

City of Gainesville

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



Meeting Agenda

December 10, 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

CALL TO ORDER - 1:12 PM

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

070674.

Bellsouth (AT&T) Easement Exchange at Depot Park (B)

This item involves the exchange of utility easements with AT&T, formerly known as Bell South.

Explanation: On August 16, 1995, AT&T, formerly known as Bell South, was granted a 900 square foot perpetual utility easement by the owner of MCB Oil, Don McBride. The AT&T easement is located near the proposed entrance to Depot Park along South Main Street. Subsequently, the City acquired the MCB Oil property and the vacant easement for use in Depot Park. The City has proposed AT&T an alternate and equal utility easement area further south along Main Street in order to prevent utilities from being installed near the park entrance, in exchange for AT&T's release of their current easement to the City. Gainesville Regional Utilities (GRU) is requesting the use of fifteen feet adjacent to the East right of way line of South Main Street for a reclaimed water line. This requires a joint use of the fifteen feet between AT&T and GRU, with the AT&T easement located east of the fifteen feet joint use easement.

Fiscal Note: Funding in the amount of \$100 for administrative costs is available in the Public Works Fiscal Year 2008 operating budget.

RECOMMENDATION

The City Commission: 1) approve the request to exchange an equal easement area for AT&T's, formerly known as Bell South, current utility easement; 2) authorize the Mayor to execute, and the Clerk to attest, the utility easement document for

conveyance to AT&T, upon receipt of their Release of Easement for the exchange parcel.

Alternative Recommendation: The City Commission deny the request and retain the utility easement in its present location.

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070703.

Request to Name a Tot Lot (B)

This item involves a request to name the Tot Lot located at the corner of NE 4th Avenue and NE 15th Street C. F. Franklin Memorial Park.

Explanation: On February 28, 2005, the City Commission referred the matter of naming City parks, recreation areas and facilities to the Recreation and Cultural Affairs Committee. The Recreation and Cultural Affairs Committee forwarded their recommendations to the Commission on June 16, 2005. The City Commission adopted the Committee's recommendations at their August 8, 2005 meeting. The general policy states that either the City of Gainesville Public Recreation and Parks Board or Nature Centers Commission would be responsible for recommending to the City Commission approval of all names of parks, recreation areas, facilities and centers managed by the City of Gainesville Recreation and Parks Department.

At their October 17, 2007 meeting, the Public Recreation and Parks Board received a request from Janet Broiles to name the tot lot located at the corner of NE 4th Avenue and NE 15th Street, C. F. Franklin Memorial Park. The request was accompanied by the required petition of at least 25 signatures of adults within the City and a letter of support detailing the late Mr. Franklin's commitment to the citizens of East Gainesville.

The Public Recreation and Parks Board unanimously recommends naming the park in honor of Mr. Franklin.

Fiscal Note: None

RECOMMENDATION

Recommended Motion: The City Commission approve the request to name the tot lot located at the corner of NE 4th Avenue and NE 15th Street, C. F. Franklin Memorial Park.

Alternative Recommendation: The City Commission decline the request to name the tot lot located at the corner of NE 4th Avenue and NE 15th Street, C. F. Franklin Memorial Park.

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070730.**Second Extension to the Contract for Inmate Work Crew for the Solid Waste Division (B)**

This item involves a renewal of the agreement between the City of Gainesville (City) and Florida Department of Corrections (FDOC) for Inmate Work Crew for Litter Clean-up for the term of December 16, 2007 through December 15, 2008.

Explanation: As part of the budget preparation process for fiscal year 2005-2006, funds were identified in the Solid Waste Enterprise budget for a contract inmate work crew with the Florida Department of Corrections (FDOC). The inmate work crew consists of an FDOC supervisor and five inmates from their work camp.

This annual contract pays for the salary of the FDOC supervisor along with required tools and supplies in the amount of \$55,777. The City of Gainesville will be guaranteed five inmates and a supervisor on a daily basis for 40 hours per week, with the exception of City holidays and mandatory FDOC Training days. The major work focus of this crew will be litter cleanup along city roadways and assistance with graffiti removal. The inmate crew will also be responsible for the cleanup of illegal dumpsites.

The original contract allowed for two (2) additional one (1) year period renewals. This is the second request for a renewal to the contract.

Fiscal Note: Funding in the amount of \$55,777 for the second extension to this contract is available in the Fiscal Year 2008 Solid Waste Enterprise Fund.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the second extension to extend the termination date of the contract with Florida Department of Corrections for a contractual inmate work crew for Litter Clean-up for the term of December 16, 2007 through December 15, 2008; subject to approval by the City Attorney as to form and legality.

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070732.**Fire Grant Application Operation Safe Club (B)**

This item requests permission for the City Manager or designee to submit an application to the FEMA Assistance to Firefighters Grant Program (AFG) for Fire Prevention and Safety Grants (FP&S) for 2008.

Explanation: FEMA annually offers opportunities for fire departments to apply for federal grant support of fire and risk prevention programs under the Assistance to Firefighters Grant Program (AFG) Fire Prevention and Safety Grants (FP&S). The primary goal of the FP&S portion of this grant program is to target high-risk populations, including media campaigns, and awareness programs.

Gainesville has a sizeable high-risk population due to the large number of young adults present in the community. To improve the level of safety-consciousness for this group and for the management of the establishments that they patronize, the Risk Reduction Bureau (RRB) of the Gainesville Fire Rescue Department has initiated an innovative program called Operation Safe Club. This program will provide outreach to businesses, organizations, and institutions and will include training sessions for patrons and employees of local establishments on fire and life safety issues that will help build a safer community. To facilitate the program, the RRB will require the purchase of approximately \$15,000 of multi-media equipment. There is a required 20% match for the grant award.

Fiscal Note: Matching funds up to \$3,000 have been identified in the Risk Reduction Bureau's public education budget for FY08.

RECOMMENDATION

The City Commission authorize the City Manager or designee to submit the grant application.

Alternate Recommendation A: The City Commission not authorize the City Manager or designee to submit the grant application.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

070735.

HVAC Maintenance, Repair Services and Replacement for GRU Facilities (NB)

Staff recommends extending the contract with Johnson Controls, Inc. for HVAC maintenance and repair services.

Explanation: A three year contract for HVAC maintenance, repair and equipment HVAC Maintenance, Repair and Replacement is necessary for the proper operation of GRU Facilities. A contract for these services was approved by the City Commission on August 8, 2004 with Johnson Controls, Inc. The contract provides for two two-year extensions upon mutual agreement of the parties and negotiation of the prices.

HVAC maintenance and repair services are necessary for the proper operation of utility facilities including the GRU Administration Building, Springhill Service Center, System Control and all GRU operating plants and associated buildings. The contract includes ice machine maintenance as well as emergency repair services which are operationally critical since many of the facilities house vital electronic systems and equipment which can overheat quickly, causing disruption to operations and costly replacement. Another important aspect of this contract is the contractor's responsibility to report the life expectancy of units to GRU on an annual basis to allow staff to forecast replacement units in future budgets. This input has enabled GRU to anticipate future requirements, reduce system failures and improve equipment cost effectiveness by replacing inefficient units. Johnson Controls, Inc. has provided satisfactory service and has agreed to an extension of the contract. Overall,

increases have been limited to the CPI in accordance with the provisions of the contract. Staff recommends extending the contract with Johnson Controls, Inc. for HVAC maintenance, repair and equipment replacement for the first two year extension. The estimated annual cost of this contract is \$165,000 which includes maintenance and miscellaneous repairs.

Fiscal Note: Funds for these services have been included in the FY 2008 budget and will be requested in the FY 2009.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or her designee, to execute an amendment to the contract for HVAC maintenance and repair services with Johnson Controls, Inc. to extend the term of the contract through September 30, 2009, subject to approval of the City attorney as to form and legality; and 2) approve the issuance of purchase orders to Johnson Controls, Inc. for these services through September 2009 in amounts not exceeding budgeted amounts.

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

070736.

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of November 19, November 26, and November 27, 2007; as circulated.

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070736b_20071210.pdf

070733.

Resignation of City Beautification Board Member Rocky Lee (B)

RECOMMENDATION

The City Commission accept the resignation of Rocky Lee from the City Beautification Board effective immediately and extends its appreciation for his services.

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070734.

Resignation of Gainesville Energy Advisory Committee Member Wendell A. Porter (B)

RECOMMENDATION

The City Commission accept the resignation of Wendell A. Porter from the Gainesville Energy Advisory Committee effective immediately and extends its appreciation for his services.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE,
CONSENT****040711****2007 Orange Creek Basin Management Action Plan - Letter of Commitment (B)**

This item involves a request for the City Commission to authorize the City Manager to execute a letter of commitment on behalf of the City of Gainesville to participate in the planning and implementation of the 2007 Orange Creek Basin Management Action Plan (BMAP).

Explanation: On November 1, 2007, the Recreation, Cultural Affairs and Public Works Committee (Committee) heard a summary of the BMAP from a Florida Department of Environmental Protection (FDEP) representative and staff.

Since 2004 the Orange Creek Basin Working Group (BWG), a broad coalition of local stakeholders, has been devising means and plans to remove excess pollutants from impaired water bodies in the Orange Creek Basin. The September 24, 2007, draft of the 2007 Orange Creek BMAP presents the details of the process and the BWG activities for reducing the targeted nutrients or bacteria in the community's water bodies. There are important factors associated with the BMAP and they are the following:

-The BMAP was prepared as part of a statewide watershed management approach to restore and protect Florida's water quality;

-The BMAP represents a collaborative effort by affected local, regional, and state governmental interests; elected officials and citizens; and private interests to identify management actions for phased implementation of Total Maximum Daily Load reductions;

-The BMAP includes a strong plan of management actions to address targeted pollutants;

-The BMAP includes monitoring and research activities to improve the understanding of the basin and additional measures needed to meet water quality standards; and

-The BMAP applies adaptive management strategy and will be revised every five years until the Total Maximum Daily Loads are achieved.

The attached map summarizes the impairments to local water bodies.

There have been numerous public meetings held during the development of the BMAP. The City Water Management Advisory Committee held a joint meeting with the County Environmental Protection Advisory Committee on October 25, 2007, to approve the final draft of the BMAP. Most recently, on November 7th the BMAP was presented to the public in a meeting held at the Health Department. The meeting was publicly advertised and its purpose was to receive comment on the many elements of the plan. No negative issues surfaced during the meeting.

The Recreation, Cultural Affairs and Public Works Committee approved the staff recommendation for the Letter of Commitment to be presented to the City Commission for signing contingent upon favorable legal review.

Fiscal Note: Funding for BMAP activities, to date, have been previously approved by the City Commission. Future BMAP activities will be brought back to the City Commission through the biennial budget process. Staff also cites that there are considerable fiscal impacts resulting from the program and commits to making grant applications whenever possible as a means to reduce the cost of the program to the ratepayers. To date, the administrative cost to the stormwater utility to develop the BMAP is estimated to be about \$20,000.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or designee to execute the Orange Creek Basin Letter of Commitment and forward same to FDEP, subject to approval by the City Attorney as to form and legality; and 2) remove this item from the Recreation, Cultural Affairs and Public Works Committee active referral list.

Legislative History

11/22/04	City Commission	Approved as Recommended (4 - 0 - 3 Absent)
1/26/06	Public Works Committee	Heard
11/1/07	Recreation, Cultural Affairs and Public Works Committee	Approved as Recommended
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Orange Creek Basin.ppt		

PUBLIC SAFETY COMMITTEE, CONSENT

070632.

Gainesville Police Department Video Production Unit Equipment Upgrade (B)

Explanation: The Gainesville Police Department is requesting \$24,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund to upgrade their equipment for the Video Production Unit. The Gainesville Police Department's Video Production Unit has been in use since August 2000. This Unit records all police ceremonies and creates training videos for GPD. The unit currently uses a Media 100 editing system. This system has not been updated since 2000. There is currently no support from the manufacturer for this system.

The attached listed equipment would replace the obsolete system GPD currently uses.

The Video Production Unit staff member is currently in training with Studio 601 to produce a new segment entitled Sector Watch for inclusion in the Police Beat Show. In the future the production unit will be assisting with creation the Police Beat Show, which is currently created solely by Studio 601. This system will also be compatible with the system Studio 601 uses and will facilitate the change in a smooth manner.

The Public Safety Committee approved this purchase at its November 15, 2007 meeting.

Fiscal Note: Funding in the amount of \$24,000 for this project is available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." Available balance is \$ 1,080,670.96.

RECOMMENDATION *The City Commission approve the appropriation of \$24,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the upgrade of GPD's Video Production Unit equipment.*

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AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

060213.

GRU Financial and Debt Service Issues (NB)

RECOMMENDATION *The City Commission remove this item from the Audit, Finance and Legislative Committee referral list.*

Legislative History

6/26/06	City Commission	Referred (7 - 0)	Audit, Finance and Legislative Committee
11/29/07	Audit, Finance and Legislative Committee	Recommended for Approval	

070696.**Review of Gainesville Police Department (GPD) Overtime (B)**

Explanation: In accordance with our Annual Audit Plan, we have completed a Review of Gainesville Police Department (GPD) Overtime. Our report, which includes a response from the City Manager, is attached for your review.

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

RECOMMENDATION

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

Legislative History

11/29/07 Audit, Finance and Recommended for Approval
 Legislative
 Committee
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070698.**Review of General Fund Forecasted Revenues and Other Sources of Funds for the Fiscal Year Ending September 30, 2008 (B)**

Explanation: In accordance with Section 12(a), Budget Reviews, of Commission Resolution 970187 and our Annual Audit Plan, we have completed our review of General Fund revenue estimates as presented by the City Manager in the proposed General Government Budget for the fiscal year ending September 30, 2007 (the forecast).

We reviewed the forecasted General Fund Revenues and Other Sources of Funds set forth in the Fiscal Year 2007-2008 Final General Operating and Financial Plan Budget adopted by the City Commission on September 24, 2007. Our objective was to determine whether data, methods and assumptions used by the City Manager in preparing projected General Fund Revenues and Other Sources of Funds in the amount of \$94,933,930 provide a reasonable basis for the forecast. Our review was conducted in accordance with Government Auditing Standards issued by the Comptroller General of the United States and included procedures we considered necessary in the circumstances to evaluate the assumptions used by management in preparing and presenting the forecast.

RECOMMENDATION

The Audit, Finance and Legislative Committee recommend that the City Commission accept the City Auditor's report.

Legislative History

11/29/07 Audit, Finance and Recommended for Approval
 Legislative
 Committee
 070698_20071129.pdf

070699.**Payroll Verification Procedures for Fiscal Year 2007 (B)**

Explanation: In accordance with our Annual Audit Plan, we conducted payroll verification procedures during fiscal year 2007. Our report, which includes a response from the City Manager, is attached for your review.

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

RECOMMENDATION

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

Legislative History

11/29/07 Audit, Finance and Recommended for Approval
 Legislative
 Committee
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070700.**Review of General Government Cash Receipts for Fiscal Year 2007 (B)**

Explanation: In accordance with our Annual Audit Plan, we have completed a Review of General Government Cash Receipts for Fiscal Year 2007. Our review was conducted in accordance with Government Auditing Standards issued by the Comptroller General of the United States and focused on cash handling controls, policies and procedures for selected cash collection areas in General Government. Our procedures were designed to provide reasonable assurance to the City Commission and management that cash receipts reviewed were adequately safeguarded and accurately processed in a timely manner.

For fiscal year 2007, we reviewed selected revenues generated at the Downtown Plaza Ice Skating Rink, the 21st Annual Hoggetowne Medieval Faire

2008. The School Board, the County and the municipalities are required to coordinate the adoption of the Public School Facilities Element (PSFE) and related amendments to the Intergovernmental Coordination and Capital Improvements Elements to ensure countywide consistency of these local government comprehensive plan elements with respect to public school concurrency.

The Public School Facilities Element (PSFE) must contain data and analysis that address the standards used by the School Board to evaluate school facilities; an inventory of existing facilities and planned future facilities; an evaluation of the school system based on these standards and determination of need; an analysis of funding; an analysis of coordination between school planning and local land use planning; and goals, objectives and policies for such coordination and implementation of school concurrency.

Over the past year, a staff working group of the School Board, Alachua County, City of Gainesville and other municipalities, with support from the University of Florida's Center for Building Better Communities, has been meeting to develop a district-wide school concurrency strategy and develop the data and analysis for the Public School Facilities Element. The staff working group will make a presentation on that strategy and provide a status report on the required 2008 implementation of public school concurrency.

Fiscal Note: None

RECOMMENDATION

The City Commission hear a presentation and provide direction to city staff.

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070398.

Security for the One-Stop Center at 3335 North Main Terrace (B)

This item responds to the August 27, 2007, City Commission referral concerning security for the proposed one-stop homeless assistance center.

Explanation: On August 27, 2007, during its discussion of the proposed one-stop homeless assistance center at 3335 North Main Terrace, the City Commission referred the matter of security at the one-stop center to the City Manager. In response, the City Manager requested the Office on Homelessness to determine alternatives for providing security, including the costs for these services. Because of its involvement in the planning of the one-stop center, the Implementation Committee of the 10-Year Plan to End Homelessness was also asked to provide recommendations on providing security.

The issue that has prompted the discussion of security is ensuring that persons who access services at the one-stop center leave once it closes each day and do not remain on-site or in the adjacent neighborhoods. The one-stop center was originally proposed to operate from 8:00 am to 8:00 pm at the latest, Monday through Saturday, and from 12:00 pm to 6:00 pm on Sunday. In reality, due to the limitations on operating funding and the ability of the one-stop center

providers (the GRACE Marketplace collaborative) to extend services, the center is expected to operate from 8:00 am to 4:00 pm Monday through Friday and 12:00 pm to 4:00 pm on weekends and holidays. Collaborative partners would be able to use the facility afterwards, to serve dinner, for example. However, no on-site activities are proposed for the one-stop center after 6:00 pm any day.

The Office on Homelessness polled local providers of services and shelter/housing for the homeless and found that none of them either required or provided on-site security for their facilities or the surrounding neighborhoods. Nonetheless, the Office on Homelessness contacted local private security firms to determine the cost of providing their services and found that the annual cost ranged from \$15,288 to \$25,480. This information, along with the cost of utilizing off-duty GPD officers for comparison, is provided with the agenda back up.

On October 18, the Implementation Committee appointed an ad hoc subcommittee to address the issue of security for the one-stop center and the surrounding neighborhood. The subcommittee reported back to the full Implementation Committee on November 1, at which time the Implementation Committee accepted the report and recommended that it be forwarded to the City Commission. That report is included with the agenda back up for the City Commission's consideration. Information concerning the cost for RTS to provide additional bus service from the one-stop center is also included with the agenda back up.

Fiscal Note: The City and County Commissions have budgeted funds for the operation of the one-stop center, but not for security services or additional transportation via RTS or other modes.

RECOMMENDATION

The City Commission receive a report on addressing security at the proposed one-stop homeless assistance center, including a report from the Implementation Committee of the 10-Year Plan to End Homelessness, and take the following actions based on recommendations from the Implementation Committee: Request that the GRACE Marketplace collaborative partners institute a policy that requires all persons to leave the one-stop center after it closes each day; request GPD to increase patrols in the vicinity of the one-stop center after it closes each day; and the Implementation Committee further remind the City and County Commissions that there is a need for shelter during evening and night hours in a facility that provides a roof, cots and toilets. The Implementation Committee will continue to work on a solution to that issue and bring recommendations to both Commissions at a future time.

Alternative Recommendation A: The City Commission receive a report on addressing security at the proposed one-stop homeless assistance center, including a report from the Implementation

Committee, and defer action.

Legislative History

8/27/07 City Commission Referred (7 - 0) City Manager
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070631.

Responses to RFP for Supplemental Shelter and Services (B)

Purchasing staff has issued a Request for Proposals (RFP) to solicit proposals from local agencies to provide additional shelter and services to address the needs of the homeless during the upcoming winter months. The single response to the RFP received on November 19, 2007, will be presented to the City Commission for its consideration.

Explanation: Purchasing staff has issued a Request for Proposals (RFP) to solicit proposals from local agencies to provide additional shelter and services to address the needs of the homeless during the upcoming winter months (December 2007 - March 2008). The RFP was issued on October 29, 2007, with a response deadline of November 19, 2007. The single response to the RFP, with staff recommendations based on the evaluation of the proposal received by the November 19 deadline, will be presented to the City Commission for its consideration on December 10. Copies of the complete RFP and the joint proposal received from the Alachua County Housing Authority and St. Francis House are on file in the Purchasing Division.

Last fiscal year (2006-07), the City Commission approved \$25,000 for cold weather shelter, which was divided evenly between the only two organizations that responded to the City's RFP last year - St. Francis House and the Alachua County Housing Authority (ACHA). St. Francis House provided cold night shelter by housing additional guests over its normal capacity of 35, while the ACHA provided vouchers to house individuals in local hotels/motels. In addition to the funding provided by the City, \$12,500 from a donation by local businessman Clark Butler was used to augment the ACHA hotel/motel voucher program.

St. Francis House provided shelter for an average of 39 additional persons per night for 46 cold nights (i.e., when the temperature dropped to 45° F or lower) from December 2006 to March 2007 (a cumulative/duplicated total of 1,803 persons). The ACHA hotel/motel voucher program, on the other hand, housed a total of 57 persons on cold nights from December to March.

The joint proposal from the Alachua County Housing Authority and St. Francis House provides for St. Francis House to shelter an estimated 24 persons in addition to its normal capacity of 35 at its facility on an estimated 66 cold nights. In turn, the Alachua County Housing Authority would provide up to 312 double-occupancy hotel/motel vouchers on cold nights for homeless persons or families who have special needs, such as medical needs.

Fiscal Note: The City Commission has budgeted \$25,000 in the FY 2008 General Fund budget for the provision of supplemental shelter and services for the homeless.

RECOMMENDATION

The City Commission 1) receive a staff report on responses to the City's RFP for supplemental shelter and services and award a contract or contracts for these services as deemed appropriate, and 2) authorize the City Manager to contact the Alachua County Board of County Commissioners and County Manager to inquire about additional funding for supplemental shelter and services.

Alternate Recommendation A: The City Commission receive a staff report on responses to the City's RFP for supplemental shelter and services and award a contract or contracts for these services as deemed appropriate.

Alternate Recommendation B: The City Commission receive a staff report on responses to the City's RFP for supplemental shelter and services and defer action.

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GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

REGIONAL UTILITIES COMMITTEE

070528.

Committee Referral Status Report Item #070528 - Nuclear Energy Option and Recommendation (NB)

Explanation: On November 27, 2007 a workshop was held with presentations made by Dr. Samin Anghaie; Dr. Brice Smith; and Mr. Damian Heymer on various aspects of the issues surrounding our potential participation in a proposed new nuclear unit. On November 28, the Utilities Committee discussed the workshop. At that time it was reported by staff that the deadline for a memorandum of understanding previously stated to be late January had been moved to March 2007 by Progress Energy Florida. Given this additional time, the Committee wishes to seek additional expert opinions for presentation to the City Commission and to more fully compare the nuclear capacity option to other

alternatives. A matrix designed to accomplish this was discussed with staff, which were requested to bring a working draft for review by the Committee to the January 8, 2007 meeting. The alternatives to be compared included the responses to the Biomass RFP (due December 14, 2007) the nuclear capacity option, and expanded demand side management and solar deployment alternatives.

RECOMMENDATION

The City Commission a receive a brief summary on: 1) the nuclear issues workshop; 2) changes in the timing proposed by Progress Energy, Florida for the nuclear capacity option; and 3) preparation of a summary comparison matrix of the options for energy supply currently being considered, including nuclear, biomass, and expanded DSM and solar energy deployment.

Legislative History

10/8/07	City Commission	Approved as Recommended and Referred (6 - 0 - 1 Absent)	Regional Utilities Committee
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ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS - 5:01 PM

RECONVENE - 5:58 PM

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

070656.

Modern Shoe Repair Shop Month - December 2007 (B)

RECOMMENDATION

Modern Shoe Repair Shop owners Ron and June Balsamo and long-time employee Amos Lewis to accept the proclamation.

Legislative History

11/19/07	City Commission	Continued
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CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

070514.

VOLUNTARY ANNEXATION - CITY-OWNED & STATE OF FLORIDA TREEO (B)

Ordinance No. 0-07-93

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 Parcels 06837-001-000, a portion of 06845-000-000, and a portion of 06837-000-000, as more specifically described in this Ordinance, generally located south of the vicinity of SW 20th Avenue, west of the City limits and SW 63rd Boulevard, north of the City limits and SW 41st Place, and east of the City limits and the vicinity of SW 75th Street; 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, August 13, 2007, at a regular City Commission meeting, the City Commission received and accepted petitions for annexation, and determined that the petitions bore the signatures of the owners of the property that is the subject of this annexation. On September 10, 2007 and September 24, 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 January 14, 2008. 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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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

070116.

VOLUNTARY ANNEXATION - BARNES AND OLIVE BRANCH HOME BUYERS (B)

Ordinance No. 0-07-73

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 Parcels 06684-000-000, 06828-000-000, 06820-000-000, 06830-000-000, and 06832-000-000, as more specifically described in this ordinance, generally located in the vicinity of SW 20th Avenue, west of the vicinity of Interstate 75, north of the vicinity of SW Archer Road, and east of Kanapaha Lake, also identified as Tax Parcel 06836-004-000; 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 area which is the subject of this annexation ordinance consists of multiple parcels owned by two different entities. The Mable Barnes revocable trust dated November 7, 2006 owns four of the parcels in the annexation area. The remaining parcel in the area is owned by Olive Branch Home Buyers, LLC. By letter dated November 13, 2007, the petitioner for the Mable Barnes Revocable Trust, through her representative, notified the City of her intention to withdraw her petition for annexation. This request was submitted to the City Commission on November 19th at which time the hearing on the ordinance was continued. On November 29, 2007, this same petitioner, through her representative, renewed her request to withdraw her petition for annexation.

Under the Boundary Adjustment Act, the property owner is provided with a copy of the Urban Services Report after its adoption, and is allowed 20 days to withdraw their petition for annexation. The Urban Services Report for this

annexation was mailed to the property owner on August 15, 2007, and a return mail receipt was received on August 18, 2007 (Exhibit A) confirming receipt of the Report. The twenty day review period expired on September 3, 2007. The annexation process continued in accordance with the Boundary Adjustment Act, and the required 60 day waiting period expired on October 13, 2007. Display advertisements were run in the Gainesville Sun newspaper on October 8th and 15th and the first reading of the annexation ordinance was on October 22nd.

Section 10(2) of the Boundary Adjustment Act states that within 20 days after the owner or owners receive the report, the owner or owners may withdraw their petition. If the owner or owners do not withdraw their petition, the municipality may proceed with the annexation. Because the request for withdrawal of the petition was not received from the Owner until after the expiration of the twenty day time period, as required by the Boundary Adjustment Act, the Commission has the option of proceeding with the annexation at this time.

The Olive Branch Home Buyers, LLC property can not be annexed separately as it is not contiguous to the City's existing city limits. The petitioner for Olive Branch Home Buyers, LLC has been notified of the request for withdrawal and was already aware of same. They indicated that the owners of the annexation area will be developing the properties concurrently and therefore the properties need to be considered together regardless of the action taken by the Commission.

RECOMMENDATION

Hear the request of the Owner to withdraw her petition for voluntary annexation, and either: 1) grant the request of the owner and strike the ordinance from the agenda; or 2) deny the request and adopt the ordinance.

Legislative History

6/11/07	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
10/22/07	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
11/19/07	City Commission	Continued (7 - 0)

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070661.

**URBAN SERVICES REPORT OF PORTION OF BUTLER PLAZA
SOUTHWEST AREA (B)**

Ordinance No. 0-07-104

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 generally located south of SW 33rd Place and Windmeadows Boulevard, west of SW 35th Boulevard, north of SW Archer Road and the City limits, and east of the vicinity of SW 40th Boulevard and Interstate 75, as more specifically described in this ordinance; the area is proposed for

annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, 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.**

If adopted on first reading, this ordinance shall be heard on second reading on December 10, 2007. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners

and provided to the owners of the real property affected by this ordinance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/26/07 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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070633.

HISTORIC PROPERTY EXEMPT FROM CERTAIN AD VALOREM TAXATION; 205 SE 7th STREET (B)

ORDINANCE NO. 0-07-99

An ordinance of the City of Gainesville, Florida, finding that property located at 205 SE 7th Street, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax on certain improvements beginning January 1, 2008, and continuing for 10 years; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the applicant and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At the direction of the City Manager, the City Attorney has drafted and the Clerk of the Commission has advertised, an ordinance exempting certain historic property from ad valorem taxation for certain improvements as approved by the Historic Preservation Board.

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, December 10, 2007.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/26/07 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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070635.

HISTORIC PROPERTY EXEMPT FROM CERTAIN AD VALOREM TAXATION; 105 SE 7th STREET (B)

ORDINANCE NO. 0-07-100

An ordinance of the City of Gainesville, Florida, finding that property located at 105 SE 7th Street, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for

historic properties; granting an exemption from ad valorem tax on certain improvements beginning January 1, 2008, and continuing for 10 years; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the applicant and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At the direction of the City Manager, the City Attorney has drafted and the Clerk of the Commission has advertised, an ordinance exempting certain historic property from ad valorem taxation for certain improvements as approved by the Historic Preservation Board.

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, December 10, 2007.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/26/07 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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070636.

HISTORIC PROPERTY EXEMPT FROM CERTAIN AD VALOREM TAXATION; 725 NE 1st STREET (B)

ORDINANCE NO. 0-07-101

An ordinance of the City of Gainesville, Florida, finding that property located at 725 NE 1st Street, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax on certain improvements beginning January 1, 2008, and continuing for 10 years; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the applicant and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At the direction of the City Manager, the City Attorney has drafted and the Clerk of the Commission has advertised, an ordinance exempting certain historic property from ad valorem taxation for certain improvements as approved by the Historic Preservation Board.

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, December 10, 2007.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/26/07 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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070637.

HISTORIC PROPERTY EXEMPT FROM CERTAIN AD VALOREM TAXATION; 303 NE 8th AVENUE (B)

ORDINANCE NO. 0-07-102

An ordinance of the City of Gainesville, Florida, finding that property located at 303 NE 8th Avenue, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax on certain improvements beginning January 1, 2008, and continuing for 10 years; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the applicant and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At the direction of the City Manager, the City Attorney has drafted and the Clerk of the Commission has advertised, an ordinance exempting certain historic property from ad valorem taxation for certain improvements as approved by the Historic Preservation Board.

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, December 10, 2007.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

11/26/07 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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070640.

ADDITION OF PRECINCT TO ELECTION DISTRICT NO. 3 (B)

Ordinance No. 0-07-105

An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-1.1 of the Code of Ordinances to add Precinct Number 48 to Election District No. 3; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: On November 19, 2007, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Section 9-1.1 to add Precinct 48 to Election District No. 3. This amendment is necessary due to recent annexations of properties into the City of Gainesville.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

11/19/07 City Commission Approved as Recommended (4 - 0 - 3 Absent)
 11/26/07 City Commission Adopted on First Reading (Ordinance) (7 - 0)
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070676.**VEHICLES FOR HIRE (B)****Ordinance No. 0-07-95**

An ordinance of the City of Gainesville amending Chapter 28 Vehicles for Hire regulating vehicle-for-hire service within the City of Gainesville; amending the definition of vehicle-for-hire in Section 28-2; amending Section 28-3 to correct a scrivener's error and eliminate the requirement for audited financial statements, eliminating minimum number of vehicles requirement and clarifying criminal history requirements; amending Subsection (d) of Section 28-8 to consolidate medallion provisions; amending Section 28-8.5 by removing medallion language and redefining driver permit requirements; amending Section 28-11 related to liability insurance requirements; amending Section 28-21 related to city manager's right of inspection; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

Explanation: On September 10, 2007, the City Commission, referred proposed Ordinance No. 0-07-71 which re-organized and clarified existing Vehicle-for-Hire provisions and referred the Ordinance, along with three concerns raised by Vehicle-for-Hire owners and drivers. The issues raised by the owners and drivers were unrelated to the amendments in Ordinance No. 0-07-71.

The Public Safety Committee, at its meeting on September 20, 2007, considered the referred items and recommended specific changes to address the following concerns of the vehicles for hire owners and drivers: (1) criminal background limitations, (2) requirement for audited financial statements and (3) requirement for a minimum number of vehicles to get a franchise. The recommendation included the organizational changes and clarifications in Ordinance No. 0-07-71.

The City Commission, at its October 8, 2007 meeting, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance incorporating the changes proposed in the ordinance amendment (070244, 0-07-71) and the amendments addressing the concerns expressed by the Vehicle-for-Hire owners and drivers.

This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be held on December 10, 2007.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

11/26/07 City Commission Adopted on First Reading (Ordinance) (7 - 0)
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RESOLUTIONS- ROLL CALL REQUIRED**070330.****Resolution and Housing Program Establishing the General Fund Displaced Mobile Home Owner/Tenant Assistance Program (B)**

This item proposes to create a program for displaced mobile home owners/tenants, of low and moderate incomes, who are relocating outside of the corporate limits of the City of Gainesville but within Alachua County.

Explanation: At the August 13, 2007 City Commission meeting, the City Commission instructed the City Manager to investigate the possibility of using General Fund monies to assist Buck Bay residents who were relocating outside of the corporate City limits of the City of Gainesville. In accordance with the City Commission directive, staff contacted the City Attorney to find out if Florida Statutes or other applicable laws prevented the City from using General Fund monies to provide assistance to residents who were relocating outside of the City limits.

On October 15, 2007, the City Attorney issued a legal opinion stating that he had "not come across any State law which expressly prohibits the City from providing relocation assistance to mobile home owners and tenants in the City". And, "since such a program is likely to be considered a municipal purpose, and no law expressly prohibits such a program, then the program likely is a lawful use of public funds". In addition, he recommended that "the City Commission make findings as to the specific municipal health, welfare and safety concerns addressed by the program"; and, that program participation be limited to low and moderate income households.

Through its efforts to locate additional funding options to assist Buck Bay residents, staff has identified unrestricted funding from the Cedar Grove II foreclosure acquisition reserve fund. At the September 9, 2002 City Commission meeting, the City Commission authorized the establishment of a Cedar Grove II foreclosure acquisition reserve fund to protect the development from potential purchases by investors for conversion to rental properties. These unrestricted funds were placed in the Cedar Grove II foreclosure acquisition reserve fund to use for the purpose of accomplishing the mission of the fund. Only one property has resulted in foreclosure and the Housing Division purchased that property, rehabilitated the structure and resold the unit to a low-income homebuyer. Since the properties are reselling on the general market for more than their initial purchase price, and because of the low foreclosure rate, staff believes that these funds could be used as an additional funding option to provide assistance to the Buck Bay residents.

Fiscal Note: Initial funding in the amount of \$30,000 would be drawn from account 123-790-G351-5540-6020. Once these funds are exhausted, any additional authorized funding would be drawn from the City Commission Contingency Account (account TBD).

RECOMMENDATION

The City Commission: 1) adopt a resolution approving the General Fund Displaced Mobile Home Owner/Tenant Assistance Program, stating the purpose of the program, making certain findings of fact, directing the City Manager to implement the program, and providing an immediate effective date; 2) authorize the use of \$30,000 of Cedar Grove II foreclosure acquisition reserve funds to fund the program; 3) upon exhaustion of Cedar Grove II foreclosure acquisition reserve funds, authorize use of City Commission contingency funds in an amount to be determined by the City Commission; 4) authorize the Housing Division to use its standard financing agreements to effect the transactions subject to City Attorney approval as to form and legality; and 5) authorize the reimbursement of General Fund Displaced Mobile Home Owner/Tenant Assistance Program eligible expenses for Buck Bay Mobile Home Park owners/tenants of low and moderate incomes who resided in the park on January 12, 2007, the date the owner of the park issued eviction notices, and who relocated within Alachua County prior to this program's approval.

Alternative Recommendation A: The City Commission could choose to not approve the recommendation and the Buck Bay residents who are moving outside of the corporate City limits of the City of Gainesville would have to seek funding from another source.

Legislative History

8/13/07 City Commission Referred (6 - 0 - 1 Absent) City Manager

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070660.

TOWING FEES (B)

A resolution of the City Commission of the City of Gainesville, Florida, amending and establishing the maximum trespass towing fees in accordance with section 14.5-30 of the Code of Ordinances of the City of Gainesville, Florida; and providing an effective date.

Explanation: The City Commission at its meeting on November 19, 2007, directed that a resolution be prepared to set a price increase for towing illegally parked vehicles. Pursuant to Section 14.5-30, of the Code of Ordinances, the City

PLAN BOARD PETITIONS**070706.****Auto-Town Center Petition 69PDV-07PB (B)**

(Quasi-Judicial) Petition 69PDV-07PB Arcadis, Agent for Gloria and Maria Henderson. Rezone property from BUS (General Business District) to PD (Planned Development) to allow an Automotive Sales Center and associated development. Located in the 3900 Block of North Main Street, west side.

Explanation: This petition is a request to change the zoning on the subject property from BUS (General Business District) to Planned Development for an automotive sales center and related accessory uses. The subject property is comprised of five tax parcels listed as 08159-002-000, 08159-002-001, 08159-002-002, 08159-002-006 and 08159-002-010, totaling 18.4 acres. The property is located at the northwest corner of North Main Street and Northwest 39th Avenue, having 229 feet of frontage on Northwest 39th Avenue and 1,238 feet along North Main Street. The south east corner of the subject property is developed with an office building, the round bar, a bank and other retail uses. The remaining northwest portion is undeveloped and contains three well defined wetlands areas. A north/south ditch runs along the west boundary of the subject property and traverses the southern portion, creating two separate areas.

The applicant wishes to develop the property with three, new and used car sales establishment, combined with a community/learning center and an alternative fuels, fueling station. The principal use is classified under SIC (Standard Industrial Classification) MG-55 Automotive dealers and gasoline service stations, which is not allowed in the BUS zoning district. In order to implement the proposed use, the property would have to be rezoned to BA or Planned Development. The applicant was advised by staff to apply for rezoning to Planned Development in order to address intended unique aspects of the site, the operations of the proposed development and the adjacent residential development to the west.

The property is also located in the Secondary Zone of the city's Wellfield Protection Zone and may require a Wellfield Protection Special Use Permit due to the proposed underground storage of hazardous materials

Three issues of primary importance with this petition are avoidance and mitigation of the site's wetlands, staff's planning practice concern regarding relocation/reorientation of buildings to the northwest corner of 39th Avenue and north Main Street and general neighborhood compatibility concerns.

The Plan Board heard the request and expressed concerns about the removal of wetland areas from the site, and the location of building on the site. Staff and some Plan Board members felt that the applicant did not do enough to avoid or minimize the development's impact on the northern wetland area. The Plan Board kept as part of their condition of approval that buildings should be

removed from the wetlands and relocated to realize the least possible negative impacts to both the environmental aspects and the residential development to the west and north. At the Plan Board meeting the applicant offered to provide funding in the amount of \$100,000 for the enhancement of +/- 49.0 acres at the Prairie Creek Basin property, including hydrologic restoration, re-establishing a historic connection, instituting a fire management regime, and vegetative restoration by removing planted pines and replanting with long-leaf pines and native ground-cover species. The Plan Board voted 4-0 to recommend approval of the petition with modified conditions to the City Commission.

Public notice was published in the Gainesville Sun on August 1, 2007. Letters were mailed to surrounding property owners on October 3rd 2007. The Plan Board held a public hearing October 18, 2007 and continued the hearing to October 25, 2007.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - approve the petition with staff conditions as modified. 4-0 vote

Staff to City Plan Board - approve the petition with staff conditions.

Alternative Recommendation (A) - Approve the petition with staff conditions as modified allowing for wetland mitigation proposed by the Petitioner and accept the Petitioner's site plan as submitted.

Alternative Recommendation (B) - Deny the petition.

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070447.

Petition 28LUC-07 PB. David Coffey, P.A., agent for Plum Creek Timberlands, LP (B)

Amend the City of Gainesville 2000-2010 Future Land Use Map from Alachua County Rural/Agricultural and City of Gainesville A (Agriculture) to City of Gainesville PUD (Planned Use District), SF (Single-family, up to 8 units per acre) and CON (Conservation) on approximately 1,754 acres.

Explanation: The 1,754-acre subject property is in the northwest portion of Gainesville. All except approximately 460 acres in the southern part of the subject property were annexed into the city on February 12, 2007. The property is north of NW

53rd Avenue, is largely split by State Road 121 (which, south of NW 53rd Avenue, is NW 34th Street). It is bounded to the southwest by NW 13th Street (US 441).

Adjacent to the west of the subject property is the Deerhaven Power Plant operated by Gainesville Regional Utilities. Most of the property adjacent to the east and west of the subject property is undeveloped or pine plantation (silviculture). The subject property is currently used for silviculture operations and both the subject property and surrounding areas are rural in character.

One of the most noteworthy features of the property is that at least a third of the subject property is wetland, and the fact that it contains both important environmental features and the headwaters for three creek systems/basins.

The applicant proposes to establish City land use designations for this recently-annexed property. Those designations would be SF (Single-Family, up to 8 dwelling units per acre), CON (Conservation, up to one dwelling unit per five acres), and PUD (Planned Use District). Currently, these properties carry an Alachua County land use designation of Rural/Agriculture (allowing up to one dwelling unit per five acres).

The proposed PUD designation, if approved, will establish the land use for what the applicant proposes to be a future, mixed-use development consisting of up to 100,000 square feet of non-residential uses, of which 80,000 square feet could be retail uses. The PUD designations would apply to approximately 5 percent of the 1,754 acres (approximately 90 acres), and consist of two semi-centrally located clusters flanking SR 121. Approximately 34 percent of the 1,754 acres is proposed for Conservation land use (approximately 600 acres), and approximately 61 percent of the 1,754 acres would be designated Single-Family Residential (approximately 1,070 acres).

The applicant has proposed to add a new policy into the Future Land Use Element of the Gainesville Comprehensive Plan that would, within this project area, prohibit the construction of residential units within parcels designated Conservation (the City normally allows up to one single-family residential unit per five acres in the Conservation zoning district). The policy would also require that future development of the parcels designated single-family residential land use could not occur until the parcel is given a Planned Development zoning designation (which requires, among other things, that an ordinance be adopted describing development parameters for the parcel). Finally, the policy would lower the maximum single-family residential density allowed in the project area from 8 dwelling units per acre to 1.5 dwelling units per acre.

The applicant proposes to place conservation easements over important environmental features found within the project area to ensure their permanent protection. The location of these easements has not yet been determined. The applicant expects those determinations to be made at the development plan review stage.

A maximum of 540 residential dwelling units are proposed for the roughly 90 acres of proposed PUD land use on the subject property. The consultant for the applicant states that another 1,253 single-family residences are projected for the proposed single-family land use on the subject property, for a total of 1,793 residential units for the subject property at build-out. Should the applicant-proposed maximum density of 1.5 dwelling units per acre be adopted for the approximately 1,070 acres of proposed single-family land use on the subject property, the maximum number of single-family residences that can be built would be 1,605 residences (for a total of 2,145 residences), rather than the 1,253 projected by the consultant. Note, however, that the wetness of the subject property will, in all likelihood, result in a build-out of residences closer to the number projected by the consultant rather than the maximum allowable.

State Road 121 is the arterial serving the Plum Creek development. Based on the lowest traffic estimates that were provided by the applicant (which subtracts out a substantial number of trips for floodplain/wetlands on the site), the SR 121 road segment can only handle about a quarter of the total trips for the development and meet concurrency. The current capacity of SR 121 is 7,286 average daily trips. The initial traffic study provided by the applicant is estimated (the low estimate) to generate 23,096 average daily trips at build-out. One of the most significant problems with the application for this petition, from the point of view of City staff, is that a full traffic study has not been provided for the land use amendment.

The Florida Department of Transportation (FDOT) and Alachua County also had several problems with the information submitted by the applicant for the proposed development, and the impacts that would result.

The subject property, before annexation into the city, was designated a Strategic Ecosystem by Alachua County. There are two strategic ecosystems found on the subject property and identified by Alachua County: Buck Bay east of State Road 121 and Hague Flatwoods west of 121. These ecosystems are valuable not because they are pristine, but because they are a major headwaters area within the county.

To mitigate the impacts of the school-age population that will be generated by future development of the subject property, the Alachua County School Board has requested that the petitioner work with the school district to: dedicate an appropriate elementary school site (25 acres +/-) within the development; explore innovative techniques for financing/construction of an elementary school; and establish a proportionate share mitigation plan to enhance the middle and high school capacities within the planning sectors.

The Plan Board discussed the petition, heard public comments, expressed serious concerns about environmental issues, traffic, schools, fiscal and sprawl impacts, and recommended that the requested land use changes be denied.

Public Notice was published in the Gainesville Sun on August 1, 2007. The Plan Board held a public hearing August 16, 2007.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission: The City Commission deny Petition 28LUC-07 PB. Plan Board vote 6-0.

Staff to City Commission: Approve Petition 28LUC-07 PB as recommended by staff, subject to approval of proposed Future Land Use Element Policy 4.3.4.

Alternative Recommendation -Deny Petition 28LUC-07 PB.

Staff to Plan Board - Approve Petition 28LUC-07 PB.

Legislative History

9/24/07 City Commission Continued (Petition) (7 - 0)

11/26/07 City Commission Continued (Petition) (7 - 0)

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DEVELOPMENT REVIEW BOARD PETITIONS**SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****COMMISSION COMMENT****CITIZEN COMMENT (If time available)****ADJOURNMENT - 11:49 PM**