. City of Gainesville; Alachua County Court; Case No.: 01-07-SC-1135.

070020_200705141300.pdf

070022.

NAME CHANGE OF OCCUPATIONAL LICENSE (NB)

Explanation: On January 1, 2007, the legislature enacted Chapter 2006-152, which changed the name of the "Local Occupational Tax Act" to the "Local Business Tax Act", and changed the name of the occupational license issued by local governments from "occupational license" to a "business tax receipt".

The City Attorney recommends amending the ordinance to conform with Chapter 205, Florida Statutes, by changing the name of the "Local Occupational License Tax Act" to the "Local Business Tax Act" and changing the name of the occupational license issued by the City from an "occupational license" to a "business tax receipt".

RECOMMENDATION

Authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance replacing the term "occupational license" with the term "business tax".

070027.

AMENDMENTS TO EMPLOYEES GENERAL PENSION PLAN TO UPDATE AND COMPLY WITH PROVISIONS OF THE PENSION PROTECTION ACT OF 2006 (NB)

Explanation: The recently adopted federal Pension Protection Act of 2006 made permanent some earlier ERISA/Internal Revenue Code provisions that affected the City's pension plans and imposed at least one new requirement. It is necessary to update plan provisions related to these ERISA/tax code qualification requirements. Changes generally involve eliminating prior restrictions and adding the ability of non-spouse beneficiaries to roll over certain distributions in the event of death of the member and avoid such distribution being a taxable event. The changes are already being made as part of the presently pending amendment to the Police Officers and Firefighters Consolidated Pension Plan. There is no cost to the City associated with these changes and, as indicated above, potential benefits to the members.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the General Employees Pension Plan.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**070002. City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of April 9, 2007; April 23, 2007; and May 3, 2007; as circulated.

070038.**Advisory Board/Committee Appointments to the Citizens' Advisory Committee for Community Development (NB)****RECOMMENDATION**

The City Commission appoint Walter O. Barry for term to expire November 1, 2009, and appoint John H. Thomas for term to expire November 1, 2010 to the Citizens' Advisory Committee for Community Development.

Commissioner Braddy:

Commissioner Bryant: Barry and Thomas

Commissioner Donovan: Barry and Thomas

Commissioner Henry:

Commissioner Lowe: Barry and Thomas

Commissioner Mastrodicasa: Barry and Thomas

Mayor Hanrahan: Barry and Thomas

070039.**Advisory Board/Committee Appointments to the City Beautification Board (NB)****RECOMMENDATION**

The City Commission appoint to the City Beautification Board Karissa N. Baker and John H. Thomas for terms to expire November 1, 2009, and Vivian Filer and Gayle G. Phelan for terms to expire November 1, 2008.

Commissioner Braddy:

Commissioner Bryant: Baker, Filer, Phelan, Thomas

Commissioner Donovan: Baker, Filer, Phelan, Thomas

Commissioner Henry:

Commissioner Lowe: Baker, Filer, Phelan, Thomas
Commissioner Mastrodicasa: Baker, Filer, Phelan, Thomas
Mayor Hanrahan: Baker, Thomas, Filer, Phelan

070041.**Advisory Board/Committee Appointment to the Fire Safety Board of Adjustment (NB)****RECOMMENDATION**

The City Commission reappoint Donald A. Yanskey to the Fire Safety Board of Adjustment for term to expire November 1, 2008.

Commissioner Braddy:
Commissioner Bryant: Yanskey
Commissioner Donovan: Yanskey
Commissioner Henry:
Commissioner Lowe: Yanskey
Commissioner Mastrodicasa: Yanskey
Mayor Hanrahan: Yanskey

070042.**Advisory Board/Committee Appointment to the Gainesville Enterprise Zone Development Agency (NB)****RECOMMENDATION**

The City Commission appoint Todd Martin (Code Enforcement Member) to the Gainesville Enterprise Zone Development Agency for a vacancy to expire March 31, 2008.

Commissioner Braddy:
Commissioner Bryant: Martin
Commissioner Donovan: Martin
Commissioner Henry:
Commissioner Lowe: Martin
Commissioner Mastrodicasa: Martin
Mayor Hanrahan: Martin

070045.**Advisory Board/Committee Appointments to the Innovation Campus Task Force (NB)****RECOMMENDATION**

The City Commission appoint to the Innovation Campus Task Force (citizen-at-large), (developer), (finance), (entrepreneur), (Santa Fe Community College), (UF Representative) with terms to expire

upon completion of the charge.
 Commissioner Braddy:
 Commissioner Bryant: Thomas, Warren, Arvesu,
 Warrington, Hutchins, Dixon
 Commissioner Donovan: Thomas, Warren, Arvesu,
 Warrington, Hutchins, Dixon
 Commissioner Henry:
 Commissioner Lowe: Thomas, Warren, Arvesu,
 Warrington, Hutchins, Dixon
 Commissioner Mastrodicasa: Thomas, Warren,
 Arvesu, Warrington, Hutchins, Dixon
 Mayor Hanrahan: Thomas, Warren, Arvesu,
 Warrington, Hutchins, Dixon

070046.**Advisory Board/Committee Appointment to the Water Management Committee (NB)****RECOMMENDATION**

The City Commission appoint Vanessa M. Gonzalez-Vinas to the Water Management Committee for a term to expire August 2009.

Commissioner Braddy:
 Commissioner Bryant: Gonzalez-Vinas
 Commissioner Donovan: Gonzalez-Vinas
 Commissioner Henry:
 Commissioner Lowe: Gonzalez-Vinas
 Commissioner Mastrodicasa: Gonzalez-Vinas
 Mayor Hanrahan: Gonzalez-Vinas

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT****PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT****051175.****Charter Officer Annual Review Process (NB)****This item explains the Annual Review process for Charter Officers**

Explanation: Two months before each Charter Officer's evaluation is due, the Human Resources staff will contact the Charter Officer to assist in preparing a salary review of comparable agencies to the City of Gainesville for the specific Charter

Officer who has an Annual Review due.

The Charter Officer and Human Resources Department will provide the salary information to the Mayor and City Commissioners along with a basic job description for that specific Charter Officer.

Each Charter Officer will be responsible to generate and communicate to the Mayor and City Commissioners a list of his/her accomplishments for the evaluation period.

The Charter Officer will then meet individually with the Mayor and City Commission to discuss his/her accomplishments for the review period.

The Charter Officer with assistance from the Human Resources Dept will generate the Agenda Item.

The Annual Review time period for the City Manager and the General Manager will be changed from their current month to February of each year. Any necessary proration resulting from this change in review date will be taken into consideration as the reviews become due.

RECOMMENDATION

The City Commission approve the Annual Review process for Charter Officers and this item be removed from the Personnel and Organizational Structure Committee referral list.

Legislative History

4/10/06	City Commission	Referred (7 - 0)	Personnel and Organizational Structure Committee
5/23/06	Personnel and Organizational Structure Committee	Discussed	
8/22/06	Personnel and Organizational Structure Committee	Discussed	
3/27/07	Personnel and Organizational Structure Committee	Approved as Amended	

PUBLIC SAFETY COMMITTEE, CONSENT

060725.

Citizen Proposal - Monitoring Yard Parking Violations (B)

Explanation: At the November 13, 2006 City Commission Meeting, Citizen David Chalmers submitted a proposal to allow citizens to monitor, document and attest to yard parking violations. This proposal was referred to the Public Safety Committee.

After discussing and reviewing this proposal at several PSC meetings, Codes Enforcement Manager, Jim Garrett, brought forward a draft SOP for his department to incorporate this proposal. The Committee agrees that this SOP is a good tool for yard parking violations.

Fiscal Note: None

RECOMMENDATION

The City Commission 1) approve the procedures regarding yard parking violations implemented by the Codes Enforcement Department and 2) remove this item from the Public Safety Committee's Referral List.

Legislative History

11/13/06	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
12/21/06	Public Safety Committee	Discussed	
3/29/07	Public Safety Committee	Continued	

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061024.

Ironwood Homeowners Association Report (NB)

Explanation: At the February 26, 2007 meeting citizens Nancy Testa spoke regarding their request that City staff research the legality of requiring new apartment complexes to provide on site private security to keep crime down in the complexes.

Senior Assistant City Attorney Ron Combs' state and national search for cities who required developers to provide security at new apartment complexes produced none. The City already has a Public Nuisance Abatement Ordinance in place that can be used for problem neighborhoods if necessary. The Committee found no basis for this requirement.

Fiscal Note: None

RECOMMENDATION

The City Commission remove this item from the Public Safety Committee's Referral List.

Legislative History

2/26/07	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
2/26/07	City Commission	Referred	City Attorney
3/29/07	Public Safety Committee	Discussed	

061175.

Gainesville Police Explorer Funding for State Competitions from State LECFTF (NB)

The Florida Association of Police Explorers will be hosting the Florida State

Competition from Sunday, June 10 through Saturday June 16, 2007 in Orlando. The Gainesville Police Department would like to send six members to compete.

Explanation: Gainesville Police Explorer Post 917 has had a successful program for youths between the ages of 14-20 for the past thirty six years. The Post currently has 24 members. The Post assists the City of Gainesville and the Gainesville Police Department in numerous special events throughout the year to include, but not limited to, parking and pedestrian assistance at the Downtown Arts Festival, 5th Avenue Arts Festival, and the Hoggetowne Medieval Fair.

In appreciation for the Explorer's service to our City and Department, and as a challenge with other Law Enforcement Explorer Posts, the Department would like to offer Post 917 members an opportunity to attend a Florida State Competition. Total cost for the State competition is approximately \$4,000. The Post has collected corporate sponsorships and donations this year, as they have in the past, which will pay for part of the travel. This request is for \$2,000.00 and will assist covering a part of the cost for the competition.

The Public Safety Committee discussed this at their April 19, 2007 meeting and recommend approval of spending these funds.

Fiscal Note: Funds of \$2,000.00 for this expenditure are available in the State Law Enforcement Contraband Forfeiture Trust Fund, as allowed under FSS 932.7055(4)(a). Balance of the State Law Enforcement Contraband Forfeiture Trust Fund is \$5,500.

RECOMMENDATION

The City Commission approve the appropriation and expenditure of an amount not to exceed \$2,000.00 from the State Law Enforcement Contraband Forfeiture Trust Fund for travel expenses for The Police Explorers, Post 917 to be used for them to attend their State competition in 2007.

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER**060927.****Legislative Update (B)**

The City Commission will receive a report from staff regarding legislative affairs.

Explanation: Funds for City of Gainesville projects are included in the State budget passed by the Florida Legislature. As of the drafting of this item, the budget was awaiting the Governor's approval. Barring any veto by the Governor, the Legislature included a \$100,000 earmark for the Reichert House Regional Juvenile Crime Prevention Initiative and \$200,000 is included for Possum Creek Park through the Florida Recreation Development Assistance Program (FRDAP).

The Florida Legislature failed to come to an agreement on a Property Tax Reform package. A special session has been called for June 12-22 to solely address Property Tax Reform. Staff will present information regarding a variety of potential outcomes that may emerge from the special session.

Fiscal Note: \$300,000 is included in the State of Florida budget for two City of Gainesville projects.

RECOMMENDATION

The City Commission receive the legislative update and take action as appropriate and 1) approve a position on Property Tax Reform; and 2) request staff to coordinate meetings with members of the Alachua County State Legislative Delegation to relay the position of Property Tax Reform taken by the City Commission.

Legislative History

2/12/07	City Commission	Heard
2/26/07	City Commission	Approved as shown above (See Motion) (6 - 0 - 1 Absent)
3/12/07	City Commission	Approved as shown above (See Motion) (5 - 0 - 2 Absent)
3/26/07	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
4/9/07	City Commission	Approved as shown above (See Motion) (5 - 0 - 2 Absent)
4/23/07	City Commission	Approved as shown above (See Motion) (7 - 0)

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 060927SB_200704231300.pdf
 060927SBPP_200704231300.pdf

070013.**Interlocal Agreement with Alachua County for the Additional Five (5) Cents Local Option Fuel Tax (B)**

Section 336.025, Florida Statutes allow counties to impose an additional

local option gas tax of one to five cents on motor fuel sold in a county, with the revenue generated by such tax to be used by county and municipal governments only for transportation expenditures authorized by law. Alachua County is considering adopting an ordinance for the implementation of this additional five cents to be effective January 1, 2008.

Explanation: On Tuesday, April 17, 2007, the Alachua County Commission approved authorization for the County Manager and County Attorney to prepare an Interlocal Agreement between Alachua County and the City of Gainesville that would provide a distribution formula for an additional five cent local option fuel tax of 52.150% to the unincorporated Alachua County and 38.635% to the City of Gainesville.

There are currently two separate interlocal agreements between Alachua County and the City of Gainesville for distribution of local option fuel tax. The first three cents are distributed based on 43.940% to Alachua County and 43.940% to City of Gainesville; the second three cents are distributed based on 60.360% to Alachua County and 33.330% to City of Gainesville; the average of these two distribution formulas is 52.1% to Alachua County and 38.6% to City of Gainesville.

Based on an average of mileage of roadway and population distribution Alachua County would receive 51.884% and the City of Gainesville 37.468%. If the formula was based on percentage of road mileage the distribution would be 62.023% to Alachua County and 25.141% to the City of Gainesville. Using just population the distribution is 41.745% Alachua County and 49.795% City of Gainesville. Using the default formula of transportation expenditures the City of Gainesville distribution is approximately 50 to 70%. Based on figures calculated in 2003 the percentage was in the range of 50%; however, for the transportation expenditures from 2001 through 2005 the estimated distribution is 70% to the City and 25% to the County. Staff believes that the increase is largely due to major increases in transit funding related to the University of Florida partnership as well as capital during the same time frame from the Campus Development Agreements and federal grants associated with the Airport and other federal transportation earmarks received by the City. Even though the some of the formulas provide greater percentages for the City, it was quite clear in the negotiations that the County was not interested in moving forward with implementation of the tax if they did not receive a greater share. This is largely due to the responsibility that the County Commission has in being the sole entity able to implement the additional tax. Of the remaining mechanisms for revenue distribution, the formula that averages the existing distributions is a methodology that staff felt was supportable since it was slightly higher than the formula that averaged the population and road mileage formula. In regards to allowable expenditures of this particular fuel tax, Florida Statutes state that it must be used "for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems and for other transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. For purposes of this paragraph, expenditures for the construction of new roads, the reconstruction or resurfacing of existing paved roads, or the paving of existing graded roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of an adopted comprehensive plan. Expenditures for purposes of this paragraph shall not include routine maintenance of roads."

Several commissioners have expressed concern about the use of the funds for transportation projects that would provide additional capacity in the unincorporated portion of the Gainesville urban area that would encourage development further out from the urban core but yet continue to bring additional traffic congestion into the urban core. If the City Commission would like to offer specific language to the County Commission on the types of projects they would like to see funded, an option to consider would be the following language: "Alachua County agrees to limit their expenditure of the revenue from the additional five (5) cents to major maintenance such as unpaved road alternative surface treatments, resurfacing/reconstruction projects, bicycle/pedestrian projects, and roadway safety improvements."

On May 8, the Alachua County Commission approved the motion for "the County Attorney to prepare for the Board's consideration an Interlocal Agreement and Ordinance with the following modified conditions:

- 1) Adopting the distribution method as presented by staff the average of all the totals.
- 2) (10%) - Bicycle/Pedestrian projects
(15%) (14%) - Unpaved road alternative surface treatments
(75%) - Roadway safety improvements and Unfunded resurfacing/reconstructions projects as follows:

1. NW 16th Avenue/23rd Avenue \$6,500,000 City limits
2. SW 63rd Blvd/62nd Avenue \$4,000,000 Urban

Cluster

3. NW CR 235 \$10,000,000
4. NW 43rd Street \$4,200,000 City limits
5. NW CR 231 \$5,600,000

- 3) And that language be included specifying no new roads or travel lanes."

The alternative surface treatment projects are noted in a report prepared for the County Commission in October 2006 as "There are several alternative surface treatments that can be applied on most of the existing unpaved roads in Alachua County. These surface treatments include sand seal, chip seal, open-graded cold pave asphalt and hot-mix asphalt. All of these solutions would provide greater relief from the problems addressed in the last section at similar life-cycle costs. It is important to note that these treatments do not meet the regulatory requirements for a paved road as required by the Alachua County Development Land Code; therefore, further improvements would be required for any future development to take place."

Fiscal Note: Based on information provided by the State of Florida, an additional 5-cents local option fuel tax will generate approximately \$5,500,000 annually in Alachua County. The City's portion of the revenue under the 38.625% distribution will be approximately \$2,134,275 annually. The default distribution formula will be in the range of 50 to 70% with projected revenue of \$2,750,000 to \$3,850,000.

RECOMMENDATION

The City Commission: 1) approve the Interlocal Agreement with the additional language to address Alachua County's agreement to limit their expenditure of the revenue from the additional five (5) cents to

major maintenance such as unpaved road alternative surface treatments, resurfacing/reconstruction projects, bicycle/pedestrian projects, and roadway safety improvements; and 2) authorize the City Manager to execute the Interlocal Agreement.

Alternative Recommendation A:

The City Commission: 1) select a higher distribution percentage rate; and 2) direct staff to go back to the County Commission for further negotiations.

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GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

060864.

Presentation on Juvenile Crime by the State Attorney's Office & Drug Activity & Noise in the SE 5th Avenue Neighborhood (B)

Explanation: The 2006 Juvenile Offense Data for Alachua County report is in response to a concern by citizen Kali Blount at the January 8, 2007 City Commission Meeting regarding teenage boys carrying automatic weapons in the Sugar Hill Neighborhood.

The report was presented at the Black on Black Crime Task Force meeting on March 7, 2007 meeting by State Attorney's Office staff. At that time, Commissioners Donovan and Mastrodicasa requested the State Attorney's Office to make the presentation before the full City Commission on April 9, 2007.

The second portion of this referral regarding noise in the SE 5th Avenue Neighborhood was presented at the January 8 meeting by Moses Reese. Mr. Reese has been given information regarding the active Crime Watch organization in his neighborhood and was sent a letter from Chief Botsford outlining steps being taken by GPD staff to address the problem in his

neighborhood.

Since both portions of this referral have been addressed by the Public Safety Committee, the Committee recommends the City Commission remove this item from the PSC referral list.

Fiscal Note: None

RECOMMENDATION

The City Commission 1) Hear a presentation from the State Attorney's Office on the 2006 Juvenile Offense Data for Alachua County; and 2) remove this referral item from the Public Safety Committee's referral list.

Legislative History

1/8/07	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
3/29/07	Public Safety Committee	Approved as Recommended	
4/9/07	City Commission	Continued (4 - 0 - 3 Absent)	

060864_20070409.pdf

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

REGIONAL UTILITIES COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

070035.

GEAC Recommendation for Carbon Footprint Assessment Tool (NB)

Explanation: At the January 16, 2007 meeting GEAC received a presentation for Mark Van Soestbergen regarding a carbon footprint assessment tool. This tool would be accessed online and allow users to determine their carbon footprint and view graphic representations of their impact. It would also allow for comparisons between different size, and type of users. A more in depth explanatory document will be provided as back-up.

Fiscal Note: There is a one time fiscal impact of \$10,000.00

RECOMMENDATION

The City Commission to provide \$10,000.00 in funding for a carbon footprint assessment tool as proposed by Mark Van Soestbergen of the International Carbon Bank and Exchange Inc.

070047.

The City Commission appoint an EDUCC member to the Innovation Campus Task Force (NB)

RECOMMENDATION

The City Commission appoint an EDUCC member to the Innovation Campus Task Force, term to expire at

the completion of the charge.

070040.

Advisory Board/Committee Appointment to the City Plan Board (NB)

RECOMMENDATION

The City Commission appoint to the City Plan Board for a term to expire November 1, 2010.

Commissioner Braddy:

Commissioner Bryant: Wells

Commissioner Donovan: Harnsberger

Commissioner Henry:

Commissioner Lowe: Wells

Commissioner Mastrodicasa: Wells

Mayor Hanrahan: Ackerman

070043.

Advisory Board/Committee Appointment to the Gainesville Human Rights Board (NB)

RECOMMENDATION

The City Commission appoint to the Gainesville Human Rights Board to a term to expire February 22, 2009.

Commissioner Braddy:

Commissioner Bryant: Hannibal

Commissioner Donovan: Hannibal

Commissioner Henry:

Commissioner Lowe: Krop

Commissioner Mastrodicasa: Toledo

Mayor Hanrahan: Hannibal

070044.

Advisory Board/Committee Appointments to the Gainesville/Alachua County Cultural Affairs Board (NB)

RECOMMENDATION

The City Commission appoint to a vacancy expiring September 30, 2008, and appoint , , and to terms to expire September 30, 2009.

Commissioner Braddy:

Commissioner Bryant: Baker, Filer, Gerhardt, White

Commissioner Donovan: Baker, Gerhardt, Kuepper, White

Commissioner Henry:

Commissioner Lowe: Backer-Kelly, Filer, Gerhardt,

*Kuepper
Commissioner Mastrodicasa: Backer-Kelly, Baker,
Filer, Gerhardt
Mayor Hanrahan: Filer, Gerhardt, Kuepper, White*

OUTSIDE AGENCIES

061182. Paynes Prairie Preserve State Park (B)

Explanation: With over a third of a million visitors per year, Paynes Prairie is important to the community both for quality of life and economic reasons. Alachua Sink is a major recharge point for water to return to the Floridan Aquifer, the principal source of our drinking water. Learn about our goals to restore and protect this important natural and cultural area, the Preserve's wildlife and plant diversity, the abundant recreation and program options available, and how community support, outreach, and education have grown substantially over the past three years.

RECOMMENDATION

The City Commission hear a presentation and take action deemed appropriate.

061182_20070514.pdf

MEMBERS OF THE CITY COMMISSION

070036. Mayor Pegeen Hanrahan - Committee Assignments (B)

RECOMMENDATION

The City Commission confirm the Mayor's committee assignments.

070037. Commissioner Jack Donovan - Planning for the Urban Village Area (B)

RECOMMENDATION

The City Commission discuss setting up a workshop on how things are proceeding with planning for the Urban Village and how to proceed.

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COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)**GATOR DETACHMENT OF THE MARINE CORPS****PROCLAMATIONS/SPECIAL RECOGNITIONS****070029.****National Public Works Week - May 20-26, 2007 (B)****RECOMMENDATION**

City of Gainesville Public Works Director Teresa Scott to accept the proclamation.

070029_20070514.pdf

070030.**Foster Care Month - May 2007 (B)****RECOMMENDATION**

Partnership for Strong Families Resource Development Specialist Dana Bobb to accept the proclamation.

070030_20070514.pdf

070031.**Memorial Day - May 28, 2007 (B)****RECOMMENDATION**

Gator Detachment of the Marine Corp League to accept the proclamation.

070031_20070514.pdf

061206.**Raising 'Canes Student Awards (NB)**

Explanation: The City of Gainesville has adopted Gainesville High School (GHS) through a volunteer program called "Raising 'Canes". As part of that program, three Gainesville High School students, nominated by school administration, will be recognized for their outstanding achievements. City staff will describe the awards and introduce the students to the City Commission. The students will be presented with a certificate and gift by the Mayor.

Fiscal Note: None

RECOMMENDATION

The City Commission hear presentation.

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet

PUBLIC HEARINGS**ADOPTION READING-ROLL CALL REQUIRED****060733.****LAND USE CHANGE - UNIVERSITY AVENUE AND 13TH STREET
(UNIVERSITY CORNERS) (B)****Ordinance No. 0-07-06, Petition No. 148LUC-06PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; amending Ordinance No. 040656 that imposed the land use category of "Planned Use District" on certain property known as "University Corners", as more specifically described in this ordinance; located between West University Avenue on the South, Northwest 3rd Avenue on the North, Northwest 13th Street (US 441) on the East and Northwest 14th Street on the West; providing revised conditions; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

The purpose of this petition is to amend portions of PUD ordinance 040656, approved on May 9, 2005, for the mixed-use development known as University Corners, a 1,185,000-square-foot development located on approximately 4.4 acres, located between West University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street.

The petitioner is requesting to increase the maximum number of residential units within this development from 400 units to a maximum of 490 dwelling units, without increasing the number of stories or the total square footage. The 490-unit total includes both the standard condominiums (247) and the condo/hotel (243) units. The proposed density would increase from 90 dwelling units per acre to 112 dwelling units per acre. The petitioner intends to convert two-story townhouse units into flats and be allowed to utilize much of the previously approved second-story retail and office space as residential.

In addition to increasing the maximum number of dwelling units allowed, the petitioner is also proposing to increase the number of stories of the above-ground parking garage from eight to nine stories and increase the garage height from 85 feet to 95 feet above grade level to the top of the guard rail. The additional story and height is being requested due to the loss of parking spaces resulting from removing the original underground parking garage, which has been reduced in size. The new, structured parking system being proposed should house approximately 1,000 spaces, 300 less than previously approved, and have a maximum square footage of 350,000 square feet, approximately 100,000 square feet less than before.

During the past year, much of the land surrounding the subject property has had its residential densities increased with the recent land use plan change and rezoning of property along the University Avenue and 13th Street corridors to

urban mixed use 1 (UMU-1) and urban mixed use 2 (UMU-2). The maximum density allowed on most of the properties located to the west and north of the site, now zoned UMU-1 along those corridors west of 13th Street, has increased to 75 dwelling units per acre by right or 100 dwelling units per acre with approval of a Special Use Permit. The maximum density allowed on the properties to the east, across Northwest 13th Street, now zoned UMU-2 along the corridors, has increased to 100 dwelling units per acre by right or 125 dwelling units per acre by Special Use Permit.

The Plan Board heard the petition and recommended approval by a vote of 4-3.

Public notice was published in the Gainesville Sun on October 31, 2006. Letters were mailed to surrounding property owners on November 30, 2006. The Plan Board held a public hearing November 16, 2006.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

1/8/07 City Commission Approved (Petition) with Staff Conditions, as Amended
(5 - 0 - 2 Absent)

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

060734.

PLANNED DEVELOPMENT AMENDMENT - UNIVERSITY AVENUE AND 13TH STREET (UNIVERSITY CORNERS) (B)

Ordinance No. 0-07-02, Petition No. 149PDA-06PB

An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 040657 that rezoned certain properties to the zoning category of Planned Development, commonly known as "University Corners", as more

specifically described in this ordinance; generally located between West University Avenue on the South, Northwest 3rd Avenue on the North, Northwest 13th Street (US 441) on the East and Northwest 14th Street on the West; adopting revised development plan maps and a revised development report; adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

The petitioner wishes to amend portions of PD Ordinance 040657, PD Plan Report, PD Layout Plan and PD elevation all approved on May 23, 2005, for the mixed-use development known as University Corners, a 1,185,000-square-foot development located on approximately 4.4 acres of land located between West University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street.

The petitioner is requesting to increase the maximum number of residential dwelling units from a total of 400 units to a maximum of 490 dwelling units without increasing the number of stories of the mixed-use buildings or the total square footage. The 490-unit total includes standard condominium units and approximately 243 condo/hotel dwelling units including approximately 243 dwelling units including condo-hotel. The proposed density for this project would increase from 90 to 112 dwelling units per acre. The petitioner intends to increase the total number of condos by decreasing the unit sizes, converting two-story townhouse units into flats, and would allow the developer the flexibility to use much of the second story as residential.

In addition to increasing the maximum number of dwelling units allowed, the petitioner is also proposing to increase the number of stories of the above-ground parking garage from eight to nine stories and increasing the garage height from 85 feet to 95 feet above grade level to the top of the guard rail. The additional story and height is being requested due to the loss of parking spaces in the original underground parking garage, which has been reduced in size. The new, structured parking system being proposed should house approximately 1,000 spaces, 300 less than previously approved, and have a maximum square footage of 350,000 square feet, approximately 100,000 square feet less than before.

The Plan Board heard the petition and recommended approval by a vote of 4-3.

Public notice was published in the Gainesville Sun on October 31, 2006. Letters were mailed to surrounding property owners on November 30, 2006. The Plan Board held a public hearing November 16, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of January 8, 2007, authorized the city attorney's office to prepare and advertise the necessary ordinance amending the planned development known as "University Corners".

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

1/8/07 City Commission Approved (Petition) with Staff Conditions, as Amended
(5 - 0 - 2 Absent)

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050255.**AMENDMENT TO CLUSTER SUBDIVISION REQUIREMENTS (B)****Ordinance No. 0-05-95; Petition 121TCH-05 PB**

An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to cluster subdivisions; amending section 30-190, establishing criteria for classifying cluster subdivisions as either environmental or infill, establishing lot sizes, clarifying the cluster open space requirement, and modifying the criteria for the review of cluster subdivisions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

This petition is proposed in order to update the cluster subdivision ordinance and ensure that cluster subdivisions result in better site planning than would normally occur through conventional subdivision procedures. Staff's review found that the current cluster subdivision process was adopted long before many of the regulations the City has in place today to protect environmental features, such as wetlands and creeks. Since all developments are required to protect environmental resources, such as creeks and wetlands, the cluster subdivision ordinance is being updated so that the cluster open space being provided is above and beyond those already-protected environmental features.

Staff has amended the cluster subdivision provisions to establish minimum lot sizes (no minimum existed previously), to increase compatibility with existing surrounding neighborhoods. The amended chapter also requires cluster open space to be more than already protected environmental areas, and classifies cluster subdivisions as either environmental or infill, so that the objectives of any given cluster subdivision are clearer. The Plan Board reviewed the petition and recommended several changes. The Community Development Committee also provided input and direction.

Public notice was published in the Gainesville Sun on August 2, 2005. The Plan Board held a public hearing August 18, 2005. The Plan Board, by a vote of 5-0, approved the Petition with modifications.

The City Commission heard and approved this Petition, with further modifications on September 26, 2005. The ordinance was put on hold by staff

while they finalized Petition 122TCH-05 PB, relating to approval of design plats and modifying requirements for subdivision approval.

CITY ATTORNEY MEMORANDUM

The City Commission at its April 23, 2007 meeting continued first reading of this ordinance to May 14, 2007, in order for planning staff to revise the ordinance. Planning staff, however, has not completed the revisions and it is thus necessary to continue first reading to June 11, 2007.

RECOMMENDATION

The City Commission continue the first public hearing to Monday, June 11, 2007.

Legislative History

9/26/05	City Commission	Approved (Petition) as Modified (6 - 0 - 1 Absent)
4/23/07	City Commission	Continued (1st Reading) (6 - 0 - 1 Absent)

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060499.

COMPREHENSIVE PLAN AMENDMENT - ASSIGNING ZONING DISTRICTS TO THE UMU-1 AND UMU-2 FUTURE LAND USE CATEGORIES (B)

Ordinance No. 0-06-119; Petition 140CPA-06 PB

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan, amending Policy 4.7.1 to assign implementing zoning districts to the Urban Mixed-Use 1 (UMU-1) and Urban Mixed-Use 2 (UMU-2) future land use categories; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

On November 14, 2003, the City Commission approved Ordinances No. 041047 and 041058, adding two new land use and zoning categories, Urban Mixed-Use 1 (UMU-1) and Urban Mixed-Use 2 (UMU-2), to the City of Gainesville 2000-2010 Comprehensive Plan and the City of Gainesville Land Development Regulations. The zoning districts of UMU-1, UMU-2, Conservation (CON), Public Services and Operations (PS), and Planned Development (PD) have been assigned to the new land use categories because they are compatible with the objectives of the categories and help implement the categories. This petition adds the assigned districts to Policy 4.7.1 of the City of Gainesville 2000-2010 Comprehensive Plan.

Public notice was published in the Gainesville Sun on September 5, 2006. The Plan Board held a public hearing September 21, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board, by a vote of 4-0, approved the Petition and recommended that the City Commission

approve Petition 140CPA-06 PB.

CITY ATTORNEY MEMORANDUM

The above-referenced petition was approved by the Plan Board on September 21, 2006, and the Community Development Department has requested the City Attorney's Office prepare the appropriate ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan.

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 (5) 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 State Department of Community Affairs 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.

Fiscal Note: None

RECOMMENDATION *The City Commission (1) approve Petition 140CPA-06 PB; and (2) adopt the proposed ordinance.*

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060586.

**COMPREHENSIVE PLAN AMENDMENT - GAINESVILLE
INNOVATION ZONE (B)**

Ordinance 0-07-03; Petition 159CPA-06 PB

An ordinance of the City of Gainesville, Florida, creating and adding a "Gainesville Innovation Zone" to the Intergovernmental Coordination Element of the City of Gainesville 2000-2010 Comprehensive Plan; creating a Gainesville Innovation Zone; adopting a new objective and new policies; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

The proposed Gainesville Innovation Zone originated with the "inner-city" trip to Norfolk, VA and New Haven, CT in 2004 by various public and private sector leaders of our community. Areas in Norfolk and New Haven that are proximate

to a major university have undergone dramatic economic improvement due to concerted university, public and private sector efforts that have taken advantage of the unique strengths of each sector. The observations and insights of our community's trip participants led to the conceptualization of the Gainesville Innovation Zone, and to the formation of the Economic Development and University Community Committee (EDUCC). The EDUCC with its composition of City of Gainesville, University of Florida (UF), Santa Fe Community College, Alachua County and Chamber of Commerce members or/and ex-officio members has served as a forum for developing this concept. On June 12, 2006, the City Commission approved the EDUCC's request for a referral of the Gainesville Innovation Zone and supporting objectives/policies to the City Plan Board for inclusion in the City of Gainesville Comprehensive Plan's Intergovernmental Coordination Element.

The proposed Gainesville Innovation Zone has five foundational principles: 1) proximity; 2) existing community assets/investments; 3) existing public incentives; 4) the State of Florida's recent emphasis on developing the "Innovative Economy;" and, 5) similar efforts of peer cities.

Several peer cities nationwide are establishing similar Innovation (or "Technology") Zones or corridors (Orlando FL, Madison WI, and the Research Triangle in North Carolina) that map areas of focused efforts designed to build critical mass for their respective local and regional Innovative Economies.

The Plan Board heard the petition and recommended that it be approved.

Public notice was published in the Gainesville Sun on November 29, 2006. The Plan Board held a public hearing December 14, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 159CPA-06 DB. Plan Board vote 6-0.

CITY ATTORNEY MEMORANDUM

This petition was approved by the Plan Board on December 14, 2006, and the Community Development Department has requested the City Attorney's Office prepare the appropriate ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, to include the Gainesville Innovation Zone in the Intergovernmental Coordination Element of the City of Gainesville 2000-2010 Comprehensive Plan.

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.

Fiscal Note: None.

RECOMMENDATION *The City Commission (1) approve Petition 159CPA-06 PB; and (2) adopt the proposed ordinance.*

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061079.

VOLUNTARY ANNEXATION - BEAR ARCHERY (B)

Ordinance No. 0-07-21

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, 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 07240-001-003, generally located south of the vicinity of the intersection of Interstate 75 and Archer Road, west of the City limits and Interstate 75, north of Tax Parcel 07240-000-000 and east of Tax Parcel 07240-000-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; 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 Monday, November 13, 2006, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On February 26, 2007 and March 12, 2007, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

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 June 11, 2007. 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.

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061129.

POSTPONING SCHEDULING OF THE 2008 CITY COMMISSION ELECTION (B)

Ordinance No. 0-07-28

An ordinance of the City Commission of the City of Gainesville, Florida, suspending the scheduling dates in Sections 9-2(b) and (c) relating to the setting of election dates for 2008; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of April 9, 2007, authorized the City Attorney's Office to draft an ordinance suspending the scheduling dates of Sections 9-2(b) and (c) for the setting of City Commission elections in 2008 pending the Florida Legislature's action regarding the Florida Presidential Preference Primary. The City Commission can set the 2008 City Commission election dates soon after the Florida Legislature sets the date of the 2008 Florida Presidential Preference Primary election.

RECOMMENDATION The City Commission adopt the proposed ordinance.

CLERKS' NOTE: The City Commission has scheduled a special meeting on June 18, 2007 to discuss election issues.

Legislative History

4/9/07 City Commission Approved as Recommended (5 - 0 - 2 Absent)

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070012.

CONSOLIDATED POLICE OFFICERS AND FIREFIGHTERS RETIREMENT PLAN (B)

Ordinance No. 0-07-22

An ordinance of the City of Gainesville, Florida, amending provisions relating to the Consolidated Police Officers and Firefighters Retirement Plan, Article VII, Division 8 of Chapter 2 of the Code of Ordinances, by amending section 2-596, Definitions; 2-598, Eligibility and participation; section 2-599, Contributions; section 2-600, Retirement dates and benefits; section 2-601, Optional forms of retirement income; section 2-602, Administration of the plan, section 2-606, Miscellaneous relating to

beneficiaries; section 2-607, Cost of living adjustment of benefits; and section 2-633(d) of Article XI, Retiree Health Insurance Program and Trust Fund, of Chapter 2 of the Code of Ordinances; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date, and limited retroactive effect.

Explanation: The attached ordinance is a result of lengthy negotiations between management and police and fire union representatives regarding mostly state-mandated changes to the benefit structure of the Consolidated Police Officers and Firefighters Retirement Plan. Prior to legislation adopted by the state in 1999, most cities throughout the State of Florida who operated defined benefit plans for police officers and firefighters took advantage of provisions contained in Chapters 175 (firefighters) and Chapter 185 (police officers), which allowed cities to impose taxes on property and casualty insurance premiums for policies issued within their jurisdiction. This tax (collected by the state) is remitted to the cities for the purposes of providing funding for police officer and firefighter retirement benefits. Prior to 1999, chapters 175 and 185 had provided a benefits structure for such plans, which could be adopted verbatim by a participating municipality, and these were called "chapter plans." Most municipalities, however, utilized provisions that allowed them to create their own plan design while meeting a few specific, mandated minimum requirements. These were called "local law plans." These latter plans often provided for greater benefits, i.e., multiplier, in one area than did the chapter plans, but might not provide one or more of the non-mandated chapter plan provisions.

The 1999 legislation modified chapter plan requirements and mandated that each and every one of these requirements as minimum benefit requirements for municipalities who wished to participate in receipt of the tax monies. While municipalities were now required to provide benefits that they had not previously provided and/or at levels they had not previously provided, the municipalities were not allowed to decrease benefits that were presently being provided at a higher than minimum level in order to offset the new benefits. Part of the 1999 legislation, however, provided that the municipalities did not have to provide the new mandated minimum benefits until additional increments of tax monies, i.e., increases in annual receipts above that which was in effect in 1997, could provide funding for the new minimums. That incremental increase since 1997 has finally allowed the City to fund amendments to the Police Officers and Firefighters Consolidated Plan, which provides the minimum benefits, and at least the amounts required. Part of this ability is based upon an agreement by the city, the state, and union representatives on the base year to be used to calculate additional incremental premium tax for the purpose of providing future extra benefits for members. Most of the ordinance involves changes to adopt all the new mandated minimum standards. A section by section analysis follows.

Section 1 of the ordinance updates the definitions, including providing for a slight increase in the multiplier, for months of service after October 1, 2005. This increase is not part of the "minimums" but instead a negotiated increase. Service credit rules are modified to generally conform to the "chapter minimums" regarding when such would be earned for service other than as a certified police officer or firefighter, bought back in the event of break in service, and when employee contributions may be left in the plan during a break in service.

Section 2 involves technical changes regarding administration of the reverse DROP, discussed infra, and new benefits to be available to employees at some point in time after they separate from service prior to eligibility for immediate early or normal retirement.

Section 3 again deals with one aspect of the reverse DROP. It also recognizes the effect of these changes meeting the minimum benefit requirements under the 1999 legislation, and memorializes the agreed upon "base year" for future "extra benefits."

Section 4 adds the "Rule of 70" as a basis for normal retirement and details the new "minimums" by first changing the standard form of benefit from a life annuity to a 10 year certain and life annuity. An early retirement benefit is added as well. Technical changes to disability benefits to meet the minimum standards are further reflected in Section 4. Section 4 provides for specific death benefit and varying benefits available to an employee who terminates prior to retirement eligibility, as well as benefits available to such persons should they become re-employed. Section 4 also includes some updates attributable to recent federal legislation regarding plan qualification standards. Section 4 also modifies the deferred retirement option program (DROP), to provide for a "reverse" DROP and to provide that future regular and reverse DROP accounts will be accounted for separately within the plan with an assumed rate of return, rather than as accounts independently invested, administered by third party administrators. In a reverse DROP an employee who has already met the years of service and/or age requirements declares his or her intention to resign and have the period of employment since becoming eligible for a DROP to be treated as if he or she had already entered the DROP. The DROP benefit is calculated as if he or she had entered the DROP at this date in the past. Section 4 also provides the opportunity for plan members to "purchase" credited service under the City's plan for time spent in other public safety or military service prior to employment with the City. Members need to meet certain technical requirements and pay the full actuarial cost of such service, and are limited to purchasing up to a total of five years. Members may purchase such service using funds from other qualified plans, such as, for example, the City's 457 deferred compensation plan.

Section 5 provides for the optional forms of benefit (other than the standard 10 year certain and life) to meet the "minimum standards." These optional forms are the actuarial equivalent of the value of the 10 year certain and life benefit.

Section 6 makes minor technical changes to plan administration and specifically authorizes that payments may be made from the plan to various entities, including provisions intended to take advantage of favorable tax treatment of premium payments that retired public safety officers may make to health insurance plans.

Section 7 provides for "minimum" standards regarding beneficiary designation and distributions.

Section 8 provides for a COLA beginning at age 62 for employees who retire under the Rule of 70, with less than 20 years of service.

Section 9 clarifies calculation of retiree health insurance subsidies for employees utilizing the reverse DROP.

The ordinance changes are effective prospectively, applying to employee members who have not entered a regular DROP as of ordinance adoption.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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070026.

MORATORIUM ON ELECTRONIC SIGNS AND ANIMATED SIGNS (B)

Ordinance No. 0-07-31

An Ordinance of the City of Gainesville, Florida, imposing a temporary moratorium on the issuance of any permit, development order, site plan approval and any other official action of the City of Gainesville having the effect of permitting or allowing the construction, operation or erection of an electronic sign or an animated sign, as more specifically described in this Ordinance, excluding approvals and permits for the maintenance of an existing electronic sign or animated sign; the temporary moratorium shall apply to all real property located within the corporate limits of the City of Gainesville; providing a procedure for extraordinary hardship; providing a severability clause; and providing an immediate effective date.

Explanation: CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of April 23, 2007, authorized the City Attorney to draft a temporary moratorium on electronic and animated signs. This ordinance imposes a temporary moratorium ending on Monday, October 22, 2007 in the City of Gainesville, as described in the ordinance.

RECOMMENDATION *The City Commission: 1) hear a presentation from staff; and 2) adopt the proposed ordinance.*

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

060859

STREET VACATION - VICINITY OF NE 8TH PLACE AND N.E. 20TH STREET (B)

Ordinance No. 0-07-24, Petition 195SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way located at the westerly 100 feet of Northeast 8th Place, west of Northeast 20th Street, as more specifically described in this Ordinance; reserving a public utilities easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

The purpose of this request is to vacate a portion of the right-of-way of Northeast 8th Place, west of Northeast 20th Street. The right-of-way to be vacated is approximately the westerly 100 feet of Northeast 8th Place, running between Lots 5 and 6 of Block "A," and Lots 1 and 2 of Block "D" of the plat of the Thomas and Steenburg Subdivision, Plat Book "B", page 91 of the Public Records of Alachua County, Florida. The right-of-way is not paved, is not open for public use, and is surrounded by other lots owned by the Bartley Temple. Upon vacation of the right-of-way, Bartley Temple would be responsible for maintenance and liability. The right-of-way is an unimproved "paper street."

The Plan Board heard the petition and recommended approval with the staff condition.

Public notice was published in the Gainesville Sun on January 30, 2007. Letters were mailed to surrounding property owners on January 31, 2007. The Plan Board held a public hearing February 15, 2007.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of March 26, 2006, directed the City Attorney's Office to prepare and the Clerk of the Commission to advertise the proposed ordinance. If the ordinance is adopted on first reading, it will be heard on May 14, 2007 on Second Reading.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

3/26/07 City Commission Approved (Petition) with Conditions (5 - 0 - 2 Absent)
4/23/07 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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060899.**URBAN SERVICES REPORT OF CITY-OWNED PROPERTIES - AIRPORT AREA (B)****Ordinance No. 0-07-13**

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of City-owned parcels 17752-004-000 and 17731-002-000. Parcel 17752-004-000 is generally located south of the City limits and Tax Parcel 17752-001-000, north of Tax Parcel 17729-000-000 and east of NE 39th Avenue. Parcel 17731-002-000 is generally located south of the City limits, west of the City limits, north of Tax Parcel 17732-000-000 and east of the City limits and Tax Parcels 08180-000-000 and 08178-000-000, as more specifically described in this report; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Act, Laws of

Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

Explanation: The Alachua County Boundary Adjustment Act requires a municipality to prepare and adopt by nonemergency ordinance a report setting forth plans to provide urban services to any reserve area to be annexed prior to commencing the annexation procedures under the Act.

The report must generally include the following information:

1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;

2) a statement indicating to what extent services to existing residents would need to be reduced within the next 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;

3) a statement setting forth the plans of the City for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:

a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.

b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.

c) if extensions of major trunk water mains and sewer mains into the area to be annexed are necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

d) set forth the method under which the City plans to finance extension of services into the area to be annexed.

It is common practice for the City to annex city-owned property as soon as possible once it meets the requirements for annexation.

If adopted on first reading, this ordinance shall be heard on second reading on May 14, 2007. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.

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

2/12/07 City Commission Approved as Recommended (6 - 0 - 1 Absent)
 4/23/07 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

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060972.**VOLUNTARY ANNEXATION - CHILI'S RESTAURANT (B)****Ordinance No. 0-07-09**

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, 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 06810-001-008, as more specifically described in this ordinance, generally located in the vicinity of 3530 SW Archer Road; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; 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 Monday, November 13, 2006, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On January 22, 2007 and February 12, 2007, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

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 May 14, 2007. 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

4/23/07 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)
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061147.

**VOLUNTARY ANNEXATION - CITY-OWNED PROPERTY -
KANAPAHA AREA 1 (B)**

Ordinance No. 0-07-23

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, 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 City-owned Tax Parcels, 06842-001-000, 06844-000-001, 06846-000-000, 06847-000-000, 06848-000-000, a portion of 06845-000-000, and a portion of 06837-000-000, generally located south of the City Limits and the vicinity of SW 24th Avenue, west of Kanapaha Lake and the vicinity of Interstate 75, north of the vicinity of SW Archer Road and east of the vicinity of SW 75th Street/Tower Road; 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 Monday, September 11, 2006, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signatures of the Mayor and Clerk of the Commission, on behalf of the City, which owns the properties that are the subject of this annexation. On January 22, 2007 and February 12, 2007, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

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 May 14, 2007. 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

4/23/07 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)
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060980.

**VOLUNTARY ANNEXATION - CITY-OWNED PROPERTY -
KANAPAHA AREA 2 (B)**

Ordinance No. 0-07-11

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, 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 City-owned Tax Parcel 06909-000-000, generally located south of the City Limits, Kanapaha Lake and the vicinity of SW 24th Avenue, west of the vicinity of Interstate 75, north of the vicinity of SW Archer Road and east of the vicinity of SW 75th Street/Tower Road; 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 Monday, September 11, 2006, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signatures of the Mayor and Clerk of the Commission, on behalf of the City, which owns the property that is the subject of this annexation. On January 22, 2007 and February 12, 2007, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

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 May 14, 2007. 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

4/23/07 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

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RESOLUTIONS- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

070054.

Commissioner Scherwin Henry - Buck Bay Zoning Change (NB)

RECOMMENDATION *The City Commission discuss the pursuit of zoning change for Buck Bay.*

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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