

City of Gainesville

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



Meeting Agenda

August 13, 2007

1:00 PM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER

AGENDA STATEMENT

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

070237.

Agreement with Human Services Associates, Inc. (HSA) to Provide Security at the Juvenile Assessment Center (B)

This item requests the City Commission's authorization to enter into an agreement with Human Services Associates, Inc. in the amount of \$90,000 for operational costs of the Gainesville Regional Juvenile Assessment Center.

Explanation: This agreement is to defray the security costs for the operation of the Gainesville Regional Juvenile Assessment Center (JAC) for the period October 1, 2007 through September 30, 2008. Human Services Associates is the sub-contractor for the Florida Department of Juvenile Justice; however, the Department of Juvenile Justice considers the funding of security to be a local issue and will only fund the cost of screening services. The JAC serves twelve counties and is utilized by the Gainesville Police Department as well as a number of regional law enforcement agencies. GPD has utilized this facility to refer or drop off approximately 900 juveniles per year. Funding from the City of Gainesville, the Alachua County Sheriff's Office, and other regional jurisdictions facilitate the 24-hour, 7-day per week security services that enable the JAC to receive clients on an around-the-clock basis.

Fiscal Note: Funding for this agreement is available in the City's FY 08 budget, account #001-810-8170-5210-8100, pending funding availability.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to execute the agreement

with Human Services Associates, Inc., subject to the approval of the City Attorney as to form and legality, and authorize the issuance of a purchase order in an amount not to exceed \$90,000 for this agreement.

Alternative Recommendation A: The City Commission authorize partial funding.

Alternative Recommendation B: The City Commission deny funding.

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070242.

Annexation of Parcel Number 06837-001-000 (B)

This is the submission of petition for voluntary annexation for the above referenced parcel number, which is located in the vicinity of SW 20th Avenue, SW 63rd Boulevard, SW 41st Place and SW 75th Street.

Explanation: The State of Florida, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The property is generally located south of the vicinity of SW 20th Avenue, west of SW 63rd Boulevard and the City limits, north of SW 41st Place and the City Limits and east of the vicinity of SW 75th Street and the City limits. Staff has determined that the petition bears the signature of the property owner or authorized agents. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation. The area is approximately 5 acres.

Fiscal Note: The fiscal impact of this annexation will be addressed in the Urban Services Report.

RECOMMENDATION

The City Commission: 1) receive the petition for annexation; and make findings that it contains the signature of the property owner or authorized agents; 2) direct the City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.

Alternative Recommendation: The City Commission deny acceptance of the petition.

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070243.

Annexation of A Portion of Tax Parcel Numbers 06837-000-000 and 06845-000-000 (B)

This is the submission of petition for voluntary annexation for the above referenced parcel numbers, which are located in the vicinity of SW 20th Avenue, SW 63rd Boulevard, SW 41st Place and SW 75th Street.

Explanation: The City owns vacant property in the vicinity of the GRU Water Reclamation Facility. Part of this property was annexed in May of 2007. An adjoining property has submitted a petition for voluntary annexation, and that now makes these above referenced parcels eligible for incorporation. The property is generally located south of the vicinity of SW 20th Avenue, west of SW 63rd Boulevard and the City limits, north of SW 41st Place and the City limits and east of the vicinity of and the City limits. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation.

In order to annex these parcels into the City limits, the owner must submit a petition to the City of Gainesville for voluntary annexation. As the owner, the Mayor, on behalf of the City, must execute a petition for voluntary annexation.

Fiscal Note: The fiscal impact of this annexation will be addressed in the Urban Services Report.

RECOMMENDATION

The City Commission: 1) authorize the Mayor, as agent for the City, to sign the petition for voluntary annexation; 2) receive the petition for annexation and make findings that it contains the signature of the property owner or authorized agent; 3) direct the City Manager to analyze the area; and 4) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area.

Alternative Recommendation: The City Commission deny acceptance of the petition.

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070244.

Amendments to Vehicles for Hire Ordinance (NB)

This item requests amendments to the "Vehicle for Hire" ordinance which will provide organizational cohesiveness and add clarity as to the ordinance's requirements.

Explanation: The requested amendment will accomplish the following: 1) Make clear that criminal histories are required for owners of the vehicle for hire company as well as the drivers (Sec 28-3); 2) Move language related to medallion registration and placement from a section related to driver permit requirements to an appropriately titled section; 3) Clarify disqualifying criminal offenses; 4) Remove specific amounts for liability insurance requirements and links the amounts to the requirements of Florida's Financial Responsibility Law; and 5) Clarify city manager/designee's inspection rights over the franchise, not just specific vehicles for hire.

The changes are clarifications, not substantive changes and will, if approved, be in place prior to the next Vehicles for Hire registration cycle which begins October 1, 2007.

1) *Sec. 28-3. Application for franchise and franchise owner.
(10) Criminal history report from the Florida Department of Law Enforcement (FDLE) for the owner of the VFH company and each driver;*

2) *Sec. 28-8.5. Vehicle for hire driver permit requirements.
c) Effective October 1, 2007, the VFH driver permit shall be issued in duplicate. One shall be prominently displayed in the vehicle so as to be readily visible to a person of average visual acuity sitting in the rear passenger seat. The duplicate VFH driver permit shall be worn on the exterior garment of the VFH driver for identification purposes when the driver is outside of the VFH while on duty. The medallion granted by the City Manager/designee shall at all times be held and registered with the City in the name of the owner and the privilege of operating the VFH in the city is vested in the owner. The rights, requirements and responsibilities which attach to the medallion remain with the owner so long as the vehicle for hire is operated under the authority of the permit and are unaffected by an agreement, understanding or contractual arrangement between the owner and a for-hire driver, not the owner of the vehicle for hire, who drives the vehicle. The medallion supplied by the City designee shall remain with and be affixed to the issued VFH so long as the vehicle is used as a VFH in the city or until the medallion is surrendered to the city as required. The VFH medallion is to be uniformly placed on the driver's side lower back window. The annual renewal sticker shall be placed directly next to the medallion.*

Italicized language above to be moved to Sec. 28-8 (d) related to medallions;

3) *Sec. 28-8.5. Vehicle for hire driver permit requirements.
(d) Effective October 1, 2007, a VFH driver permit shall not be issued and shall be automatically revoked upon conviction for any violent criminal offense, or any criminal offense referenced in section (e) below;*

4) *Sec. 28-11. Liability insurance required.
Remove language of exact insurance amounts and state ... minimum amounts as provided for under Florida's Financial Responsibility Law, section 324.032, Florida Statutes; and*

5) *Sec. 28-21. Inspection.
The City Manager or designee has the right to conduct an inspection for ordinance compliance during anytime the vehicle for hire franchise is in operation or appears to be in operation.*

Fiscal Note: There is not fiscal impact to the City.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Sections 28-3 Application for franchise and franchise owner (10), 28-8.5 Vehicle for hire driver permit requirements (c and d), 28-11 Liability insurance required, and 28-21 Inspection of Chapter 28 Vehicles for Hire Ordinance.

Alternative Recommendation A: None

Alternative Recommendation B: None

070251.

Second Extension to the Agreement between the City of Gainesville and TransDiesel of Ocala (B)

This item involves a request for the second one-year extension to the Agreement with TransDiesel of Ocala for repair and/or rebuild of medium and heavy-duty Allison transmissions.

Explanation: RTS and the Fleet Management Department currently have an agreement with TransDiesel of Ocala for the repair and rebuild of medium and heavy-duty truck and bus transmissions. Under the terms of the agreement, the City is allowed to extend the agreement for up to two additional one-year periods, subject to funding and written consent of both parties. The second extension will start on October 1, 2007 and expire on September 30, 2008. The vendor has performed well during the second year of the agreement proving to be reliable while providing quality service.

Fiscal Note: The estimated annual expenditure for Allison Transmission repair service is approximately \$95,000 for RTS and \$15,000 for the General Services Fleet Management Program.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Second Extension to the Agreement with TransDiesel of Ocala for the period of October 1, 2007 to September 30, 2008.

Alternative Recommendation: The City Commission decline the authorization for the City Manager to execute the Second Extension to the Agreement with TransDiesel of Ocala and provide staff with specific direction in securing these commodities. This would require selecting another vendor or issuance of a new Invitation to Bid and additional administrative costs.

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070252.

First Extension/Second Amendment to Interlocal Agreement with Alachua County for Solid Waste Disposal (B)

This item involves an agreement between the City of Gainesville (City) and Alachua County (County) for Solid Waste Disposal Services from October 1, 2007 through September 30, 2009.

Explanation: The City-County Interlocal Agreement for Solid Waste Disposal of May 12, 1998, First Amendment dated September 28, 2004, and the Memorandum of Understanding dated November 23, 2004, obligates the City to require its residential solid waste contractor to deliver all acceptable waste, collected

within the City, to the County's designated facilities. The agreement expires September 30, 2007. The County requests that the Interlocal Agreement be extended, at least, until September 30, 2009, when the City's solid waste collection contract expires. The contract allows for renewal of five-year periods. This is the first request for an extension to the contract.

Fiscal Note: Funds in the amount of \$1.3 million annually is available in the Solid Waste Enterprise Fund for the First Extension/Second Amendment.

RECOMMENDATION

The City Commission: 1) approve the First Extension/Second Amendment to the Interlocal Agreement with Alachua County for Solid Waste Disposal; and 2) authorize the City Manager or designee to execute the Agreement.

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070254.

Authorization for the City Manager to Execute Leases (NB)

This item involves authorization for the City Manager to execute leases.

Explanation: The current Real Estate Guidelines do not address approval and authorization for the Manager to execute lease agreements. The necessity of a timely response to prospective tenants suggests that the City Manager should be authorized to execute lease agreements. This authority would be contingent on the lease amount not exceeding \$50,000 annually for the term of the lease, less the taxes associated with the lease. This limit is consistent with the limits set in the City's Purchasing Policy. The normal procedure will be for the City Attorney to review any proposed leases as to form and legality prior to presentation to the City Manager.

Fiscal Note: There are no additional costs associated with this request because the standard pre-approved form lease will continue to be required. Public Works proposes a quarterly summary of rental activity be added to the report submitted to the City Commission for the land rights activities related to acquisition or disposal of property.

RECOMMENDATION

Recommended Motion: The City Commission: 1) amend the Real Estate Guidelines to grant the City Manager authorization to execute lease agreements contingent on any single lease amount not exceeding \$50,000 annually for the term of the lease, less taxes, and subject to approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission deny the request, requiring submittal of lease agreements to the City Commission for approval and authorization for the City Manager to sign, subject to approval by the City Attorney as to form and legality, and possibly delay the rental spaces and the associated income they might generate.

070257.**Non-Ad Valorem Assessment for Waste Alternatives, Environmental Protection programs, and a portion of the Rural Collection Centers Program (B)**

This item involves a request to direct the City Attorney to draft and the Clerk of Commission to advertise an ordinance for Waste Alternatives, Environmental Protection programs and a portion of the Rural Collection Centers Program.

Explanation: On May 12th, 1997, pursuant to a request by Alachua County, the City Commission consented to the inclusion of the City in the municipal service benefit unit for a non-ad valorem special assessment for the costs associated with Alachua County's hazardous waste program, waste alternatives office, and partial cost of the rural collections centers for a period of one year. The City Commission has adopted an ordinance allowing the non-ad valorem assessment for subsequent years since that time. The Alachua County Commission adopted Resolution 06-142 on December 12, 2006 to allow them to continue collecting the county-wide assessment for solid waste management.

Alachua County expects to collect \$571,202.72 from resident (curbside) properties; \$486,101.08 from commercially collected residential properties; and \$315,786.01 from commercial properties for a total of \$1,373,089.81 for FY 08 from properties within the city of Gainesville.

This funding is used to pay for the following programs:

The hazardous waste program which includes the collection, recycling and disposal of household hazardous waste (HHW) and electronic scrap through the Alachua County Hazardous Waste Collection Center located at the Leveda Brown Environmental Park, at the Rural Collection Centers and through periodic mobile HHW collection events throughout the County. In addition, the program provides emergency response for hazardous materials incidents, inspection and monitoring of small quantity (SQG) hazardous waste generators and complaint investigations regarding hazardous materials and wastes. In addition, the program provides, on a fee basis, hazardous waste disposal services for conditionally exempt small quantity generators of hazardous waste. The program also provides appointment-based hazardous waste collection and technical assistance to the County's Division of Waste Management. All activities are countywide and include all municipalities.

The Waste Alternatives program provides public education on source reduction, recycling, composting, household hazardous waste and litter prevention through a variety of learning tools. Waste Alternative Specialists visit schools throughout the County using School Board of Alachua County (SBAC) approved curriculum for students in grades pre-K through 12. Presentations are also provided to civic groups and businesses. This program manages the Alachua Exchange, a free online trading service at www.alachuaexchange.com, sponsors all special recycling events (tire recycling and phonebook recycling) and takes

children's activities to festivals throughout the County. Waste Alternatives also manages recycling of containers for special events. Additionally, there is a mass media public education campaign targeting all businesses and residents in the County. In partnership with the School Board of Alachua County, Waste Alternatives developed Tools for Schools. Tools for Schools is a reusable resource center offering free school supplies and creative learning tools to all SBAC teachers for redistribution to their students. All activities are countywide and include all municipalities.

The Rural Collection Center program provides drop-off sites for residential solid waste, recycling and non-toxic household hazardous waste. The Rural Collection Centers are funded through two sources. Approximately 64 percent of the funds come from the Rural Collection Center assessment (assessed to rural residents of unincorporated Alachua County) and about 36 percent from the Solid Waste Management assessment (assessed to all residents of the County except for rural, unincorporated residents). The percentages are based upon a survey of users of the collection centers to determine what percentage are rural residents as compared to municipal and County mandatory curbside collection residents. These centers are available to residents countywide, including residents of all municipalities.

Fiscal Note: The costs associated with the non-ad valorem assessment have no impact on the City's Solid Waste Enterprise Fund.

RECOMMENDATION

The City Commission direct the City Attorney to draft and the Clerk of the Commission to advertise an ordinance allowing the Board of County Commissioners to assess property owners within the City of Gainesville for the costs of Alachua County's hazardous waste program, waste alternatives office, and partial cost of the rural collections centers, effective October 1, 2007 through September 30, 2009.

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070259.

Ranking and Selection of Consultants to Design and Oversee the Construction of Fire Station #8 (B)

This item involves a request for the City Commission to accept staff's selection of a consultant to design and oversee the construction of fire station #8.

Explanation: The Gainesville Fire Department received approval and funding to construct Fire Station #8. The approximately 9,000 sq. ft. (3) bay station will be located at 4127 NW 34th Street and will be constructed to meet the basic LEED standards. Request for Qualifications were made available with (7) firms responding. After reviewing the responses, the Evaluation Team invited (6) firms to make presentations; with (5) accepting, (3) were local companies. The firms were ranked in the following order:

1) Bentley Architects and Engineers, Inc.

- 2) Starmer Ranaldi Planning and Architecture, Inc.
- 3) Karl Thorne Associates, Inc.

Fiscal Note: Funds in the amount of 2.3 million dollars remain from the 2005 bond issue.

RECOMMENDATION

Recommended Motion: The City Commission: 1) accept the selection of the three most qualified consultants in order of ranking; 2) authorize the City Manager or his designee to initiate contract negotiations with Bentley Architects and Engineers, Inc. for Professional Design Services for Fire Station #8; and 3) authorize the City Manager, upon successful contract negotiations, to execute the contract and any related documents upon approval by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission reject the recommendations and redo the process to have (6) firms make presentations.

Alternative Recommendation B: The City Commission reject the recommendations and use another method to select the firm.

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070260.

Tourist Product Development Interlocal Agreement with Alachua County (B)

This is a request to amend an agreement with Alachua County to administer the new Tourist Product Development Program.

Explanation: In April 2006, the Alachua County Board of County Commissioners approved the Tourist Product Development Program and voted to ask the City to administer the grant funding.

An Inter-local Agreement was approved for a period of three years, to begin retroactively from October 1, 2006 through September 30, 2009, with up to two (2) one-year extensions.

As the administrator, the City would enter into agreements with agencies awarded grants by the Tourist Development Council, review requests for reimbursement, and disburse funds for authorized expenditures on a monthly basis. In addition, the City would create marketing and/or tourist programs with the New Programs/Marketing portion of the funding.

The amendment involves the Funding Formula as stated in Exhibit A, deleting the 5% Contingency and adding 5% to Programming and Events.

Fiscal Note: None to the City

RECOMMENDATION

The City Commission authorize the City Manager or

designee to sign the amended Interlocal Agreement on behalf of the City.

Alternative Recommendation A: The City Commission reject the amendment to the Interlocal Agreement and request that the City Manager to renegotiate.

Alternative Recommendation B: The City Commission reject the amendment to the Interlocal Agreement.

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070262.

Contract for Federal Lobbying Services (B)

Explanation: The City of Gainesville originally entered in a contract with Marilyn Berry Thompson through the law firm of Jorden Burt et.al. to provide federal lobbying services and related government liaison services in April 1992. Through the years, the contract has been renewed and currently involves both General Government as well as utility lobbying services. The last one-year contract extension, for which the City Commission waived the Purchasing rules, was approved in August 2004 and is scheduled to end September 30, 2007.

City staff is pleased with the services provided by Marilyn Berry Thompson (MBT) and her staff. Through the fifteen years of the contract, the City of Gainesville has secured over \$53 million in incremental federal support up to and through the FY 2007 Congressional appropriations and grant cycle. Staff is recommending a new three-year contract. The current annual fee for General Government's portion of the contract is \$105,000 and GRU's portion is \$30,000.

Fiscal Note: Staff is proposing the City contract with JordenBurt for three years, FY 08 to FY 10. The fee for General Government for FY 08 will increase to \$110,000. The fee for General Government for FY 08 & FY 10 is proposed to increase by \$5,000 annually, resulting in a General Government fee of \$115,000 for FY 09 and \$120,000 for FY 10. The fee for Gainesville Regional Utilities (GRU) will remain the same at \$30,000 annually. MBT will continue to pay all expenses without reimbursement. Also, staff is recommending that the professional services by Marilyn Berry Thompson be considered as a specified source or non-competitive contract under the City's Purchasing Policies for the following reasons:

- * Extensive history with the City of Gainesville, requiring a new vendor an extensive learning curve relating to past legislative initiatives.*
- * Established relationships with existing elected officials and staff involved in legislative processes are already in place.*
- * Established track record and knowledge of the Washington legislative process, which has led to successful outcomes for the City of Gainesville.*
- * Firm's current activities is handling certain existing initiatives for the City of Gainesville and in researching new ones already authorized by staff and the City Commission. Such ongoing work could be adversely impacted if a change in vendors were to be made at this time.*

RECOMMENDATION

The City Commission authorize the City Manager and the General Manager for Utilities to enter into a contract for fiscal years 2008-2010 with Marilyn Berry Thompson to provide professional federal legislative lobbying and related government liaison grant services through the law firm of Jordan, Burt, Boros, Cicchetti, Berenson & Johnson at a fee of \$110,000 for FY 08, \$115,000 for FY 09, and \$120,000 for FY 10 for General Government's portion of the services and \$30,000 annually for Gainesville Regional Utility's portion of the services.

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070266.**Consultants to Provide the Design and Engineering Services for Phase II of the GPD Facility Expansion (B)**

This is a request for the City Commission to authorize the City Manager to execute the contract for phase II of the GPD facility expansion.

Explanation: Approximately two years ago, the City Commission gave the City Manager approval to negotiate a contract with the recommended architectural firm, and authorized him to execute the contract, to design and oversee the construction of the GPD facility expansion. Phase I, of 3 phases, the renovation of the Walker Furniture Building, is almost completed. Staff is now in the beginning stage of Phase II, the design and engineering of the Training Center. The 2-story, 18,500 sq. ft. structure will be located to the southeast of the renovated Walker Building and will be constructed to meet the Leadership in Energy and Environmental Design (LEED) certification. Architects Design Group, Inc. (ADG, Inc.) who was hired to provide the Architectural and Engineering services for all three phases of the expansion project has provided staff with the projected fees for Phase II.

Fiscal Note: \$5.9 million is available in the Law Enforcement Forfeiture Fund.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager or his designee to execute a contract with ADG, Inc. in the amount of \$703,497 (i.e. a project fee of \$639,543 and 10% contingency.)

Alternative Recommendation A: The City Commission instruct staff to conduct another RFP process to hire a different Consulting firm and incur additional construction costs for the delay in the process.

Alternative Recommendation B: The City Commission change the scope of work to include the overseeing of the construction and risk additional project fees.

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070272.**Contract Amendment to the Florida Department of Corrections (B)**

This item involves a request for the City Commission to authorize Amendment #1 to the contract between the Florida Department of Corrections and the City of Gainesville to provide for the use of inmate labor and supervision for city work projects.

Explanation: The Department of Parks, Recreation and Cultural Affairs entered into a contract agreement with the Florida Department of Corrections from November 22, 2006 through November 21, 2007. The major work focus of the inmate crew is litter removal along city roadsides, parks and other public areas; as well as helping with special projects that occur from time to time. The Contract Amendment is in the amount of \$55,777 renewing the Contract for one year. Staff is requesting the contract amendment because there are no more available extensions.

Fiscal Note: Funds in the amount of \$55,777 are currently allocated in the Parks Division general operating fund.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager or designee to approve the amendment to the contract with the Florida Department of Corrections.

Alternative Recommendation A: The City Commission deny this request

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070273.**2006 Homeland Security Issue 21 Grant (NB)**

This item requests City Commission authorization for the Gainesville Police Department to accept the Department of Homeland Security Issue 21 Grant from the Division of Emergency Management

Explanation: On September 22, 2006, the City of Gainesville received notification from the Division of Emergency Management that it would be receiving \$39,938 in grant funds toward the "Enhancement for Regional All Discipline Project Build Out." The Division of Emergency Management received these grant funds from the State of Florida, and has the authority to subgrant these funds to the City of Gainesville. The City of Gainesville is eligible to receive these grant funds as a result of the Gainesville Police Department's participation in the Regional Domestic Security Task Force. The funds will be used to purchase equipment for the Gainesville Police Department's Aviation Unit and Special Weapons and Tactics Team. The equipment we would like to acquire is a digital video recorder, monitor, panel monitor mount, and Level B Suits with a Self-Contained Breathing Apparatus - SCBAs.

Fiscal Note: The grant award the City of Gainesville will receive is \$39,938. There are no matching funds required for this grant.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to: 1) accept the 2006 Homeland Security Issue 21 Grant; and 2) execute any other necessary documents, pending review by the City Attorney as to form and legality.

070274.**Edward Byrne Memorial Discretionary Grant Application (NB)**

This item requests City Commission authorization for the Gainesville Police Department to pursue a grant from the U.S. Department of Justice, Bureau of Justice Assistance for a comprehensive DUI project.

Explanation: The U.S. Department of Justice, Bureau of Justice Assistance announced the FY2007 Edward Byrne Memorial Discretionary Grants Program. The City of Gainesville is eligible to receive funding under this program and submitted an application on June 25, 2007. The project included overtime details to conduct DUI Checkpoints, Saturation Patrols, and Preventing Underage Beverage Service (PUBS) Details in bars and restaurants to enforce underage-drinking violations. The Gainesville Police Department (GPD) will provide refresher and advanced DUI investigation training and portable breath tester certification training for officers. The project includes purchasing digital, in-car video cameras and portable breath testers to substantiate DUI investigations and enforce .02 violations on underage drivers who have been drinking. GPD will participate in Spring Break Safety Fairs to provide prevention/education information to students before they go on Spring Break. GPD will also provide DUI Educational Workshops through the School Board of Alachua County and to other organizations that serve at-risk youth. To further public awareness, GPD will produce a special episode of "Police Beat" dedicated to STOP! Drunk Driving. A public awareness campaign will be employed in local media including radio, newspaper, television, student yearbooks and school newspapers.

Fiscal Note: The project total is \$119,905.71. A match is not required under this program, but a voluntary match is encouraged as a part of this competitive process. GPD will allocate a \$25,000 cash match to be competitive with other agencies applying. Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and are allowable per Federal 21 U.S.C. & 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Enforcement Agencies." The current balance in the Federal Law Enforcement Contraband Forfeiture Trust Fund is \$1,474,867.51. The project period for awards under this program is up to twelve (12) months.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to: 1) apply to the U.S. Department of Justice, Bureau of Justice Assistance for the grant in the amount of \$119,905.71; and if awarded, 2) appropriate \$25,000 from the Federal Law Enforcement Contraband Trust Fund for the competitive match; 3) accept the \$119,905.71 in grant

funds; and 4) execute any other necessary documents, pending review by the City Attorney as to form and legality.

070301. Review of Federal Flag Code (NB)

Explanation: City of Gainesville staff received a citizen request on behalf of the Gainesville, Florida chapter of Veterans For Peace to review United States House of Representatives HR 692, titled, "Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007." This legislation passed both the House and the Senate and was signed into law by the President on June 29, 2007 and became Public Law No: 110-41. This law allows Governor Charlie Crist to authorize the lowering of the United States Flag to half-staff in the event of the death of a member of the Armed Forces from the State of Florida who dies while serving in active duty.

Veterans For Peace has requested that the City of Gainesville act in coordination with the protocol included in the aforementioned legislation and fly the American Flag at half-staff in the instance Governor Crist issues a proclamation to do so, which is made allowable by the Flag Code Amendment Act of 2007. The City of Gainesville currently complies with all proclamations issued by the Governor requiring the lowering of the flag to half-staff.

Fiscal Note: None

RECOMMENDATION

The City Commission direct staff to review Federal law relating to the display of the United States Flag and the Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007 per the citizen request.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

070269.

John Wyley Ritch vs. City of Gainesville; Eighth Judicial Circuit, Court Case No. 01-2007-CA-2911 (B)

Explanation: On July 18, 2007, the City was served with a Summons and Complaint filed by Attorney Gregg Alan Anderson on behalf of John Wyley Ritch in the Circuit Court. Mr. Ritch alleges that the Gainesville Police Department falsely arrested him, committed assault and battery against him and used excessive force. Mr. Ritch seeks money damages and attorney's fees.

RECOMMENDATION

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville in the

case John Wyley Ritch vs. City of Gainesville; Eighth Judicial Circuit, Court Case No. 01-2007-CA-2911

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

070264.

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of July 10, 2007, July 11, 2007, July 16, 2007, July 17, 2007, July 19, 2007 (Special Meetings); July 23, 2007 (Regular Meeting); and July 26, 2007 (Special Meeting); as circulated.

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070288.

Advisory Board/Committee Appointment to the Citizens Advisory Committee for Community Development (NB)

RECOMMENDATION

The City Commission appoint to the Citizens Advisory Committee for Community Development for vacancy to expire November 1, 2008.

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

070289.

Advisory Board/Committee Appointments to the Development Review Board (NB)

RECOMMENDATION

The City Commission appoint for term to expire November 1, 2009 and for term to expire November 1, 2010 to the Development Review Board.

*Commissioner Braddy:
Commissioner Bryant:*

*Commissioner Donovan:
Commissioner Henry:
Commissioner Lowe:
Commissioner Mastrodicasa:
Mayor Hanrahan:*

070290.**Advisory Board/Committee Appointments to the Gainesville Energy Advisory Committee (NB)****RECOMMENDATION**

The City Commission appoint and to the Gainesville Energy Advisory Committee for terms to expire September 30, 2010.

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

070291.**Advisory Board/Committee Appointments to the Gainesville/Alachua County Cultural Affairs Board (NB)****RECOMMENDATION**

The City Commission appoint , , and reappoint , to the Gainesville/Alachua County Cultural Affairs Board for terms to expire September 30, 2010.

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

070292.**Advisory Board/Committee Appointments to the Gainesville/Alachua County Regional Airport Authority (NB)****RECOMMENDATION**

The City Commission appoint , , and , to the Gainesville/Alachua County Regional Airport Authority for terms to expire July 31, 2010.

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

070294.**Advisory Board/Committee Appointment to the Historic Preservation Board (NB)****RECOMMENDATION**

The City Commission appoint , , and , to the Historic Preservation Board for terms to expire November 1, 2008 and November 1, 2009.

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

070295.**Advisory Board/Committee Appointment to the Nature Centers Commission (NB)****RECOMMENDATION**

The City Commission appoint , and , to the Nature Centers Commission for terms to expire November 1, 2009.

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

070296.**Advisory Board/Committee Appointment to the Pension Review Committee (NB)****RECOMMENDATION**

The City Commission appoint , to the Pension Review Committee for a term to expire July 2012.

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

070297.**Advisory Board/Committee Appointment to the Regional Transit System
Advisory Board (NB)****RECOMMENDATION**

The City Commission appoint _____, to the Regional Transit System Advisory Board for a term to expire June 1, 2009.

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

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**070267.****Equal Opportunity Plan to Address Race and Socio-economic Issues Within
the Gainesville Community (B)**

Explanation: The Office of Equal Opportunity provided information on the programs and services offered by other human rights agencies in the State of Florida at a special City Commission Meeting on June 4, 2007. That information indicated that most of the agencies only offer core equal opportunity services and also that the City of Gainesville's program is more comprehensive than most, particularly with our focus on the external community. Most of the other agencies only address the concerns of employees of their local governments. "Promising Practices" related to equity and inclusions as identified by the National League of Cities (NLC) were also discussed. The City Commission then directed equal opportunity staff to: 1) work to identify areas of inequity with the City of Gainesville; 2) identify best practices as it relates to those inequities; and 3) develop a plan based on those best practices to the address them. Staff has developed the following plan while taking into consideration budget constraints:

(1) Staff concluded that any discussion of inequities within our community must have and begin with a race component. After conducting a community-wide Race Summit last September, Phase I of a "Dismantling Racism" process was

- initiated in July 2007. The process is designed to increase awareness of institutional racism and then to develop action plans to eliminate it.
- (2) Implementation of a long-term equity indicators process that includes citizen involvement, such as, the Baltimore Indicators Alliance will be investigated. Considering potential budget implications, staff will simultaneously work to identify indicators concerning education, crime/law enforcement/justice, income/wealth/employment, and housing that may be readily available in anticipation of City leadership using them to generate action in the near term.
- (3) City Commission and key administrators form partnerships with government, business, and citizen groups and engage the community in an on-going dialogue to address our multi-dimensional discrimination and socio-economic issues.
- (4) Join the NLC's "Partnership for Working Toward Inclusive Communities." We have initiated the process through a proclamation that reaffirms the city's commitment to inclusion. Active efforts to achieve that goal will be communicated to the NLC for national recognition.
- (5) Staff will investigate the fiscal feasibility of initiating a poverty reduction simulation initiative, such as, Savannah, Georgia's "Welcome to the State of Poverty." This initiative could serve as an educational tool to sensitize people in the community to the obstacles that low-income families face on a daily basis.
- (6) Commissioner Donovan and the Equal Opportunity Director will attend the NLC's "National Summit on Your Families" to learn about strategies for making communities better for families to live and how those strategies are generating results.

Fiscal Note: Funding sources for Phases II through VI of the "Dismantling Racism" process is a discussion item at the Equal Opportunity Committee. The fiscal impact of potentially implementing the "Baltimore Indicators Alliance" and "Welcome to the State of Poverty" will be determined as more information is gathered. There is little or no fiscal impact in forming community partnerships or joining the "Partnership for Working Toward Inclusive Communities." Funding for attendance at the "National Summit on Your Families" is included in the current year's budget.

RECOMMENDATION

The City Commission approve the plan that has been developed to address race and socio-economic issues within the Gainesville community.

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COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

070247.

Addition of Two Assistant Operations Managers in the Public Works Department (B)

Two Assistant Operations Managers are needed to increase managerial performances to enhance operational activities within the Public Works Department.

Explanation: As a part of restructuring the Public Works Operations Division, a job audit reports that the existing organizational hierarchy needed to be reorganized. The proposed additions will enable the department to perform more efficiently. The job duties of the proposed Assistant Operations Manager encompass assisting the Operations Manager and functioning on a managerial level to provide continual operational enhancements within the department.

Fiscal Note: This reorganization results in no additional FTE's. The net cost of adding these positions is approximately \$10,000 and is covered in the FY2007 budget. In FY2008, this restructuring of Public Works provides savings to the General Fund of approximately \$189,000.

RECOMMENDATION

The City Commission approve adding two new positions of Assistant Operations Manager, Pay Grade M7, and adding this position to the Occupational Index.

Legislative History

7/24/07 Personnel and Approved as Recommended
 Organizational
 Structure
 Committee

070247_200708131300.pdf

070248.

Adding an Assistant Public Works Director position in the Public Works Department (B)

An Assistant Public Works Director is needed to provide increased managerial oversight associated with the day-to-day operations of the Engineering, Operations, Solid Waste and Traffic Operations Division of the Public Works Department.

Explanation: The Assistant Public Works Director position will handle the majority of the day-to-day operational and coordination activities within the department as well as improved coordination and management of capital projects. This addition will allow the Public Works Director to focus attention to planning, addressing the more strategic and longer-term issues facing the department and provide continued improvement in department functions and processes.

Fiscal Note: Due to the retirement of the Transportation Services Manager and the deletion of that position, there is no fiscal impact associated with this position. This reorganization results in no additional FTE's. In FY2008, this restructuring of Public Works provides savings to the General Fund of approximately \$189,000.

RECOMMENDATION

The City Commission approve adding an Assistant Public Works Director, Pay Grade M13, and adding this position to the Occupational Index.

Legislative History

7/24/07 Personnel and Approved as Recommended
 Organizational
 Structure
 Committee
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070249.**Adding a Transportation Planning Manager position in the Public Works Department (B)**

The Transportation Planning Manager will provide increased focus in the analytical evaluation of the performance measuring system and evaluation of service deliveries of the department as well as responsibility for long range transportation planning activities of the department.

Explanation: The Transportation Planning Manager will provide the analytical evaluation of the performance measuring and management of all areas of the department as well as development of the tools and procedures for long range transportation planning. The addition will allow the Public Works Director to focus attention to planning, addressing the more strategic and longer-term issues facing the department and provide continued improvement in department functions and processes.

Fiscal Note: This reorganization results in no additional FTE's. In FY2008, this restructuring of Public Works provides savings to the General Fund of approximately \$189,000. There is no fiscal impact associated with this position.

RECOMMENDATION

The City Commission approve adding a Transportation Planning Manager, Pay Grade M7, and adding this position to the Occupational Index.

Legislative History

7/24/07 Personnel and Approved as Recommended
 Organizational
 Structure
 Committee
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COMMUNITY DEVELOPMENT COMMITTEE, CONSENT**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION**

CITY MANAGER**070275.****Proposed Lease for the One-Stop Assistance Center for the Homeless at 3335 N. Main Terrace (B)**

On April 13, 2006, at a joint meeting of the City and County Commissions, funding was approved for a One-Stop Assistance Center for the Homeless. On March 26, 2007, the City Commission selected the site at 3335 N. Main Terrace for the One-Stop Assistance Center for the Homeless. The proposed lease for the property is presented for consideration by the City Commission.

Explanation: On April 13, 2006, at a joint meeting of the City and County Commissions, funding was approved for a One-Stop Assistance Center for Homeless. This facility was one of the goals established in GRACE, the Gainesville/Alachua County 10-Year Plan to End Homelessness, to ensure coordination of services for homeless persons.

On January 29, 2007, at a joint meeting of the City and County Commissions, GRACE Marketplace, a collaborative of local service providers, was approved to provide services at the One-Stop Assistance Center for the Homeless, based on their response to a Request for Proposals from the Alachua County Housing Authority and the Office on Homelessness.

On March 26, 2007, the City Commission selected the site at 3335 N. Main Terrace for the One-Stop Assistance Center for the Homeless.

The terms of the proposed lease were negotiated with the owner, who has executed all documents. The lease terms are summarized below:

*Property:
3335 N. Main Terrace*

*Description:
2 warehouse buildings, with office area, totaling 17,000 square feet on approximately .93 Acres; Zoned I-2*

*Landlord/Owner:
Rajae & Pourzadeh, LLC*

*Proposed Use:
One-Stop Assistance Center for the Homeless providing basic services, such as meal distribution to the needy, shower and laundry facilities, as well as social services, including, but not limited to, case management, information and referral, job training, counseling, and medical services.*

*Initial Term:
May 1, 2008 - April 30, 2011 *
If rezoning is accomplished prior to May 1, 2008, the City may occupy the

property after January 1, with 15 days notices, without incurring additional charges.

Renewal Terms:

Two three-year renewals

Rent for renewals will be based on the average CPI increase over the previous 3-year period.

Rent:

Triple Net Lease - tenant pays rent, real estate taxes, utilities, insurance and maintenance

\$72,000 per year (Advertised @ \$81,600 per year), i.e., \$6,000 per month or \$4.23 per square foot.

Real estate taxes are currently \$9,936 per year (\$828 per month); paid by the City to Property Appraiser.

\$81,936 total annual rent and estimated real estate taxes.

Deposit:

\$24,000 Non-Refundable; Deposit applied to rent.

Cancellation:

City may cancel any time prior to May 1, 2008 for any reason.

Maintenance & Improvements:

All maintenance and improvements are the responsibility of the City. Through annual appropriations of \$50,000 from CDBG funding, the City will have \$150,000 (as of FY 08) for improvements.

Required, exterior and service improvements are listed on Attachment A of the agenda item and total an estimated \$238,567. Of these improvements, required and exterior improvements total \$130,700. Service improvements, including construction of a day room, showers, laundry connections and additional bathrooms, total \$107,867. No improvements will be initiated until rezoning of the property has been approved.

Utilities:

City responsibility

Option to Purchase:

Provides an option to purchase which can be exercised at any time during the term of the lease. Purchase price during initial term is \$895,000. Purchase price in subsequent renewal terms is based on appraised value.

Fiscal Note: *Funding for operating expenses of the One-Stop Assistance Center has been budgeted. The operating budget, established in 2006, included an annual lease amount of \$67,000. The annual rent in this lease, including real estate taxes, exceeds that budget by \$14,936 per year.*

The Office on Homelessness, which will be responsible for the contract for services at the One-Stop Assistance Center, is currently negotiating with GRACE Marketplace. At the time of contract approval by the City and County

Commissions, the contract amount with GRACE Marketplace could be reduced by \$14,936 or additional funding could be provided to prevent this reduction.

As noted, \$150,000 in CDBG funding has been set aside for capital improvements for the One-Stop Assistance Center. That funding is sufficient for both the required and exterior improvements to the property. The service improvements are necessary to provide basic services that have always been envisioned at the One-Stop Assistance Center for the Homeless. To complete the service improvements, additional one-time funding is available from two sources. Approximately \$70,000 in non-programmed CDBG funding that has been returned from a former sub-recipient agency can be reallocated for capital improvements at the One-Stop Assistance Center. In addition, general revenue funding for the operation of the One-Stop Assistance Center, originally anticipated to open in January 2008, can be utilized if needed.

RECOMMENDATION

Recommended Motion

Approve the Lease Agreement and Option to Purchase between the City of Gainesville and Rajae & Pourzadeh, LLC for 3335 N. Main Terrace for the One-Stop Assistance Center for the Homeless, in substantially the same form as attached.

Approve reallocation of non-programmed CDBG funding in the amount of \$70,000 for capital improvements at the One-Stop Assistance Center. Approve use of general revenue funding that will not be needed for FY 07/08 operating expenses for the One-Stop Assistance Center for capital improvements if needed.

Alternative Motion

Do not approve the Lease Agreement and Option to Purchase between the City of Gainesville and Rajae & Pourzadeh, LLC for 3335 N. Main Terrace.

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070231.

Homeless Encampments (B)

This item involves a presentation to the City Commission regarding the homeless encampments on City and private property located south of Depot Avenue and east of Main Street.

Explanation: As indicated in the City Manager's memo of May 30, City staff has been conducting an investigation of a large number of homeless encampments that are located approximately one-half mile south of the downtown business district. Frequently referred to as "tent city", the encampments exist on both private and City property, east of Main Street, west of Williston Road, north of SE 16th

Avenue and south of the Rails to Trails and SE 10th Avenue. The investigation included inspection of the properties and collection of data and information related to existing conditions and public health and safety concerns, as well as research related to strategies utilized by other jurisdictions.

Although the property is subject to change on a daily basis, the investigation identified the following information:

-The site of the encampments consists of approximately 50 acres of private property, involving six landowners, and approximately 50 acres of City-owned property.

-There appear to be an estimated 80 campsites on the site, approximately 33% of which are on the City-owned property.

-There are at least 16 major dump sites located throughout the site.

-There are no electric, water, wastewater or solid waste services to the site.

-None of the properties encompassing the site are zoned to allow camping. Such activity is a violation of the City's zoning and land use regulations.

-Existing conditions are a violation of the City's Nuisance ordinance regarding hazardous and/or perilous lands which are lands where conditions exist that are dangerous to the health, welfare or safety of the public and/or occupants of the land.

Public health and safety concerns have been identified, including, but not limited to:

-Illegal and unsanitary disposal of human waste.

-Sweetwater Branch, which is used for bathing and other personal activities, routinely has fecal coliform levels above public health standards.

-Illegal dumping of solid waste occurs, including approximately three tons of trash which were removed in the April volunteer clean-up.

-The City-owned property is the site of a former landfill and composting facility.

-Campfires are utilized for cooking, and light and warmth at night, including during the recent Alachua County burn ban, and without a City permit.

-Gainesville Police Department (GPD) has identified 27 serious offenders with a combined total of more than 610 felonies and misdemeanors who reside on the site.

-The site has been identified by the Violent Crime Task Force as a location for serious offenses, including murder, assault and battery, sexual assault and burglary and arson. Theft from area businesses and homes has been documented. There is also significant drug use and prostitution.

-The site is difficult for public safety vehicles and staff to access and patrol due to the size, terrain, thick woods and underbrush, lack of vehicular access and absence of any lighting at night.

As part of the investigation, staff obtained feedback and information on homeless encampments through a variety of sources, including local service providers, the Office on Homelessness, and the US Interagency Council on Homelessness. In addition, conference calls were held with representatives from Tacoma, Washington and the Florida Keys Outreach Coalition, both of which were recommended by the US Interagency Council on Homelessness as having effectively addressed the issue of homeless encampments in their communities.

Staff then identified critical criteria for a recommended solution:

*-The plan must be feasible for the City to implement.
A plan which relies solely on the generosity or volunteer efforts of others, or requires the City to violate its own ordinances is not recommended due to the public health and safety concerns identified at this site.*

*-The plan must be financially feasible.
Given the City's current budget reductions, the pending Constitutional Amendment on property tax reform, and the commitment to fund the One-Stop Assistance Center for the Homeless, a plan which relies on a significant commitment of new and/or ongoing funding may not be feasible.*

*-The plan should balance the multiple public interests and needs.
As with many public issues, there are multiple citizen groups that are impacted, directly and indirectly, by the homeless encampments. A feasible solution should not overly burden or exclude a particular group.*

*-The plan must take into account the rights of individuals affected by the plan.
Therefore, City staff has worked closely with the City Attorney's office.*

Based on the above, City staff will present a plan to address the homeless encampments on City and private property (Option #1). An alternative is presented (Option #2) which refers the issue of the homeless encampments on this property, including the public health and safety concerns, to the Office on Homelessness for evaluation and recommendations to the City Commission. Both options recommend a referral to the Office on Homelessness be made to evaluate and address the need for emergency shelter.

Option #1

Option #1 includes the following components to address the homeless encampments on City property:

-The City would reserve 12 beds at Salvation Army and St. Francis House at \$100 per week per bed. The weekly cost for each bed includes client access to the services of both agencies, including assessment, case management, meals, etc.

-Phased removal of encampments on City property would be based on available

reserved beds at St. Francis House and Salvation Army.

-The City would provide immediate notice of the plan to the encampments via GPD officers, the City's Security-Services team and others.

-By phase, a 5-day notice to vacate and remove personal property would be provided, to include issuance of trespass warnings and shelter voucher.

-Staff would be present to assist with access to shelter and other services.

-There would be no disposal of personal items from City property for 90 days.

-The City property would be secured, fenced and cleaned.

Option #1 includes utilizing voluntary no trespassing procedures by owners and/or Notices of Violations by Code Enforcement to address encampments on private property.

In addition, it is recommended that the City Commission refer the issue of the need for additional emergency shelter to the Office on Homelessness for evaluation and recommendations. These recommendations, which should include cost analysis, implementation feasibility and timelines and evaluation of pros/cons for proposed solutions, should be provided in a presentation to the City Commission.

Option #2

This option would postpone action on the removal of encampments from City or private property pending an evaluation and recommendations by the Office on Homelessness. The recommendations must address the public health and safety issues at this site. Proposed solutions should include cost analysis, implementation feasibility and timelines and presentation of pros/cons. Due to the public health and safety concerns, the recommendations should be presented to the City Commission in a timely manner, by a specific target date.

This option also includes the recommendation that the City Commission refer the issue of the need for additional emergency shelter to the Office on Homelessness for evaluation and recommendations. These recommendations, which should include cost analysis, implementation feasibility and timelines and evaluation of pros/cons for proposed solutions, could be provided in a presentation to the City Commission at a later date.

***Fiscal Note:** Salvation Army and St. Francis House have agreed to reserve 12 shelter beds at a cost of \$100 per week per bed. This cost includes all shelter services, such as assessment, case management, meals, and other needed services and referrals. Additional funding, up to \$20,000, is requested for these services. In addition, funding in the amount of \$75,000 for fencing the City property is required. All funding will utilize existing resources.*

RECOMMENDATION

Recommended Motion:

As Presented by City Staff, approve Option #1 for phased removal of homeless encampments on City property; Use of voluntary trespass warnings and/or

Notices of Violations for homeless encampments on private property; Approval of up to \$20,000 for Salvation Army and St. Francis House to provide emergency shelter services and \$75,000 for fencing City property using existing available funding; Refer the issue of additional emergency shelter needs to the Office on Homelessness for evaluation and presentation to the City Commission.

OR

As presented by City Staff, approve Option #2 to postpone removal of homeless encampments from City and private property; Refer the issue of homeless encampments and the public health and safety issues at the site to the Office on Homelessness for evaluation and presentation to the City Commission by the target date; Refer the issue of additional emergency shelter needs to the Office on Homelessness for evaluation and presentation to the City Commission.

Legislative History

7/23/07 City Commission Striken From the Agenda

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GENERAL MANAGER FOR UTILITIES

070278.

Customer Information System Support Services (B)

Staff recommends amending the contract with Deloitte Consulting LLP for additional SAP applications support services for the recently implemented Customer Information System (CIS).

Explanation: On August 22, 2005, the City Commission approved a contract with Deloitte to implement a new CIS based on an SAP software solution. The system was successfully implemented in April 2007. While great progress has been made to integrate GRU business processes, provide training to over 250 users, complete monthly billings and respond to many customer inquiries, we are still experiencing technical and functional issues that must be addressed in a timely manner. Some of these items are covered under the existing contract with Deloitte, which is due to expire at the end of August, but others are not covered under the existing contract. These items include things like system enhancements and change requests that will help us improve customer service and billing capabilities. For example when we cancel a bill and issue a new bill, the calculation which displays on an itemized bill is confusing to the customer. This has resulted in many calls to our customer service office and we would like to correct these type issues to help improve customer service. These type corrections require software changes and our internal IT staff is not yet experienced enough with SAP to make these changes without assistance from Deloitte Staff is recommending that an additional statement of work be

negotiated with Deloitte to help make these necessary changes, provide additional training and ensure that we are fully able to support the new system.

Fiscal Note: Funds for these services are available in the FY 2007 and FY 2008 O&M budget.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or her designee, to negotiate and execute an amendment to the contract with Deloitte Consulting LLP (Deloitte) for support services for the newly implemented CIS, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a new purchase order to Deloitte in an amount not to exceed \$855,000 for additional support services (new not to exceed amount of \$5,955,000 to the previously approved agenda item dated August 22, 2005) subject to final approval of funds for these services.

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CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

EQUAL OPPORTUNITY COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

070276.

Florida Renewable RC&D Council, Inc. (B)

RECOMMENDATION

The City Commission hear a presentation.

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MEMBERS OF THE CITY COMMISSION

070277.

Commissioner Jeanna Mastrodicasa - Rev. Aaron Young Avenue (NB)

RECOMMENDATION

The City Commission dual-name NW 5th Avenue as

Rev. Aaron Young Avenue and authorize drafting a resolution for the August 27, 2007 agenda.

070282. Commissioner Rick Bryant - Swimming Pools Service Contract (NB)

RECOMMENDATION

The City Commission hear a presentation and refer to appropriate committee.

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

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

PUBLIC HEARINGS

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

070130.

URBAN SERVICES REPORT-TOWNHOMES AT WESTWOOD, L.L.C. & T. LANE PROPERTIES (B)

Ordinance No. 0-07-56

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcels 06687-000-000, 06687-003-000, 06687-005-000, 06687-006-000, 06687-007-000, and 06686-000-000, generally located south of the vicinity of SW 20th Avenue, west of SW 43RD Street, north of SW 24th Avenue, and east of the City Limits and the vicinity of Interstate 75; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

Explanation: The Alachua County Boundary Adjustment Act requires a municipality to

prepare and adopt by nonemergency ordinance a report setting forth plans to provide urban services to any reserve area to be annexed prior to commencing the annexation procedures under the Act.

The report must generally include the following information:

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

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

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

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

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

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

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

If adopted on first reading, this ordinance shall be heard on second reading on August 27, 2007. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.

070130 1ST Reading: 8/13/07
2nd Reading: 8/27/07

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

6/25/07 City Commission Approved as Recommended (5 - 0 - 2 Absent)

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070133.**CIVIL CITATIONS - INCREASE IN FEES (B)****Ordinance No. 0-07-54**

An ordinance of the City of Gainesville, Florida, amending Chapter 2, Division VI, Section 2-339 of the Gainesville Code of Ordinances by adding section 30-57(a)(3) dealing with over-occupancy to the list of violations which are subject to civil citations, and increasing the penalty for violation of certain other offenses, as specifically enumerated in this ordinance; providing for directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting on June 25, 2007, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance increasing the civil citation fees. Should the City Commission adopt this ordinance on first reading, second and final hearing will be held on August 27, 2007.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

6/25/07 City Commission Approved as Recommended (5 - 0 - 2 Absent)

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061129.**2008 CITY COMMISSION ELECTION AND RUN-OFF DATES (B)****Ordinance No. 0-07-57**

An ordinance of the City of Gainesville, Florida, setting January 29, 2008 as the date for the 2008 regular city election and February 19, 2008 as the date for the 2008 run-off election, if necessary; setting the dates for qualifying for the 2008 regular election; providing a severability clause; providing a preemption clause; and providing an immediate effective date (B)

Explanation: The City Commission authorized the City Attorney's Office to draft an ordinance setting the 2008 regular city election and run-off election dates. After taking into consideration recent amendments to Florida Statutes changing the date of the Florida Presidential Preference Primary for 2008 and requiring a 14-day qualifying period for municipal elections whose dates are changed to be concurrent with the statewide primary, and after conferring with the Alachua County Supervisor of Elections regarding available dates for the qualifying of candidates, the following dates are included in the proposed ordinance:

*noon on November 30, 2007 to noon on December 14, 2007 - Qualifying period
 January 29, 2008 - General election
 February 19, 2008 - Runoff election (if necessary)*

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

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

5/14/07 City Commission Adopted on First Reading (Ordinance) (7 - 0)

6/11/07 City Commission Adopted on Final Reading (Ordinance) (7 - 0)

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED**060106.****REZONING - LAKESHORE PLANNED DEVELOPMENT (B)****Ordinance No. 0-06-86, Petition No. 32PDV-06PB**

An Ordinance of the City of Gainesville, Florida; rezoning certain lands in the City, as more specifically described in this Ordinance, and amending the Zoning Map Atlas from the zoning categories of "MU-2: 12-30 units/acre mixed use medium intensity" and "BUS: General business district" to zoning category of "Planned Development District"; located in the vicinity of 2306 Southwest 13th Street; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This petition is a request to rezone approximately 7.13 acres from MU-2 (Mixed Use Medium Intensity) and BUS (General Business) to PD (Planned Development) to allow the renovation of an existing 11-story residential building and construction of a new 14-story residential building and associated recreation facilities located at 2306 Southwest 13th Street. This petition is submitted concurrently with a land use change petition that will allow the requested density increase under this PD rezoning. The rezoning will enable density and height increases that will facilitate revitalization of the Southwest 13th Street corridor through implementation of unique design criteria that will address size, scale, density and other complexities best accomplished through a Planned Development, due to unique existing features associated with this project site.

The Plan Board heard the petition and recommended approval.

Public notice was published in the Gainesville Sun on May 30, 2006. Letters were mailed to surrounding property owners on May 31, 2006. The Plan Board held a public hearing June 15, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of August 14, 2006, authorized the city attorney's office to prepare and advertise the necessary ordinance approving the planned development known as "Lakeshore Planned Development".

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/14/06 City Commission Approved (Petition) (7 - 0)
7/23/07 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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070115.

URBAN SERVICES REPORT-BARNES AND OLIVE BRANCH HOME BUYERS (B)

Ordinance No. 0-07-44

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcels 06684-000-000, 06828-000-000, 06820-000-000, 06830-000-000, and 06832-000-000, generally located south of the City Limits and the vicinity of SW 20th Avenue, west of the vicinity of Interstate 75, north of the vicinity of SW Archer Road, and east of Kanapaha Lake, also identified as Tax Parcel 06836-004-000; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

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

The report must generally include the following information:

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

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

Section 9 of the Alachua County Boundary Adjustment Act;

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

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

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

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

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

If adopted on first reading, this ordinance shall be heard on second reading on August 13, 2007. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

6/11/07	City Commission	Approved as Recommended (5 - 0 - 2 Absent)
7/23/07	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
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070075.

VOLUNTARY ANNEXATION - CITY-OWNED PROPERTY - NEAR AIRPORT - AREA 1 (B)

Ordinance No. 0-07-39

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of City-owned Tax Parcel 17752-004-000, generally located south of the City limits and Tax Parcel 17752-001-000, north of Tax Parcel 17729-000-000 and east of NE 39th Avenue; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager

and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, February 12, 2007, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signatures of the Mayor and Clerk of the Commission, on behalf of the City, which owns the property that is the subject of this annexation. On April 23, 2007 and May 14, 2007, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.

In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.

If adopted on first reading, the second and final reading of this ordinance will be August 13, 2007. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/23/07 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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070083.

VOLUNTARY ANNEXATION - CITY-OWNED PROPERTY - NEAR AIRPORT - AREA 2 (B)

Ordinance No. 0-07-41

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of City-owned Tax Parcel 17731-002-000, generally located south of the City limits, west of the City limits, north of Tax Parcel 17732-000-000 and east of the City limits and Tax Parcels 08180-000-000 and 08178-000-000; providing for inclusion of the area in

Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, February 12, 2007, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signatures of the Mayor and Clerk of the Commission, on behalf of the City, which owns the property that is the subject of this annexation. On April 23, 2007 and May 14, 2007, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.

In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.

If adopted on first reading, the second and final reading of this ordinance will be August 13, 2007. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/23/07 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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RESOLUTIONS- ROLL CALL REQUIRED

070253.

Resolution for a Joint Participation Agreement - Florida Department of Transportation (FDOT) for Traffic Management System Construction and Implementation Funds (B)

This item involves a request for adoption of a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT) to accept the allocation for Traffic Management System Construction of \$6,652,100.95 from the Transportation Regional Incentive Program (TRIP)

for FY 2007 - 2010.

Explanation: FDOT allocates TRIP Funding for regional transportation projects. The City of Gainesville operates and maintains the traffic signal system serving the Gainesville urbanized area as well as all traffic signals in Alachua County via inter-local agreements. The City of Gainesville was designated as the lead agency for the construction and implementation of the Traffic Management System.

Fiscal Note: The Operating Assistance Joint Participation Agreement requires a 50% match. Funds in the amount of \$6,652,100.95 for this match are available within the Public Works FY 2007 operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute a Joint Participation Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT); subject to approval by the City Attorney as to form and legality.

Alternative Recommendation: The City Commission reject the motion to adopt the Resolution authorizing the execution of the Joint Participation Agreement for Traffic Management System Construction and Implementation Funds. The resulting fiscal impact is the loss of the FDOT TRIP Funds allocation of \$6,652,100.95 for FY 2007-2010.

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PLAN BOARD PETITIONS

070209.

Allow Itinerant Food Vendors in BUS (General Business District) (B)

Petition 80TCH-07 PB. Stacy Girouard, Agent. Amend the Land Development Code of the City of Gainesville to allow "Itinerant Food Vendors" on properties within the Business (BUS: General Business District) zoning district that contains a large scale retail store (50,000 square feet or greater).

Explanation: This petition proposes to allow itinerant food vendors in the BUS zoning district, and only in association with retailers over 50,000 square feet in size. Currently, itinerant food vendors are only allowed in the MU-1 and MU-2 zoning districts.

An "itinerant food vendor" is a person, corporation, company or business that sells immediately consumable food products and non-alcoholic beverage items from a non-permanent structure at a fixed location on private property. In other words, itinerant food vendors sell products from small, mobile vending carts that are typically (and often appropriately) found in places exhibiting relatively high pedestrian volumes, such as a downtown or in front of a large-format retail store such as a Wal-Mart or Home Depot.

Allowing such vendors within additional locations in the City promotes small, locally-owned business operations, particularly those with modest capital resources. Such vendors are also said to provide convenient and affordable products to customers. Perhaps the main concern that communities have with itinerant food vendors is aesthetics. Uncontrolled vendors can create clutter and litter problems. Staff believes, however, that the City will be able to adequately enforce and correct such problems, and the large distances found between large-format retailer buildings and nearby streets and properties further mitigate these potential problems, should they arise.

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

Public notice was published in the Gainesville Sun on July 3, 2007. Letters were mailed to surrounding property owners on July 11, 2007. The Plan Board held a public hearing July 19, 2007.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 80TCH-07 PB. Plan Board vote 4-0.

Staff to Plan Board - Approve

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070263.

Amend a Planned Development to Establish a Phasing Schedule for Removal and Replacement of Mobile Home, with Manufactured Stick Built Homes (Quasi-Judicial) (B)

Petition 52PDA-07 PB. City of Gainesville. Amend Ordinance Number 050911, a Panned Development, commonly known as "Buck Bay Planned Development" to establish a phasing schedule for the removal and replacement of mobile homes, with manufactured or stick built homes located in the vicinity of the 7700 block of Northwest 22nd Avenue. (Quasi-Judicial)

Explanation: On February 12, 2007, the City Commission approved a motion to initiate amendments to the Buck Bay Planned Development Ordinance to reflect what was originally represented to the Plan Board and the City Commission (to allow stick built homes and to still allow mobile homes). The minutes of March 16, 2006 indicated that Mr. Spain, the Agent for Buck Bay property owners told the Plan Board that mobile homes would be replaced gradually, as the current residents in the mobile homes moved out, and that site built modular homes would be constructed to replace them. Mr. Spain explained that Chapter 723 allowed the property owner to give a six-month notice and vacate the mobile home park, and that it was not his, or the other property owner's intent to remove the existing mobile homes, but to slowly renovate the park as mobile home owners moved out. The park is no longer owned by Mr. Spain and the group he represented. The park was sold to EDIX investment, the current owner of the park.

The proposed Planned Development amendment would add Condition 9 to state: "Site built and modular homes shall be phased into the Buck Bay park with the first phase being the development of all currently vacant lots, and the remaining phase being the development of lots as mobile home owners and lessee voluntarily move out of the park, or fail to meet the requirements of their lease agreement."

The Plan Board reviewed the petition and recommends approval of the petition. The Plan Board also wanted the City Commission to consider: 1) whether the \$3000 assistance could be used outside of City limits; 2) whether September 2008 should be placed in the Planned Development Ordinance to ensure a timeframe for when current residents would have to move; and 3) whether there is a legal way to rescind the original amended PD 050911 that was passed on March 16, 2006.

Public notice was published in the Gainesville Sun on July 3, 2007. Letters were mailed to surrounding property owners on July 3, 2007. The Plan Board held a public hearing July 19, 2007.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 52PDA-07 PB. Plan Board vote 4-0.

Staff to Plan Board - Approve

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070208.

Apply the Residential Parking Overlay District to Forest Ridge/Henderson Heights Neighborhood (Formal Quasi Judicial) (B)

Petition 78NPD-07 PB. Forest Ridge/Henderson Heights Neighborhood Association, Inc. Apply the Residential Parking Overlay District to the Forest Ridge/Henderson Heights Neighborhood.

Explanation: This is an application to apply the Residential Parking Overlay District (RPOD) to the area known as the Forest Ridge/Henderson Heights Neighborhood. Within RPOD's, special parking regulations exist. Those regulations are described in Section 30-56(c)(4) of the City Code of Ordinances, and include limiting outdoor vehicle parking on each lot to areas shown in a plot plan developed by the property owner and approved by the City's Code Enforcement Division. Those plot plans must be submitted with applications for new landlord license permits, or if requested by the City's Code Enforcement Division. Section 30-56(c)(4) also limits the size, type of surface, and type of borders of parking areas.

Section 30-56.1 of the City Code of Ordinances allows property owners, whose property meets certain criteria, to coordinate with each other and ask the City to impose these regulations, in the form of a RPOD on their property. The subject property meets those criteria.

The City Plan Board reviewed the petition and recommends approval.

Public notice was published in the Gainesville Sun on July 3, 2007. Letters were mailed to surrounding property owners on July 3, 2007. The Plan Board held a public hearing July 19, 2007.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 78NPD-07 PB. Plan Board vote 4-0.

Staff to Plan Board - Approve

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061124.

Amend UMU-1 to Change Height Limits (B)

Petition 34TCH-07PB. City of Gainesville. Amend the City of Gainesville Land Development Code, UMU-1 District (Urban Mixed-Use 1: up to 75 units per acre) to change the height limit to five stories by right and six stories by Planned Development.

Explanation: At the June 25, 2007 City Commission meeting, the Commission requested that City Planning Division prepare a report describing a way in which building height ambiguity for regulations affecting the College Park Special Area could be corrected, and to analyze text amendments proposed by David Coffey to correct this ambiguity.

Originally, after the ambiguity problem was identified for a development plan in the neighborhood, the City Commission referred this issue to the Community Development Committee, which discussed the issue at two meetings. Staff and the Committee discussed a circumstance pertaining to a special use permit hearing. At this hearing, a developer argued that since she was allowed to build to the not-to-exceed height limit of 104 feet for the College Park Special Area Plan, the developer should be entitled to the two additional stories allowed by Special Use Permit, as the developer indicated she would build to 104 feet whether the building was approved at six stories or eight stories. The Committee recommended that the allowed heights be changed to five stories by right and six by Planned Development, instead of what is currently allowed (six by right and eight by Special Use Permit).

While it is unlikely that a developer will build a six story building to 104 feet, the approach most likely to result in future development being consistent with the City intent for building height, is to add a provision to the Land Development Code so that the allowed height is less ambiguous.

The Plan Board heard this petition on May 17, 2007 and recommended that the building height be a maximum of six stories by right. The Plan Board and Staff's original recommendation will require a Comprehensive Plan amendment.

Planning staff is recommending that the City Commission approve an alternative that would allow a six story building by right with a height limit of 65 feet. The 65 feet is the height that would be allowed for a five story building. The alternative recommendation would also allow an eight story building up to 82 feet by Special Use Permit (recommended by David Coffey) with a provision to go up to 104 feet by planned development. This proposed amendment will not require a Comprehensive Plan amendment.

Public notice was published in the Gainesville Sun on May 1, 2007. The Plan Board held a public hearing on May 17, 2007.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 34TCH-07 PB as modified by the Plan Board to limit building height to six stories by right. Plan Board vote 6-0.

Staff to City Commission - The City Commission approve the alternative staff recommendation to allow a six story building by right with a height limit of 65 feet, an eight story building up to 82 feet by Special Use Permit, with a provision to go up to 104 feet by Planned Development.

Staff to the Plan Board - Approve Petition 34TCH-07PB.

Legislative History

6/25/07 City Commission Continued (Petition) (6 - 0 - 1 Absent)

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061125.

Clarify Building Height Regulations

Petition 35TCH-07PB. City of Gainesville. Amend the City of Gainesville Land Development Code to clarify the building height regulations.

Explanation: At the June 25, 2007 City Commission meeting, the Commission requested that City Planning Division prepare a report describing a way in which building height ambiguity for regulations affecting the College Park Special Area could be corrected, and to analyze text amendments proposed by David Coffey to correct this ambiguity.

Originally, after the ambiguity problem was identified for a development plan in the neighborhood, the City Commission referred this issue to the Community

Development Committee, which discussed the issue at two meetings.

Staff and the Committee discussed a circumstance pertaining to a special use permit hearing. At this hearing, a developer argued that since she was allowed to build to the not-to-exceed height limit of 104 feet for the College Park Special Area Plan, the developer should be entitled to the two additional stories allowed by special use permit, as the developer indicated she would build to 104 feet whether the building was approved at six stories or eight stories.

While it is unlikely that a developer will build a six story building to 104 feet, the approach most likely to result in future development being consistent with the City intent for building height is to add a provision to the Land Development Code so that the allowed height is less ambiguous.

The Plan Board heard this petition on May 17, 2007 and recommended approval of the added provision in the definition of building height to limit each story to 13 feet maximum, and revised the staff recommended changes to maximum building height for Type I construction in the College Park Special Area Plan to read: "Maximum building height shall not exceed six stories by right." The proposed height changes will require a Comprehensive Plan amendment.

Planning staff is recommending that the City Commission approve the alternative recommendation that modifies the building height definition to allow for a specific height restriction in feet when necessary, as described in Petition 34TCH-07PB. The change would add new language that reads, "when determining building height of a multi-story building, the maximum height shall be determined by the number of stories multiplied by 13 feet unless otherwise specified".

Public notice was published in the Gainesville Sun on May 1, 2007. The Plan Board held a public hearing on May 17, 2007.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 35TCH-07 PB as revised by the Plan Board to limit building height to a maximum building height, not to exceed six stories by right, and change the building height definition to read: "building heights mean the vertical distance measured from the average elevation of the proposed finished grade to the top plate of the highest story. When determining the building height of a multi-store building, the height shall be determined by the number of stories multiplied by 13 feet. Plan Board vote 6-0.

Staff to City Commission - The City Commission approve alternative staff recommendations: 1) Building height - maximum six stories (65 feet). Eight stories by Special Use Permit (82 feet), and eight stories by Planned Development (104) feet; 2) Building height definition - Limit each story to 13 feet maximum,

and allow for specified height limits when necessary; 3) Type II proposed change building height (David Coffey); and 4) Six stories is allowed by Special Use Permit when proposed as a single development on a block containing both Type I and Type II designations, and where the Type I building in the development is limited to six stories. The development must not be within 100 feet of property designated for single-family land use.

Staff to the Plan Board - Approve Petition 35TCH-07PB.

Legislative History

6/25/07 City Commission Continued (Petition) (6 - 0 - 1 Absent)

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070213.

Amend Existing Sam's Club Planned Development - (Formal Quasi-Judicial) (B)

Petition 4PDA-07 PB, CPH, agent for Wal-Mart Stores, Inc. Request to amend an existing Planned Development to allow for a building expansion of an additional 25,857 square feet at the existing Sam's Club. Located at 2801 Northwest 13th Street. (Quasi-Judicial)

Explanation: This petition is a request to amend the existing Sam's Club Planned Development to allow for a 25,857 square foot building addition to the Sam's Club store located at 2801 Northwest 13th Street. The existing development is located on approximately 22.02 acres and contains a single building that is a total of 116,141 square feet. The original Planned Development was adopted in 1989 and has since been amended in 1998 to expand the existing building and modify parking and traffic circulation.

This proposal to expand the existing Sam's Club building will create a new sales floor, a four-bay tire mounting area (T.M.A.) and a liquor sales area within the store. The building expansion extends to the south, into a portion of the existing parking lot. Minor additions to the west and east will provide a new vestibule on the front of the building and a small office addition to the rear of the building, respectively. The new total square footage of the Sam's Club building will be approximately 141,998 square feet.

The initial application for this Planned Development amendment included a request for the future construction of a twelve fueling position gas station. Staff recommends the request for a fueling station be reviewed through a separate process that will include the Transportation Concurrency Exception Area (TCEA) Special Use Permit process, and the Wellfiled Protection Special Use Permit process. Additionally, the future gas fueling station will have to meet all applicable requirements of the City of Gainesville Land Development Code,

such as Article VI, Requirements for Specially Regulated Uses.

The City Plan Board heard the petition and recommended approval with modified conditions. The major difference between the Plan Board's recommendation and City staff is the Plan Board chose to prohibit gasoline service stations as a permitted use in this Planned Development.

Public notice was published in the Gainesville Sun on April 3, 2007. Letters were mailed to surrounding property owners on April 4, 2007. The Plan Board held a public hearing April 19, 2007.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 4PDA-07 PB with Plan Board modifications that gas stations be prohibited as an allowable use, restrict loading dock operating hours to 6:00 AM to 10:00 PM, construct and improve screening walls, and allow the Plan board to review the final development plan. Plan Board vote 5-0.

Staff to Plan Board - Approve with conditions that would allow the gasoline fueling station through the development review process.

Alternative Recommendation A: The City Commission deny Petition 4PDA-07 PB.

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DEVELOPMENT REVIEW BOARD PETITIONS

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)