

City of Gainesville

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



Meeting Agenda

November 22, 2004

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Tony Domenech (District 3)
Commissioner Warren Nielsen (At Large)
Commissioner Rick Bryant (At Large)
Commissioner Chuck Chestnut (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Craig Lowe (District 4)*

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

CALL TO ORDER - 1:07 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. 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. Persons with disabilities who require assistance to participate in this meeting are requested to notify the Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.)"

ROLL CALL**INVOCATION****Reverend Mark Becker, Trinity United Methodist Church**

4000 NW 53rd Avenue, Gainesville, FL 32653

CONSENT AGENDA**CITY MANAGER, CONSENT AGENDA ITEMS****030300****First Extension to the Contract for Professional Water Resource Engineering Services for FY 2005 (B)**

Explanation: The contract dated May 25, 2004 and First Amendment dated August 20, 2004 with Johnson, Mirmiran & Thompson, Inc., and the contract dated June 4, 2004 with Jones, Edmunds & Associates, Inc. for Professional Water Resource Engineering Services expired on September 30, 2004. This firm has responded to the City's requests for services promptly and their services have been reliable and accurate.

The Contracts allow for five one-year extensions on each contract. This is the first request for extensions.

Fiscal Note: Funds are available in the Stormwater Utility Fund.

RECOMMENDATION

The City Commission authorize the Interim City Manager or designee to execute the First Extension to the contracts with Johnson, Mirmiran & Thompson, Inc. and Jones, Edmunds & Associates, Inc. for

Professional Water Resource Engineering Services, extending the term of the contract from October 1, 2004 to September 30, 2005.

Legislative History

8/25/03 City Commission Approved as Recommended (5 - 0 - 2 Absent)

030801 First Amendment to Contract Between RTS and Brame Architects, Inc. (B)

Explanation: The City of Gainesville entered into a contract with Brame Architects, Inc. on July 17, 2004, for architect-engineer consulting services for the RTS Administrative/Operations building expansion. The original scope of the building project anticipated minimal site improvements while leaving the current parking lot basically intact. Subsequently, during the Schematic Design Phase, it was discovered that the existing parking lot needed to be replaced with a more appropriate layout. Due to the addition of the site work, the overall project estimate increased from \$415,000 to \$781,616. To comply with Article 1.5 of the original contract, the contracted fee must be adjusted to include a percentage of the overall project cost.

RTS is requesting approval to amend the contract to include the site work and adjust the fee for Brame Architects, Inc., as stipulated in the amended contract.

Fiscal Note: Funds for the \$30,259.00 fee adjustment are available in the RTS FY05 operating budget.

RECOMMENDATION

The City Commission authorize the Interim City Manager or designee to execute the First Amendment to the contract with Brame Architects, Inc.

Legislative History

1/12/04 City Commission Approved as Recommended (7 - 0)

040187. Establishment of an Ad Hoc Committee on Homeless Concerns (B)

Explanation: At the October 11, 2004 City Commission meeting, staff presented an update on the subject of homeless needs and services, and the Interim City Manager was instructed to provide information on the composition of a new committee to address this concern. Subsequent to that meeting, Alachua County held a meeting on addressing homeless concerns. From that meeting, a recommendation was made to have a countywide summit on homelessness to include the City of Gainesville, Alachua County and all of the municipalities in the county. It is anticipated that the summit will address issues of the homeless on a countywide basis, as well as lay the groundwork to begin the development of a 10-year plan to end homelessness, in accordance with new federal policy.

In addition to the countywide processes, a small group of City staff comprising representatives from the Community Development Department, the Alachua County Poverty Reduction Coordinator, City Commissioner Craig Lowe, CRA Manager, and the Interim City Manager have met and visited Leesburg and Clearwater to determine if there are any "best practices" from those communities that the City should pursue. This smaller group is proposing to continue to work on Gainesville's homeless programs and services, and particularly on downtown homeless initiatives, providing staffing for a committee to include representatives from the following agencies:

- * St. Francis House*
- * Salvation Army*
- * Interfaith Hospitality Network*
- * Alachua County Coalition for the Homeless and Hungry*
- * United Way*
- * Chamber of Commerce representative (downtown business representative)*

The work of this committee will be to discuss the initiatives from Leesburg and Clearwater and determine if portions of them can be implemented locally, discuss the provision of additional meals and beds for the homeless, as well as discuss issues relating to the downtown plaza. It is anticipated that this committee would provide a report on more immediate initiatives that may be taken to address homeless concerns in downtown Gainesville, with the committee reporting its results in late February or early March. Further, staff anticipates that the work of this Ad Hoc City Homeless Committee will eventually dovetail with the Countywide Homelessness Summit, currently planned for March 2005. It is anticipated that the work of the ad hoc committee would be completed by the time the Summit occurs.

Fiscal Note: None

RECOMMENDATION

The City Commission hear a report from the Interim City Manager Barbara Lipscomb on an Ad Hoc Homeless Committee.

Legislative History

7/12/04	City Commission	Referred (7 - 0)	Community Development Committee
8/5/04	Community Development Committee	Approved as Recommended	
9/13/04	City Commission	Continued (6 - 0 - 1 Absent)	
10/11/04	City Commission	Approved, as shown above - See Motion(s)	
10/11/04	City Commission	Referred	Community Development Committee
10/11/04	City Commission	Referred	City Manager
11/4/04	Community Development Committee	Continued	
11/15/04	Community Development Committee	Continued	

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040187_200501101300.pdf

040711**Total Maximum Daily Load Program (NB)**

Explanation: Total Maximum Daily Loads (TMDLs) have been issued for impaired water bodies in Gainesville and Alachua County by the Florida Department of Environmental Protection (FDEP) and by the U. S. Environmental Protection Agency. Basin Management Action Plans are in the process of being developed for the TMDLs issued by the FDEP. The Gainesville City Commission heard a brief explanation of the TMDL program and the Basin Management Action Plan development process on June 14, 2004. The Gainesville Water Management Committee and the Alachua County Environmental Action Committee have received a similar briefing. The formal kickoff Basin Management Action Plan meeting was held on October 12, 2004.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) Refer the TMDL program to the Public Works Committee; and 2) receive periodic updates on the Basin Management Action Plans that are being developed for Gainesville's impaired water bodies.

040711_200712101300.pdf
Orange Creek Basin.ppt

040712**Purchase of Real Estate Property (B)**

Explanation: The City of Gainesville Nature Operations Division has been interested in acquiring additional properties for the Hogtown Woods Expansion south of SW 2 Avenue and west of SW 34th Street. Dr. Pinkoson approached the Public Works Department about acquiring an ingress/egress easement across property that the City currently owns (parcel 6512-1), which is located west of the Vizcaya Apartments, to provide access to two parcels (6693 and 6694 - approximately eight acres) that he owns a third interest. The eight acres is located within the area identified as expansion of the Hogtown Woods. Staff spoke with Dr. Pinkoson regarding the option of purchasing his property in lieu of the City granting him an easement. Dr. Pinkoson has offered to sell the property to the City for \$12,000 and he would contribute his 1/3 interest at no cost. The property is currently appraised at \$10,000. With the donation back to the City, the net purchase price will be around \$8,000.

Fiscal Note: Staff recommends the City use the proceeds from the sale of the Greenspace Acquisition fund.

Once acquired, the City will need to provide funding for startup costs, on-going maintenance, and the staffing required to develop and maintain the property. The on-going costs will need to be addressed when the property has been

acquired. Should additional funding be required, a recommendation will be brought back to the City Commission

RECOMMENDATION

The City Commission: 1) authorize the Interim City Manager to execute a Purchase and Sale Agreement for the purchase of parcels 6693-000 and 6694-000; and 2) authorize the Mayor and Clerk of Commission to execute all appropriate documents to complete the transaction.

040713

Award of Contract for Electronic Parking Meters (B)

Explanation: A request for proposals for electronic parking meters was issued August 16, 2004. Four proposals were received and evaluated by a four-member team and based weighted criteria. All four firms were invited to participate in oral presentations held on October 26 & 28, 2004. The final rankings were evaluated based on weighted criteria (equipment description, service/warranties, compatibility with parking garage equipment, ease of programming, auditing/financial reporting capabilities, training, secure revenue collection system, and price). The firms were ranked as follows:

<i>Firm</i>	<i>Total Points (lowest is best)</i>
<i>MacKay Meters, Inc.</i>	<i>5</i>
<i>Parker Systems</i>	<i>9</i>
<i>Duncan Parking Technologies, Inc.</i>	<i>10</i>
<i>Digital Payment Technologies</i>	<i>16</i>

Fiscal Note: Funding is available in the Public Works Traffic Operations Capital Budget.

RECOMMENDATION

The City Commission: 1) approve the ranking of the firms as recommended by the selection committee; 2) authorize the Interim City Manager or designee to negotiate and execute a contract and any related documents with the top ranked firm for the purchase, installation, and maintenance of the electronic parking meters for a not to exceed amount of \$105,000; and 3) if unable to agree on a contract with the top ranked firm, authorize the Interim City Manager or designee to negotiate and execute a contract and any related documents with the second ranked firm for a not to exceed amount of \$105,000.

040714

Request to Declare and Dispose of Surplus Property Located on the Northwest Corner of SE 2nd Avenue and Williston/Waldo Road (B)

Explanation: The City acquired this property as a multi-parcel acquisition for the

improvements to Southeast 2nd Avenue in 1973. It is a remnant consisting of 0.21 of an acre that was not used as right-of-way. One parcel was acquired through Eminent Domain and the other by Warranty Deed Official Records Book 856, pages 536 and 538, recorded in Alachua County Public Records on October 4, 1973.

The City has received a request from the adjacent property owner to purchase the parcel to combine with their property to the north that is being used as a day care center. City policy allows the sale of properties to adjacent property owners by negotiation, if the value is less than \$25,000, and the City Commission declares the property as surplus. Staff believes that it would be in the City's best interest to declare this property as surplus and return the property to the tax roll. The adjacent property owner is willing to pay the appraised value of \$18,300 for this vacant property.

Fiscal Note: Expenses incurred (Boundary Survey, appraisals, etc.) will be paid from Public Works operating funds and will be reimbursed from the sale proceeds, with the remainder deposited into the General Fund.

RECOMMENDATION

The City Commission: 1) declare 0.21 acre portion of unused right-of-way located at the northwest corner of Southeast 2nd Avenue and Williston/Waldo Road as surplus; 2) authorize the Interim City Manager to execute a Purchase and Sale Agreement for the 0.21 acre portion of unused right-of-way to the adjacent property owner for the appraised value of \$18,300; 3) authorize the Interim City Manager to prepare a Special Warranty Deed, subject to approval by the City Attorney; and 4) authorize the Mayor to execute, and the Clerk to attest, said Special Warranty Deed to convey the 0.21 acre portion of right-of-way located at the northwest corner of Southeast 2nd Avenue and Williston/Waldo Road to the adjacent property owner.

040728

Hurricane Appreciation Luncheon Event (B)

Explanation: The City of Gainesville is nearing completion of activities associated with cleanup from the hurricane season, which coincidentally ends at the end of November. City employees have worked long difficult hours on such duties as solid waste and debris pickup, tree cutting and clearing, truck inspections, code and building inspections and the associated support systems for these processes. The appreciation program includes a lunch to be held on December 7, 2004 at Morningside Nature Park between the hours of 11:30 am to 2:00 pm to serve approximately 670 General Government employees who participated in the preparedness, recovery and/or cleanup. Original plans were to purchase the food and for the Rotary Club to cook and serve the food. However, city staff has been informed by the Fryers that they cannot handle a group of this size during the workday.

Vendors have been contacted to provide the meal, with the lowest quote of approximately \$4,500 for a BBQ meal provided by Hills BBQ. Due to cost, staff has reduced the meal to a BBQ chicken dinner that will cost approximately \$3,500. Additionally, employees were given a choice of a commemorative T-shirt, cap, or mug with a hurricane logo. GRU provided commemorative accessories for their employees, a breakfast for the linemen, and a luncheon for office and administrative personnel.

Fiscal Note: The cost of the hurricane appreciation event is estimated to be approximately \$3,500 for food. Commemorative items will be paid through the Human Resources budget.

RECOMMENDATION

The City Commission contribute up to a maximum of \$3,500 from its contingency fund for food for the employee hurricane appreciation event.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

040724

Purchase of Two Aerial Units (B)

Explanation: The Energy Delivery Department utilizes aerial units for trouble work and maintenance of the electric transmission and distribution system. The two aerial units being recommended for purchase in FY05 to replace other units that have reached the end of each units' useful life.

An invitation to bid for the procurement of five aerial units was sent by Utilities Purchasing to four prospective bidders for the provision of three units in FY04 and two in FY05. Three bidders responded, one with a no-bid. Fleet Management recommended awarding the bid to Altec Industries, Inc. based on Altec Industries' bid meeting all material requirements of the specifications and the competitive price of the bid. The City Commission approved the purchase of the three units for FY04 on August 23, 2004. Staff is now requesting approval to purchase the two aerial units for FY05 included in the invitation to bid. A bid tabulation is attached for your reference.

The NTE amount includes a 1% discount the supplier issued as an incentive for purchasing multiple units.

Fiscal Note: Funds for this purchase have been included in the FY05 budget.

RECOMMENDATION

The City Commission to approve the issuance of a purchase order to Altec Industries, Inc. for two 50' aerial units in an amount not to exceed \$203,536.

040725

Contract for Security Guard Services at GRU Facilities (B)

Explanation: GRU's Administration Building, Operations Center Compound, Deerhaven Generating Station, Murphree Water Treatment Plant and Kanapaha Water Reclamation Facility rely upon Contractor-supplied security guard services for the purpose of protecting personnel and property. Each facility issues "Post Orders" which designate the specific requirements of the site during required coverage times.

Typical services provided by this contract include entranceway monitoring (foot traffic, vehicles and deliveries) with sign in/out procedures, monitoring security camera activity, patrolling premises, notifying appropriate authorities of security concerns, completing report logs and reports, accompanying staff as required, etc. The combined budgeted amount for these services is approximately \$255,000 annually.

Since 9/11, security requirements at water plants have changed. In addition, there is currently a legislation pending that may require security measures at waste treatment facilities be similar to those at water plants. If the legislation should pass, service to GRU's Main Street Plant will be added to the contract along with any necessary changes in coverage at the Kanapaha facility.

Invitations to Bid were sent to twelve prospective security service companies. A mandatory prebid meeting was attended by seven security firms. Six companies submitted bids, one with a no bid. Although the evaluation criteria included local vendor preference, no bidders met the criteria for the ordinance. Companies were evaluated based on pricing, experience and qualifications of the business and its personnel, operational and staffing plans, and references. Fox Protective Services, Inc. submitted the best evaluated bid. A tabulation of the evaluation results is attached for your reference.

The three year contract provides for adjustments to the contract price each year of the contract. If a price increase is requested, documentation to support the price increase must be provided to GRU for review and shall not exceed the Consumer's Price Index (CPI) during the previous twelve months. For any approved increase to the contract, 70% of the increase will be allocated to the guard's hourly rate.

Fiscal Note: Funds for these services have been included in the FY 2005 budgets and will be requested in subsequent year budgets.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to execute a three year contract with Fox Protective Services, Inc. for security guard services at specified GRU facilities, subject to the approval of the City Attorney as to form an legality; and 2) approve the issuance of purchase orders in amounts not exceeding budgeted amounts for each year of the contract subject to the appropriation of funds for these services in each fiscal year of the contract.

040726**Temporary Construction Easement to Alachua County (B)**

Explanation: The City of Gainesville/Gainesville Regional Utilities (GRU) acquired a 2.5 acre parcel of land at 4210 SW 24th Avenue in 1991 with the intent to construct a water re-pump station. Although to date this water re-pump station has not been constructed, it is expected to be constructed sometime in the future.

Alachua County is requesting that the City/GRU grant a temporary Construction Easement over the southern 17 ½' of this property to accommodate their SW 24th Avenue Improvement Project.

GRU staff has reviewed this request and has no objection to the granting of the easement. As outlined in the document, the easement will expire upon completion of the project.

RECOMMENDATION

The City Commission: 1) approve the granting of a Temporary Construction Easement to Alachua County; and 2) authorize the Mayor and Clerk of the Commission to execute the Temporary Construction Easement, subject to approval as to form and legality by the City Attorney.

040727**Purchase Order for the Painting of 13 Transmission Line Poles (B)**

Explanation: Invitations to Bid were sent by Utilities Purchasing to four (4) pre-qualified suppliers with two bidders responding. The bid was evaluated based on criteria set forth in the bid documents. The criteria included price, removal and application systems, warranty, commencement date and references. The bid evaluation tabulation is attached for your reference.

The purpose of the repainting is to preserve and extend the useful life of the 13 painted steel poles in the Electric Transmission system. The repainting of the steel poles consists of removal of surface rust followed by spot priming and a complete prime and finish coat of each pole. This maintenance is preventative in nature and will stop or retard the pole rusting for a minimum of fifteen years.

Fiscal Note: Funds for the project are budgeted in the FY2004/2005 budget.

RECOMMENDATION

The City Commission approve the issuance of a purchase order to Seacor Painting, Inc. for the preparation, priming and painting of 13 transmission line poles in the amount of \$50,700.00.

CITY ATTORNEY, CONSENT AGENDA ITEMS

040719**MICHAEL DRAKE VS. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT CASE NO.: 01-04-CA-2575 (B)**

Explanation: On November 9, 2004, the City of Gainesville was served with a summons and complaint. The complaint alleges that on or about July 11, 2000, Mr. Drake was riding his bicycle on a sidewalk under construction on N.W. 16th Avenue causing him to ride his bike around onto the grass abutting the sidewalk. It is alleged that the ground gave way and caved in causing Mr. Drake to be thrown over the handlebars of his bike. Plaintiff seeks damages.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Michael Drake vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-04-CA-2575.

040720**SARAH WASHINGTON AND HER HUSBAND, ALVIN WASHINGTON VS. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-04-CA-4078 (B)**

Explanation: On November 4, 2004, the City of Gainesville was served with a summons and complaint. The Plaintiffs allege that on or about December 21, 2000, Sarah Washington tripped over a water meter installed by GRU. Plaintiff Sarah Washington seeks damages. Plaintiff Alvin Washington has filed a loss of consortium claim.

RECOMMENDATION

The City Commission authorize the City Attorney, and/or Special Counsel if insurance coverage is available, to represent the City in the case styled Sarah Washington and her husband, Alvin Washington vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-04-CA-4078.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**040710****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of November 1, 2004 (Special Meeting) and November 8, 2004 (Regular Meeting); as circulated.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS**PUBLIC WORKS COMMITTEE, CONSENT****PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT****PUBLIC SAFETY COMMITTEE, CONSENT****RECREATION AND CULTURAL AFFAIRS COMMITTEE, CONSENT****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****040684****Request to Alter the Boundaries of the Proposed Expansion Area (NB)**

Explanation: The College Park University Heights (CPUH) Redevelopment Advisory Board met with HHI Inc., the consultants hired by the City to discuss potential changes to the proposed expansion boundaries of the CPUH district. The consultants had several boundary issues that they wanted to discuss with the Board. After discussion, the Advisory Board decided to recommend two changes to the proposed boundaries. The first change includes enlarging the expansion area to include the property between Southwest 6th Street and Main Street, from Depot Avenue to Southwest 16th Avenue (Study Area B). The second change recommends excluding the area west of Southwest 13th Street between Southwest 16th Avenue, Southwest 16th Street, Archer Road, and Southwest 13th Street.

The first recommended change, enlarging the area to include the property between Southwest 6th Street and Main Street, from Depot Avenue to Southwest 16th Avenue (Study Area B), is made in reaction to the amount of slum and blight found within the area. While the originally proposed expansion area does include slum and blight, it is unclear if it is substantial enough to meet redevelopment criteria. While the consultant was working in the area, the consultant identified the new area as in need of a CRA. The new area is directly south of the Downtown CRA district. The DRAB discussed the issue and is somewhat conflicted about the possibility of the area being included in the CPUH CRA district. Downtown Redevelopment Advisory Board (DRAB) acknowledges that the area feels like it should be included in downtown, however, there are no immediate plans to expand the Downtown CRA in the near future. The DRAB meeting was then followed by the CPUH meeting where CPUH took action on this item.

The second recommendation, to exclude the area west of Southwest 13th Street, comes from the understanding that all but three parcels are currently owned by Shands and are not likely to come back onto the tax rolls. The Board felt that given the nature of the ownership, the area was not well suited to be in a CRA district.

Fiscal Note: None at this time.

RECOMMENDATION

The CRA to the City Commission: 1) Approve the addition of Study Area B (bounded by Southwest 6th Street, Southwest Depot Avenue, Southwest 16th Avenue, and South Main Street) to the scope of work, and 2) remove the westerly section of Study Area A from the right-of-way on the west side of SW 13th Street to SW 16th Street.

Legislative History

11/15/04	Community Redevelopment Agency	Approved as Recommended (7 - 0)
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END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

040640 Facilities Management Energy Conservation (B)

Explanation: At a recent meeting on GRU conservation efforts, the City Commission requested information on City sustainability efforts. It was pointed out that Alachua County has been involved in energy conservation efforts as part of a sustainability program. As a result, the Commission requested an update on general government conservation efforts.

The Facilities Management Department has been working to reduce the overall energy consumption of City buildings. Staff has concentrated its efforts on providing more efficient light fixtures, as the pay back on this type of upgrade is generally less than two years. The only large building remaining to be upgraded is the Gainesville Police Department. Staff, in partnership with the Gainesville Regional Utilities and Siemen's Building Technologies, plans to upgrade the building with a new insulated roof, new lighting fixtures, HVAC enhancements with electronic controls, new cooling towers, and some insulation added to exterior walls.

Fiscal Note: No impacts at this time.

RECOMMENDATION

The City Commission hear a presentation from staff.

040650 Introduction of Gainesville Police Department's Police to Community (P2C) Internet Site (NB)

Explanation: The Gainesville Police Department is pleased to announce the introduction of a new interactive citizen to police website. This new web based site, called P2C, will provide citizens with up-to-the-hour access to police records and events, accident and missing person's information, recent arrests, community calendars, and daily bulletins.

The community will be able to not only view current events but also search and print to their personal desktop printer. If citizens are involved in a traffic accident and wish to obtain a copy of the report without having to come to the police department, they can retrieve and print that report at their convenience using the traffic crash number.

The program also provides, within certain parameters, an area for the citizen to file a police report electronically. Frequently asked questions and important daily news information are also a part of this site.

GPD will be announcing the new P2C website at community meetings, neighborhood crime watches and the Police Beat TV Show throughout the coming months. Improvements to the site will be ongoing. This is yet another tool the Gainesville Police Department will use in its community policing partnerships.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission hear a presentation on the Gainesville Police Department's Police to Community (P2C) Internet Site.

040717 Metropolitan Transportation Planning Organization (MTPO) (NB)

RECOMMENDATION

The City Commission hear a report from staff regarding the December 9, 2004 meeting of the Metropolitan Transportation Planning Organization (MTPO).

GENERAL MANAGER FOR UTILITIES

040732 Contract Amendment Independent Review of Integrated Resource Plan

(IRP) Proposal (NB)

Explanation: GRU entered into a contract with R.W. Beck on September 22, 2004 for an independent assessment of the IRP assumptions, evaluations and methodologies used in developing the preliminary IRP. This assessment was to determine the reasonableness of staff's assumptions, evaluations and methodologies and to provide suggestions where additional sensitivity analyses or more in-depth review may be warranted.

R.W. Beck, Inc. has provided independent engineering reviews to banks and generation developers for projects valued in excess of \$30 billion. R.W. Beck, Inc. has established itself throughout the nation by participating with other municipal utilities on power supply and IRP projects. Staff has not identified any other consultant that offers a more complete spectrum of services coupled with the depth of Florida municipal electric utility experience.

The original contract did not require City Commission approval based on the contract value amounts; however, City Commission approval is required at this time due to the addition of these services.

Staff has determined that additional assessment and independent review by R.W. Beck, Inc. is prudent, therefore; staff recommends amending the existing contract with the consultant for these additional services. The new not to exceed amount for this contract would be \$44,800 including the cost of any additional modeling assumptions and sensitivity analyses. Actual expenses will only be incurred following staff approval of specific task assignments.

Fiscal Note: Funds for these services have been included in the Strategic Planning's budget for FY 2005 and 2006.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute an amendment to the contract with R.W. Beck, Inc. for consulting services for additional independent review the staff's Integrated Resource Plan (IRP) Proposal, subject to the approval of the City Attorney as to form and legality; 2) approve the issuance of purchase order(s) to R.W. Beck, Inc. in amounts not to exceed amount of \$20,000; 3) receive comments from Ken Fonorow; and 4) receive comments from Tom Lane.

CITY ATTORNEY**040721****Municipal Ordinance Prosecution in County Court (B)**

Explanation: Due to recent revisions to Article V of the Constitution of the State of Florida, and the related changes to Florida Statutes, municipalities are facing new financial responsibilities related to the prosecution of municipal ordinance violations. According to the Alachua County Clerk of the Court, in each of the

past two years, there were approximately 1,300 cases filed in the Court's criminal division that exclusively charged City of Gainesville municipal ordinance violations. In response to these new responsibilities and in an effort to maintain fiscal and prosecutorial control over these cases, the City Attorney's Office will begin prosecuting these cases in January 2005. The City Attorney's Office researched the proper procedures that need to be pursued in these cases, conferred with other municipalities undergoing similar activities, and is prepared to undertake these new responsibilities.

RECOMMENDATION

The City Commission receive a report from the City Attorney's Office.

CITY AUDITOR**EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****PUBLIC WORKS COMMITTEE****PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE****PUBLIC SAFETY COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****040572****Sweetwater Branch Park (NB)****RECOMMENDATION**

The City Commission hear an update from Dr. Mark Barrow.

Legislative History

10/25/04 City Commission Continued

MEMBERS OF THE CITY COMMISSION**040731****Mayor Pegeen Hanrahan - Friends of the Crisis Center (B)****RECOMMENDATION**

The City Commission hear a 10 to 15 minute presentation from the Friends of the Crisis Center.

COMMISSION COMMENTS**CITIZEN COMMENT****COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (6:00pm)****Cub Scout Pack #127**

Richard McDavid, Tiger Den Leader

PROCLAMATIONS/SPECIAL RECOGNITIONS**PUBLIC HEARINGS****ADOPTION READING-ROLL CALL REQUIRED****040371****LAND USE CHANGE - VICINITY OF 1708 NORTHWEST 7TH STREET (B)****Ordinance No. 0-04-98, Petition 146LUC-04PB**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from "Residential Low-Density (up to 12 units per acre)" to "Office"; located in the vicinity of 1708 Northwest 7th Street; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This petition is related to zoning Petition 147ZON-04 PB. The subject property is 0.4 acres in size, is vacant, has an RMF-5 (residential low-density district, 12 dwelling units per acre) zoning, and an RL (residential-low density, up to 12 dwelling units per acre) land use designation.

The property is near a major street intersection that is strongly commercial in character, and has no adjacent single-family residential parcels.

Adjacent property to the west is zoned RMF-5 and Office (general office district). The land use of these two properties is RL and Office, respectively. Adjacent property to the north is RMF-5. The land use of this property is RL. Adjacent to the east is OR (20 units/acre office residential district). The land use of this property is Office. Zoning adjacent to the south is Office, and the

land use of this property is Office.

This land use request is being sought to allow for the expansion of an existing accounting office on Northwest 16th Avenue and for additional parking for an architecture office on Northwest 6th Street. The proposed land use change would also provide the accounting office and the architecture office with frontage on Northwest 7th Street, but the petitioner claims that they will not establish vehicular access to Northwest 7th Street, should this land use change be approved.

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

Public notice was published in the Gainesville Sun on September 7, 2004. Letters were mailed to surrounding property owners on September 8, 2004. The Plan Board held a public hearing September 23, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 146LUC-04 PB. Plan Board vote 4-0.

CITY ATTORNEY MEMORANDUM

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

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

RECOMMENDATION

The City Commission: 1) approve Petition 146LUC-04PB; and 2) adopt the proposed ordinance.

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

040372

REZONING - VICINITY OF 1708 NORTHWEST 7TH STREET (B)

Ordinance No. 0-04-99, Petition No. 147ZON-04PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from the zoning category of "RMF-5: 12 units/acre single-family/multiple-family residential district" to "OR: 20 units/acre office residential district"; located in the vicinity of 1708 Northwest 7th Street; providing a

severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The subject property is 0.4 acres in size, has an RMF-5 (residential low-density district, 12 dwelling units per acre) zoning, and an RL (residential-low density, up to 12 dwelling units per acre) land use designation.

The property is near a major street intersection that is strongly commercial in character, and has no adjacent single-family residential parcels.

Adjacent property to the west is zoned RMF-5 and Office (general office district). The land use of these two properties is RL and Office, respectively. Adjacent property to the north is RMF-5. The land use of this property is RL. Adjacent to the east is OR (20 units/acre office residential district). The land use of this property is Office. Zoning adjacent to the south is Office, and the land use of this property is Office.

The proposed OR zoning allows the uses shown in the attachment.

This re-zoning is being sought to allow for the expansion of an existing accounting office on Northwest 16th Avenue and for additional parking for an architecture office on Northwest 6th Street. The re-zoning would also provide the accounting office and the architecture office with frontage on Northwest 7th Street, but the petitioner claims that they will not establish vehicular access to Northwest 7th Street, should this re-zoning be approved.

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

Public notice was published in the Gainesville Sun on September 7, 2004. Letters were mailed to surrounding property owners on September 8, 2004. The Plan Board held a public hearing September 23, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 147ZON-04 PB. Plan Board vote 4-0.

CITY ATTORNEY MEMORANDUM

The City Commission, authorized the city attorney's office to prepare and advertise the necessary ordinance rezoning certain lands within the City of Gainesville.

RECOMMENDATION

The City Commission: 1) approve Petition 147ZON-04PB; and 2) adopt the proposed ordinance.

040280

**ANNEXATION - VICINITY GENERALLY SOUTH OF SOUTHWEST
20TH AVENUE AND WEST OF I-75 (B)**

Ordinance No. 0-04-75

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, 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 generally south of SW 20th Avenue, west of the City limits, north of the City limits and Tax Parcels 06679-000-000 and 06679-003-000, and east of SW 20th Avenue; 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 Interim 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 9, 2004, at a regular city commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On August 23, 2004 and September 13, 2004, 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 Interim City Manager.

If adopted on first reading, the second and final reading of this ordinance will be December 13, 2004. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/9/04	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
8/23/04	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
9/13/04	City Commission	Adopted on Final Reading (Ordinance) (6 - 0 - 1 Absent)

040290_20040913.pdf

040705**ANNEXATION - VICINITY OF NORTH OF SW 16TH AVENUE AND WEST OF SW 34TH STREET (B)****Ordinance No. 0-04-102**

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, 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 located generally south of Tax Parcel 06715-000-000 and the City limits, west of the City limits and Tax Parcel 06698-000-000, north of Tax Parcel 06714-000-000 and the vicinity of the City limits, and east of Tax Parcel 06715-000-000 and the vicinity of Tax Parcel 06724-000-000; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; 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 9, 2004, at a regular city commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On August 23, 2004 and September 13, 2004, 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 Interim City Manager.

If adopted on first reading, the second and final reading of this ordinance will be December 13, 2004. 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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040706**ANNEXATION - VICINITY OF SOUTHWEST CORNER OF NW 39TH AVENUE AND NW 43RD STREET (B)****Ordinance No. 0-04-101**

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, 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 located generally south of State Road 222 (NW 39th Avenue), west of the City limits and NW 43rd Street, north of Tax Parcels 06111-206-000, 06111-207-000, and 06111-003-004, and east of the vicinity of NW 45th 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 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 9, 2004, at a regular city commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owners of the property that is the subject of this annexation. On August 23, 2004 and September 13, 2004, 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 Interim City Manager.

If adopted on first reading, the second and final reading of this ordinance will be December 13, 2004. 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.

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**030785****DISTRIBUTION OF HANDBILLS (B)****Ordinance No. 0-03-92**

An ordinance of the City of Gainesville, Florida, creating Article VI, of Chapter 19 of the City of Gainesville Code of Ordinances, establishing requirements related to the "Distribution of Handbills"; providing for the intent and purpose of the regulations; providing for definitions; providing for the scope of the program; prohibiting distribution where an occupant has posted a "No Handbills" sign; providing exceptions for consent, parcel carriers, postal carriers, and qualified newspapers; providing for enforcement by civil citation and a penalty for violation of this Ordinance; providing for enforcement by municipal ordinance prosecution following two civil citation convictions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: In recent years, the City has received complaints from citizens and apartment managers regarding the unwanted delivery of advertisements, handbills and circulars to their homes, in their neighborhoods and in apartment complexes. In response, the City Attorney's Office evaluated the City Code of Ordinances and determined there is no provision in the current Code that gives the City the authority to act on these complaints where advertisements are thrown in yards or placed at the doorways of residences, unwanted and unsolicited.

The City Commission referred this item to the Public Safety Committee on January 12, 2004 for review and recommendation. The Public Safety Committee held two public meetings and received input from police, City Attorney staff, businesses and citizens, and referred the matter back to the City Commission. On April 12, 2004, the City Commission considered the issue and authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance, in substantially the same form as submitted by the Public Safety Committee.

On June 14, 2004, an ordinance was presented for first reading. At that time, the matter was referred to the Public Safety Committee for reconsideration. The matter was discussed by the Public Safety Committee on July 13, 2004 and again on September 30, 2004 (when input from the Chamber of Commerce was received).

The proposed ordinance is amended slightly based on these discussions and provides for the property owner to decide whether they want to receive handbills. If they do not wish to receive handbills, the owner may place a "No Handbill" sign on his or her property. This draft ordinance also provides exception language in the following scenarios:

- * Public agency distribution (police/fire/health) flyers distributed in the interest of the public health and safety;*
- * when the owner or occupant has requested the handbill or provides consent;*

- * for parcel and U.S. post delivery; and
- * for newspapers which are sold to the public.

Violations of this ordinance may be enforced by civil citation or by municipal ordinance prosecution. Once a person has two civil citation convictions within a six-month period, subsequent violations shall be prosecuted as provided in section 1-9 of the Code.

To allow time for education and implementation, the ordinance would take effect January 1, 2005.

This ordinance requires two hearings. The first reading was November 8, 2004. At that time this ordinance was revised to change the term "criminal citation" to "municipal ordinance prosecution." This change is made in the draft ordinance attached hereto; however, the new title was not advertised in the Gainesville Sun 10 days prior to the anticipated second reading date due to no fault of the City.

At the November 8, 2004 public hearing some commissioners also expressed concern that the definition of "handbill" is unclear as to whether political and other types of non-commercial speech fall within that definition. Throughout the hearings and meetings on this issue, the testimony and physical evidence indicated that the problems described (litter, public safety concerns, etc.) are related to commercial handbills and flyers. Case law supports the regulation of commercial speech alone when there is evidence to support its regulation, and that the regulation is tailored to address the problems. This approach is used in the City of Tampa and Hillsborough County. For this reason, the definition of the term "handbill" in the draft ordinance in the backup has been amended to apply only to commercial handbills. There will be no regulation of non-commercial speech, such as political and religious pamphlets, unless further need is demonstrated to support its regulation. The ordinance is amended to reflect this change.

Due to the need for re-advertisement of the title of this ordinance, the second and final reading of this ordinance will be December 13, 2004.

RECOMMENDATION

The City Commission (1) amend the proposed ordinance as presented, and (2) continue second reading until December 13, 2004.

Legislative History

1/12/04	City Commission	Approved as Recommended (7 - 0)	
1/12/04	City Commission	Referred	Public Safety Committee
2/19/04	Public Safety Committee	Discussed	
3/18/04	Public Safety Committee	Discussed	
4/12/04	City Commission	Approved as Recommended (7 - 0)	
6/14/04	City Commission	Referred (4 - 2 - 1 Absent)	Public Safety Committee
6/14/04	City Commission	Referred	Public Safety Committee
7/13/04	Public Safety Committee	Discussed	

9/30/04	Public Safety Committee	Discussed
10/25/04	City Commission	Approved as Recommended (7 - 0)
11/8/04	City Commission	Adopted on First Reading, as modified (Ordinance) (6 - 0 - 1 Absent)

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030756

**TRANSPORTATION CONCURRENCY EXCEPTION AREA -
PORTION OF NORTH FLORIDA REGIONAL DOCTOR'S OFFICE
PARK (B)**

Ordinance No. 0-04-42, Petition 167LUC-03PB

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; changing the City of Gainesville Future Land Use, Transportation Mobility and Concurrency Management Elements' Map Series and Legal Descriptions to expand the Transportation Concurrency Exception Area (TCEA) to include certain annexed areas and amending the Future Land Use Map Series to expand the Designated Urban Redevelopment Area to include certain annexed areas; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

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

The State of Florida Department of Community Affairs issued a letter dated October 25, 2004, stating that this amendment need not be formally reviewed for consistency with Chapter 163, F.S. The Department also waived preparing an Objections, Recommendations and Comments Report. A copy of their letter is attached to this memorandum. Therefore, the City may now proceed with the final adoption of this ordinance.

The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION

The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) adopt the proposed ordinance.

Legislative History

6/14/04	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)
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040570**BURGLAR ROBBERY ALARM (B)****ORDINANCE NO.: 0-04-104**

An ordinance of the City of Gainesville amending Section 21-58 and 21-60 of the Gainesville Code of Ordinances by clarifying that alarm monitoring companies and alarm system contractors, which are regulated by the Department of Professional Regulations and have paid an occupational license tax for the current year to the county or municipality in the state where the alarm monitoring company or alarm system contractor's permanent business location or branch office is maintained, are not subject to the registration fee; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

Explanation: On May 8, 2000, the City Commission adopted Gainesville's False Burglar and Robbery Alarms ordinance. The ordinance requires alarm monitoring companies and alarm system contractors to pay an annual registration fee before they can engage in business. Section 205.065, F.S. provides that:

If any person engaging in or managing a business, profession, or occupation regulated by the Department of Business and Professional Regulation has paid an occupational license tax for the current year to the county or municipality in the state where the person's permanent business location or branch office is maintained, no other local governing authority may levy an occupational license tax, or any registration or regulatory fee equivalent to the occupational license tax, on the person for performing work or services on a temporary or transitory basis in another municipality or county.

Our enforcement practice complies with the statute and this amendment will conform the language of the ordinance to the strictures of state law.

At its meeting on October 25, 2004, the City Commission authorized the City Attorney to prepare and the Clerk to advertise the proposed ordinance.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

10/25/04	City Commission	Approved as Recommended (7 - 0)
11/8/04	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

040619**GENERAL GOVERNMENT BUDGET AMENDMENT - FY 2004****Ordinance No. 0-04-100**

An ordinance of the City Commission of the City of Gainesville, Florida; relating to its general government budget for the fiscal year beginning October 1, 2003 and ending September 30, 2004; amending ordinance no.

030344 as amended by ordinance nos. 031054, 040084, and 040368 by making certain adjustments to the general operating and financial plan budget; and providing an immediate effective date.

Explanation: The Audit & Finance Committee at its meeting of Monday, November 1, 2004, recommended that the Commission adopt an ordinance amending the FY 2004 budget. The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2004 General Government budget those transactions and activities that were not anticipated during the budget process.

Fiscal Note

All of the recommended changes are funded either by increases in revenue budgets, decreases in expenditure budgets, or decreases in the appropriate fund balance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/1/04	Audit and Finance Committee	Recommended for Approval
11/8/04	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

RESOLUTIONS- ROLL CALL REQUIRED

040722

ENVIRONMENTAL FEATURES INVENTORY POLICY MANUAL (B)

A Resolution of the City Commission of the City of Gainesville, Florida, approving and establishing the Environmental Features Inventory Policy Manual for use in preparing the environmental features report required pursuant to section 30-309 of the City of Gainesville Code of Ordinances.

Explanation: The City Commission at its meeting of June 28, 2004, approved Petition 22TCH-02PB, regarding the Significant Ecological Communities Overlay District (District) to enable the City to protect and restore significant ecological features of certain environmentally sensitive property. Ordinance 020697, considered for first reading on October 25, 2004 and second reading November 8, 2004, formalizes the terms of this Petition by amending section 30-309, Land Development Code.

Pursuant to the terms of Ordinance 020697, an important requirement for new development of properties identified within the District is that an environmental inventory must be prepared for each parcel as a condition for development approval of the parcel. The Report will be written in compliance with the requirements stated in the Environmental Features Inventory Policy Manual, which is to be adopted separately by Resolution.

The Manual contains the guidelines and requirements for preparation of the Environmental Features Report. Each Report will contain an environmental site assessment, a listing of plant and animal species on the property, a description of rare or exemplary natural communities and wetlands/surface waters on the property, a landscape plan, plans for conservation area buffers (if the parcel

neighbors a conservation area), and other elements stated in the environmental management section of the Land Development Code. This Manual was revised by staff in response to Commission comments presented at the October 25, 2004 first reading of Ordinance 020697.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

040722_Resolution_20041122.pdf

040543

PARKING RATES FOR METERED LOTS AND GARAGES (B)

A resolution of the City Commission of the City of Gainesville, Florida, amending and establishing maximum rates for parking meters, parking lots and parking garages in accordance with Chapter 26, Division 2 of the Code of Ordinances of the City of Gainesville, Florida; directing the Interim City Manager to establish rates at the maximum rate; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its meeting of November 8, 2004, authorized the City Attorney to prepare a resolution establishing the rates for parking in the City garage. Section 26-82 of the Code of Ordinances provides that the City Commission may establish additional categories of parking, including categories based on time of day and/or day of week by resolution and shall set the maximum parking rates by resolution.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

Legislative History

10/18/04	Community Redevelopment Agency	Approved, as shown above - See Motion(s) (6 - 0 - 1 Absent)
11/8/04	City Commission	Approved as Recommended (7 - 0)

040729

Qualified Target Industry (QTI) Refund Resolution - Eclipse Aviation (B)

Explanation: Eclipse Aviation, manufacturer of a six seat corporate jet called the Eclipse 500, has announced that its first two factory service centers will open in 2006 at Gainesville, FL's Gainesville Regional Airport and at the Eclipse Aviation's corporate headquarters in Albuquerque, NM.

The Qualified Target Industry (QTI) incentive is an economic development tool available to Florida communities to encourage quality job growth in targeted, high value added businesses. Pre-approved applicants creating jobs in Florida receive refunds on the various taxes they pay, including corporate income, sales, ad-valorem, insurance premium and certain other taxes.

Eligible QTI applicants must pay an average annual wage that is at least 115 % of the State Metropolitan Statistical Area (SMSA). In order to participate, the

company must apply to Enterprise Florida prior to making a decision to locate in Florida. The local community must provide a resolution from the City or County Commission recommending the applicant for the incentive and provide a match equal to 20% of the total tax refund.

Eclipse Aviation is expected to create sixteen new jobs at an average wage of \$39,590 or 150% of the Alachua County average. The company would be eligible for \$112,000 in eligible state tax refunds (\$3,000 base QTI refund; \$3,000 per Enterprise Zone bonus; \$1,000 per 150% of local wage average bonus) or \$7,000 per job.

The Gainesville Alachua County Regional Airport Authority (GACRAA), Gainesville Area Chamber of Commerce, and City of Gainesville partnered this effort to attract Eclipse Aviation to the City of Gainesville and Gainesville Regional Airport. Eclipse Aviation is expected to lease space at the Gainesville Regional Airport in the of Spring of 2006 and will expand its operations in subsequent years. The enactment of the QTI resolution is seen as a community investment in the growth potential of Eclipse Aviation over a period of years.

The proposed resolution stipulates that the City of Gainesville will participate through provision of 20% of the total refund or \$22,400 spread over FY 2005 and FY 2006, consistent with Eclipse Aviation's plan for adding the sixteen new jobs.

Fiscal Note: Funding for the incentive provision is available through the City's Economic Development Fund. The City Commission recently approved a \$10,000 business retention incentive applicable to the Enterprise Zone in FY 2005 and FY 2006. The additional \$4,000 in FY 2005 will be provided from the Economic Development fund balance.

RECOMMENDATION

The City Commission: 1) authorize the Mayor to execute the QTI Resolution regarding Eclipse Aviation; 2) direct the Interim City Manager to forward the executed QTI Resolution to Enterprise Florida; and 3) adopt the Resolution.

PLAN BOARD PETITIONS

030453

Amend the City of Gainesville 2000-2010 Future Land Use Map from R-L (Residential Low Density, up to 12 units per acre) to PUD (Planned Use District) for multi-family development, up to 35 dwelling units per acre. Located at 1005 and 1007 Southwest 13th Street. Petition 110LUC-03 PB, (Related to Petition 111PDV-03PB) (B)

Explanation: The subject property is located at 1005 and 1007 Southwest 13th Street, tax parcel numbers 15613-000-000 and 15614-000-000. It is 5.745 acres in size. This petition is a request to amend the Future Land Use Map from Residential Low Density (up to 12 dwelling units per acre) to Planned Use District (PUD). The proposed PUD, Exhibit 2, would allow 35 dwelling units per acre, with

associated parking, stormwater management and residential amenities. The property is currently developed with two single-family homes.

The Future Land Use Map of the Comprehensive Plan, Exhibit 1, shows that the subject property is adjacent to single-family land use on the east, across the street from Single-Family land use on the south, across Southwest 13th Street from Residential Medium-Density land use on the west and adjacent to the Depot Avenue Rail Trail on the north. Residential High-Density land use abuts the rail trail to the north. The existing development surrounding the proposed site is single-family to the east and south, and transitioning from single-family to multifamily north of the rail trail. The east side of Southwest 13th Street is developed multi-family. The subject property is within a block of P.K. Yonge Developmental Research School. The site is served by RTS routes 8, 13, 16 and 43.

The proposed development would include 201 dwelling units. The amount of lot coverage of the new development is limited, by multi-story development of the residential units and the parking. Site impact will also be reduced by a vaulted stormwater system. Access to the development will be from Southwest 11th Avenue. No access is possible from Southwest 13th Street. Additional pedestrian and bicycle access will be from the Depot Avenue Rail Trail. The property is in Zone A of the Transportation Concurrency Exception Area. Accessory recreational facilities will be located in the center of the site.

The Plan Board heard the petition and approved the recommended staff conditions. The staff presentation noted staff's concern regarding the relationship of the high-density residential development to the adjacent low-density single-family neighborhood, and the weight that staff placed upon letters of support from some members of the neighborhood as a result of a neighborhood workshop. Staff outlined the face-to-face relationship and the side-to-rear relationship of the single-family and the proposed multi-family development and accessory parking. Other issues discussed, include the slope and the wooded character of the site. The proposed terraced development plan was discussed. The Board discussed the opportunities for pedestrian and bike access, as well as the benefits of higher density development in close proximity to the university and the hospital complexes. Staff indicated the petitioners had requested two changes in the staff report, requesting the stair towers be allowed to 75 feet and that the proposed maximum impervious area be indicated as 67 percent, with the inclusion of the emergency access roads as shown on the plan.

Public notice was published in the Gainesville Sun on October 5, 2004 and November 7, 2004. Letters were mailed to surrounding property owners on October 6, 2004 and November 5, 2004. The Plan Board held a public hearing October 21, 2004.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 110LUC-03PB. Plan Board vote 5-1.

*Staff to Plan Board - Approve***030454**

Rezone property from RMF-5 (residential low density district, 12 units/acre) to PD (planned development) with PD layout plan for a multi-family development at 35 dwelling units per acre with an accessory parking garage. Located at 1005 and 1007 Southwest 13th Street. Petition 111PDV-03 PB. (Related to Petition 110LUC-03PB.) (B)

Explanation: The proposed planned development is a 201-unit multi-family development with a parking garage on a 5.745-acre site. The petitioners have submitted a PD Layout Map and a PD Report that further describes the proposed development. The proposed density is 35 dwelling units per acre. The proposed dwelling units will have a total of 342 bedrooms. The petitioners are proposing four-story multi-family buildings, a three-deck, 416 space parking garage, a swimming pool, recreation facility, basketball court and maintenance facility. The site is currently wooded, with two single-family homes. The property has a significant grade change from 125 feet at the northeast corner to 92 feet at the southeast corner. As a result, the proposed development will be terraced, with an elevation change of approximately ten feet between each of the buildings from north to south. The only roadway access to the site is from Southwest 11th Avenue.

The project is within easy walking distance of the University of Florida and Shands Hospital. To the east and south of the proposed development, is the Audubon Park single-family neighborhood. PK Yonge Laboratory School is located at the east boundary of the Audubon Park neighborhood. Auto access to the site is from Southwest 11th Avenue. The petitioner proposes a left-turn lane to assist with the current traffic and to accommodate the proposed improvements. Pedestrian access is from the rail trail along the north boundary of the site and from Southwest 13th Street and Southwest 11th Avenue. The petitioners are proposing a bus shelter along Southwest 13th Street.

The petition proposes the demolition of the two existing single-family residential structures on the site. One of the structures is dated from 1932, and will go through the 90-day demolition-delay process.

The subject property lies within the Southwest 13th Street Special Area Plan, is in Zone A of the Transportation Concurrency Exception Area, and is on a gateway street.

The City Plan Board heard the staff report of the petitions and presentations by David Coffey, representing the Campus Lands Corporation. Staff noted concerns with the relationship of the high-density land use with the low-density single-family neighborhood. Staff discussed the existing land use and zoning and the proposed planned development layout plan. Staff discussed the proposed buffers and the proposed terracing that would result in the removal of all trees in the developed area. Staff recommended approval with conditions,

and noted for the record consideration of support expressed by the neighborhood in letters that had been received. Staff reviewed the criteria of the Southwest 13th Street Overlay District. The Board asked questions of staff and the petitioners regarding the build-to lines, the width of the parking structure, the distance of the parking structure from the property line, the elevations, and building footprint. Citizen comment included a discussion of what the neighborhood felt could be built under the existing zoning, as well as support expressed for the proposal, given the fact that the subject property would not be detached single-family development. The petitioners proposed modification of the staff conditions. Modifications accepted by the Board include changes to Conditions 1, 6, 8 and 12.

The petitioners presented additional changes that were not approved by the Board including changing the proposed density by allowing 202 dwelling units (35.16 dwelling units per acre), a change in the total number of bedrooms from 342 to 360, a reference to façade treatment generally, rather than the specific elevations submitted with the PD report for Southwest 11th Avenue, a change in the required fire lane sign spacing from 60 to 100 feet, and a change in the staff recommendation on exterior paint color.

Public notice was published in the Gainesville Sun on October 5, 2004 and November 7, 2004. Letters were mailed to surrounding property owners on October 6, 2004 and November 5, 2004. The Plan Board held a public hearing on October 21, 2004. The City Commission held a public hearing November 22, 2004.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 111PDV-03 PB, with conditions. Plan Board vote 5-1.

Staff to Plan Board - Approve

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DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT

ADJOURNMENT - 8:40 PM

