

City of Gainesville

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



Meeting Agenda

May 29, 2001

1:00 PM

City Hall Auditorium

City Commission

***Mayor Tom Bussing (At-Large)
Commissioner Warren Nielsen (At-Large)
Commissioner Chuck Chestnut (District 1)
Commissioner John R. Barrow (District 2)
Mayor-Commissioner Pro Tem Pegeen Hanrahan (District 3)***



City of Gainesville
Agenda Index
City Commission

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200 East University Avenue
Gainesville, Florida 32601

Mayor Tom Bussing (At-Large)
Commissioner Warren Nielsen (At-Large)
Commissioner Chuck Chestnut (District 1)
Commissioner John R. Barrow (District 2)
Mayor-Commissioner Pro Tem Pegeen Hanrahan (District 3)

Tuesday, May 29, 2001

1:00 PM

City Hall Auditorium

INVOCATION

Pastor Kenneth Babin, First Lutheran Church of Gainesville

ROLL CALL

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

001354 Internet Crash Data System (B) Page 2 Staff Recommendation

001355 Park Enhancements on City Property - 1400 Block of NW 38th Street (B) Page 2 Staff Recommendation

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

001359 Release of Easement (B) Page 3 Staff Recommendation

001360 Backhoe Loader Purchase (B) Page 3 Staff Recommendation

CITY ATTORNEY, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PERSONNEL & ORGANIZATIONAL STRUCTURE COMMITTEE, CONSENT

000732 Advisory Board Appointments (B) Page 4 Staff Recommendation

REGIONAL UTILITIES COMMITTEE, CONSENT

990060 Sarah Poll - Sewer Survey (NB) Page 4 Staff Recommendation

CITIZEN'S ADVISORY COMMITTEE FOR COMMUNITY DEVELOPMENT, CONSENT

001257 Allocation of CDBG Funds for Southern Pine Beetle Infested Tree Removal (NB) Page 5 Staff Recommendation

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

001349 Resignation - City Beautification Board (B) Staff Recommendation

001348 Resignation - Gainesville Code Enforcement Board (B) Page 6 Staff Recommendation

001350 City Commission Minutes (B) Page 6 Staff Recommendation

ADOPTION OF THE REGULAR AGENDA**CLERK OF THE COMMISSION****CITY MANAGER**

001366	Metropolitan Transportation Planning Organization (MTPO) (NB) Page 7	Discussion Item
001356	Summer Food Program Bid Award (NB) Page 7	Discussion Item
001357	Recommendations on Joint Planning between Alachua County and the City of Gainesville (B) Page 7	Discussion Item
001358	Unitary Tax on Telecommunications (NB) Page 9	Discussion Item
000566	Comprehensive User Fee Study (B) Page 9	Discussion Item
001351	Contract for Consultant to Conduct Living Wage Study (B) Page 11	Staff Recommendation

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****CITY AUDITOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****PUBLIC WORKS COMMITTEE****PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE****AUDIT & FINANCE COMMITTEE**

000374	Vehicle Towing Ordinance and Roam Towing Fees Review (B)Page 11	Discussion Item
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ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**OUTSIDE AGENCIES**

001365	Lockwood Greene Study (NB) Page 13	Discussion Item
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MEMBERS OF THE CITY COMMISSION

001364	Mayor Tom Bussing (NB) Page 13	Discussion Item
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COMMISSION COMMENTS (if time available)**CITIZEN COMMENT (5:30pm)****COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (6:00pm)****Troop 332 and Troop 924**

PROCLAMATIONS/SPECIAL RECOGNITIONS

- 001361 **APPA Golden Tree Award (NB) Page 13 Discussion Item**
001367 **National Homeownership Week (B) Page 13 Proclamation**

PUBLIC HEARINGS**ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

- 001270 **2002 Elections (B) Page 14 Ordinance**

ORDINANCES 2ND READING- ROLL CALL REQUIRED

- 000617 **Street Vacation (B) Page 14 Ordinance**
000618 **Planned Development Amendment - Ordinance**
 Oakbrook Walk (B) Page 15
000902 **Citizen Participation in the Planning Process Ordinance**
 (B) Page 15

RESOLUTIONS- ROLL CALL REQUIRED

- 001362 **Grant of an Easement to FDOT for Resolution**
 Improvements to State Road 121 (B) Page 16
001326 **Eminent Domain - Northwest 45th Avenue Resolution**
 Reconstruction Project (B) Page 16

PLAN BOARD PETITIONS

- 000516 **Petition 147TCH-00 PB (B) Page 17 Petition**

SCHEDULED EVENING AGENDA ITEMS**UNFINISHED BUSINESS****COMMISSION COMMENT****CITIZEN COMMENT (If time available)**

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

INVOCATION**Pastor Kenneth Babin, First Lutheran Church of Gainesville**

1801 NW 5th Avenue, Gainesville, FL 32603

ROLL CALL**CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS****001354 Internet Crash Data System (B)**

Explanation: Due to the past work of the Police Department and the Public Works Department, the City of Gainesville was awarded a grant in January of this year to develop a system to allow the accurate analysis of crash data and to have that information available on the World Wide Web (Internet). Currently, information from a crash report is hand-entered into different, incompatible systems depending on the agency using the data. This project would allow the entering of the data only once, regardless of the agency's system. The information would be available for analysis through an Internet web site constructed for this purpose. After soliciting proposals from five vendors for the construction of the Internet system, the lowest bid received came from Crossroads Software of Brea, California.

Fiscal Note: The contract is valued at approximately \$34,845.00 and will come from the awarded grant. The contract requires no City funds.

RECOMMENDATION *The City Commission authorize the City Manager to: 1) approve the expenditure as budgeted; 2) execute the necessary contract for services, pending review by the City Attorney as to form and legality.*

001355 Park Enhancements on City Property - 1400 Block of NW 38th Street (B)

Explanation: The City of Gainesville acquired property in 1965 for right-of-way to accommodate the future reconstruction of NW 38th Street between NW 8th Avenue and NW 16th Boulevard. The property consisted of three (3) parcels (100x100' lots) along the west side of NW 38th Street adjacent to NW 14th Place and NW 15th Avenue. Reconstruction of NW 38th Street was recently completed this year. Only 5% of these parcels were affected by the new improvements. During neighborhood meetings and construction activities, area residents expressed to the Public Works Department a desire to have the parcels dedicated for use as a passive park with minor amenities. Staff recommends this issue be referred to the Recreation and Cultural Affairs Committee for consideration.

Fiscal Note: A fiscal impact has not been identified at this time.

RECOMMENDATION *The City Commission refer City property along the 1400 Block of NW 38th Street to the Recreation and Cultural Affairs Committee for park and recreational consideration.*

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

001359 Release of Easement - 12,200 Block of NW 23rd Avenue (B)

Explanation: In 1995, GRU worked on a proposed project to extend a 12" water main line along the projection of NW 23rd Avenue west from the 10000 block to CR 241 North. The purpose of this project was to provide a reliable water backfeed to existing customers along Newberry Road, anticipating that the water line relocation associated with widening Newberry Road would interrupt water service. However, GRU was unable to obtain all of the land rights that were necessary to allow the water line extension along the NW 23 Avenue projection. As an alternate route the water main was constructed along NW 39 Avenue and along CR 241 to Newberry Rd. This route provided the necessary backfeed for the water system. For that reason the water line along NW 23 Avenue was never constructed.

As a part of the proposed water main project, the City did acquire a utility easement from Richard W. Fletcher. Mr. Fletcher has requested the easement be released by the City since it was never utilized for the intended purpose. Staff have reviewed and approved the request for release.

RECOMMENDATION *The City Commission: 1) approve the release of a public utility easement; and 2) authorize the Mayor and Clerk of the Commission to execute the Release of Easement, substantially in the form on file, subject to approval by the City Attorney.*

001360 Purchase of a Small Backhoe Loader Tractor (B)

Explanation: The Water Distribution Department is replacing an existing trencher, which has reached the end of its useful life, with a small backhoe loader tractor. The equipment is required for utility excavation and construction which dictates that the tractor be an industrial unit.

Invitations to bid for furnishing a new small backhoe loader tractor were sent by Utilities Purchasing to six (6) prospective vendors, with one (1) vendor responding. A tabulation of the bids received is attached for your information.

Blakewood Equipment Inc.'s bid, is competitive with the market for this equipment; therefore, staff recommends that the backhoe loader tractor be purchased from the sole bidder.

Fiscal Note: Funds for this purchase are available in the FY 2001 Water/Wastewater Systems budget.

RECOMMENDATION *The City Commission approve the issuance of a purchase order to Blakewood Equipment Sales, Inc. for one (1) Small Kubota Backhoe Loader Tractor in the amount of \$31,983.00.*

CITY ATTORNEY, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PERSONNEL & ORGANIZATIONAL STRUCTURE COMMITTEE, CONSENT

000732 Advisory Board Appointments (B)

Explanation: This item was referred to the Personnel & Organizational Structure Committee by City Commission on 11/27/00 for staff to review the process of appointing Advisory Board Members. On May 8, 2001 the Personnel & Organizational Structure Committee discussed item and consented to continuing the current process for appointment. The Clerk of Commission to draft an application for Advisory Boards/Committees, for Commission approval.

Fiscal Note: N/A

RECOMMENDATION *The Personnel & Organizational Structure Committee request City Commission to approve continuation of current process for appointment and approve new application and remove this from the referral list.*

Legislative History

11/27/2000	City Commission	Referred (5 - 0)	Personnel and Organizational Structure Committee
5/8/2001	Personnel and Organizational Structure Committee	Discussed	

REGIONAL UTILITIES COMMITTEE, CONSENT

990060 Sarah Poll - Sewer Survey (NB)

Explanation: On May 24, 1999 the City Commission referred the concerns of citizen Sarah Poll to the Regional Utilities Committee (RUC). Ms. Poll had come before the City Commission regarding the manner in which GRU Water/Wastewater Department personnel had performed work in her neighborhood. The Regional Utilities Committee met and discussed this item on September 30, 1999 and again on November 1, 1999. At the November 1, 1999 meeting the Committee

directed staff to complete the restoration work being done in Ms. Poll's neighborhood, then the Committee would see if Ms. Poll still had concerns. The restoration work was completed.

On February 8, 2001 the RUC determined it would retain this referral. The Committee will schedule final consideration of this item for a meeting in May.

On May 3, 2001, the Regional Utilities Committee heard a brief presentation from staff regarding the actions taken to restore the vegetation that was removed during construction of wastewater facilities in Ms. Poll's neighborhood. Comments were also received from Ms. Poll. It was determined that staff would continue to monitor the remaining portion of the contract with the landscape firm to insure the plants remain healthy. The RUC agreed to recommend to the City Commission that this item be removed from the referral list.

RECOMMENDATION The City Commission remove this item from the referral list.

Legislative History

5/24/1999	City Commission	Assigned	Regional Utilities Committee
9/30/1999	Regional Utilities Committee	Discussed	
2/8/2001	Regional Utilities Committee	Discussed	
5/3/2001	Regional Utilities Committee	Discussed	

CITIZEN'S ADVISORY COMMITTEE FOR COMMUNITY DEVELOPMENT, CONSENT

001257

Allocation of CDBG Funds for Southern Pine Beetle Infested Tree Removal (NB)

Explanation: On April 30, 2001, the City Commission declared a Southern Pine Beetle infestation emergency. In response to this emergency situation, the City Commission allocated funds for a cost-share suppression program to assist property owners in the City to cut down and treat pine trees that are infested with Southern Pine Beetles. The cost to the property owner under this program is \$110 per tree.

The Citizens Advisory Committee for Community Development (CACCD) was requested to set aside Community Development Block Grant (CDBG) funds to assist low- and moderate-income homeowners in the City by paying for the \$110 per tree cost-share expense. A similar program was established in 1995 in response to the 1994-95 Southern Pine Beetle outbreak in Gainesville and Alachua County.

Those who would be eligible for CDBG assistance are low- and moderate-income homeowners residing within the Gainesville City limits with pine trees on their property that are determined by the Florida Division of

Forestry to be infested with Southern Pine Beetles. City staff will use current HUD income guidelines for determining income eligibility.

Fiscal Note: The amount requested for this program was \$10,000, although the CACCD recommended \$18,000. Funds are available in the FY 2001 CDBG contingency.

RECOMMENDATION *The City Commission: 1) approve the allocation of up to \$18,000 in Community Development Block Grant (CDBG) funds for an Emergency Southern Pine Beetle Infestation Assistance Program ; and 2) authorize the City Manager or designee to amend the FY 2001 General Government budget and FY 2001 CDBG Annual Action Plan as necessary to include this program.*

Legislative History

4/23/2001 City Commission Approved, as shown above (4 - 0 - 1 Absent)

4/30/2001 City Commission Approved, as shown above

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

001349 Resignation - City Beautification Board (B)

RECOMMENDATION *The City Commission accept the resignation of member Heather Martin from the City Beautification Board effective immediately.*

001348 Resignation - Gainesville Code Enforcement Board (B)

RECOMMENDATION *The City Commission accept the resignation of member Steven Douglas from the Gainesville Code Enforcement Board effective immediately.*

001350 City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of May 14, 2001 as circulated.*

ADOPTION OF THE REGULAR AGENDA**CLERK OF THE COMMISSION****CITY MANAGER****001366 Metropolitan Transportation Planning Organization (MTPO) (NB)**

RECOMMENDATION *The City Commission hear a report from staff regarding the June 7, 2001 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

001356 Summer Food Program Bid Award (NB)

Explanation: The Purchasing Division sent bids to 13 vendors for the FY 2001 Summer Nutrition Food Service Program. Bids were opened on May 14, 2001, and ARAMARK - University of Florida was the only responsive bidder. However, ARAMARK's bid price was too high and had to be rejected.

Purchasing has reissued the bid package with a modified menu and specifications that will hopefully produce a more favorable bid price. Bid opening will be May 29, 2001 at 9:00 AM.

Staff will present to the Commission the successful bidder at the May 29, 2001 meeting.

Fiscal Note: The USDA and the State of Florida will reimburse the food cost for this program to the City.

RECOMMENDATION *The City Commission authorize the City Manager or his designee to execute a contract with the successful bidder, for the Summer Food Service Program, subject to approval by the City Attorney as to form and legality.*

001357 Recommendations on Joint Planning between Alachua County and the City of Gainesville (B)

Explanation: At the January 26, 2001 joint meeting of the City Commission and the Alachua County Commission, the City Commission directed staff to make recommendations for joint area plans for the next two years and to recommend a process for advisory review of joint area plans and other issues of regional concern. County staff was similarly directed at the January meeting by the County Commission, and City and County staffs have worked together to develop the recommendations.

Two special area plans are recommended for FY 2001-2002, and one special

area plan is recommended for FY 2002-2003. Special area plans (SAPs) for the East Gainesville Urban Area and for the Southwest 13th Street Corridor are recommended for the upcoming fiscal year. The East Gainesville Plan will require .5 full time equivalent of City of Gainesville planning staff, and will also require staff assistance from the Public Works Department including RTS. This SAP will require urban design consultant costs to be shared with Alachua County, and transportation consulting costs to be borne by the MTPPO. The land use scope of this special area plan will focus on implementing the "Livable Community Investment Plan". The main objective of the plan will be to create an urban design and growth management plan, linking land use, transportation and environmental issues.

The special area (corridor) plan for the Southwest 13th Street Corridor, also recommended for the 2001-2002 fiscal year, will include land uses, building types, and landscape and signage requirements. This plan will require consultant costs to be shared with Alachua County, .5 full time equivalent of City planning staff and staff assistance from the Public Works Department including RTS.

The special area plan recommended for the following fiscal year, FY 2002-2003, is Southwest 20th Avenue. This SAP will implement the recommendations from the Southwest 20th Avenue Charrette. It will require 1 full time equivalent of City planning staff, staff assistance from the Public Works Department including RTS, and consulting costs to be shared with Alachua County.

The process that is recommended for advisory review of joint area plans and other issues of regional concern is as follows: combined meetings of and joint recommendations by City Plan Board/Alachua County Planning Commission; recommendations require a majority vote of each local planning agency; ex-officio representation by other entities as appropriate (e.g., School Board, University of Florida and other cities); and joint recommendations by City Plan Board/Alachua County Planning Commission to each governing body at a joint meeting of City and County Commissions.

The costs of needed consultants and the availability of staff resources throughout the planning period are major considerations. All of the special area plans will require consultant assistance with consultant costs to be shared with Alachua County.

Fiscal Note: No additional staff positions are recommended, but two planning staff full time equivalent will be needed, one for each fiscal year. Up to \$300,000 in consultant costs to the City are anticipated.

RECOMMENDATION The City Commission: 1) hear a brief presentation from staff; 2) approve staff recommendations for joint planning projects for FY 2001-2002 and FY 2002-2003; and 3) approve staff-recommended process for advisory review of joint planning projects.

001358

Unitary Tax on Telecommunications (NB)

Explanation: The Unitary Tax on Telecommunications, which becomes effective on October 1, 2001, is the result of several years of negotiations between the telecommunications industry and representatives of local government throughout the state. The bill was enacted in principle during the 2000 legislature and was re-enacted with cleanup provisions and specified local rates during the 2001 legislature. The City must adopt a final rights of way bill during June and will, at the same time, remove now-obsolete language in its existing municipal utility tax ordinance and replace the language and the rates with the unitary tax rate.

Fiscal Note: The unitary tax bill is intended to be revenue neutral, so the projected impact should be very small. The additional .12% tax to be included in our local rate will provide approximately \$35,000 annually, which is intended to permit the Public works Department to hire an additional inspector to cover the administrative costs of increased activity in rights-of-way access.

RECOMMENDATION

The City Commission: 1) hear an update from staff on the current status of the Unitary Tax legislation; and 2) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance revising the City's taxing ordinances consistent with changes in state and federal law and revising certain procedures regarding uses of and construction in the City's rights-of-way.

000566

Comprehensive User Fee Study (B)

Explanation: At its November 1, 2000 meeting the Audit & Finance Committee heard an overview from staff on the Comprehensive User Fee Study prepared by DMG Maximus. The study encompassed a review of the fees levied in four areas: Building Inspections, Planning, Recreation & Parks, and Public Works. At this meeting it was determined that staff would review the results of the study in detail with appropriate department personnel, and return with staff recommendations over the course of several Audit & Finance committee meetings held specifically for this purpose.

The staff reviews were performed, and proposed fee revisions based on these reviews were brought back to the Audit & Finance Committee. At this juncture, the Audit & Finance Committee directed staff to solicit input from the appropriate citizen advisory boards and neighborhood groups as to their perspective on the potential impact of the implementation of the proposed fee schedules. The Audit & Finance Committee also decided that the resulting proposed fee schedules, after consideration of citizen input, should be brought back to the full City Commission for discussion rather than going back to Audit & Finance.

Organizations were requested to provide input on the proposed fee schedules as follows:

Planning Fees - Planning staff discussed the proposed fee changes during the course of their regular meeting with the Gainesville Homebuilders Association in January. Planning fees were brought before the full City Commission on April 9, where more information was requested. Subsequent to this City Commission meeting, the Homebuilders Association requested another opportunity to review the fees. A full fee study was mailed to the Homebuilders Association representative, and Planning staff reminded the members of the proposed changes during the Association meeting of May 7th.

Recreation & Parks - The Evergreen Cemetery Association of Gainesville, Inc. reviewed the fee schedules during their meeting of January 7th. The Recreation Advisory Board discussed the proposed fees during several meetings, and defined their recommended changes during their meeting of April 25th.

Public Works - Meetings were held on the proposed changes to the Residential Parking Permit program with the College Park University Heights Redevelopment Advisory Board on May 2nd, and the University Park Neighborhood Association on April 26th. A letter describing the changes was sent to residents of the Florida Court neighborhood on May 18th. For the proposed changes to parking meter fees, a meeting was held with the Gainesville Downtown Owners and Tenants Association on May 15th, and a letter was sent to the Downtown Redevelopment Advisory Board on May 18th.

Building Inspections - A revamped inspections fee schedule was negotiated with the Homebuilders Association and implemented just prior to the completion of the fee study. There was no material difference between the newly negotiated rates and the fee study results, and consequently no further changes are being proposed.

Fiscal Note: If implemented, as recommended by staff, the fee revisions would generate approximately \$340,000 in additional revenue annually.

RECOMMENDATION *The City Commission approve the recommended revisions to the Planning, Recreation & Parks, and Public Works fee schedules effective October 1, 2001 and instruct the City Attorney to draft and the Clerk to advertise any requisite changes to City ordinances, resolutions or schedules.*

Legislative History

10/23/2000	City Commission	Referred (3 - 0 - 2 Absent)	Audit and Finance Committee
11/1/2000	Audit and Finance Committee	Discussed	
1/17/2001	Audit and Finance Committee	Discussed	
2/7/2001	Audit and Finance Committee	Discussed	
3/5/2001	Audit and Finance Committee	Discussed	
4/9/2001	City Commission	Continued (3 - 0 - 2 Absent)	

4/16/2001 Audit and Finance Recommended for Approval
Committee
5/14/2001 City Commission Withdrawn

001351 Contract for Consultant to Conduct a Living Wage Impact Study (B)

Explanation: The City of Gainesville issued a Request for Proposal (RFP) for consultants with experience in determining costs and other impacts on the City, and Alachua County of a proposed local ordinance initiative for a living wage. A total of 373 firms were notified of the RFP with 38 receiving the RFP document. There were two proposals received, both from vendors who have done previous work in the area of living wage impacts. After evaluation by a team consisting of City Staff, Alachua County Staff, and members of the Living Wage Coalition, based upon the criteria of understanding & approach, qualifications & experience, and cost to do the study, the recommendation is to award to the highest ranked firm, Anderson Economic Group (AEG).

Fiscal Note: The cost of the study, which the Board of County Commissioners for Alachua County will be sharing in, is anticipated to be \$44,000. If the cost is shared equally the City would be responsible for one half or \$22,000.

RECOMMENDATION The City Commission 1) approve the award to Anderson Economic Group; 2) authorize the City Manager or his designee to negotiate and execute a contract subject to the approval of the City Attorney as to form and legality; 3) authorize the City Manager or his designee to execute any related agreements with Alachua County for their share of the funding and 4) Approve the appropriation of \$22,000 from the City Commission Contingency fund.

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

AUDIT & FINANCE COMMITTEE

000374 Vehicle Towing Ordinance and Roam Towing Fees Review (B)

Explanation: On August 28, 2000, the City Commission referred discussions of vehicle towing to the Public Safety Committee. At the same time, a request was made in September to increase the maximum fees for trespass towing, which is set by resolution adoption of the City Commission by December 31st of each year. On December 11, 2000 the Public Safety Committee returned without a recommendation. The City Commission subsequently 1) referred the issue of reviewing the towing ordinance to the Public Safety Committee, 2) referred the issues associated with roam towing fees to the City Manager, the City Auditor and the City Attorney to bring the information to the Audit and Finance Committee, and 3) requested a report back to the full Commission.

The Public Safety Committee held four meetings since the December referral. Additionally, the Auditor's Office formed a Towing Fee Panel and held several public meetings with those recommendations presented to the Audit and Finance Committee on May 9, 2001.

Both the Public Safety Committee and the Audit and Finance Committee are prepared to report to the full City Commission in a joint presentation.

RECOMMENDATION *The City Commission 1) hear presentations from staff regarding Article III Chapter 14.5 of the Gainesville Code of Ordinances, Towing from Certain Private Property, also known as "roam towing", and the process for establishing maximum trespass towing rates, 2) hear the proposed recommendations, and 3) take action as deemed appropriate.*

Legislative History

8/28/2000	City Commission	Referred (4 - 0 - 1 Absent)	Public Safety Committee
10/19/2000	Public Safety Committee	Discussed	
11/16/2000	Public Safety Committee	Returned Without Recommendation	
12/11/2000	City Commission	Referred (4 - 0 - 1 Absent)	Public Safety Committee
12/11/2000	City Commission	Referred	City Manager
12/11/2000	City Commission	Referred	City Auditor
12/11/2000	City Commission	Referred	City Attorney
12/11/2000	City Commission	Referred	Audit and Finance Committee
1/25/2001	Public Safety Committee	Discussed	
2/22/2001	Public Safety Committee	Discussed	
3/15/2001	Public Safety Committee	Discussed	
4/19/2001	Public Safety Committee	Recommended for Approval	

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

001365 Lockwood Greene Study (NB)

RECOMMENDATION *The City Commission hear a presentation from Bob Rohrlack on the Lockwood Greene Study regarding their findings for Competitive Assessment, Underemployment and the Target Industry for our area.*

MEMBERS OF THE CITY COMMISSION

001364 Mayor Tom Bussing (NB)

RECOMMENDATION *The City Commission approve committee/liaison appointments.*

COMMISSION COMMENTS (if time available)

CITIZEN COMMENT (5:30pm)

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Troop 332 and Troop 924

Joyce Connors, Troop Leader

PROCLAMATIONS/SPECIAL RECOGNITIONS

001361 American Public Power Association - Golden Tree Award (NB)

RECOMMENDATION *Present the American Public Power Association Golden Tree Award to the Mayor and City Commission.*

001367 National Homeownership Week - June 3-10, 2001 (B)

RECOMMENDATION *Alachua County Housing Coalition President Teresa Osoba and U.S. Department of Housing and Urban Development Community Builder William Wright to accept the proclamation.*

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED**001270 SETTING DATE FOR 2002 CITY ELECTION (B)****Ordinance No. 0-01-29**

An ordinance of the City of Gainesville, Florida, setting April 2 as the date for the 2002 regular city election and April 16 as the date for the 2002 run-off election, if necessary; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its meeting of May 14, 2001, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance setting April 2 as the date for the 2002 regular City election and, if necessary, April 16 as the date for the 2002 run-off election.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/14/2001 City Commission Approved as Recommended (5 - 0)

ORDINANCES 2ND READING- ROLL CALL REQUIRED**000617 STREET VACATION (B)****ORDINANCE NO. 0-00-143; PETITION NO. 150SVA-00PB**

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way of Southwest 11th Place, approximately 251 feet MOL west of South Main Street; reserving an emergency and public utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At the City Commission meeting of December 11, 2000, the City Commission approved Petition No. 150SVA-00PB with specific conditions. The City Commission expressly authorized the City Attorney to negotiate an agreement that would allow the vacated right-of-way to revert to the City in the event the Commission determines in the future that the property is needed for public roadway purposes, and to allow the Gainesville Fire Department access to fire hydrants through an opticom control system. Attached is the proposed agreement between the City and Ridgway Roof Truss Company, owner of the property, that includes, among other matters, the conditions required by the City Commission. If the Commission adopts this ordinance on second and final reading, the agreement will be executed by the City Manager and recorded in the public records of Alachua County.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/11/2000 City Commission Approved as shown above (Petition) (5 - 0)
5/14/2001 City Commission Adopted on First Reading (Ordinance) (5 - 0)

000618

PLANNED DEVELOPMENT AMENDMENT - OAKBROOK WALK (B)**ORDINANCE NO. 0-00-144; PETITION NO. 155PDA-00PB**

An Ordinance of the City of Gainesville, Florida; amending and expanding the Planned Development commonly known as "Oakbrook Walk Planned Development", located in the vicinity of 1331 Southwest 13th Street; rezoning certain additional property from the zoning category of "RH-1: 8-43 units/acre residential high density" to "Planned Development District"; amending or repealing obsolete portions of City of Gainesville Ordinance Nos. 3248 and 3378 by adopting revised and additional development plan maps and a revised planned development report; amending and adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of December 11, 2000 authorized the City Attorney's office to prepare and advertise the necessary ordinance amending the planned development commonly known as "Oakbrook Walk Planned Development" and rezoning certain additional property to planned development district within the City of Gainesville. The amendment to the planned development will allow the construction of a bike path that connects the PK Younge campus to SW 16th Avenue on the northeast corner. The additional parcel of land located to the west of the existing planned development will be used for offices.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/11/2000 City Commission Approved (Petition) (5 - 0)
5/14/2001 City Commission Adopted on First Reading (Ordinance) (5 - 0)

000902

CITIZEN PARTICIPATION IN THE PLANNING PROCESS (B)**ORDINANCE NO. 0-01-23; PETITION NO. 13TCH-01PB**

An ordinance of the City of Gainesville, Florida, relating to citizen participation in the planning process; creating and adding section 30-350 to the Land Development Code stating the purpose and procedures to be used to encourage citizen participation prior to any application that requires a public hearing for a site plan, rezoning, special use permit or change to the future land use map being deemed complete; amending section 30-234 relating to applications for special use permits to require the citizen participation process be followed; amending section 30-214 relating to applications for rezonings for planned developments to require the citizen

participation process be followed; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting of March 26, 2001, the City Commission authorized the Clerk to advertise and the City Attorney to draft an ordinance changing the Land Development Code to enhance neighborhood participation in the planning process. This ordinance provides that the developer must give mailed notice of a meeting to discuss the proposed development to all neighborhood associations registered with the City and to all owners of property located within 400 feet of the proposed development. As the City Commission requested, staff will report at second reading on the impact of increasing the 400-foot distance to 1000 feet.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

3/26/2001 City Commission Approved as Amended (Petition) (4 - 0 - 1 Absent)

5/14/2001 City Commission Adopted on First Reading (Ordinance) (5 - 0)

RESOLUTIONS- ROLL CALL REQUIRED

001362 Grant of an Easement to FDOT for Improvements to State Road 121 (B)

Explanation: The Florida Department of Transportation (FDOT) proposes to improve State Road 121. As part of this improvement, FDOT intends to replace a pedestrian signal on the northeast corner of Northwest 8th Avenue and Northwest 34th Street (Westside Park). The City has agreed that it is in the public or community interest to grant the easement to FDOT for pedestrian purposes.

Fiscal Note: None.

RECOMMENDATION The City Commission approve the resolution.

001326 Eminent Domain - Northwest 45th Avenue Reconstruction Project (B)

Explanation: City staff has made numerous attempts to obtain the land rights needed from Mr. Michael S. Hartman, Trustee, representing Mrs. J. F. Hartman, Ann H. Trubey, Jane H. Shank, and Frank W. Hartman, Trustee, to complete the roadway reconstruction of Northwest 45th Avenue. Negotiations commenced on November 18, 1997 with Mr. Hartman. Rezoning of the property for development and pending sales to land developers have been the major issues for the delays. As Trustee, Mr. Hartman has refused to negotiate.

The City needs approximately 5.13 total acres, consisting of:

1. Parcel 7883-A, a 45'x70' triangular public right of way, consisting of 0.036 acres
2. Parcel 7883-B, a creek and wetland area consisting of 4.98 acres to be used as drainage and construction right of way
3. Parcel 7883-C, a 60'x30' drainage easement on an adjacent creek,

consisting of 0.041 acres

4. Parcel 7883-D, a 80'x40' temporary construction easement including and surrounding the drainage easement, consisting of 0.073 acres

Fiscal Note: *The funding needed for the acquisition is available in the Northwest 45th Avenue Reconstruction Capital Project Account.*

RECOMMENDATION

The City Commission: 1) approve the resolution authorizing condemnation of 5.13 acres of property located in the 1700 block of Northwest 45th Avenue referred to as parcels 7883-A, 7883-B, 7883-C, and 7883-D, portions of the parent parcel number 7883; and, 2) authorize the appropriate City officials to execute any applications, agreements, or any other related documents and take any other actions necessary to complete the Eminent Domain process.

Legislative History

5/14/2001 City Commission Withdrawn

PLAN BOARD PETITIONS

000516

Petition 147TCH-00PB. Amend the City of Gainesville Land Development Code related to lighting in terms of site plan submittal requirements, glare, light trespass, light fixture mounting height, illumination levels and specific requirements for gasoline service stations. (B)

Explanation: *This report addresses proposed Land Development Code revisions related to lighting in terms of glare, light trespass, light fixture mounting height, illumination levels and lighting plan submittal requirements.*

A growing number of cities are becoming less tolerant of intrusive light which creates glare and unwanted illumination on neighboring properties (Consulting-Specifying Engineer, July 1999). By reducing glare, roadway safety and overall security can be improved. According to the International Dark Sky Association, a non-profit group which advocates and educates about quality nighttime lighting, by enforcing effective lighting, energy waste, clutter, obtrusive light spillage and unnecessary sky glow can be avoided. Recently, lighting intensity has also become an issue in the City of Gainesville, particularly in relation to the lighting of parking lots, gas stations and light trespass onto adjacent properties. Section 30-330 of the Land Development Code presently allows parking lots to be lighted provided that a maximum intensity of five footcandles is not exceeded, that lighting does not create a nuisance across lot lines, and that minimum Illuminating Engineering Society of North America (IES) standards are adhered to. The Code also regulates lighting under Section 30-345(9), General performance standards, related to glare, indicating that lighting cannot exceed a maximum intensity of 25 footcandles at ground level (though horizontal footcandles have no relationship to glare), and that it must be hooded or shielded so that no glare creates a nuisance to adjacent property. Chapter 14 of the Code of Ordinances also

regulates lighting for convenience stores, indicating that a minimum average maintained illuminance of 2 footcandles with a uniformity ratio (average to minimum) of no more than 5:1 be maintained.

The proposed changes include more specific and enforceable standards to regulate glare and light trespass, and establish additional requirements for gasoline station lighting. It should be noted that enforcing the proposed standards will require the purchase of a light meter and may have an impact on the City's Code Enforcement Division.

The Plan Board reviewed the petition and recommends approval. One Board member raised the issue about light trespass from street lighting. The Board in general felt that this issue could be addressed by GRU.

Public notice was published in the Gainesville Sun on February 27, 2001. The Plan Board held a public hearing March 22, 2001.

Fiscal Note: None

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 147TCH-00 PB. Plan Board vote 3-1*

Staff to Plan Board - Approve

Legislative History

4/23/2001 City Commission Continued (Petition) (5 - 0)

5/14/2001 City Commission Continued (Petition) (5 - 0)

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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

