

City of Gainesville

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



Meeting Agenda

January 08, 2007

9:00 AM

City Hall Auditorium

City Commission

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

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

CALL TO ORDER

AGENDA STATEMENT

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. (In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited. Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.)"

ROLL CALL

INVOCATION

Reverend Canon Kerry Robb

Interim Rector, Holy Trinity Episcopal Church

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

051115

Contract with Alachua Conservation Trust (B)

This item involves the City contracting with Alachua Conservation Trust to provide land acquisition services for the Hogtown Creek Headwaters project.

Explanation: The State of Florida's Florida Communities Trust Program (FCT) application cycle opened on February 24, 2006. During that cycle, approximately \$66,000,000 in grants was available for local governments to acquire conservation and outdoor recreation land.

On February 27, 2006 the City Commission authorized the City Manager to contract with Alachua Conservation Trust (ACT) to prepare a Florida Communities Trust Grant Application for the acquisition of the Hartman-Mackay Property (Hogtown Creek Headwaters).

On May 8, 2006 the City Commission approved the grant application to FCT and authorized the City Manager to execute it and other grant-related documents, if awarded.

On October 25, 2006 the City of Gainesville was notified that FCT approved the funding for the Hogtown Creek Headwaters project and provided the Grant Contract and Confidentiality Agreement for execution by the City Manager.

The City of Gainesville proposes to further contract with ACT to negotiate the terms of the Grant Award Agreement with FCT on behalf of the City of Gainesville and provide land acquisition services for the Hogtown Creek Headwaters project such as order, receive and review a title and encumbrance report; order and review a Phase 1 and possibly a Phase 2 environmental audit; negotiate any out-parcel sales; order and review two appraisals; negotiate an option for the purchase of the property; create a preliminary site plan, and coordinate other facets of the acquisition process.

Fiscal Note: \$100,000 has been allocated in the 2007 General Fund for the Hogtown Creek Headwaters project (Hartman-Mackay property). ACT's costs for land acquisition services would be \$70,000.

RECOMMENDATION

The City Commission authorize the City Manager to contract with ACT for the land acquisition services for the Hogtown Creek Headwaters project. This contract is subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A): The City Commission decline the contract with ACT for the Hogtown Creek Headwaters project and direct staff to negotiate the terms of the FCT Grant Award Agreement and land acquisition.

Legislative History

3/27/06 City Commission Approved as Recommended (6 - 0 - 1 Absent)

5/8/06 City Commission Approved as Recommended (5 - 0 - 2 Absent)

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060729

Contract Between the Communications Workers of America (CWA), Local No. 3170 Supervisory Unit and the City of Gainesville for January 1, 2007 through December 31, 2009 (B)

This item proposes the ratification of the Agreement between the City of Gainesville and the Communications Workers of America, Local 3170 Supervisory Bargaining Unit.

Explanation: This Agreement has been reached through negotiations between the Communications Workers of America, Local 3170 and the City of Gainesville, and was ratified by the Communications Workers of America, Local No. 3170 Bargaining Unit on December 13, 2006. This Agreement extends the current Collective Bargaining Agreement through December 31, 2009.

A copy of the Agreement is on file in the Clerk of the Commission Office. After

January 8, 2007, the Agreement will be on file in the Human Resources Department.

The CWA Contract includes changes to the General Pension Plan regarding purchase of permissive service credits and substantial review and updates to the Disability Pension Plan. A copy of these changes is on file in the Human Resources Director's Office.

Fiscal Note: The total cost of the package is approximately \$38 million, for both the Supervisory Unit and Non-Supervisory Unit, and are covered in the FY 2007 budget. The costs for years two and three will be addressed in the budget preparation process.

RECOMMENDATION

The City Commission ratify the Agreement between City of Gainesville and the Communications Workers of America, Local No. 3170 Supervisory Bargaining Unit extending through December 31, 2009.

060828.

Contract Between the Communications Workers of America (CWA), Local No. 3170 Non-Supervisory Unit and the City of Gainesville for January 1, 2007 through December 31, 2009 (B)

This item proposes the ratification of the Agreement between the City of Gainesville and the Communications Workers of America, Local 3170 Non-Supervisory Bargaining Unit.

Explanation: This Agreement has been reached through negotiations between the Communications Workers of America, Local No. 3170 and the City of Gainesville, and was ratified by the Communications Workers of America, Local No. 3170 Bargaining Unit on December 13, 2006. This Agreement extends the current Collective Bargaining Agreement through December 31, 2009.

A copy of the Agreement is on file in the Clerk of the Commission Office. After January 8, 2007, the Agreement will be on file in the Human Resources Department.

The CWA Contract includes changes to the General Pension Plan regarding purchase of permissive service credits and substantial review and updates to the Disability Pension Plan. A copy of these changes are on file in the Human Resources Director's Office.

Fiscal Note: The total cost of the package is approximately \$38 million, for both the Supervisory Unit and Non-Supervisory Unit, and are covered in the FY2007 budget. The costs for years two and three will be addressed in the budget preparation process.

RECOMMENDATION

The City Commission ratify the Agreement between the City of Gainesville and the Communications Workers of America, Local No. 3170, and Non-Supervisory Bargaining Unit through December 31, 2009.

060829.**Request to Amend the General Pension Plan Ordinance and the Disability Pension Plan Ordinance (NB)**

This item requests the City Commission to authorize the City Attorney to draft and the Clerk of the Commission to advertise ordinances amending the General Pension Plan and the Disability Pension Plan to conform to the changes agreed to with the Communications Workers of America (CWA), Local 3170 Supervisory and Non-Supervisory Bargaining Units.

Explanation: Changes of the General Pension Plan and the Disability Pension Plan will conform to changes agreed upon through negotiations between the Communications Workers of America, Local Bargaining Units and the City of Gainesville. Communications Workers of America ratified on December 13, 2006 and the City of Gainesville ratified on January 8, 2007.

These changes include a military buy-back provision and disability qualification requirements.

Fiscal Note: None

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise ordinances amending the General Pension Plan and the Disability Pension Plan.

060756.**Southeast Gainesville Renaissance Initiative Planning/Financial Consultant (B)**

This item proposes to authorize the City Manager or his designee to negotiate a contract price and execute a contract with Wilson Miller, Inc. to prepare a master/financial plan for the Southeast Gainesville Renaissance Initiative (SEGRI) area.

At the March 27, 2006 City Commission meeting, the City Commission approved funding up to \$200,000 from the bond funds for a master planning and financial consultant for the SEGRI area, and authorized staff to issue a request for proposal for a master planning and financial consultant for the SEGRI project, rank the proposals and return to the City Commission with a recommendation on a top-ranked consultant or consultants.

On August 22, 2006, the Purchasing Division issued a Request for Statement of Qualifications for a planning/financial consultant to prepare a master plan for the SEGRI area. Four firms attended the pre-bid meeting and four firms responded. After reviewing the four bids submitted, and

meeting with two of the bidders on November 3, 2006 and the remaining two bidders on November 7, 2006, the evaluation team has ranked the four bidders as follows:

1. Wilson Miller, Inc.
2. APD, Inc.
3. PBS&J
4. Renaissance Planning Group

As a result of this ranking, the evaluation team is recommending that the City negotiate a contract price and execute a contract with Wilson Miller, Inc. to prepare a master/financial plan for the SEGRI area. The four proposals are on file in the Clerk's office.

Fiscal Note: Funds are available from the FY2005-2006 bond issue to cover the cost of the planning/financial services.

RECOMMENDATION

The City Commission: 1) approve Wilson Miller, Inc., as the top-ranked proposer; 2) authorize the City Manager or his designee to negotiate a contract price with Wilson Miller, Inc. to prepare a planning/financial study for the SEGRI area, and execute a contract with Wilson Miller, Inc., subject to approval by the City Attorney as to form and legality; and 3) authorize the City Manager or his designee to negotiate with the second-ranked firm and execute a contract with that firm if an appropriate price cannot be negotiated with the top-ranked firm.

Alternative Recommendation A: The City Commission not approve the recommendation and approve a different firm for this work.

Alternative Recommendation B: The City Commission not move forward with the SEGRI master plan and provide alternative direction to staff.

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060760.

Amendment to Interlocal Agreement with Alachua County and the Alachua County Housing Authority for Operation of the local Office on Homelessness (B)

This agenda item requests the City Commission to approve the execution of an amendment to the interlocal agreement for operation of the local Office on Homelessness to include the one-stop homeless assistance center as a responsibility of the Office on Homelessness.

Explanation: On October 9, 2006, the City Commission approved a two-year interlocal agreement between the City of Gainesville, Alachua County, and the Alachua County Housing Authority for the operation of a local Office on Homelessness under the direction of the Alachua County Housing Authority. The interlocal

agreement provides for services related to implementation of the City of Gainesville-Alachua County 10-Year Plan to End Homelessness to be funded by the City of Gainesville and Alachua County through September 30, 2008.

At the October 30, 2006, joint City/County Commission meeting, both Commissions agreed to authorize the Office on Homelessness to issue a request for proposals (RFP) for case management-centered services at the proposed Gainesville/Alachua County one-stop homeless assistance center; authorize the Gainesville/Alachua County one-stop homeless assistance center to begin operations with a first-year budget of \$175,809, to be funded by the City and County Commissions as approved at the June 20, 2006, joint meeting; and amend the RFP to include provisions so applicants may offer to include additional levels/tiers of services utilizing some or all of the remaining \$183,698.79 grant-match and unallocated implementation budget dollars, subject to the approval of the City and County Commissions.

Fiscal Note: The City Commission has approved \$87,809 from previously budgeted funds for operation of the one-stop homeless assistance center. Alachua County will provide the balance of funds for a total of \$175,809. In addition, the City Commission has set aside \$43,698.79 from previously budgeted funds, which may be made available for the one-stop homeless assistance center. The balance of funds (up to a total of \$183,698.79) would be provided by Alachua County. The County Commission approved this amendment to the original interlocal agreement at its December 12, 2006 meeting.

RECOMMENDATION

The City Commission approve an amendment to the interlocal agreement between the City of Gainesville, Alachua County, and the Alachua County Housing Authority for operation of the Office on Homelessness and authorize the Mayor to execute the agreement on behalf of the City, subject to review by the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission defer action on the amendment to the interlocal agreement.

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060770.

State Homeland Security Grant Program Sub-recipient Agreement (NB)

This item requests that the City Commission authorize the City Manager to enter into a contract with the State of Florida, Department of Financial Services, to support equipment maintenance and training for Gainesville Fire Rescue's Hazardous Materials Team.

Explanation: Gainesville Fire Rescue's Hazardous Materials Team has regional responsibilities for eleven counties and is classified as a Type II Team providing a response capability of 15 personnel with testing equipment to unknown chemical incidents within one hour. Funding for certified equipment and training to support this capability is supplemented through a variety of homeland security and emergency services grants; one of these is the State

Homeland Security Grant Program (SHSGP) offered through the Department of Financial Services. Reimbursement funding offered by the State of Florida for the agreement period ending January 31, 2008 includes up to \$13,580 for sustainment and maintenance of equipment previously purchased with Office of Domestic Preparedness funds, and up to \$24,832.00 for training in Office of Grants & Training approved courses. The funds are provided through a Subgrant Agreement between the Department of Financial Services and the Division of Emergency Services. Stringent requirements for training certifications and the frequent calibration of sensitive chemical and biological substance detection equipment justify the application of these subgrant funds.

Fiscal Note: There is no match required.

RECOMMENDATION

The City Commission authorize the City Manager or designee to enter into a contract with the State of Florida, Department of Financial Services, subject to approval of the City Attorney as to form and legality.

Alternative Recommendation A: The City not enter into a contract resulting in a loss of up to \$38,412.00 of available reimbursement funds for equipment maintenance and training and requiring expenditures from the general fund.

060808.

Annual Contract for Grounds and Landscape Maintenance Services for the Thomas Center Gardens (B)

This item involves a request for the City Commission to authorize a bid award to Oasis Landscaping Services, Inc, for the annual contract for grounds and landscape maintenance services for the Thomas Center Gardens.

Explanation: The Parks Division of the Parks, Recreation and Cultural Affairs Department conducted a bid for a three year contract with the option of two annual extensions for grounds and landscaping services for the Thomas Center Gardens. This contract includes mowing, edging, trimming, weeding, shrubbery pruning, pest and disease inspections, litter removal, fertilization, fountain cleaning, irrigation inspection and flower plantings. A mandatory pre-bid conference was conducted on October 24, 2006 and five vendors attended. After evaluating all proposals, it is recommended to award the bid to Oasis Landscaping Services, Inc.

Fiscal Note: Funding for this contract was approved during the budget process in the Parks Division (Account No. 001-850-8560-5390-4120). The amount for the contract period running from January 2007 - September 2009 is \$80,749.82 or \$2,446.96 per month.

RECOMMENDATION

The City Commission authorize the City Manager or his designee to approve the annual contract for grounds and landscape maintenance services for the

Thomas Center Gardens, and enter into a three-year contract with the option of two annual extensions to Oasis Landscaping Services, Inc.

Alternative Recommendation A: The City Commission deny this request.

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060817.

Domestic Violence Grant Application (NB)

This item requests City Commission authorization for the Gainesville Police Department to pursue a grant from the Office on Violence Against Women to fund a domestic violence project.

Explanation: In 2003, the City of Gainesville was awarded a domestic violence grant from the Office of Justice Programs, Office on Violence Against Women, which provided three years of funding for the project. The Gainesville Police Department has continued to work with partner agencies to impact the number and effect of domestic violence incidents within our community. The Office on Violence Against Women has announced a new grant cycle for projects aimed at improving the coordinated community response to this serious nationwide problem. The City of Gainesville is eligible to seek funding under this program. The grant program is designed to fund cooperative projects such as the project the Gainesville Police Department implemented in 2003, partnering with the State Attorney's Office, Alachua County Office of Victim Services, and Peaceful Paths. The Police Department will utilize funds from the grant to: fund personnel dedicated to domestic violence crimes; increase public awareness; provide prevention education to the community; continue to improve training of criminal justice personnel; provide assistance to domestic violence victims during the criminal investigation and prosecution; and provide education and assistance to domestic violence victims in their recovery.

The application is due to the Office on Violence Against Women by February 7, 2007.

Fiscal Note: The solicitation allows for funding requests for a 24-month period of up to \$400,000, based on the population of the City of Gainesville. Grant funds awarded by the Office on Violence Against Women do not require any local matching funds.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Manager to: 1) apply to the Office of Justice Programs, Office on Violence Against Women for the grant in an amount up to \$400,000; and if awarded, 2) execute any other necessary documents, subject to approval by the City Attorney as to form and legality.

060819.**Application for Disability Retirement for Juanita Fort (B)**

Retirement application for Juanita Fort, Custodial Worker with the City of Gainesville - General Services Department for 7.75 years who has been under the care of physicians for several medical reasons.

Explanation: A meeting of the Disability Review Committee was conducted on Thursday, November 30, 2006 to review the application for disability retirement for Juanita Fort. In reviewing the application and supporting information from her physician, it is the recommendation of the Disability Review Committee that the City Commission approve the application.

Juanita Fort, Custodial Worker, with 7.75 years with the General Services Department, has been under the care of physicians for several medical reasons. Information provided to the Committee from her physicians and from the City of Gainesville's third party administrator Health Direct Inc., states that Ms. Fort is totally disabled and wholly and continuously unable to perform any and every duty of her employment or of a position to which she may be assigned.

Fiscal Note: The current monthly salary, final average earnings of the employee's 36 highest consecutive months of earnings, and the estimated benefit for this employee has been determined to be: current monthly salary - \$1,873.21; final average monthly earnings - \$1,713.25; final monthly benefit - \$685.30. (The final monthly benefit is without Social Security offset. If awarded, these offsets would be determined at a later date.) These benefits shall become effective upon the City Commission's approval or at such time Ms. Fort exhausts all of her sick leave and would be paid from the Disability Pension Fund.

RECOMMENDATION

The City Commission approve the submitted application for disability retirement for Juanita Fort, Custodial Worker, General Services Department.

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060821.**Continuation of Employee Bus Pass Programs (B)**

This item involves a request for the City Commission to authorize the City Manager to execute interlocal agreements with the University of Florida (UF), Alachua County, Alachua/Bradford Regional Workforce Board, North Florida/South Georgia Veterans Administration Health System (VA), and Shands Teaching Hospital and Clinics, Inc. (Shands), for continuation of these employee bus pass programs.

Explanation: The employee bus pass program was created to alleviate traffic and parking problems, particularly at the University of Florida and Downtown. The program has been in effect since January 24, 2000, with University of Florida employees being the first to participate. Downtown City employees began riding on April 3, 2000, Alachua County employees on July 24, 2000, Alachua/Bradford Regional Workforce Board on September 11, 2000, VA employees on May 2, 2005, and most recently to join was Shands on February 1,

2006. The ridership is estimated at 719,978 for UF employees, 152,278 for Workforce Board and Shands, and a combined total of almost 126,800 for the City, County, and VA through November 30, 2006.

Use of public transportation continues to increase for all agencies participating in the program. This program is now available to 1,786 City (including 420 Gainesville Regional Utilities employees), 1,000 County, 1,000 Workforce Board, 2,000 VA, 7,949 Shands, and 13,000 UF employees. The monthly passenger averages for 2006 employee ridership for the City, County, and VA was almost 3,400, 4,400 for the Workforce Board and Shands, and over 10,100 for UF. The total number of employees benefiting from all these programs is 25,735 with an average cost per trip of \$0.54.

Fiscal Note: At the current rate of \$4.50 per rider, revenue in the amount of \$115,807.50 will be collected for the continuation of these programs with the following contributions by each participating agency: University of Florida will provide \$58,500; the City will provide \$8,037 of which Gainesville Regional Utilities will fund \$1,890; the County will provide \$4,500; the VA will provide \$9,000; and Shands will provide \$35,770.50.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the annual contract for continuation of the Employee Bus Pass Program for City employees through January 2008; and 2) authorize the City Manager to execute interlocal agreements with the University of Florida, Alachua County, Alachua/Bradford Regional Workforce Board, North Florida/South Georgia Veterans Administration Health System, and Shands Teaching Hospital and Clinics, Inc., for continuation of these employee bus pass programs.

Alternative Recommendation A: The City Commission can deny continuation of the annual contracts and the resulting fiscal impact is that the Regional Transit System will lose the \$115,807.50 generated by the employee bus pass program.

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060824.

Bid Award - Installation and Replacement of Circulation Pumps and Filtration System at the Northeast Pool (B)

This item involves a request for the City Commission to authorize the bid award to Galaxy Pools for the installation and replacement of the circulation pumps and filtration system at the Northeast Pool.

Explanation: On December 11, 2006 the City's Purchasing Division received bids for the installation and replacement of the circulation pumps and filtration system at the Northeast pool, located at 1100 NE 14th Street. Two firms responded with bids and Galaxy Pools was the most qualified responsive bidder who met

required specifications in the amount of \$273,500.

Johnson Controls, Inc. the only other bidder, was determined to be unresponsive by proposing circulation pumps that exceeded requirements and if installed could damage the pool's existing integrated gutter return system. In addition, the vendor proposed sand filters that are rated at 75 PSI instead of the required 100 PSI.

The current circulation and filtration system is in need of replacement due to: the costs of locating parts and repairing the current pumps; the inability to maintain flow rates required by the State of Florida Health Code; and required facility downtime (closure) for the lengthy cleaning and repair process currently required by the existing systems.

Currently the Northeast Pool has a Diatomaceous Earth filtration system that no longer has replaceable filters, has a lengthy and time-consuming process for cleaning the filters, and uses dangerous filter media for persons who apply the Diatomaceous Earth (D.E.) to the filters. Downtime to clean the filters is approximately 7-8 hours of staff time and requires the closure of the pool. In addition, the pumps for the current system are no longer manufactured and nor are their replaceable parts. The system does not maintain the required flow rates of a 6-hour turnover of the pool water that the State of Florida Health Code requires unless the system is cleaned every three to four days, which is not financially or operationally prudent. By replacing the system with pumps that meet the requirements of the State and high-rate sand filters that are easier and more economical to maintain, the new system will allow the City of Gainesville more operational advantages (less facility down time) and lower costs for operating the Northeast Pool. The cost savings includes the reduction of man-hours for system maintenance and repair and the elimination of Diatomaceous Earth as a filtration material.

Fiscal Note: Funding in the amount of \$273,500 for this project is available in 335-850-C368-5720-6030.

RECOMMENDATION

Recommended Motion: The City Commission approve the bid award to Galaxy Pools and issuance of a purchase order in an amount not to exceed \$273,500 for the installation and replacement of circulation pumps and filtration system at Northeast Pool.

Alternative Recommendation: The City Commission deny the request for the bid award to Galaxy Pools.

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060825.

Bid Award - Installation of a PVC Membrane Liner at the Northeast and Westside Pools and Installation of a Bulkhead System at the Northeast Pool (B)

This item involves a request for the City Commission to authorize the bid award to Natare Corporation for the installation of a PVC membrane liner at the Northeast and Westside Pools and installation of a bulkhead system

at the Northeast Pool.

Explanation: On November 16, 2006 the City's Purchasing Division received bids for the installation of a PVC membrane liner at the Northeast and Westside Pools and installation of a bulkhead system at the Northeast Pool. The Northeast Pool is located at 1100 NE 14th Street and the Westside Pool is located at 1001 NW 31st Drive. Two (2) firms responded with bids and Natara Corporation was the lowest responsive bidder in the amount of \$334,105.

The Northeast and Westside Pools are in need of resurfacing for the safety and enjoyment of facility guests.

Currently both pools have a fiberglass liner. However, the current liners are deteriorating and many areas no longer have the protective gel coat over the fiberglass. The new PVC liners will add comfort, safety and operational advantages to the pools. No longer will the expansion joints in either pool deteriorate to a dangerous level nor will water be able to leak through since the liner is applied directly over the current pool shells and fiberglass. This will save the City of Gainesville in water costs. Also, the liners do not absorb the sanitizing chemicals, thus saving the City of Gainesville in chemical costs. The PVC liner is also more shock absorbing than the fiberglass liner concerning direct contact with guests.

In addition to the PVC liner, the Northeast Pool will also receive a moveable bulkhead.

The advantages of adding a moveable bulkhead to the current facility are: 1) the creation of six (6) additional short course lanes to the pool which will provide additional swim team space; 2) the creation of a "bridge" to cross over the deep area of the pool for safety purposes and convenience; and 3) the ability to move the bulkhead from 25 yards to 25 meters or 30 meters for aquatic sports practices and other events such as underwater hockey, water polo, and synchronized swimming.

Overall, the two liners and bulkhead will provide additional opportunities for expanded facility use and revenue generation at the Northeast Pool and a safer and more pleasing environment for Westside Pool guests.

Fiscal Note: Funding for this project (\$334,105.00) is available in 335-850-C367-5720-6030 and 335-850-C368-5720-6030.

RECOMMENDATION

Recommended Motion: The City Commission approve the bid award to Natara Corporation and the issuance of a purchase order in an amount not to exceed \$334,105.00 for the installation of a PVC membrane liner at the Northeast and Westside Pools and installation of a bulkhead system at the Northeast Pool.

Alternative Recommendation: The City Commission deny the request for the bid award to Natara Corporation.

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060826.**Florida Food Service, Inc. - Amendment to Contract for Purchase and Sale of Real Property (B)**

This item involves a proposed amendment to the Florida Food Service, Inc. contract for purchase and sale of un-platted property extending the City's indemnity regarding the pre-existing environmental condition to other parties.

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

Subsequent to this initial approval, Florida Food Service, Inc. asked that it be provided with some degree of protection from the City, in addition to the previously approved indemnification, should the pre-existing environmental conditions related to the un-platted property be impacted by Florida Food Service's proposed expansion. This includes: 1) a maximum \$50,000 cost contribution related to prospective dewatering that may be necessary regarding development of the subject property and associated with mitigation of the pre-existing environmental condition; and, 2) a release of responsibility related to prospective abandonment of monitoring wells installed on the subject property in connection with the pre-existing environmental condition.

This requested Amendment to Option was approved by the City Commission on June 26, 2006 and executed in August, 2006. The Purchase and Sales Agreement was executed on November 1, 2006.

Recently, Florida Food Service Inc. has requested that additional prospective parties be covered by the aforementioned indemnity. These include an institutional lender providing financing for the project and any third party taking title to the property in the event of foreclosure. Finally, extension of indemnity would cover a bona fide purchaser of the property transacting directly with Florida Food Service, Inc. for a limited period of twenty years from time of closing on the pending contract for purchase of land between the City and Florida Food Service Inc. Assuming approval of this extension of indemnity request, staff anticipates closing within ten days of City Commission action on this item.

Fiscal Note: Upon closing, proceeds from the sale of the subject properties (approximately \$150,000) will be disbursed to the Gainesville Alachua County Regional Airport Authority (GACRAA) per prior agreement between the City of Gainesville and GACRAA. GACRAA has agreed upon prior review to reserve a portion of these proceeds for potential dewatering associated with site development if necessary.

RECOMMENDATION

The City Commission: 1) approve the attached Amendment to Contract for Purchase and Sale of Real Property with Florida Food Service, Inc.; 2) authorize the City Manager to sign the Amendment following

approval by the City Attorney as to form and legality;
and, 3) authorize the Mayor and Clerk of the
Commission to execute the closing documents.

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060836.

Alachua County Legislative Day (B)

The Alachua County Legislative Day planning committee is requesting the City of Gainesville's participation and sponsorship contribution for the April 25, 2007 event.

Explanation: Annually, Alachua County is represented at the State Capital in Tallahassee during the regular legislative session. This event takes place for one day, which this year will be April 25, 2007. The event includes a visit to Tallahassee by a local delegation comprised of representatives from Alachua County, the City of Gainesville, and other municipalities located within Alachua County. In addition, Alachua County citizens are encouraged to travel to Tallahassee and meet with their legislators. The City of Gainesville will have the opportunity to set-up a display inside the Capitol to promote the City, showcase programs, and further its legislative priorities.

A request has been made on behalf of the Alachua County Legislative Day planning committee for the City of Gainesville to contribute a sponsor contribution of \$750.00. The funds are to be used to provide transportation, food, and literature generated for the event.

Fiscal Note: \$750.00 is requested to provide the City of Gainesville's sponsor contribution. \$375.00 will be allocated from the City Manager contingency fund and the remaining \$375.00 will be budgeted from Economic Development.

RECOMMENDATION

The City Commission approve the request for the \$750.00 sponsor contribution to be used for Alachua County Legislative Day activities.

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060827.

Grant to the Charles R. Perry Construction Institute at Santa Fe Community College (NB)

This item proposes to award a \$46,500 grant from the Infill Housing Program to the Charles R. Perry Construction Institute at Santa Fe Community College to construct a 1000-square-foot residence that will be owned by the City, and resold to an income-eligible homeowner.

Explanation: Santa Fe Community College (SFCC) has created an innovative program that will involve students enrolled at the Charles R. Perry Construction Institute working with construction faculty to build new homes in a classroom environment. The completed homes will be relocated to available City-owned lots and resold to income-eligible homebuyers. This program will provide students with hands-on knowledge, skills and experience in all of the residential

construction trades.

The new homes will be modeled after the "Katrina Cottages" house plans, and will be approximately 1000 square feet. Cost is estimated at \$65,000 for the materials to construct each new home. The cost to build the new homes will not have any direct labor costs because the manual labor will be performed by students through this program. SFCC is seeking state matching dollars at a 60/40 rate for all qualified donations. For SFCC to access the matching funds during calendar year 2007, the City must deposit its funds in the Santa Fe account by January 15, 2007. This type of project is eligible for federal HOME funds; but, federal law prevents the drawdown of federal funds prior to the expenditure of these funds. Since federal funds are on a reimbursement basis, staff is recommending that the City Commission approve the use of General Funds to advance the funds to SFCC and then reimburse the General Fund from HOME funds as the funds are expended to build the new home.

The City will own the completed house, and can relocate it to a vacant lot for resale to an income eligible homebuyer. The site will need to be prepared to receive the home, which may include relocation costs, lot clearing and constructing a masonry foundation for the structure. All of these expenses are eligible under the HOME program for this project.

Fiscal Note: The general fund will be refunded from Infill Housing Program HOME account 104-790-7952-5540-4120.

RECOMMENDATION

The City Commission :1) approve awarding a \$46,500 grant to Charles R. Perry Construction Institute at Santa Fe Community College to construct a 1000-square-foot residential structure that will be owned by the City; 2) authorize the City Manager to (a) advance the funds to the Santa Fe Endowment Corporation (SFEC) by January 15, 2007 from the General Fund, (b) reimburse the General Fund from federal HOME funds as SFEC expends the monies, (c) identify a site to relocate the completed structure, (d) prepare the site including building a masonry foundation and other related costs for the structure, (e) relocate the completed structure to the identified site, (f) authorize the sale of the newly constructed home at market value to an eligible homebuyer that will be identified at a future date, (g) provide the grants and /or subsidies required to make the purchase of the properties affordable for an income-eligible homebuyer, and (h) execute the required purchase and sale agreement, grant or subsidy agreement and any other certifications or assurances required to transfer ownership to the homebuyer that will be identified at a later date; 3) authorize the Mayor and Clerk of the Commission to execute the warranty deed required to transfer title to the identified homebuyer, and other related documents to consummate the sale; 4) authorize the City Manager or designee to execute a contract and any other certifications and documents

associated with the SFCC program; 5) authorize the Housing Division to use the standard program subsidy, and purchase and sale documents to consummate the transaction, subject to approval by the City Attorney as to form and legality; and 6) authorize the City Manager or designee to use the net sale proceeds from the sale of the property for affordable housing purposes.

Alternative Recommendation A: The City Commission could choose to not approve the recommendation and the Charles R. Perry Construction Institute at Santa Fe Community College would have to locate another source of funding for their project.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

060845.

Wood Pole Inspection and Groundline Treatment (B)

Staff recommends approval to enter into a contract with Utility Pole Technologies, Inc. for wood pole inspection and groundline treatment services for treated wood utility poles.

Explanation: The purpose of the wood pole inspection and groundline treatment is to extend the useful life of treated wood utility poles by identifying and treating wood decay by periodically inspecting and applying preservative treatment, as needed. Approximately 3400 utility poles are inspected annually. This preventative maintenance is intended to stop or retard groundline pole rotting, thereby reducing pole replacement costs by lengthening the life of poles which are otherwise structurally sound. Load calculations are performed on 10% of all poles with multiple utilities attached to them to determine remaining pole strength. The projected annual cost for this contract is \$100,000.

An Invitation to Bid for wood pole inspection and groundline treatment services was sent by Utilities Purchasing to four prospective bidders, with three responding. Utility Pole Technologies, Inc. submitted the best evaluated bid based on price, past performance and references. A copy of the bid evaluation is attached for your reference.

Fiscal Note: Funding for this project is included in the approved FY 2007 budget and will be requested in future budgets during the term of the contract.

RECOMMENDATION

The City Commission 1) authorize the Interim General Manager, or her designee to execute a two year contract with Utility Pole Technologies, Inc. for wood pole inspection and groundline treatment services for treated wood utility poles, subject to approval by the City Attorney as to form and legality; and 2) approve the issuance of purchase orders in amounts not to

exceed budgeted amounts for each year of the contract, subject to the final appropriation of funds for each year of the contract.

060845_20070108.pdf

CITY ATTORNEY, CONSENT AGENDA ITEMS

060818.

AIG'S DECLINATION OF COVERAGE IN WATSON CONSTRUCTION V. CITY OF GAINESVILLE EIGHTH JUDICIAL CIRCUIT, ALACHUA COUNTY, CASE NO: 2001-CA-1356, DIVISION "K" (B)

Explanation: In September, 2004, Watson Construction Company provided the City notice of its intent to pursue a claim for damages against the City as a result of a moratorium the City enacted in 2001. The City immediately put AIG on notice of Watson's intent to sue and request for damages.

In April, 2005, Watson filed a Second Amended Complaint alleging four civil rights counts, two counts of "takings" and a state tort count. The City forwarded the complaint to AIG and requested coverage under the City's policy with AIG. AIG has denied coverage on several occasions for a number of reasons. The City Attorney has consulted with special insurance counsel who have reviewed AIG's reasons for denial of coverage and believe that Watson's claims against the City should be covered under the City's policy with AIG. This firm specializes in this type of action against insurance companies.

Insurance counsel, Ver Ploeg & Lumpkin, P.A., propose to represent the City under a contingency fee agreement. The City would not pay any attorneys fees to the firm, but would pay a percentage of its recovery from AIG if the lawsuit were successful. Insurance counsel would also attempt to recover its fees directly from AIG, thereby not requiring a portion of the City's recovery if it were successful. The City would only be responsible for the costs of the lawsuit.

RECOMMENDATION

Authorize the City Attorneys office to retain special counsel on a contingency fee basis to file a damage suit against National American Fire Insurance Company of Pittsburgh PA (AIG) for wrongfully denying insurance coverage to the City of Gainesville.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

060833.

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of December 11, 2006, as circulated.

060833_20070108.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

060037

Development Process Review Team Interim Report (NB)

This item involved review of reports from the Development Process Review Team that had met to review various issues related to the City of Gainesville Development Review Process.

Explanation: On June 12, 2006, the City Commission referred this item to the Community Development Committee. In November, 2005, the City Manager directed that a team be instituted to examine the City's various development review processes with an emphasis placed upon seeking opportunities for streamlining, automating and digitizing information and potentially linking with electronic mapping (GIS) resources. Assistant City Manager Barbara Lipscomb and Economic Development Director Erik Bredfeldt served as co-leaders of a team comprised of City staff, Chamber of Commerce Small Business Council members and a representative of the local civil engineering community. In mid-April, a report was presented to the City Manager outlining team member's views on four identified issues.

The City has provided an RFP to streamline the automation process, and the City has identified funds for this project.

Fiscal Note: The City has identified funds in the recent budget process for enhancement of development review tracking and automation.

RECOMMENDATION *Community Development Committee to the City Commission: Remove this item from the referral list.*

Legislative History

6/12/06	City Commission	Approved as Recommended (7 - 0)	
6/12/06	City Commission	Referred	Community Development Committee
7/6/06	Community Development Committee	Approved as Recommended	
12/12/06	Community Development Committee	Approved as Recommended	
060037_20066121300.pdf			

060167

City of San Francisco and the US Interagency Council on Homelessness (B)

The City Commission referred the issue of the City of San Francisco and the US Interagency Council on Homelessness to the Community Development Committee. This item is related to File 060135, Mayor's Report of the New Cities Project.

Explanation: On June 12, 2006, the City Commission referred the request that the Homelessness Implementation Committee receive information obtained during the New Cities Project meeting from the City of San Francisco and the U.S. Interagency Council on Homelessness. This matter was referred to staff to address homeless problems in Gainesville, particularly: a) the San Francisco "Homeward Bound" Family Reunification Program that pays to transport homeless individuals back to willing family members; b) advocacy for obtaining Social Security benefits for homeless individuals and recovering 12 months of retroactive Social Security and Medicaid reimbursements for those eligible; and c) the use of the Food Stamp Employment and Training Program to provide supportive housing services for those individuals eligible for food stamps.

The Community Development Committee discussed this item on November 14, 2006, and Jim Hencin, Block Grant Manager, suggested that the \$10,000 budgeted by the City Commission be set aside as a resource for the proposed One-Stop Homeless Assistance Center to implement the homeward bound program locally. (Staff will be submitting an agenda item at an upcoming City Commission meeting to provide such a contract.) On the issue of Advocacy for Social Security benefits, staff recommended that no action be taken at this time, since it was already being handled by various local providers. Although there are no definitive data to show how many homeless persons might benefit from the Social Security advocacy, it appears that at any given time, local providers are working with 20-30 low-income/homeless persons to obtain Social Security or benefits. On the third program, the Food Stamp Employment and Training Program, staff will encourage Alachua-Bradford Florida Works to continue to fund projects for the homeless that include more than just job training and employment as funds became available.

Fiscal Note: None

RECOMMENDATION

Community Development Committee to the City Commission: 1) approve the recommendations from staff, except find out how many homeless people would be benefited by the Advocacy for Social Security Benefits; and 2) remove this item from the referral list.

Legislative History

6/12/06	City Commission	Referred (7 - 0)	Community Development Committee
9/18/06	Community Development Committee	Continued	
11/14/06	Community Development Committee	Approved as Recommended	
060167_11141730.pdf			

060187

Mayor Pegeen Hanrahan - Charitable Landlords (NB)

The City Commission referred the issue of landlord licenses for charitable landlords to the Community Development Committee.

Explanation: On June 26, 2006, the City Commission referred the issue of charitable landlords to the Community Development Committee. Pastor Arnold Nelson asked the Committee to waive the landlord license fee for non-profits providing rentals in single-family neighborhoods at reduced or no charge.

The Committee discussed this issue on September 18, 2006 and November 14, 2006. Staff of the Community Development Department and the City Attorney's office and Committee members concluded that the proposal would be very difficult for Finance and Code Enforcement staff because of the large number of landlord license permits (over 3,000 annually) and the difficulty of determining the amount charged for rent and whether that is less than market rate for any given property. After considerable discussion it was determined that, at the present time, Pastor Nelson's situation would not require him to have a landlord permit for the coming permit cycle.

Fiscal Note: None

RECOMMENDATION

Community Development Committee to the City Commission: 1) staff to make a report; 2) staff is to contact Pastor Nelson to try to work out the best situation with regard to the landlord license permit; and 3) remove this item from the referral list.

Legislative History

6/26/06	City Commission	Referred (7 - 0)	Community Development Committee
9/18/06	Community Development Committee	Approved as Recommended	
11/14/06	Community Development Committee	Approved as Recommended	

- 060187_20060626.pdf
- 060187_200609181730.pdf
- 060187_200611141730.pdf

060243

Student Involvement in Landlord/Tenant Issues (NB)

The City Commission referred the issue of student involvement in landlord/tenant issues to the Community Development Committee.

Explanation: On July 10, 2006 this item was referred to the Community Development Committee. The Committee met on September 18, 2006 and explained that the University of Florida had agreed that: 1) UF Off-Campus Life would expand the Community Advocates program to specifically target neighborhoods in the

University Context Area for student participants; 2) UF Off-Campus life would continue to follow up with students when there were concerns that warranted an educational discussion; and 3) UF Off-Campus Life would also track Party Patrol reports and follow up with letters to students who are repeat offenders, and send educational letters to those who receive two City code violation warnings and a citation in a 24-hour period.

Nora Kilroy, UF Off-Campus Director, and Rick Hanna, Captain of GPD, attended the Best Practices Conference, and stated that the City and the University work well together to educate students and support the community. Their findings were that the City and the University were well ahead of the curve nationally in dealing with quality of life issues. There was a suggestion that the City and University establish a series of councils that included universities, neighborhood representatives, and students. Landlords had expressed concerns about the landlord point system, fearing that it would place them in jeopardy of having their permits revoked.

Citizens asked that if any committees are formed in the future with the University and City that all landlords be informed of those meetings in order for the landlords to participate.

On December 12, 2006, there was no student representative from the University of Florida present. Ben Marcus, External Affairs Director for Santa Fe City Government attended the meeting. He shared some of his observations on landlord/tenant issues with the Committee. He stated that students had a difficult time communicating with their landlords, who were extremely unresponsive to that communication. He explained that the Community Relations Advisory Board was an excellent avenue to help solve some problems.

Fiscal Note: None

RECOMMENDATION Community Development Community to the City Commission - Remove this item from the referral list.

Legislative History

7/10/06	City Commission	Referred (7 - 0)	Community Development Committee
9/18/06	Community Development Committee	Approved as Recommended	
11/14/06	Community Development Committee	Continued	
12/12/06	Community Development Committee	Approved as Recommended	

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060470.

Referral on the Number of Travel Lanes (NB)

The City Commission referred the issue of the number of travel lanes to the Community Development Committee. The Community Development Committee has discussed the item and recommends it be removed from the

referral list.

Explanation: On January 10, 2005, the City Commission removed Legislative Item 040261 from the Public Works Committee referral list, and authorized a petition to amend the City's Transportation Mobility Element. On September 25, 2006 this item was referred to the Community Development Committee.

This referral was based on the need to amend the Comprehensive Plan for the then contemplated University of Florida/Shands plan for narrowing Archer Road (between Southwest 16th Avenue and Southwest 13th Street). Staff has planned to include this in the twice-yearly land use amendments, but based on the November 11, 2005 decision of the Metropolitan Transportation Planning Organization to leave Archer Road in front of Shands as a four-lane facility, it no longer is necessary to put forward this amendment to the Comprehensive Plan. If an amendment were made, the paired road language, related to Archer Road and Southwest 16th Avenue, would not have current applicability.

Fiscal Note: None

RECOMMENDATION

Community Development Committee to the City Commission: Remove this item from the referral list.

Legislative History

9/25/06	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
9/25/06	City Commission	Referred Community Development Committee
11/14/06	Community Development Committee	Continued
12/12/06	Community Development Committee	Approved as Recommended

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060676.**Over-Occupancy in Single Family Neighborhoods (NB)**

The City Commission referred to the Community Development Committee the issue of over-occupancy in single-family neighborhoods. The Committee discussed the referral multiple times, and recommended to remove this item from the referral list.

Explanation: This was a dual referral to the Community Development Committee and the Public Safety Committee. The Community Development Committee discussed the issue a number of times, and recommended a comprehensive set of program changes to the City Commission. On July 10, 2006 the City Commission approved all of the Community Development Committee's bulleted recommendations listed on the document entitled "Possible Changes to enforcement of Rentals in Single-Family Neighborhoods," and during budget discussions, approved changes to the budget in order to fund the program changes.

At the November 14, 2006, Community Development Committee meeting, the

Committee discussed the last two related issues. Public Works staff reported that they have worked with the Golfview neighborhood with regards to the parking decal program, and responded to the requests from the Golfview neighborhood. Code Enforcement staff gave a report on timing of enforcement of landlord permits and enforcement through civil citations.

Fiscal Note: None

RECOMMENDATION *Community Development Committee to the City Commission: 1) approve the recommendations from staff; and 2) remove this item from the referral list.*

Legislative History

11/14/05	City Commission	Referred	Community Development Committee
11/14/06	Community Development Committee	Approved as Recommended	

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060285.

Student Behavior Tracking (NB)

The City Commission referred the issue of student behavior tracking to the Community Development Committee.

Explanation: On July 24, 2006, the City Commission referred the issue of student behavior tracking to the Community Development Committee. The Committee met on November 14, 2006 and discussed the issue of tracking student behavior with Ms. Nora Kilroy, Director of Off-Campus Life, and Code Enforcement staff. Ms. Kilroy explained to the Committee that her office is in the process of creating a database, and when there is more than one violation per address or per name, she would contact the student. The Committee agreed that the students need to understand how landlords are affected by tenant conduct, and understand the process. The Committee suggested that the City Commission request the Presidents of the University and Santa Fe to look at their codes of student conduct and consider amending them.

RECOMMENDATION *Community Development Committee to the City Commission: the City Commission authorize the Mayor to send a letter requesting the University of Florida and Santa Fe Community College to amend their codes of student conduct as other universities have done so that students can be held accountable for their misbehavior in the community.*

Legislative History

7/24/06	City Commission	Referred (6 - 0 - 1 Absent)	Community Development Committee
9/18/06	Community Development Committee	Continued	

11/14/06 Community Approved as Recommended
Development
Committee

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

060814.

Sorority Woods Feasibility Study (B)

The CRA discussed this item on December 18, 2006 and recommended it be forwarded to the City Commission to direct staff to review the request and make recommendations to the City Commission.

Explanation: At the July 6, 2006 College Park/ University Heights Advisory meeting, the Advisory Board recommended that the CRA recommend to the University of Florida Alternative B of the Sorority Woods Feasibility Study. The City would seek an easement with the University of Florida to allow construction of the improvements. Funding will be determined following approval of the concept from the University of Florida, and any subsequent required review committees. On July 17, 2006, the CRA approved the recommendations from the College Park/University Heights Advisory Board. Staff has received a response from the University of Florida.

The response from University of Florida has been provided as backup for review.

The December College Park/University Heights Redevelopment Advisory Board and the Tumblin Creek Watershed Management Subcommittee met on November 16, 2006 to discuss conditions that were outlined in the letter from the University of Florida. The following conditions were proposed by the University of Florida, almost all of which can be addressed by the City Commission. These are not issues within the purview and responsibility of the CRA, but can best be negotiated by City departments.

- 1. Including assurances that this facility will not create negative impacts on the University stormwater permit from St. Johns Water Management District.*
- 2. The City of Gainesville forgives the outstanding stormwater management utility fees that have been disputed.*
- 3. The City of Gainesville amends its ordinances to allow credits against future stormwater management utility fees for stormwater that the University accepts into Lake Alice from lands within the City of Gainesville.*
- 4. The stormwater management utility fee forgiveness shall be made at the time that the easement is granted and remain in effect until the ordinance is amended to provide for credits.*
- 5. Future credits shall account for non-university stormwater that enters Lake Alice watershed via this proposed stormwater facility and any other identified non-university sources. Stormwater facility and any other identified non-university sources.*
- 6. The University requests that the City of Gainesville or CRA make a payment for \$490,000 to be applied to on-campus stormwater erosion projects as just*

compensation for this easement and to address impacts created by accepting off-campus stormwater

7. The University requests the right to review and comment on the CRA stormwater facility design.

The following conditions of the response from the University of Florida were approved by the College Park/ Advisory Board:

1. Gainesville CRA is responsible for boundary surveys and working with the UF Office of the General Counsel on preparation of the easement documents.
2. The City of Gainesville or CRA will be responsible for maintenance, liability, and security within the easement.
3. The City of Gainesville or CRA be responsible for reviews and permitting from the St John's Water Management District
4. The University requests the right to review and comment on the CRA stormwater facility design.
5. The CRA is also requested to abide by the University's tree mitigation policy, which requires a two-for-one replacement of all removed trees exceeding 3-inch DBH.

Fiscal Note: The University of Florida is requesting \$490,000 for the Sorority Woods Easement. The estimated cost for the proposed stormwater pond is \$400,000. An additional cost of \$50,000 is expected for the stormwater line that would need to be cut and diverted to the western side of sorority woods. There is \$51,017 remaining in the stormwater management account. The CRA has budgeted \$195,000 for FY 06-07 and \$200,000 for FY 07-08 for stormwater management.

RECOMMENDATION

CRA to the City Commission: 1) Refer the matter to the City Commission since all the conditions and issues are within the purview of the City Commission and not the CRA; and 2) request the City Commission direct staff to review the request of the University and provide recommendations to the City Commission.

Legislative History

12/18/06	Community Redevelopment Agency	Approved as Recommended by the Executive Director (6 - 0 - 1 Absent)
060814_20061218cra.pdf		

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

060830.**Removing Property from Liens in Certain Circumstances: Removal of Lien Affecting 222 Southeast 9th Street (B)**

This item requests that the City Commission establish a policy regarding the removal of a property from a lien involving multiple properties, under certain limited circumstances and remove the lien as it affects 222 Southeast 9th Street.

Explanation: On some occasions property owners have Code Enforcement Board (CEB) liens filed on multiple properties as permitted by 162.09(3) Florida Statutes, which allows liens "against the land on which the violation exists and upon any other real or personal property owned by the violator." On some occasions these liens serve as a barrier to those who would rehabilitate properties affected by a CEB lien that is recorded against multiple properties. In such cases, the greater need of the community may be served by the release of such properties from existing liens when the equity of the City's lien is protected by other such properties.

There is a specific request before the City Commission to remove a lien. The property with the original violation was 1605 Northeast 5th Place, owned still by Eddie Deal Willis. That property was in violation of Section 13-17(b) for keeping non-operational vehicles in open storage, a violation that was found in compliance on October 5, 2006. One other property located at 222 Southeast 9th Street, and previously owned by Mr. Willis, is also subject to the CEB lien. The property at issue 222 Southeast 9th Street has been purchased by B.J. Bukata and Todd Osborn and has been rehabilitated. The City's interest is protected by the lien against 1605 Northeast 5th Place, if the lien against 222 Southeast 9th Street is lifted.

RECOMMENDATION

The City Commission consider establishing a narrow policy to provide a procedure for staff to identify properties the City Commission may choose to remove from CEB liens when the lien interest is protected by recordation against other properties, and authorize removing the lien from 222 Southeast 9th Street subject to recorded terms consistent with the draft policy.

060832.**Proposed East Gainesville Development Corporation Agreement for Economic Development Services (B)**

This item involves a proposed agreement with East Gainesville Development Corporation for the provision of entrepreneurial training and technical assistance to potential entrepreneurs in East Gainesville.

Explanation: East Gainesville Development Corporation (EGDC) is an incorporated, non-profit organization whose primary goal is to create new growth, development and investment in East Gainesville.

In 2006 EGDC applied unsuccessfully for CDBG grants for a Skills Empowerment Program (\$100,000) and a Mini-grant and training program for start-up businesses (\$50,000). The report from the Citizens Advisory Committee for Community Development (CACCD) which the City Commission heard on 7/27/2006 (see CACCD and staff analysis report back-up) gave the following reason for not recommending funding for either of the EGDC requests: "The Committee believes that these services are already available to the community through SFCC and other agencies." Limited funding from CDBG was also a consideration.

Subsequently, Economic Development staff was asked to explore an agreement with EGDC to be funded by General Government funds.

Under the proposed fee for services agreement EGDC will:

- 1. Enroll 11 prospective entrepreneurs in the NxLevel entrepreneurial training*
- 2. Conduct the training and have 9 students complete all modules of the program*
- 3. Provide mini-grants to students who complete top business plans. Economic Development staff will participate in the evaluation process of the business plans.*
- 4. Provide on-going technical assistance to graduates of the training.*

Deliverables will be provided for each component of the work program.

Fiscal Note: This agreement will not exceed \$25,000. The plan is for funding to be reallocated from a portion of the \$100,000 the City Commission has allocated for the Entrepreneurial Charter School in fiscal year 2005-2008.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from staff; 2) direct staff on the implementation of the agreement; and 3) authorize the City Manager to execute the agreement with EGDC pending approval of said agreement by the City Attorney.

Alternate Recommendation A

The City Commission: 1) direct staff to implement the agreement with stated modifications; and 2) authorize the City Manager to execute the agreement with EGDC pending approval of said agreement by the City Attorney.

Alternate Recommendation B

The City Commission: 1) deny the proposed agreement.

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060832B_200701081300.pdf

060834.

Local Option Fuel Tax (B)

The Alachua County Commission is considering the implementation of an

additional 5-cent local option fuel tax. Staff has been requested to bring this matter to the City Commission for discussion.

Explanation: Florida Statutes 336.025 (1)(b) states, "In addition to other taxes allowed by law, there may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-cent, 4-cent, or 5-cent local option fuel tax upon every gallon of motor fuel sold in a county and taxed under the provisions of part I of chapter 206. The tax shall be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county or by referendum."

Subsection 3 states that this particular five cents must be used "for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems, and for other transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. For purposes of this paragraph, expenditures for the construction of new roads, the reconstruction or resurfacing of existing paved roads, or the paving of existing graded roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of an adopted comprehensive plan. Expenditures for purposes of this paragraph shall not include routine maintenance of roads."

The law provides that the county will enter into an interlocal agreement with the municipality representing the largest population in order to define a distribution formula. In the absence of an interlocal agreement, the revenue "shall be distributed among the county government and eligible municipalities based on the transportation expenditures of each for the immediately preceding 5 fiscal years, as a proportion of the total of such expenditures for the county and all municipalities within the county."

During the preparation of the 2006 Capital Improvements Program millions of dollars of roadway and transit improvements were identified. This listing is only a portion of the transportation needs in Gainesville.

RECOMMENDATION *The City Commission discuss the local option fuel tax.*

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GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

COMMUNITY DEVELOPMENT COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****060643. Annual Performance, Salary, and Benefits Review for the City Manager (B)**

Explanation: Russ Blackburn began service as the Gainesville City Manager on September 6, 2005. As part of an ongoing effort to assist the Charter Officers to continuously improve performance, the City Commission provides feedback on the performance of each Charter Officer annually.

At the August 22, 2006 Personnel and Organizational Structure Committee (P&O) meeting, the Charter Officer performance standards and process was discussed. The P&O Committee recommended that each Charter Officer prepare a self assessment, and that the self assessment and comparable compensation be provided to the City Commission.

In preparation for this year's performance review, the City Manager provided to the City Commission an assessment of the past year, highlighting administrative and leadership accomplishments. In addition, individual meetings were scheduled with each Commissioner to allow the Commissioners the opportunity to discuss their observations, concerns, and suggestions on a one-on-one basis, if appropriate. The annual performance review provides an opportunity for the Commission to provide feedback and suggestions of past and future performance issues, and to adjust, if appropriate, the compensation and benefits of the Charter Officer, as warranted.

Fiscal Note: Funding for salary increases are included in the FY 07 budget.

RECOMMENDATION

The City Commission review the salary and benefits of the City Manager and make any changes deemed appropriate.

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COMMISSION COMMENTS (if time available)**RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (1:00 pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS**

060843.

Arbor Day - January 19, 2007 (B)

RECOMMENDATION*Meg Niederhofer, Earline Luhrman, Anita Spring (Chair) and Tom Fay to accept the proclamation.*

060843_200701080900.pdf

CITIZEN COMMENT (1:15 pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED**060599.**COLLEGE PARK SPECIAL AREA PLAN – 1823 NW 5TH AVENUE (QUASI-JUDICIAL) (B)****Ordinance No. 0-06-131, Petition No. 144ZON-06PB**

An Ordinance of the City of Gainesville, Florida, amending the College Park Special Area Plan as codified in Appendix A, Section 3 of the Land Development Code, by rezoning and incorporating a specific change from Type III (House) to Type IV (Civic) on tax parcel 14931-000-000, located in the vicinity of 1823 Northwest 5th Avenue, and as more specifically described in this Ordinance; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

First Lutheran Church of Gainesville is located on the south side of the 1800 block of Northwest 5th Avenue, between Northwest 17th Street and Northwest 19th Street. The church site consists of four contiguous tax parcels. Two of the tax parcels have a Type IV - Civic designation, which allows administrative or legislative government offices, schools and places of religious assembly. The two remaining tax parcels located at 1823 Northwest 5th Avenue and 1726 Northwest 3rd Place have a Type III – House designation, which allows houses.

First Lutheran Church of Gainesville is requesting approval of the above-referenced petitions so that the tax parcels located at 1823 Northwest 5th Avenue and 1726 Northwest 3rd Place can be used for religious assembly, as allowed under the College Park Special Area Plan Type IV – Civic designation. The primary buildings, including the church, are located on the two tax parcels that currently have a Type IV – Civic designation. The tax parcel located at 1726 Northwest 3rd Place is occupied by a one-story building used as the church parsonage. The tax parcel located at 1823 Northwest 5th Avenue is occupied by an apartment building that is currently being demolished. The church would like to construct a building addition for pre-school and after-school programs on this tax parcel in the future.

The underlying zoning designation on three of the tax parcels is RMF-6. This zoning designation allows private schools and places of religious assembly on sites less than 20 acres by special use permit, provided the requirements and conditions of Article VI of the City Land Development Code are met. The tax parcel located at 1726 Northwest 3rd Place is zoned RMU, which allows civic buildings by right in accordance with a special area plan (Article V).

Approval of these petitions is supported by the fact that First Lutheran Church of Gainesville is located within a predominantly residential neighborhood, which would be protected by the requirements of the College Park Special Area Plan and underlying zoning districts applied to the church site. These requirements include building setbacks, height and use restrictions, landscaping, architectural standards and other criteria that may be deemed necessary to ensure compatibility with the surrounding area. These petitions are also consistent with one of the key purposes of the College Park Special Area Plan and underlying zoning districts, which is the provision of basic needs (e.g., religious assembly and education) within close proximity of residential areas to reduce the number of vehicular trips.

Public notice was published in the Gainesville Sun on October 3, 2006. Letters were mailed to surrounding property owners on October 4, 2006. The Plan Board held a public hearing October 19, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 144ZON-06 PB. Plan Board vote 7-0.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board both recommend approval.

RECOMMENDATION

The City Commission: 1) approve petition no. 144ZON-06PB; and 2) adopt the proposed ordinance.

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060600.

COLLEGE PARK SPECIAL AREA PLAN – 1726 NW 3RD PLACE (QUASI-JUDICIAL)(B)

Ordinance No. 0-06-132, Petition No. 145ZON-06PB

An Ordinance of the City of Gainesville, Florida, amending the College Park Special Area Plan as codified in Appendix A, Section 3 of the Land Development Code, by rezoning and incorporating a specific change from Type III (House) to Type IV (Civic) on tax parcel 14934-000-000, located in the vicinity of 1726 Northwest 3rd Place, and as more specifically described in this Ordinance; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

First Lutheran Church of Gainesville is located on the south side of the 1800 block of Northwest 5th Avenue, between Northwest 17th Street and Northwest 19th Street. The church site consists of four contiguous tax parcels. Two of the tax parcels have a Type IV - Civic designation, which allows administrative or legislative government offices, schools and places of religious assembly. The two remaining tax parcels located at 1823 Northwest 5th Avenue and 1726 Northwest 3rd Place have a Type III – House designation, which allows houses.

First Lutheran Church of Gainesville is requesting approval of the above-referenced petitions so that the tax parcels located at 1823 Northwest 5th Avenue and 1726 Northwest 3rd Place can be used for religious assembly, as allowed under the College Park Special Area Plan Type IV – Civic designation. The primary buildings, including the church, are located on the two tax parcels that currently have a Type IV – Civic designation. The tax parcel located at 1726 Northwest 3rd Place is occupied by a one-story building used as the church parsonage. The tax parcel located at 1823 Northwest 5th Avenue is occupied by an apartment building that is currently being demolished. The church would like to construct a building addition for pre-school and after-school programs on this tax parcel in the future.

The underlying zoning designation on three of the tax parcels is RMF-6. This zoning designation allows private schools and places of religious assembly on sites less than 20 acres by special use permit, provided the requirements and conditions of Article VI of the City Land Development Code are met. The tax parcel located at 1726 Northwest 3rd Place is zoned RMU, which allows civic buildings by right in accordance with a special area plan (Article V).

Approval of these petitions is supported by the fact that First Lutheran Church of Gainesville is located within a predominantly residential neighborhood, which would be protected by the requirements of the College Park Special Area Plan and underlying zoning districts applied to the church site. These requirements include building setbacks, height and use restrictions, landscaping, architectural standards and other criteria that may be deemed necessary to ensure compatibility with the surrounding area. These petitions are also consistent with one of the key purposes of the College Park Special Area Plan and underlying zoning districts, which is the provision of basic needs (e.g., religious assembly and education) within close proximity of residential areas to reduce the number of vehicular trips.

Public notice was published in the Gainesville Sun on October 3, 2006. Letters were mailed to surrounding property owners on October 4, 2006. The Plan Board held a public hearing October 19, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 145ZON-06 PB. Plan Board vote 7-0.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board

both recommend approval.

RECOMMENDATION

The City Commission: 1) approve petition no. 145ZON-06PB; and 2) adopt the proposed ordinance.

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

060378.

ENTERPRISE ZONE AND GREEN BUILDING PROGRAM DISCOUNTS (B)

Ordinance No. 0-06-133

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, amending section 6-12 relating to Incentives for Green Building Projects; amending the Buildings and Building Regulation section of Appendix A eliminating the reduction in permit fees in the Enterprise Zone; amending the Land Development Code section of Appendix A relating to development plan review fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date in accordance with the schedule provided herein.

Explanation: As of October 1, 2006, the Building Inspections Department is an Enterprise Fund, pursuant to Section 553.80(7), Florida Statutes. The user fees collected (permit fees) are to be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. Fees may be used for: direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing, building code enforcement, and fire inspections associated with new construction. If fees are discounted, the City needs to cover the funding gap from another source.

The City has had in place for a number of years a fifty percent reduction in fees for green buildings and for buildings constructed in the Enterprise Zone. On August 21, 2006, the City Commission approved \$100,000 from the GRU transfer to cover the green building discounts. No funding source was identified to cover building permit fee reductions for developments in the Enterprise Zone. The Community Development Committee discussed this item on September 18, 2006, and the Gainesville Enterprise Zone Development Agency (GEZDA) discussed this issue on September 26, 2006.

Based on recommendations from the Community Development Committee and GEZDA, the City Commission at its October 23, 2006 meeting approved (1) shifting the green building discount to site plan fees for nonresidential and multi-family buildings, since these discounts would be within planning and would not have to be compensated from another fund; (2) continuing the green building discount for single-family residences, since no site plan fee is charged by planning for individual single-family residences, but

reduce the discount to 25% for single-family residences, and (3) discontinue permanently the 50% building permit discount in the Enterprise Zone due to funding constraints.

This ordinance amends the three sections of the City code necessary to accomplish the items approved by the City Commission.

This ordinance requires two public hearings. If adopted on first reading, second and final reading will be January 8, 2007.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/28/06	City Commission	Approved as Recommended (5 - 0 - 2 Absent)	
8/28/06	City Commission	Referred	Community Development Committee
9/18/06	Community Development Committee	Approved as Recommended	
10/23/06	City Commission	Approved as Modified (6 - 0 - 1 Absent)	
12/11/06	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)	
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		060378_200612111300.pdf	

060773.

LIST OF CONTRIBUTING STRUCTURES IN THE SOUTHEAST HISTORIC DISTRICT (QUASI-JUDICIAL) (B)

Ordinance No. 0-06-44; Petition 160MSC-06 PB

An ordinance of the City of Gainesville, Florida, amending the list of contributing buildings and structures in the Southeast Residential Historic District, as more specifically described in this ordinance; finding these additional buildings and structures to be contributing structures subject to the regulations of the City's historic preservation/conservation ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

The petition changes the status of four principal structures from non-contributing to contributing in the Southeast Gainesville Historic District. The Southeast Gainesville Historic District was approved by the City Commission on March 13, 1989 (157ZON-88PB Ordinance #3522) and contributing and non-contributing status was applied to each building, site, structure or object.

As defined in the cultural resources survey, contributing buildings and structures are those that have been documented with the Florida Division of Historic Resources through completion of a Florida Master Site File. Also they are at least 45 years old, and have not been severely altered, namely through radical alteration of original plan, enclosing of porches, or additions to the

facade. Contributing structures include principal dwellings or buildings, garage apartments, and outbuildings. Conversely, noncontributing buildings and structures are defined as buildings with a Florida Master Site File that have been severely altered and/or buildings that are less than 45 years old.

Staff has found that 4 non-contributing buildings, sites, structures or objects (as reflected on the list and map attached as Exhibit "A") have met the criteria to be classified as contributing structures.

The Historic Preservation Board unanimously approved the proposed changes in status from non-contributing to contributing structures at a Special Meeting on November 8, 2005.

Public notice was published in the Gainesville Sun on February 28, 2006. Letters were mailed to surrounding property owners on March 1, 2006. The Plan Board held a public hearing March 16, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board approved the petition by a 6-0 vote and recommended that the City Commission approve Petition 160MSC-05 PB.

The petition and ordinance were placed on the August 14, 2006 City Commission agenda for first reading; however, it was pulled from the Agenda when a citizen questioned the accuracy of some of the details on the map attached to the ordinance. Since that time, the details of the map have been updated. Those details dealt primarily with the shape of building footprints as depicted on the map. The updates did not change the contributing/non-contributing status of any properties or change the District Boundaries.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. The City Commission adopted the ordinance on first reading December 11, 2006, and second and final reading is January 8, 2007.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

12/11/06 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

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060416.

STREET VACATION – SHANDS CANCER HOSPITAL PROJECT (B)

Ordinance No. 0-06-111, Petition 111SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Southwest 14th Terrace located in the vicinity between the south right-of-way line of Railroad Street, north of the south property

line of Lot 3 of Block 7 of Little Gandy Subdivision, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This is a request to vacate a portion of Southwest 14th Terrace to facilitate the development of a cancer hospital and associated facilities.

The Plan Board's recommendation of approval of the street vacation is conditional upon the following: 1) the Special Use Permit and Site Plan for the Shands Cancer Hospital development must be approved by the City and; 2) the second reading of the ordinance approving the street vacation of a portion of Southwest 14th Terrace located between the south right-of-way line of Railroad Street, as shown on Little Gandy subdivision, to a point 10 feet north of and parallel to the south property line of Lot 3 of Block 7 of Little Gandy Subdivision shall be coordinated with the final sign-off of the site plans for Shands Cancer Hospital. The Plan Board has at this point approved the Special Use Permit for a height of eight stories for the hospital, along with preliminary development plan approval.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing on August 17, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 25, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant. The Agreement was approved by the City Commission on November 27, 2006 and applies equally to all other street vacation ordinances relating to this Project.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/25/06	City Commission	Approved (Petition) with Conditions, As Modified (7 - 0)
11/27/06	City Commission	Adopted on First Reading (Ordinance) and Approved the Recommendation (7 - 0)
12/11/06	City Commission	Continued (2nd Reading) (5 - 0 - 2 Absent)

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060417.

STREET VACATION – SHANDS CANCER HOSPITAL PROJECT (B)

Ordinance No. 0-06-112 Petition 112SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Southwest 14th Street located in the vicinity between Southwest 12th Avenue and Southwest 13th Avenue, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: *COMMUNITY DEVELOPMENT STAFF REPORT*

This is a request to vacate a portion of Southwest 14th Street to facilitate the development of a cancer hospital and associated facilities.

The Plan Board's recommendation of approval of the street vacation is conditional upon the following: 1) the Special Use Permit and Site Plan for the Shands Cancer Hospital development must be approved by the City; and 2) the second reading of the ordinance approving the street vacation of a portion of Southwest 14th Street located between Southwest 12th Avenue and Southwest 13th Avenue shall be coordinated with the final sign-off of the site plans for Shands Cancer Hospital. The Plan Board at this point approved the Special Use Permit for a height of eight stories for the hospital, along with preliminary development plan approval.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing on August 17, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 25, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant. The Agreement was approved by the City Commission on November 27, 2006 and applies equally to all other street vacation ordinances relating to this Project.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/25/06	City Commission	Approved (Petition) with Conditions, As Modified (7 - 0)
11/27/06	City Commission	Adopted on First Reading (Ordinance) (7 - 0)
12/11/06	City Commission	Continued (2nd Reading) (5 - 0 - 2 Absent)

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060418.

STREET VACATION – SHANDS CANCER HOSPITAL PROJECT (B)

Ordinance No. 0-06-113 Petition 113SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of the alley located between Southwest 13th Avenue and Southwest 14th Avenue between S.W. 13th Street and S.W. 14th Street, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This is a request to vacate a portion of the Block B 3 alley located between Southwest 13th Avenue and Southwest 14th Avenue to facilitate the development of a cancer hospital and associated facilities.

The Plan Board's recommendation of approval of the street vacation is conditional upon the following: 1) the Special Use Permit and Site Plan for the Shands Cancer Hospital development must be approved by the City; and 2) the second reading of the ordinance approving the street vacation of a portion of Block B 3 alley located between Southwest 13th Avenue and Southwest 14th Avenue shall be coordinated with the final sign-off of the site plans for Shands Cancer Hospital. The Plan Board at this point approved the Special Use Permit for a height of eight stories for the hospital, along with preliminary development plan approval.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing August 17, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 25, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant. The Agreement was approved by the City Commission on November 27, 2006 and applies equally to all other street vacation ordinances relating to this Project.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/25/06	City Commission	Approved (Petition) with Conditions, As Modified (7 - 0)
11/27/06	City Commission	Adopted on First Reading (Ordinance) (7 - 0)
12/11/06	City Commission	Continued (2nd Reading) (5 - 0 - 2 Absent)

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060419.

STREET VACATION – SHANDS CANCER HOSPITAL PROJECT (B)

Ordinance No. 0-06-114 Petition 114SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of the alley located between Southwest 12th Avenue and Southwest 13th Avenue between Southwest 13th Street and Southwest 14th Terrace, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This is a request to vacate a portion of the Block B 5 alley located between Southwest 12th Avenue and Southwest 13th Avenue to facilitate the development of a cancer hospital and associated facilities.

The Plan Board's recommendation of approval of the street vacation is conditional upon the following: 1) the Special Use Permit and Site Plan for the Shands Cancer Hospital development must be approved by the City; and 2) the second reading of the ordinance approving the street vacation of a portion of the Block B 5 alley located between Southwest 12th Avenue and Southwest 13th Avenue shall be coordinated with the final sign-off of the site plans for the Shands Cancer Hospital.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing on August 17, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 25, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant. The Agreement was approved by the City Commission on November 27, 2006 and applies equally to all other street vacation ordinances relating to this Project.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/25/06	City Commission	Approved (Petition) with Conditions, As Modified (7 - 0)
11/27/06	City Commission	Adopted on First Reading (Ordinance) (7 - 0)
12/11/06	City Commission	Continued (2nd Reading) (5 - 0 - 2 Absent)

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060420.

STREET VACATION – SHANDS CANCER HOSPITAL PROJECT (B)

Ordinance No. 0-06-115 Petition 115SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of the alley located between Southwest 12th Avenue and Southwest 13th Avenue between Southwest 13th Street and Southwest 14th Street, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This is a request to vacate a portion of the Block B 2 alley located between Southwest 12th Avenue and Southwest 13th Avenue to facilitate the development of a cancer hospital and associated facilities.

The Plan Board's recommendation of approval of the street vacation is conditional upon the following: 1) the Special Use Permit and Site Plan for the Shands Cancer Hospital development must be approved by the City; and 2) the second reading of the ordinance approving the street vacation of a portion of the Block B 2 alley located between Southwest 12th Avenue and Southwest 13th Avenue shall be coordinated with the final sign-off of the site plans for the Shands Cancer Hospital. The Plan Board at this point approved the Special Use Permit for a height of eight stories for the hospital, along with preliminary development plan approval.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing August 17, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 25, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant. The Agreement was approved by the City Commission on November 27, 2006 and applies equally to all other street vacation ordinances relating to this Project.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/25/06	City Commission	Approved (Petition) with Conditions, As Modified (7 - 0)
11/27/06	City Commission	Adopted on First Reading (Ordinance) (7 - 0)
12/11/06	City Commission	Continued (2nd Reading) (5 - 0 - 2 Absent)

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060421.

STREET VACATION - SHANDS CANCER HOSPITAL PROJECT (B)

Ordinance No. 0-06-110; Petition 116SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Southwest 12th Avenue located between Southwest 14th Street and the southern right-of-way line of Railroad Street, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This is a request to vacate a portion of Southwest 12th Avenue, located between Southwest 14th Street and the southern right-of-way line of Railroad Street, to facilitate the development of a cancer hospital and associated facilities.

The Plan Board's recommendation of approval of the street vacation is conditional upon the following: 1) the Special Use Permit and Site Plan for the Shands Cancer Hospital development must be approved by the City; and 2) the second reading of the ordinance approving the street vacation of a portion of Southwest 12th Avenue located between Southwest 14th Street and the southern right-of-way line of Railroad Street, as shown on the Little Gandy subdivision, shall be coordinated with the final sign-off of the site plans for Shands Cancer Hospital. The Plan Board has at this point approved the Special Use Permit for a height of eight stories for the hospital, along with preliminary development plan approval.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing August 17, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 25, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant. The Agreement was approved by the City Commission on November 27, 2006 and applies equally to all other street vacation ordinances relating to this Project.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/25/06	City Commission	Approved (Petition) with Conditions, As Modified (7 - 0)
11/27/06	City Commission	Adopted on First Reading (Ordinance) (7 - 0)
12/11/06	City Commission	Continued (2nd Reading) (5 - 0 - 2 Absent)

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RESOLUTIONS- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

060733.

PUD Amendment University Corners (B)

Petition 148LUC-06PB, Kimley-Horn & Associates, Inc., agent for University Development of Gainesville, LLC. Amend the existing PUD (planned use district) ordinance 040656 to allow for an increase in the total number of residential dwelling units from a maximum of 400 units to a maximum of 490 residential dwelling units, and to allow for an increase in the number of stories and building height for the parking garage from eight to nine stories, and increase the allowable garage height from 85 feet to 95 feet to top of guard rail. Located between West University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street. Related to Petition 149PDA-06PB.

Explanation: The purpose of this petition is to amend portions of PUD ordinance 040656, approved on May 9, 2005, for the mixed-use development known as University Corners, a 1,185,000-square-foot development located on approximately 4.4 acres, located between West University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street.

The petitioner is requesting to increase the maximum number of residential units within this development from 400 units to a maximum of 490 dwelling units, without increasing the number of stories or the total square footage. The 490-unit total includes both the standard condominiums (247) and the condo/hotel (243) units. The proposed density would increase from 90 dwelling units per acre to 112 dwelling units per acre. The petitioner intends to convert two-story townhouse units into flats and be allowed to utilize much of the previously approved second-story retail and office space as residential.

In addition to increasing the maximum number of dwelling units allowed, the petitioner is also proposing to increase the number of stories of the above-ground parking garage from eight to nine stories and increase the garage height from 85 feet to 95 feet above grade level to the top of the guard rail. The additional story and height is being requested due to the loss of parking spaces resulting from removing the original underground parking garage, which has been reduced in size. The new, structured parking system being proposed should house approximately 1,000 spaces, 300 less than previously approved, and have a maximum square footage of 350,000 square feet, approximately 100,000 square feet less than before.

During the past year, much of the land surrounding the subject property has had its residential densities increased with the recent land use plan change and rezoning of property along the University Avenue and 13th Street corridors to urban mixed use 1 (UMU-1) and urban mixed use 2 (UMU-2). The maximum density allowed on most of the properties located to the west and north of the site, now zoned UMU-1 along those corridors west of 13th Street, has increased to 75 dwelling units per acre by right or 100 dwelling units per acre with approval of a Special Use Permit. The maximum density allowed on the

properties to the east, across Northwest 13th Street, now zoned UMU-2 along the corridors, has increased to 100 dwelling units per acre by right or 125 dwelling units per acre by Special Use Permit.

The Plan Board heard the petition and recommended approval by a vote of 4-3.

Public notice was published in the Gainesville Sun on October 31, 2006. Letters were mailed to surrounding property owners on November 30, 2006. The Plan Board held a public hearing November 16, 2006.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 148LUC-06 PB. Plan Board vote 4-3.

Staff to Plan Board - Approve petition 148LUC-06PB, with conditions and staff comments.

Alternative Recommendation A: Deny the requested petition.

Alternative Recommendation B: Approve the requested petition but with less than 470 units.

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060734.

Planned Development Amendment University Corners (B)

(Quasi-Judicial) Petition 149PDA-06 PB, Kimley-Horn & Associates, Inc., agent for University Development of Gainesville, LLC. Amend the existing mixed-use Planned Development Ordinance 040657, plan report, layout plan and elevations to allow for an increase in the total number of residential dwelling units from a maximum of 400 units to a maximum of 490 units and to allow for an increase in the number of stories and building height for the parking garage from eight to nine stories and increase the allowable garage height from 85 feet to 95 feet to top of guard rail. Located between West University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street. Related to Petition 148LUC-06PB.

Explanation: The petitioner wishes to amend portions of PD Ordinance 040657, PD Plan Report, PD Layout Plan and PD elevation all approved on May 23, 2005, for the mixed-use development known as University Corners, a 1,185,000-square-foot development located on approximately 4.4 acres of land located between West University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street.

The petitioner is requesting to increase the maximum number of residential dwelling units from a total of 400 units to a maximum of 490 dwelling units without increasing the number of stories of the mixed-use buildings or the total

square footage. The 490-unit total includes standard condominium units and approximately 243 condo/hotel dwelling units including approximately 243 dwelling units including condo-hotel. The proposed density for this project would increase from 90 to 112 dwelling units per acre. The petitioner intends to increase the total number of condos by decreasing the unit sizes, converting two-story townhouse units into flats, and would allow the developer the flexibility to use much of the second story as residential.

In addition to increasing the maximum number of dwelling units allowed, the petitioner is also proposing to increase the number of stories of the above-ground parking garage from eight to nine stories and increasing the garage height from 85 feet to 95 feet above grade level to the top of the guard rail. The additional story and height is being requested due to the loss of parking spaces in the original underground parking garage, which has been reduced in size. The new, structured parking system being proposed should house approximately 1,000 spaces, 300 less than previously approved, and have a maximum square footage of 350,000 square feet, approximately 100,000 square feet less than before.

The Plan Board heard the petition and recommended approval by a vote of 4-3.

Public notice was published in the Gainesville Sun on October 31, 2006. Letters were mailed to surrounding property owners on November 30, 2006. The Plan Board held a public hearing November 16, 2006.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 149PDA-06 PB. Plan Board vote 4-3

Staff to Plan Board - Staff recommends that the proposed Planned Development Amendment with associated PD Plan Report, PD Layout Plan and PD elevations, Petition 149PDA-06PB, be approved with staff conditions.

Alternative Recommendation A: Deny the requested petition.

Alternative Recommendation B: Approve the requested petition but with less than 470 units.

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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)