

City of Gainesville

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



Meeting Agenda

June 12, 2006

1:00 PM

City Hall Auditorium

City Commission

***Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Craig Lowe (District 4)
Commissioner Rick Bryant (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Jack Donovan (District 3)***

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

CALL TO ORDER

AGENDA STATEMENT

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. 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

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

060037

Development Process Review Team Interim Report (B)

This item involves review of an Interim Report from the Development Process Review Team that has been meeting to review various issues related to the City of Gainesville Development Review Process.

Explanation: In November, 2005, the City Manager directed that a team be instituted to examine the City's various development review processes with an emphasis placed upon seeking opportunities for streamlining, automating and digitizing information and potentially linking with electronic mapping (GIS) resources.

Assistant City Manager Barbara Lipscomb and Economic Development Director Erik Bredfeldt were selected as co-leaders of a team comprised of City staff, Chamber of Commerce Small Business Council members and a representative of the local civil engineering community. The team met for eight weeks focusing on various individual and interactive development review processes conducted by the various City entities and looked at potential options for automation.

In mid-April, an interim report was presented to the City Manager outlining team member's views on four identified issues. The interim report was produced in order for at least one of the identified issues, automation, to be

considered within the context of the upcoming FY 2007/2008 budget review. Other identified issues included: the existing development review process; communication; and development patterns/development code/infrastructure coordination.

Currently, the Development Process Review Team is on brief hiatus until such time as needed for future coordination of automation efforts. City departments potentially involved in the automation process are working through the Information Technology department to define their business processes for ultimate determination of costs by a prospective vendor. Concurrently, the Gainesville Area Chamber of Commerce Small Business Council is working on a parallel track to review and report on various City reviewed development projects.

Fiscal Note: No fiscal impact is associated with the interim report. Efforts at automation of development review processes could have fiscal impacts that are to be considered by the City Commission in the context of the upcoming budget review process.

RECOMMENDATION

Recommended Motion: The City Commission: 1) refer the Development Process Review Team Interim Report to the Community Development Committee for review and consideration.

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060078

Interlocal Agreement for Continuation of Alachua/Bradford Regional Workforce Board Bus Pass Program (B)

This item involves authorizing the City Manager to execute an Interlocal Agreement with Alachua/Bradford Regional Workforce Board d.b.a. FloridaWorks to continue the Welfare Transition Program (WTP) Bus Pass Program (previously known as Work and Gain Economic Self-sufficiency (WAGES) program) and to accept a \$4,500 revenue payment for providing prepaid, unlimited transit access for 1,000 WTP customers for one year from June 15, 2006 through June 14, 2007.

Explanation: On September 11, 2000, the City of Gainesville (CITY) entered into an Interlocal Agreement with Alachua/Bradford Regional Workforce Board (BOARD) to allow 1,111 Work and Gain Economic Self-sufficiency (WAGES) customers to have prepaid, unlimited access to public transit as a means of providing them with access to childcare, education and training, medical services, and employment. The BOARD paid the City \$10,000 that represented 100% of the cost of the \$9.00 fee per customer for 1,111 WAGES customers (100% of \$10,000).

The original cost of \$9.00 per customer was assessed based on the total cost for other Regional Transit System (RTS) Employee Bus Pass Programs currently in effect. Fifty percent (50%) of the per customer cost of \$9.00 for RTS's Employee Bus Pass Programs for City, County Employees, and UF Faculty/Employees had been funded by FDOT until FY 2004. Since the

ridership for these programs did not support the increase to \$9.00 per customer, the total rate for the UF, City, and County Employee Bus Pass Program was subsequently reduced to \$4.50 per customer. RTS proposed and received approval to use the \$4.50 reduced per customer rate for the FY 2005 BOARD program.

The CITY allowed WAGES customers unlimited access for a period of one year to the Regional Transit System when the WAGES customer showed the appropriate BOARD approved bus pass. The City of Gainesville and Alachua/Bradford Regional Workforce Board d.b.a. FloridaWorks [to continue the Welfare Transition Program (WTP) Bus Pass Program (previously known as Work and Gain Economic Self-sufficiency (WAGES) program)] have entered into a similar annual agreement since the inception of the program on September 11, 2000.

Fiscal Note: The BOARD shall pay the City of Gainesville \$4,500 for prepaid, unlimited access for 1,000 WTP customers for one year from June 15, 2006 through June 14, 2007. The amount of \$4,500 represents the cost of \$4.50 per customer for 1,000 WTP customers.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute an Interlocal Agreement with Alachua/Bradford Regional Workforce Board d.b.a. FloridaWorks to continue the Welfare Transition Program (WTP) Bus Pass Program (previously known as Work and Gain Economic Self-sufficiency (WAGES) program) from June 15, 2006 through June 14, 2007; and 2) authorize the City Manager to execute any and all related documents.

Alternative Recommendation A: The City Commission deny continuation of the annual contract between the BOARD and Regional Transit System. The resulting fiscal impact is the loss of \$4,500 in revenue generated by the WTP Bus Pass Program customers.

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060090

Gainesville Innovation Zone Referral to the City Plan Board (B)

This item involves a request to the City Commission for a referral of the Gainesville Innovation Zone and supporting objectives/policies to the City Plan Board for inclusion in the City of Gainesville Comprehensive Plan's Intergovernmental Coordination Element.

Explanation: The Gainesville Innovation Zone concept had its genesis from the inter-city trips undertaken by the community to various university cities throughout the nation in the last few years. Application of the Gainesville Innovation Zone is a method in which to spatially capture a Tier 1 economic development objective of the City Commission to position the City of Gainesville to take advantage of the Innovative Economy.

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

The Gainesville Innovation Zone is proposed for inclusion in the Intergovernmental Coordination Element of the Comprehensive Plan in order to: 1) institutionalize and signal the City's commitment to building the innovation economy to various partners; 2) spatially define an area of concentrated activity and efforts at building innovative economy critical mass; and 3) accentuating the City's attempts to diversify the local economy.

Fiscal Note: No fiscal impact at this time

RECOMMENDATION

Recommended Motion: The City Commission initiate a referral petition to the City Plan Board to include the proposed Gainesville Innovation Zone and supporting objectives/policies in the City of Gainesville Comprehensive Plan's Intergovernmental Coordination Element.

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060091

Funding from Alachua County for the Installation of Permanent Bleachers at Cone Park at Eastside Recreation Center (B).

This is a request for the City Commission to accept funding from the Alachua County Board of County Commissioners for the installation of permanent bleachers at Cone Park.

Explanation: In 1998, a group of private citizens proposed a plan to the City to participate in fund raising efforts for the development of Cone Park located in the 2700 block of East University Avenue. These individuals eventually put together a working group and incorporated themselves into a 501(c) (3) organization known as the East Gainesville Park Development Group. Their goal was to develop Cone Park to include a community center, a soccer/football field, a playground, picnic facilities and parking. The City of Gainesville and Alachua County agreed to provide funding support for this park development.

In July 1999, the City of Gainesville received notice of state grant funding availability through the Florida Recreation Development Assistant Program. The City submitted a grant for the development of Fred Cone Park to assist in the construction of sports fields, recreation center and a picnic pavilion. On June 21, 2000 the City of Gainesville received notification of approval for a \$150,000 FRDAP Grant for Cone Park.

On August 27, 2002, the City Commission approved \$63,000 for the construction of a new soccer field and an additional \$8,400 for landscaping.

In 2003, the City of Gainesville requested funding from Alachua County for the installation of permanent bleachers at Cone Park. At the November 12, 2003 meeting of the Alachua County Tourist Development Council, the council recommended that the County Commission provide \$35,000 for the installation of permanent bleachers at Cone Park and on March 9, 2004 the Alachua County Commission approved an allocation of \$32,935.

Between March 9, 2004 and the present, Parks, Recreation and Cultural Affairs staff met with staff from the Visitors and Convention Bureau to discuss the development of an Interlocal Agreement. Since Cone Park only has soccer fields developed at this time, City staff requested the bleachers be installed at a temporary location on site with the expectation that once the park is fully developed the bleachers can be relocated to a permanent site. This was proposed to and agreed upon by the County, and included within the Interlocal Agreement. In addition, City staff has agreed that any bleachers purchased for Cone Park will remain at Cone Park and will not be transported for use at any other site.

Fiscal Note: None

RECOMMENDATION

The City Commission accept funding from the Alachua County Board of County Commissioners in the amount of \$32,935 for the purchase of bleachers to be located at Cone Park.

Alternative Recommendation A: The City Commission decline the funding.

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060092

Westside "Kids on the Go" and Westwood "Teens on the Go" Summer Camp Programs (B)

This is a request for the City Commission to appropriate funding for the Westside Park Summer Youth Camp and the Westwood Middle School Summer Teen Camp.

Explanation: In 2005, staff requested and received funding to offer a "pilot" summer youth camp program at Westside Recreation Center and Park. This program was a full-service, field-trip based camp program in which fees charged to the program participants covered all direct cost/expenses necessary to operate the camp. The official name given to this camp was Westside Kids on the Go Camp. Staff accomplished its objective of a break-even program and ended the 2005 summer with expenses of \$42,190 and revenues of \$42,481, resulting in a net profit of \$291. Total attendance at this camp was 154 individual youth. Of that total, 129 were city residents (83.8%) and 25 were non-city residents (16.2%). City residents paid \$60 and non-city residents paid \$90 for each week of camp.

For the summer of 2006, the department is again planning to offer the Kids on the Go Camp at Westside Recreation Center. Because funding for this program was not originally established in the FY2005/2006 budget process, the

department is once again seeking approval from the City Commission for a budget amendment to set up the funds necessary to operate the program. Just like last year, the program will be designed to recover all direct costs/expenses associated with its operation through participant registration fees.

In addition, staff is requesting approval from the City Commission to establish an additional 2006 summer camp program for teenagers 13-15 years of age. This camp would be called Teens on the Go, and would be held at Westwood Middle School which is where the City currently operates an after-school Teen Zone program. This additional program would be operated with the same objective of recapturing all direct costs/expenses through participant registration fees. Staff has received numerous requests from parents to offer a summer program for youth ages 13-15. In addition, the current Teen Zone after school program has been so successful this past year, that the school's principal and staff are interested in seeing the implementation of this summer camp program as well.

These two summer camp programs are separate from the City's traditional summer youth camp programs offered at other community centers where registration fees are lower and do not entirely cover program expenses.

Fiscal Note: The Department is requesting that expense funds and the corresponding revenue funds in the amount of \$75,700 be set up for the Westside Kids on the Go Camp and for the Westwood Teens on the Go Camp. As mentioned, both camps will be operated on a break-even basis.

RECOMMENDATION

The City Commission authorize the City Manager to:
1) direct the Recreation and Parks Department to move forward with plans to offer the Westside Kids on the Go and Westwood Teens on the Go camp programs; and 2) direct the Office of Management and Budget to set up the necessary budget accounts in the Parks, Recreation & Cultural Affairs Department to operate these two summer camp programs.

Alternative Recommendation: The City Commission not authorize funding for these two programs.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

060123

Natural Gas Franchise Agreement (B)

Staff recommends entering into a Natural Gas Franchise Agreement with the City of High Springs, Florida.

Explanation: Staff has determined that there is considerable interest within the City of High Springs to receive natural gas service as an alternative to propane and/or electric energy. Expansion of the natural gas system into this community would be in keeping with the long term growth strategy for the utility. Staff negotiated

the terms and conditions of a Natural Gas Franchise Agreement with the City of High Springs. On May 11, 2006 the High Springs City Commission adopted Ordinance 2006-12 which grants to the City of Gainesville a non-exclusive right, privilege, and franchise for the distribution and sale of natural gas within their corporate limits. The Agreement provides for an initial term of twenty five years and a franchise fee of six percent.

Fiscal Note: The proposed Natural Gas Franchise Agreement may result in recurring annual revenue to the City of utility. Expansion of the natural gas system will be realized only when a cost effective customer base has been identified. Funds to expand the natural gas system are available in the FY 2006 and the proposed FY 2007 Capital budgets.

RECOMMENDATION

The City Commission authorize the Interim General Manager to execute a new Natural Gas Franchise Agreement with the City of High Springs, subject to approval of the City Attorney as to form and legality.

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060125

Dekle Release of Easement (B)

Staff is requesting approval of a Release of Easement to George W. Dekle, Jr. and George W. Dekle, III.

Explanation: On October 24, 2002, Frances Dekle and Jennie Lee Dekle Mingolelli, Co-trustees of the Dekle Family Revocable Trust, who were the owners of property located in the 3600 block of NW 12th Street, granted the City a public utility easement. The easement was granted to cover proposed utilities to serve the property with sanitary sewer and water facilities. It has now been determined the utilities can be provided from adjacent public street right-of-ways and that the existing easement is not required. Therefore, new owners, George W. Dekle, Jr. and George W. Dekle, III, have requested the release of the existing easement and will be responsible for all costs associated with any utility extensions required to serve the property. Staff has reviewed this request for a Release of Easement and recommends the granting of the same

Fiscal Note: There is no fiscal impact to the City.

RECOMMENDATION

The City Commission: 1) approve the release of a public utility easement located in the 3600 block of NW 12th Street; 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 as to form and legality

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CITY ATTORNEY, CONSENT AGENDA ITEMS

060113 USE OF CITY STREETS FOR FUNDRAISING (NB)

Explanation: As part of the Chase v. City of Gainesville and Alachua County Sheriff litigation, which the Commission has authorized the City Attorney's Office to defend, a challenge has been made to Chapter 19, Article V, of the Gainesville Code of Ordinances, related to Street Solicitation By Nonprofit Agency. The lawsuit challenges the constitutionality of the City's ordinance based upon its limitation of street solicitation permits to 501(c)(3) organizations. The lawsuit also challenges the constitutionality of two Florida Statutes that regulate the use of state maintained highways. One of these statutes has previously been declared unconstitutional by a federal district court in the middle district of Florida. The Chief of Police has issued a directive that temporarily suspends the enforcement of these statutes. This office in concert with the City Manager and the Police Department seeks to amend the City's ordinances as appropriate, to safeguard the constitutional rights of the citizens to use the city's streets and sidewalks while protecting the public's right to safely use these streets and sidewalks for traffic purposes.

RECOMMENDATION *Authorize the City Attorney to work with the City Manager to draft and refer to the Public Safety Committee alternative ordinance amendments.*

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**060088 City Commission Minutes (B)**

RECOMMENDATION *The City Commission approve the minutes of May 22, 2006 (Regular Meeting); as circulated.*

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060114 Advisory Board/Committee Appointment of W. Dwaine Bush to the Gainesville Enterprise Zone Development Agency (NB)

RECOMMENDATION *The City Commission reappoint W. Dwaine Bush (Local Finance) to the Gainesville Enterprise Zone Development Agency for a term to expire March 31, 2009.*

*Commissioner Braddy: Bush
Commissioner Bryant: Bush
Commissioner Donovan: Readvertise
Commissioner Henry: Bush
Commissioner Lowe: Bush
Commissioner Mastrodicasa: Bush*

Mayor Hanrahan: Bush

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060115

Advisory Board/Committee Appointment of Michael A. Campbell to the Nature Centers Commission (NB)

RECOMMENDATION

The City Commission reappoint Michael A. Campbell to the Nature Centers Commission for a term to expire November 1, 2008.

Commissioner Braddy: Readvertise

Commissioner Bryant: Campbell

Commissioner Donovan: Campbell

Commissioner Henry: Campbell

Commissioner Lowe: Campbell

Commissioner Mastrodicasa: Campbell

Mayor Hanrahan: Campbell

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060116

Advisory Board/Committee Appointment of Richard M. Fry to the Water Management Committee (NB)

RECOMMENDATION

The City Commission reappoint Richard M. Fry to the Water Management Committee for a term to expire August 2008.

Commissioner Braddy: Readvertise

Commissioner Bryant: Fry

Commissioner Donovan: Fry

Commissioner Henry: Fry

Commissioner Lowe: Fry

Commissioner Mastrodicasa: Fry

Mayor Hanrahan: Fry

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060117

Advisory Board/Committee Appointments of Charlie L. Hailey, Sandra M. Lamme and James "Jay" D. Reeves to the Historic Preservation Board (NB)

RECOMMENDATION

The City Commission reappoint Charlie L. Hailey (Architect) and James "Jay" D. Reeves (Architect) for terms to expire June 1, 2009, and appoint Sandra M. Lamme (Urban Planner) for vacancy to expire June 1, 2008 on the Historic Preservation Board.

Commissioner Braddy: Hailey, Lamme and Reeves
Commissioner Bryant: Hailey, Lamme and Reeves
Commissioner Donovan: Hailey, Lamme and Reeves
Commissioner Henry: Hailey, Lamme and Reeves
Commissioner Lowe: Hailey, Lamme and Reeves
Commissioner Mastrodicasa: Hailey, Lamme and Reeves
Mayor Hanrahan: Hailey, Lamme and Reeves

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060127

Joint Meeting with Alachua County Commission (NB)

RECOMMENDATION

The City Commission schedule the following topics for the meeting on June 20 at 5:00 PM: 1) 10 Year Homelessness Plan; 2) Public Access Television; and 3) Entrepreneurial School

060128

Timer for Public Meetings (B)

RECOMMENDATION

The City Commission authorize the purchase of Limitimer Model PRO2000 with appropriate accessories from the City Commission Contingency Fund in an amount not to exceed \$2,000.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC SAFETY COMMITTEE, CONSENT

050224

Bank of America - Robert Pearce-Citizen Comment (B)

Explanation: Mr. Pearce addressed the Public Safety Committee concerning "boom box" noise at the Bank of America drive-thru ATM located at 1116 West University Avenue. The Committee held four meetings with police, code enforcement, planning staff and Mr. Pearce regarding enforcement, zoning, and compliance with the City's noise ordinance. The Public Safety Committee, with approval from the City Commission, and the City Manager both sent letters to the Bank of America requesting voluntary compliance of a provision of the noise ordinance that could require posting of "noise warning" signs at the nuisance property. On April 14, 2006, the Bank of America, with the assistance of the GPD Community Resource Officer, posted one sign adjacent to the single 24-hour

ATM lane of the drive-through. Posting the noise warning sign, which reads, "WARNING, Playing a stereo radio, or amplifier that can be heard 200 feet away is prohibited. City Ord. Sec. 15-3", will now allow law enforcement officers to cite violators without having to issue a warning. Mr. Pearce was notified of the posting. The Public Safety Committee heard from GPD staff at their May 18, 2006 meeting that since the posting in April, no citations have been written nor have they received any additional citizen complaints.

As part of this referral, Mr. Pearce also presented concerns with how the lighting at the Bank of America was streaming onto this and adjoining properties. Code Enforcement had been in contact with the bank representatives who were addressing the concerns through a security survey. In the interim, the bank agreed to disconnect that particular light. Code Enforcement has continued to monitor the light fixture and as of May 28, 2006 the fixture remains disconnected. The bank has assured Code Enforcement that a lighting survey will be conducted prior to the fixture being reconnected.

RECOMMENDATION

The City Commission receive the Public Safety Committee report and remove this item from the pending referral list.

Legislative History

7/25/05	City Commission	Referred (5 - 0 - 2 Absent)	Public Safety Committee
9/15/05	Public Safety Committee	Discussed	
10/20/05	Public Safety Committee	Discussed	
11/17/05	Public Safety Committee	Discussed	
11/28/05	City Commission	Approved as Recommended (7 - 0)	
2/16/06	Public Safety Committee	Discussed	
5/18/06	Public Safety Committee	Discussed	

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COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CLERK OF THE COMMISSION

CHARTER OFFICER UPDATES

CITY MANAGER

051052**Legislative Update (B)**

The City Commission will receive an update from staff on legislative affairs.

RECOMMENDATION

The City Commission receive a report from staff and take action if appropriate.

Legislative History

3/27/06	City Commission	Approved, as shown above - See Motion(s)
4/24/06	City Commission	Heard
5/8/06	City Commission	Heard

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051153**Request for Proposal for Executive Search Services (B)**

This item is to update the City Commission on the hiring process for the General Manager for Utilities and for staff direction.

Explanation: At the City Commission meeting of March 27, 2006, the City Commission authorized the Interim General Manager for Utilities and Human Resources Director to initiate the procurement process to hire an executive search firm to assist in the General Manager selection process.

At the City Commission meeting on April 10, 2006, a draft RFP was submitted to the City Commission for approval. The City Commission directed staff to issue the RFP and asked Interim General Manager for Utilities Karen Johnson, City Manager Russ Blackburn and Human Resources Director Tom Motes to review the proposals and bring back the top three vendors for oral presentations to the special City Commission meeting on June 19, 2006.

Request for Proposals were sent to thirteen (13) prospective executive search firms. Eight proposals were received, three of which were deemed non-responsive based on their pricing structure. One firm proposed that their fee would be based on a percentage of the agreed upon salary of the General Manager while two other firms did not provide a cost for the reimbursable expenses. Proposals were evaluated based on the company's qualifications and experience, staff qualifications, understanding of the work, pricing and references. The Mercer Group, Inc. and MRI Network Management Recruiters of Bonita Springs, Inc. submitted the best evaluated proposals and are recommended for oral presentations to the City Commission special meeting on June 19, 2006.

Staff has brought this item forward to the Commission to update them on the process and for direction due to the fact that only two firms met the criteria. While both The Mercer Group, Inc. and MRI Network Management Recruiters

have extensive utility experience, several of the leading utility executive search firms either did not submit proposals or were deemed non responsive. A search firm fee based on a percentage of the first year's salary is common in the utility industry; it is possible that more proposals were not received due to the requirement for a fixed fee.

Fiscal Note: Funds for the executive search firm service are available in the GRU budget.

RECOMMENDATION

The City Commission proceed on June 19, 2006 with oral presentations from the two firms, The Mercer Group, Inc. and MRI Network Management Recruiters.

Alternative Recommendation A: The City Commission direct staff to resubmit the RFP and add language to the RFP that permits proposals with a fee listed as a percentage of salary if they also contain a not to exceed amount.

NOTE: This document is available for viewing in the Clerk's office.

Legislative History

4/10/06 City Commission Approved as shown above (See Motion) (5 - 0 - 2 Absent)

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051162

Revise Code Enforcement Board Fines (B)

This item requests that the City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise revisions to Section 2-388.1 of the Code of Ordinances to allow the Code Enforcement Board to provide the maximum fines permitted by Section 162.09(2)(d) Florida Statutes.

Explanation: Currently Section 2-388.1 of the Code of Ordinances limits the Code Enforcement Board to issuing fines of \$250 a day for initial violations and \$500 for repeat violations. Section 162.09(2)(d), Florida Statutes, allows municipalities with a population equal to or greater than 50,000 to adopt an ordinance that gives code enforcement boards or special magistrates, or both, authority to impose a maximum fine not to exceed \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature. The Code Enforcement Board discussed this proposal on May 11, 2006 and supports this change in authorization levels.

Fiscal Note: None

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise

revisions to Section 2-388.1 of the Code of Ordinances to reflect the allowable maximum fines provided for in Florida Statutes.

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060087

Amendment to the City of Gainesville Sexual Offender and Predator Ordinance No. 0-05-96- Request to Add San Felasco County Park (B)

This item requests City Commission approval to add San Felasco County Park to Ordinance No. 0-05-96.

Explanation: On November 28, 2005, the City Commission adopted the Sexual Offender and Predator Ordinance, which provides the maximum protection for the lives of the persons in the City of Gainesville and affords them a safer place to live and play. The Gainesville Police Department was recently made aware that San Felasco County Park, located within the city limits at 6400 NW 43rd Way, was not included in the original list of parks which prohibits child sexual offenders and predators from living within 2,500 feet. Because it is a county park, San Felasco Park is not named on the City's list of Active/Recreational" parks, which was the guide by which the majority of the parks were chosen. However, as mentioned, the park falls within the City limits and is close to two residential neighborhoods. San Felasco County Park is a small park containing several pieces of playground equipment, and it is separate from San Felasco State Park which is located off of NW 53rd Avenue. San Felasco County Park is commonly frequented by children of all ages.

Of note, no current residents would be displaced as a result of this addition to the ordinance due to the exceptions clause, sec. 17-33 (c), which states that persons who had established residency with the 2500 foot buffer prior to the park being added, would be exempt from the ordinance. Additionally, as was done when the ordinance was enacted in November of 2005, proper notice would be given to sexual offenders and predators who move into the City, or register with the jail when changing their address within the City, about all the prohibited areas.

Fiscal Note: None.

RECOMMENDATION

Recommended Motion: The City Commission 1) approve the addition of San Felasco County Park to the Sexual Offender and Predator Ordinance, and 2) authorize the City Attorney to draft and the Clerk of the Commission to advertise an amendment to Ordinance No. 0-05-96.

Alternative Recommendation A: The City Commission deny the request to amend Ordinance No.0-05-96 and take no further action.

Alternative Recommendation B: None.

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060094

Update of Interlocal Agreement for Public School Facility Planning (B)

The purpose of this item is to update the City Commission and the general public on the required school concurrency-related update of the Interlocal Agreement for Public School Facility Planning.

Explanation: The Interlocal Agreement for Public School Facility Planning that was adopted in November 2003 by the School Board of Alachua County, the Alachua County Board of County Commissioners, the Cities of Gainesville, Alachua, Archer, Hawthorne, High Springs, Newberry, and Waldo, and the towns of Lacrosse and Micanopy established a framework for better coordination of local government and school facilities planning programs. The current agreement was not construed to require school concurrency. In 2005, Florida Statutes were amended to require that all local governments and school boards adopt school concurrency no later than December 1, 2008. By July 1, 2008, local governments in Alachua County must adopt a Public School Facility Element and make other school concurrency related comprehensive plan amendments. Also required by the 2005 statutory changes are revisions to the interlocal agreements for public school facility planning.

The interlocal agreement must be updated to include provisions on school concurrency implementation, public schools facilities elements, public schools capital facility programs, level of service standards, geographic application, and proportionate share mitigation. A staff working group of the School Board, local governments including Gainesville, and the North Central Florida Regional Planning Council has been meeting since the fall of 2005, and has prepared the draft update of the Interlocal Agreement for Public School Facility Planning. The working group has made presentations on the updated agreement at the elected officials meetings of November 15, 2005 and May 18, 2006, at the joint meeting of the School Board and the Alachua County Commission on November 15, 2005, and at public workshops on February 22, 2006, March 30, 2006, and May 16, 2006.

The draft agreement must be sent to the Florida Department of Community Affairs (DCA) by July 1, 2006 under the terms of the grant received by the School Board for preparing the interlocal agreement earlier than statutorily required. This submittal does not require local government approval, but is intended to alert staff to any issue with the proposed agreement. The final agreement must subsequently be adopted by the School Board and the various local governments, and then submitted to DCA by September 1, 2006.

Fiscal Note: None

RECOMMENDATION

The City Commission hear a presentation, discuss the issues, and provide direction to staff.

Alternative Recommendation A: Defer the presentation and discussion until the June 26, 2006

meeting.

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060099

Report of City and County Staffs Regarding Public Access Television (PATV) (B)

This item is a report back to the City Commission regarding the PATV referral from the January 30, 2006 Joint Commissions meeting.

Explanation: At the January 30, 2006 meeting of the Joint City and County Commissions, the staffs were asked to report back to Commissioners regarding several issues as outlined in the attached report. This agenda item will provide an opportunity for City Commissioners to review the report and determine what follow-up action, if any, they would like to take.

Fiscal Note: Under currently existing franchise agreement language, the City and County would receive \$250,000 combined upon the operation of a third channel, or August 1, 2007, whichever came later. This would be split based on the proportionate subscriber rates at the time notice of use of the third channel is given to CoxCom, Inc., but it is anticipated that the City would receive approximately two-thirds and the County approximately one-third of that money. All such funds are restricted to capital outlay.

The educational, governmental and hybrid models that are presented would require considerably less in capital outlay than the \$250,000 that would be available, but all of these would require at least two full-time positions to implement, monitor, and manage. These positions could not be paid for using funds from the Cox franchise agreement.

The PATV alternatives vary in cost from approximately \$226,000 to \$236,500 depending upon the alternative selected. PATV alternatives, however, include estimated staffing costs of approximately \$80,000, which could not be paid for from Cox funds.

If the third channel were a governmental channel, then the City and the County would each bear the cost of running their own channels. If the third channel were a jointly operated educational channel or an in-house PATV channel, City staff believe that the costs should be split 50/50 but County staff believe that the City's cost should be approximately two-thirds and the County's cost should be approximately one-third.

RECOMMENDATION

Recommended Motion: The City Commission hear a brief staff report on the referred item.

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GENERAL MANAGER FOR UTILITIES

060133**Deerhaven Oil Spill (NB)****RECOMMENDATION**

The City Commission hear an update from Karen Johnson, Interim General Manager for Utilities on the Deerhaven oil spill.

060126**Architectural and Engineering Services for GRU's Technology Center (NB)**

The City Commission authorize the Interim General Manager to negotiate and execute a contract for architectural and engineering services for the Utilities Technology Center project.

Explanation: The GRU Administration building was completed in 1991, and since that time the utility has taken advantage of the modular design characteristics to reconfigure many times to meet changing space needs. We have also moved many employees to Springhills, scheduled some employees to work four days per week when we can do so and still meet customer needs, and allowed some employees to telework when their jobs permit. Nonetheless, the building began to seriously exceed capacity in 2003, at which time the utility leased 4000 square feet in the GTECH building because the City was actively seeking tenants. When the utility goes live with the new billing system in January, 2007, several conference rooms in the Administration building will have to be closed for months in order to house necessary support staff. There is absolutely no remaining space in the Administration Building to accommodate the projected staff growth in the coming year for new Demand Side Management programs.

The hub for all of the Utility's business (billing, purchasing, accounting, inventory, e-mail, GIS, budgeting, etc.) computer and phone systems currently occupies a footprint of 1250 square feet on the ground floor in the Administration Building. We follow strict back-up protocols and have some limited redundancy at System Control, but a serious failure at the Administration Bldg could interrupt normal business operations for up to 30 days. Initially the computer center was a much smaller operation and has grown beyond that which anyone predicted at the time. It has serious limitations, some of which are solvable and some of which are not. It will cost more than \$150,000 to address the identified and solvable problems in the computer center such as building a redundant air conditioning system and bricking the present window access. These amounts will not solve potential flooding concerns as the administration building atrium is built to withstand wind loading of a maximum of 95 MPH, the code at the time the building was built but seemingly insufficient now given more recent history. This same factor makes it inadvisable for employees to stay in the building to monitor the computer system during storm events because of the possibility that they would have to leave during a storm if severe flooding should occur, both leaving the system unmonitored and putting themselves in danger. At the present time it is also impossible to do a redundant power feed to the computer room fuse panel without shutting down the Administration Building for approximately four days and costing tens of thousands of additional dollars.

Additionally, the current location is susceptible to damage and operations failure in the event of an external blast detonated in the North Customer Parking area or from the limited access service drive on the East side of the building. Further, the room location on a major service hallway adjacent to the central mail and package receiving department makes it vulnerable. Given the level of security concerns that must be considered in 2006, it would not be prudent to put the computer room in a building that has public access. Finally, at the time that the administration building was designed, GRU did not have a 24/7 presence in the administrative areas. Now because of our dependence on computers for all aspects of our work, an around the clock presence is required. For both energy efficiency and security reasons, it is necessary to have a facility that can be isolated and secured for the twenty-four hour presence.

GTECH has requested that utility staff completely vacate the GTECH building no later than December, 2007 so that the facility may be used for its primary purpose of assisting incubator tenants. The utility could spend considerable sums of money on the Administration Building to reduce vulnerability to disasters and security concerns without really solving the problems. The utility continues to work closely with the CRA in the redevelopment of the Depot area property, but the CRA does not expect to have even a draft redevelopment plan until at least the second quarter of 2007. Utility staff do not believe that it is prudent to delay taking steps to solve the problems described above until the Depot Area Plan is completed.

GRU owns a separate parcel on the East side of the administration building parking lot along SE 4th Avenue, but to the West of the creek. We would like to put the design of a hardened computer center, a safe place for a few employees to stay during storms, office space for our IT and GRUCom technical staff, and our 24/7 computer/network operation on this parcel on a concurrent parallel track with the Depot Area Plan. We have spoken with General Government staff and they have expressed an interest in potentially putting computer equipment in this facility as well, thus freeing up space in the City Hall complex and resolving similar vulnerability issues.

In talking with Planning staff, we understand that this kind of use would be consistent with the probable uses contemplated in redevelopment. It would be very possible to put the office portion of this facility on the street consistent with traditional city overlay guidelines. The hardened computer facility would be at the back of the lot. Neither of these uses would require general public access to the building nor significant vehicle access, essential conditions for maintaining security. By moving ahead with this design as opposed to waiting until the Depot Plan is completed and redevelopment partners are identified, we would also shorten the amount of time that GRU would have to use modular offices by a minimum of 2-3 years. It is also possible that we would forego much of the expense of redundant air conditioning in the administration building which is not needed for other than the computer facility. We would recapture the productivity gains of having our IT staff reunited and closer to their customers.

Perhaps most importantly we would have our mission critical business systems in a truly safe computer facility 2-3 years earlier.

Utilities Purchasing issued a Request for Statement of Qualifications (RFSQ) for Architectural and Engineering services for the new Technology Center to nine architectural firms. The RFSQ was advertised in the Florida Times Union, Orlando Sentinel and Tampa Tribune, and was posted on the GRU website. Three firms submitted Statements of Qualifications, which were ranked after evaluation of the submittals and discussions with the firms in accordance with the criteria established in the RFSQ and the CCNA.

The three firms are listed below in the order of ranking. The highest ranked firm has extensive experience with data centers, hardened facilities, and public buildings. Their proposed project team includes several local participants as well as noted experts in the design of hardened data centers. 1) Architects Design Group, Inc.; 2) Brame Architects; and 3) Skinner Vignola McLean, Inc.

In accordance with the CCNA, staff is recommending initiating contract negotiations with the top ranked firm. If staff is unable to negotiate an acceptable contract with the top ranked firm, it may initiate negotiations with the other firms in order of ranking.

Fiscal Note: Funds for these services have been included in the Utility's five year capital budget plan.

RECOMMENDATION

The City Commission: 1) approve the final ranking of the qualified firms in the given order of preference for the provision of Architectural and Engineering Services for the Utilities Technology Center project; 2) authorize the Interim General Manager, or her designee, to initiate contract negotiations in accordance with the Consultants' Competitive Negotiations Act (CCNA); and 3) authorize the Interim General Manager or her designee, upon successful negotiations, to execute a contract subject to approval of the City Attorney as to form and legality, in an amount not to exceed budgeted amounts for the project.

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**PUBLIC SAFETY COMMITTEE****REGIONAL UTILITIES COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****060134 Alachua County Housing Authority (NB)****RECOMMENDATION**

The City Commission hear a report regarding winter shelters.

MEMBERS OF THE CITY COMMISSION**060135****Report on the June 1-2, 2006 Meeting of the New Cities Project (B)**

Explanation: In February 2006, The New Cities Project asked Mayor Hanrahan to serve as one of seven steering committee members for its organization. The other steering committee members are as follows:

- Mayor Rocky Anderson of Salt Lake City*
- Mayor Tom Bates of Berkeley, California*
- Mayor Dave Cieslewicz of Madison, Wisconsin*
- Mayor Rosemarie Ives of Redmond, Washington*
- Randy Primas, Chief Operating Officer of Camden, New Jersey, and*
- Joel Rogers who is the Director of the Center on Wisconsin Strategy (which staffs the group).*

Conceived and organized by Mayor Dave Cieslewicz of Madison, Wisconsin, the past four New Cities Project meetings have been held just before or after the bi-annual meetings of the U.S. Conference of Mayors (in Washington in January and in other city during the summer). Steering Committee members are asked to participate in monthly conference calls and to attend in-person meetings twice per year to the degree possible.

The introductory information from the New Cities Project reads, in part, "Cities can take steps right now to improve their schools, economic and workforce development, housing and transit, energy use, land use and recreation, and government administration. There are things they can do right now to get more support from businesses and the community, and to shape state and federal

policies to greater public advantage. The New Cities Project helps mayors identify these opportunities and take advantage of them."

On June 1st and 2nd, Mayor Hanrahan joined the mayors of peer cities including most of those mentioned above as well as Mayor Heidi Davison of Athens, Georgia; Mayor Dave Bieter of Boise, Idaho; Mayor Dan Coody of Fayetteville, Arkansas; Mayor Kevin Foy of Chapel Hill, North Carolina; Former Mayor Bob Knight of Wichita, Kansas; Mayor Mary Lib Saleh of Euless, Texas; Mayor T.M. Franklin of Des Moines, Iowa; Mayor Heather Fargo of Sacramento, CA; Mayor Kitty Piercy of Eugene, Oregon, and dozens of other elected officials, experts and staff to discuss the critical issues that urban areas face across the U.S. These individuals come from a variety of political affiliations and perspectives. The New Cities Project is a non-partisan organization and is focused entirely on urban policy and hand-on application of it. Most participating cities send not only their highest elected official but also their chief appointed official and/or key department heads.

The June 1-2 sessions covered the following topics (see agenda included in the backup):

- Demystifying Federal Funding for Local Economic Development*
- Affordable Housing and Homelessness (moderated by Mayor Hanrahan)*
- Race and Community Relations*
- New Energy for America*
- Renewable Energy for Cities*

Fiscal Note: None

RECOMMENDATION

(1) Hear a presentation from Mayor Hanrahan on lessons learned regarding federal tax credit programs, successes from some of the more than 200 cities that have adopted 10 year plans to end homelessness, programs to improve race relations, and information on renewable energy and energy efficiency.

(2) Request that City Manager's staff research federal tax credit programs including but not limited to the Historic Preservation Tax Credit, the New Markets Tax Credit, the Low Income Housing Tax Credit and the Energy Efficiency Tax Credit to determine whether any would be useful tools for encouraging redevelopment, economic development, or energy efficiency retrofits in Gainesville. Also request that the Manager, Attorney and Auditor develop a process for obtaining the maximum return for the existing state brownfield tax credits held by the city, considering transfer to a tax-paying entity for cash or as part of a property transaction or redevelopment incentive. Refer this matter to the Audit and Finance Committee for review, and report back to the City Commission within 90 days.

(3) Request that the Homelessness Implementation Committee receive information obtained during the New Cities Project meeting from the City of San Francisco and the U.S. Interagency Council on Homelessness. Request that the City Manager's staff review programs used elsewhere that may be applicable to addressing homeless problems in Gainesville, particularly: (a) The San Francisco "Homeward Bound" Family Reunification Program that pays to transport homeless individuals back to willing family members; (b) Advocacy for obtaining social security benefits for homeless individuals and recovering 12 months of retroactive social security and Medicaid reimbursements for those eligible; (c) Use of Food Stamp Employment Training Program (FSET) to provide supportive housing services for those individuals eligible for foodstamps. Refer this matter to the Community Development Committee for review and report back to the City Commission within 90 days.

(4) Request that the City Manager and General Manager of Utilities review the current standards for construction, retrofit and maintenance of city buildings to determine whether a policy requiring greater energy efficiency measures should be adopted. Review whether we are tracking our own energy usage and adopting policies to ensure wise use of resources. Also request a review of the city's Greenhouse Gas inventory, U.S. Conference of Mayors' Climate Protection Resolution, and Cities for Climate Protection agreement to assess what actions are needed to move Gainesville toward a more energy efficient future. Request that the City Attorney review the legality of adopting a requirement to bring rental properties into better condition with respect to energy efficiency as part as existing efforts (such as landlord licensing) intended to assure quality housing for renters. Review the City of Austin's request that Gainesville join the Plug-in-Hybrid campaign to encourage U.S. automakers to develop a hybrid car powered in part by electricity. Refer these matters to the Regional Utilities Committee for review and report back to the City Commission within 90 days.

(5) Request that the Equal Opportunity Director review the Rochester, NY program to match people with different backgrounds to get to know one another on a personal basis to break down barriers and

misconceptions. Also request a review of Rochester's "Neighbors Building Neighborhoods" program that divided the city into diverse sectors and encouraged an assessment of area strengths as well as identified opportunities for improvement. Refer this matter to the Equal Opportunity Committee for review and report back to the City Commission within 60 days.

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COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

051242

Community Appreciation Day (B)

RECOMMENDATION

Representatives from Holy Trinity Episcopal Church, Alachua County Housing Authority and St. Francis House to accept the proclamation.

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060118

Flag Day - June 14, 2006 (B)

RECOMMENDATION

Gator Detachment of the Marine Corp League Members Bob Gasche and Dick Lester to accept the proclamation.

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

PUBLIC HEARINGS

060100

Public Hearing to Approve the Campus Development Agreement for the University of Florida Campus Master Plan, 2005 - 2015 (B)

In accordance with Subsection 1013.30(15), Florida Statutes, the University of Florida must enter into an Agreement with their host local government(s) that addresses level-of-service requirements, deficiencies and campus impacts on public services and facilities. The host local

government must adopt the Agreement in a manner consistent with the requirements of Chapter 163.3225.

Explanation: The University Comprehensive Master Plan process established in Subsection 1013.30 of the Florida Statutes is intended to facilitate coordination between universities and their host local governments. Subsection (1) states "This section contains provisions for campus planning and concurrency management that supersede the requirements of part II of chapter 163, except when stated otherwise in this section. These special growth management provisions are adopted in recognition of the unique relationship between university campuses and the local governments in which they are located. While the campuses provide research and educational benefits of statewide and national importance, and further provide substantial educational, economic, and cultural benefits to their host local governments, they may also have an adverse impact on the public facilities, services and natural resources of host governments. On balance, however, universities should be considered as vital public facilities of the state and local governments. The intent of this section is to address this unique relationship by providing for the preparation of campus master plans and associated campus development agreements." The University of Florida Board of Trustees adopted the final campus master plan on March 31, 2006.

The City Commission previously authorized the City Manager and the City Attorney to negotiate the terms and conditions of the Campus Development Agreement with the University of Florida. The Agreement must address level-of-service requirements, deficiencies, and campus development impacts on public facilities and services including roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation and public transportation. The Agreements may also address public electricity, non-potable water, law enforcement, fire, emergency rescue, gas and telephone facilities and services.

Staff has met with University of Florida staff and has negotiated a Campus Development Agreement that addresses the mitigation of transportation impacts and fire services impacts and ensures the University will pay the city's stormwater utility fee on certain properties.

Fiscal Note: If the Campus Development Agreement is approved as recommended, the City would receive: \$3,789,300 toward implementation of a county-wide traffic management system (TMS); \$4,800,000 (based on a rate of \$960,000 per year for five (5) years; FY2011-FY2015) for public transit rolling stock; \$515,230 toward construction of additional bicycle and pedestrian facilities in the Context Area; \$900,000 toward construction of roadway and intersection modifications on SW 2nd Avenue from SW 13th Street to S. Main Street; \$8,182,970 toward Archer Rd/SW 16th Avenue intersection modifications and toward the Archer Rd/SW 16th Avenue Connector; and \$800,000 for the purchase of certain emergency response apparatus.

RECOMMENDATION

Recommended Motion: The City Commission: 1) review the proposed Campus Development Agreement; 2) hold a public hearing; and 3) announce that a second public hearing will be held on June 26, 2006, at 6:00 p.m., located at City Hall, Auditorium, 200

East University Avenue.

Alternative Recommendation A: The City Commission takes no action.

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ADOPTION READING-ROLL CALL REQUIRED

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

050888

LAND USE CHANGE COFRIN PARK (B)

Ordinance No. 0-06-31, Petition 51LUC-05PB

An Ordinance repealing Ordinance No. 041189 and adopting a new Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use categories of certain property from “Single-Family (up to 8 units per acre)” to “Conservation” and “Public Facilities”; consisting of approximately 30 acres, located in the vicinity of the north side of Northwest 8th Avenue, at 4810 and 4910 N.W. 8th Avenue; repealing ordinance 041189; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The subject property is approximately 30 acres in size, is undeveloped except for a single-family house, has CON (conservation) and PS (public service) zoning, and a SF (Single-Family) land use designation.

Adjacent property to the west is zoned PD (Planned Development). The land use of this property is SF. Adjacent property to the north is RSF-1. The land use of this property is SF. Adjacent property to the east is RSF-1. The land use of this property is SF. Zoning to the south across NW 8th Avenue is CP (Corporate Park), and the land use of this property is MU-M (Mixed-Use Medium).

These properties were purchased in December 2003 with the assistance of a grant from Florida Communities Trust (FCT). FCT is a state land acquisition agency that assists local governments in acquiring land to implement goals, objectives and policies of conservation, recreation and open space, or for natural resources conservation, using Florida Forever Revenue Bonds. Funds also came from Alachua County Forever, a program approved by the voters to acquire, improve and manage environmentally significant lands in Alachua County, and to protect water resources, wildlife habitats and natural areas suitable for resource based recreation. In addition, funding came from the City of Gainesville, and a charitable donation came from Gladys G. Cofrin. This land use change is being sought to allow the City to comply with the FCT obligations associated with obtaining acquisition grant money. Among other

things, these obligations require the benefiting community to designate and protect the acquired property and to manage the project site only for the conservation, protection and enhancement of natural resources and for public outdoor recreation that is compatible with the conservation, protection and enhancement of the site.

Designation of these properties as PF (public facilities) and CON (Conservation) land use will allow the City to develop these properties as both a nature park and an activity-based recreation park. The Nature Operations Division of the City Recreation and Parks Department will be manage the park.

The Plan Board heard the petition and recommended approval. Public notice was published in the Gainesville Sun on May 3, 2005. Letters were mailed to surrounding property owners on May 4, 2005. The Plan Board held a public hearing May 19, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 51LUC-05 PB. Plan Board vote 6-0.

CITY ATTORNEY MEMORANDUM

On November 28, 2005, the City Commission adopted Ordinance No. 041189 on second and final reading. This ordinance purported to change the land use categories on this property. The Department of Community Affairs notified the City that this Ordinance was invalid because it was submitted out of cycle. This ordinance addresses their concern and changes the land use categories on the property as recommended in the Petition.

The abovereferenced ordinance has been prepared pursuant to City Commission action requesting the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

The State of Florida Department of Community Affairs issued a letter dated May 1, 2006, 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

3/13/06 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

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051001**FLOOD CONTROL DISTRICT PROVISIONS (B)****Ordinance No. 0-06-40; Petition 44TCH-06 PB**

An ordinance of the City of Gainesville, Florida, amending provisions relating to flood control districts, subdivision II, division 3, article VIII, City of Gainesville Land Development Code; adopting the new Alachua County Flood Insurance Study and Flood Insurance Rate Maps; identifying special flood hazard areas within the City; making other amendments necessary for continued eligibility in the Federal Flood Insurance program; making conforming amendments to the provisions of Code relating to relief and enforcement found at division 4, article VIII, City of Gainesville Land Development Code; deleting and repealing obsolete provisions; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing for penalties; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

This petition is part of the overall update of the City's Land Development Regulations. Specifically, these amendments are proposed for the flood control regulations in Division 3 of Article VIII, Subdivision II. Changes to the Flood Control Ordinance are required in order to adopt the new Alachua County Flood Insurance Study and Flood Insurance Rate Maps (FIRMs) that identify special flood hazard areas within the corporate limits of the City of Gainesville. The new Flood Insurance Study and Maps will become effective on June 16, 2006. Other changes are necessary so that the City of Gainesville will remain eligible to participate in the Federal Flood Insurance program.

The Plan Board heard the petition and recommended that it be approved and stated that staff should review the ordinance to make sure it is consistent in that the words "mobile home" are replaced with "manufactured home."

Public notice was published in the Gainesville Sun on April 4, 2006. The Plan Board held a public hearing April 20, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 44TCH-06 PB. Plan Board vote 7-0.

Subsequent to advertisement of this ordinance, the Federal Emergency Management Agency has requested that redundant text in the ordinance be

deleted. This change was made to the text of the ordinance but does not affect the title.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be held on Monday, June 12, 2006.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

3/13/06	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
4/10/06	City Commission	Approved as Recommended (4 - 0 - 3 Absent)
5/22/06	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance) (7 - 0)

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RESOLUTIONS- ROLL CALL REQUIRED

040792

Design Plat and Final Plat - Northwest Business Park Subdivision (B)

Petition 170SUB-04DB, Water & Air Research, Inc., agent for Ronald J. Shema. Design Plat and Final Plat approval of Northwest Business Park, twenty (20) lots on 20.7 acres more or less. Located in the vicinity of Northwest 65th Place and Northwest 16th Street. Zoned: I-1 (Limited Industrial) and AGR (Agriculture).

Explanation: The Development Review Board considered a request to approve a design plat of the Northwest Business Park subdivision at a public hearing held on November 10, 2004. By a vote of 5-0, the Development Review Board approved Petition 170SUB-04DB with attached staff conditions. On December 12, 2004, the City Commission approved Petition 170SUB-04DB, Northwest Business Park, by a vote of 7-0.

During review of the construction drawings for Northwest Business Park by City staff, the one-year approval period for the designed plat lapsed. The petitioner failed to request an extension of time from the City Commission prior to the December 12, 2005 time frame during City staff's review of the construction drawings. On March 8, 2006, the petitioner submitted their application for final plat approval, not realizing that the design plat had lapsed. The petitioner is now requesting that the City Commission reapprove the design plat and concurrently approve the final plat of Petition 170SUB-04DB, Northwest Business Park.

The petitioner is proposing to develop a 20-lot industrial subdivision on 20.7 acres more or less, located immediately east of the Northwest Industrial Park,

in the area of the Gainesville Target Range. The target range and the subdivision property are both owned by the petitioner. The parcel in question is split-zoned, consisting of approximately 16.7 acres of (I-1) Limited Industrial zoned land and approximately four acres of wetlands that are zoned (AGR) Agriculture.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) re-approve the design plat of Petition 170SUB-04DB; 2) approve the final plat of Petition 170SUB-04DB; and 3) adopt resolution number 040792: A Resolution approving the final plat of "Northwest Business Park", located in the vicinity of Northwest 65th Place and Northwest 16th Street; authorizing the City Manager or designee to execute a Surety Agreement to secure the construction of public improvements; providing directions to the Clerk of the Commission; and providing an immediate effective date.

Alternative Recommendation A: The City Commission continue Petition 170SUB-04DB so that the petitioner can take the design plat back to the DRB for their approval.

Alternative Recommendation B: The City Commission deny Petition 170SUB-04DB and associated resolution.

Legislative History

12/13/04 City Commission Approved (Petition), as recommended (7 - 0)

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060089

**Amended Local Housing Assistance Plan-SFY
2005-2006/2006-2007/2007-2008 (B)**

Amendment to the Local Housing Assistance Plan to increase the: 1) maximum SHIP Down payment Assistance Program award and HOME Down Payment Assistance Program award from \$3,500 to \$5,000; 2) maximum income limit for SHIP eligible applicants from 80% of median family income adjusted for family size to 120% of median family income adjusted for family size; and 3) sales price or value of an existing or new dwelling unit that can receive SHIP assistance from \$125,000 to \$200,000, as allowable by the SHIP Program. The maximum sales price or value limit will also apply to applicants receiving assistance from the CDBG or HOME Programs.

Explanation: As housing prices continue to rise much faster than incomes, the housing affordability issue persists throughout the state of Florida. Since its inception, the Down Payment Assistance Program has been one of the City's major

housing assistance programs for income-eligible first-time homebuyers. Although the maximum amount of assistance and sales price limit have remained fairly constant for years, until recently, the number of households assisted by the Down Payment Assistance Program has remained very solid. Recently, the Down Payment Assistance Program experienced a sharp decline in the number of households assisted. Since October 2005, only a few households have requested and received down payment assistance; however, the demand for homebuyer training and pre-application submittals have remained constant. Staff continues to process approximately 30 pre-applications per month to attend the Homebuyer Education and Training workshop. This presents a serious concern which must be addressed as staff examines strategies to increase the program's effectiveness.

As a result, these amendments to the LHAP are being requested due to the substantially increased cost of purchasing a new or existing single family home. If approved, these amendments will assist in providing more affordable homeownership opportunities for very low, low and moderate-income first-time homebuyers. In addition, the City Housing Division and Alachua County Growth Management Department (County) administer a joint partnership to implement the homebuyer education and training component of the Down payment Assistance Program. The County recently approved an amendment of their LHAP with similar program changes. It is anticipated that these program changes will help to facilitate greater participation in the program. The Florida Housing Finance Corporation has conducted a courtesy review of the amendments, and has provided a pre-approval of the program changes to the LHAP.

Fiscal Note: Funds are budgeted in the Housing Division's SHIP Program budget.

RECOMMENDATION

The City Commission: 1) approve the maximum sales price or value of an existing or new dwelling unit to \$200,000; 2) approve the maximum award to \$5,000 as follows: \$3,500 due on sale loan and \$1,500 grant; 3) approve the maximum income limit for eligible SHIP applicants to 120% of median family income adjusted for family size; 4) approve resolution number 060089 amending the City of Gainesville Local Housing Assistance Plan for State Fiscal Years 2005-2006/2006-2007/2007-2008; 5) authorize the City Manager or his designee to execute the required documents and certifications; and 6) authorize submission of the amended plan for review and approval by the Florida Housing Finance Corporation.

Alternative Recommendation A:

The City Commission could choose not to approve the Resolution. This would result in keeping the current LHAP at the maximum: 1) down payment assistance award at \$3,500; 2) income limit for SHIP eligible applicants at 80% of median family income adjusted

for family size; and 3) sales price or value of an existing or new dwelling unit that can receive SHIP assistance at \$125,000.

Alternative Recommendation B: The City Commission could choose to approve an amended LHAP to include any combination of the program changes noted above.

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060074

Florida Food Service, Inc. - Proposed Resolution Extending Construction Commencement Period in applicable Airport Industrial Park Covenants/Restrictions (B)

This item is intended to grant an extension of time to Florida Food Service, Inc. under the existing Declaration of Protective Covenants and Restrictions for the Airport Industrial Park to commence and complete construction of buildings and associated improvements to facilitate the firm's expansion.

Explanation: On September 26, 2005, the City Commission approved an Option and Purchase and Sales agreement for the purchase of 3.51 acres of un-platted property in the Airport Industrial Park to Florida Food Service, Inc. to assist in facilitating their expansion plans. This is in addition to the firm's pending request to exercise a pre-existing Option on a parcel of equal size (Lot 12) located adjacent to the north of their property.

Subsequent to this approval, Florida Food Service, Inc. has asked that it be provided an extension to commencement of construction associated with various facets of its expansion plans. This request is made to the City Commission in the context of the existing protective covenants and restrictions that exist on Airport Industrial Park property.

The proposed Resolution extends time requirements contained in the Airport Industrial Park Declaration of Covenants/Restrictions; stipulates a schedule of construction improvements associated with Florida Food's expansion plans; states that Florida Food Service will not convey the subject properties until such time as improvements are completed; and requires that all normal permitting procedures be followed in bringing the project to fruition. The Resolution is effective upon closing on the subject properties.

Fiscal Note: Upon closing, proceeds from the sale of the subject properties (approximately \$150,000) will be disbursed to the Gainesville Alachua County Regional Airport Authority (GACRAA) per prior agreement between the City of Gainesville and GACRAA.

RECOMMENDATION

The City Commission: 1) hear a brief presentation on the project from staff; and 2) approve the attached Resolution granting an extension of time to Florida Food Services, Inc. to commence and complete construction of a building and associated

improvements on real property in the Airport Industrial Park to facilitate its expansion.

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060079

Resolution for Parking Rates for On-Street and Parking Lot Parking, Southwest Downtown Parking Garage and Restricted Long-Term Off-Street Parking (B)

This item involves a Resolution of the City Commission of the City of Gainesville, Florida; establishing maximum rates for off-street parking, parking meters, parking lots and parking garages in accordance with Chapter 26, Article III, Division 2, City of Gainesville Code of Ordinances; authorizing the City Manager to establish operational criteria for group rate parking; authorizing the City Manager to establish rates up to the maximum rate; providing a repealing clause; providing an immediate effective date.

Explanation: In December 2005, the City Commission established daytime group rates for the parking garage. The intent was to increase daytime usage of the garage by attracting downtown employees. The current group rate is a reduced fee of \$25 per month, restricted to the hours of 7 A.M. to 7 P.M., and excluded special events. To date, no group rate purchases have been made at the garage. Discussions with potential users of the group rates determined that the time restriction on the group rate is a disincentive for its use. To make the group rate more attractive, it is recommended that the City Manager be authorized to (1) establish the monthly fee for group rates, not to exceed \$40 per month, and (2) to establish the operational criteria (minimum number of individuals needed for a group, days of week/hours of day group rate parking is allowed, payment options, etc.) for group rate parking. With this flexibility, the City can respond to market conditions and should be successful in increasing daytime usage at the parking garage.

While researching this item, Public Works and the City Attorney's Office noted that the establishment of a rate for restricted long-term, off-street parking (permit parking) in city parking lots was inadvertently omitted from the Resolution the City Commission approved on November 22, 2004, when the current parking rates were established. To address this, the rates for restricted long-term, off-street parking have been included in the attached Resolution. The maximum rate is \$30 per month. In addition, the current rates for on-street and off-street metered parking have been included in the Resolution for reference.

The establishment of parking rates for all paid parking should be driven by market conditions. This requires the City be able to quickly change parking rates if the need arises. The attached Resolution establishes the maximum parking rates and authorizes the City Manager to set the parking rate at or below the amount listed in the Resolution. This procedure will give the City Manager the authorization and flexibility to adjust parking rates (up to the established maximum) to market conditions.

Fiscal Note: Giving the City Manager the flexibility to respond to market conditions for

establishing parking rates will allow the City to maximize parking revenues. There are no additional expenditures associated with this approach.

RECOMMENDATION

Recommended Motion: 1) The City Commission adopt the proposed Resolution.

Alternative Recommendation A: The City Commission decline the motion to adopt the proposed Resolution; however, the City Commission direct staff to return with an amendment to the existing Resolution(s) enabling the establishment of long-term, off-street parking rates.

Alternative Recommendation B: The City Commission decline the motion to adopt the proposed Resolution.

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PLAN BOARD PETITIONS**DEVELOPMENT REVIEW BOARD PETITIONS****060095****Design Plat Approval for Blues Creek Unit 7 (B)**

Petition 15SUB-06DB (Quasi-Judicial), Alison Fetner, P.E. agent for Blues Creek Development, LT., Design Plat Review for 16 lots on 2.37 Acres. Blues Creek Unit 7. Zoned: PD (Planned Development, Residential), Located in the 4900 Block of N.W. 73rd Avenue, North Side.

Explanation: The City Development Review Board considered a request to approve a design plat consisting of 16 lots for Blues Creek Unit 7, at a public hearing held on March 9, 2006. The Development Review Board approved Petition 15SUB-06DB with staff conditions, by a vote of 5-1. The subdivision is an implementation of an Alachua County approved Planned Development, which was annexed into the City of Gainesville. The lots are created to facilitate development and sale of attached two-story townhouse units. The resulting lots will be accessed via an interior, private driveway, designed within the dedicated common area of the development.

The Development Review Board reviewed the design plat and recommends approval with staff conditions as included in the staff comments.

Fiscal Note: None

RECOMMENDATION

Development Review Board to City Commission: The City Commission approve Petition 15SUB-06 DB, with staff conditions. Development Review Board vote 5-1.

Staff to Development Review Board - The design plat is approvable with conditions.

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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)