

City of Gainesville

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



Meeting Agenda

August 28, 2006

1:00 PM

City Hall Auditorium

City Commission

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

Persons with disabilities who require assistance to participate in this meeting are requested to notify the 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

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

060196.

First Amendment to the Agreement Between the City of Gainesville and Mansfield Oil Company (B)

This item involves a First Amendment to the Agreement with Mansfield Oil Company for #2 Ultra Low Sulfur Diesel Fuel with Red Dye for Regional Transit System (RTS) diesel fuel purchases. The proposed First Amendment is to correct language in the original Agreement to match the language in the original bid document with regards to the renewal term.

Explanation: The Regional Transit System currently has an agreement with Mansfield Oil Company for #2 ultra low sulfur diesel fuel with red dye. The original Agreement dated February 20, 2006 states, "Said contract will automatically renew for an additional four (4) year period if neither party notifies the other of an intent not to renew within ninety (90) calendar days prior to the expiration date." The Agreement should match the original bid document which states, "If not cancelled by the Vendor or the participating entities, this contract shall be automatically extended/renewed beyond the first year required base contract period for four (4) one (1) year optional periods not to exceed a total contract duration of five (5) years providing there are no changes of prices, terms and conditions."

Fiscal Note: Funding in the amount of \$2,100,000 for fuel has been budgeted in the annual RTS operating budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the First Amendment to the Agreement with Mansfield Oil Company.

Alternative Recommendation A: The City Commission deny authorization for the City Manager to execute the First Amendment to the Agreement with Mansfield Oil Company which will result in an automatic renewal for a 4-year period.

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060308.**Quit-Claim Deed for Tax Parcel 6695-000-000 (B)**

This item involves a request to authorize the City Mayor to execute a Quit-claim deed on Tax Parcel 6695-000-000.

Explanation: On November 15, 2001, the City of Gainesville acquired two-thirds interest of the title to Tax Parcel 6695-000-000 from May Graves Browning by Quit-claim deed. The remaining one-third interest remained vested in the name of Charles P. Graves, who is deceased. At the time of conveyance of the two-thirds interest in the title to the City, taxes for the years 1999 and 2000 were outstanding. After acquiring the tax certificates for these years, an application was made for a Tax Deed for a total cost of \$827.92. At the auction for the Tax Deed, the winning bid was submitted by the City, but was for an amount greater than the authorized approval limit of the City Manager. As the City could not pay this bid amount, the City was declared in default and barred from participating in the second auction for the Tax Deed. The property was sold to the current owner, Hat Cheong Lau, during this second auction. His bid was for an amount greater than \$12,000.00, resulting in a refund to the City of the initial Tax Deed application fee and the surplus amount of \$11,087.59 to compensate for the City's two-thirds interest.

The current owner has requested the City of Gainesville to execute a Quit-claim Deed to clear the cloud of ownership on Tax Parcel 6695-000-000.

Fiscal Note: None

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Mayor to execute a Quit-claim Deed, thereby releasing any interest the City of Gainesville may have in Tax Parcel 6695-000-000, subject to approval of the City Attorney as to form and legality.

Alternative Recommendation A: The City Commission deny the request and inform the property owner to file suit to Quiet Title.

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060312.**Traffic Engineering Services Agreement Between the City of Gainesville and Alachua County for FY 2007 (B)**

This item involves an agreement between the City of Gainesville and Alachua County for traffic engineering services in the amount of \$141,854.70 in revenue to the City during FY 2007.

Explanation: For twenty-nine years, the City of Gainesville and Alachua County have entered into an annual agreement for maintenance of traffic signals and traffic engineering services. Under the terms of this agreement, the City of Gainesville maintains and operates all traffic signals, flashing school beacons, and flashing warning beacons in the unincorporated area of Alachua County. In addition, the City assists Alachua County with traffic signal design and construction inspection activities. The agreement has prevented duplication of services and resulted in significant cost savings for both the City and County. The agreement also provides a mechanism for the County to reimburse the City for traffic counts, traffic accident studies, and traffic signal design activities the City performs for the County. The County contribution for traffic signal maintenance is based on the current number of traffic signals in operation in the unincorporated Alachua County.

Fiscal Note: The County will pay the City \$141,854.70, plus costs for materials, for traffic signal maintenance and operation for FY 2007.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Traffic Engineering Services Agreement between the City of Gainesville and Alachua County for the period of October 1, 2006 to September 30, 2007.

Alternative Recommendation A: The City Commission deny the authorization for the City Manager to execute the Agreement with the County, resulting in thirty-nine traffic signals and forty safety beacons being left unmaintained throughout Alachua County and the loss of at least \$141,854.70 in revenue for the City for FY 2007.

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060313.**Third Extension to the Contract for Professional Water Resource Engineering Services for FY 2007 (B)**

This item involves an extension to the Contract for Professional Water Resource Engineering Services with Johnson, Mirmiran & Thompson, Inc.

Explanation: The Contract dated May 25, 2004, First Amendment dated August 20, 2004, First Extension dated February 14, 2005, and Second Extension dated September 13, 2005 with Johnson, Mirmiran & Thompson, Inc., for Professional Water Resource Engineering Services expires on September 30, 2006. This firm

has responded to City requests for services promptly and their services have been reliable and accurate.

The Contract allows for five one-year extensions. This is the third request for an extension.

Fiscal Note: Funding in the amount of \$200,000 is available in the Stormwater Management Utility Fund.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Third Extension to the Contract with Johnson, Mirmiran & Thompson, Inc., for Professional Water Resource Engineering Services, extending the term of the contract from October 1, 2005 to September 30, 2006, subject to the final appropriation of funds for FY 2007.

Alternative Recommendation A: The City Commission deny the recommendation for the Third Extension and direct the City Manager to secure the services of individual firms on a project-by-project basis. This would result in project delays and additional administrative costs for both projects and routine tasks that require these services.

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060314.

First Extension to the Contracts for Professional Surveying and Mapping Services for FY 2007 (B)

This item involves an extension to the Contracts for Professional Surveying and Mapping Services with Terrence Brannan Land Surveyor, Inc. and George F. Young, Inc.

Explanation: The contract dated April 4, 2006, with George F. Young, Inc., and the contract dated June 2, 2006, with Terrence Brannan Land Surveyor, Inc., will expire on September 30, 2006. Both vendors have responded to City requests for services promptly and their services have been reliable and accurate.

The contracts allow for five one-year extensions. This is the first request for an extension to each contract.

Fiscal Note: Funding in the amount of \$50,000 is available in the City capital project budgets.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the City Manager to execute the First Extensions to the contracts with George F. Young, Inc., and Terrence Brannan Land Surveyor, Inc., for Professional Surveying and Mapping Services, extending the term of the contract from October 1, 2006 to September 30, 2007, subject to final appropriation of funds for FY 2007.

Alternative Recommendation A: The City Commission deny the recommendation for the First Extensions and direct the City Manager to secure the services of individual firms on a project-by-project basis. This would result in project delays and additional administrative costs for both projects and routine tasks that require these services.

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060321.

Florida Recreation Development Assistant Program Grant Application for Possum Creek Park Development (B)

This item requests the City Commission to authorize staff to submit a grant application to the Florida Department of Environmental Protection, Florida Recreation Development Program for the development of recreational amenities at Possum Creek Park.

Explanation: The Florida Recreation Development Assistance Program (FRDAP) offers funding to local governments for the following categories: 1) development or acquisition of lands for public outdoor recreational purposes; and 2) construction or renovation of public recreational trails. The maximum grant funds an applicant may request is \$200,000 with grant match ratios based on the grant cap of \$200,000 as follows: 1) Project cost \$50,000 or less, State share 100%, Grantee share, 0%; 2) Project cost \$50,001 to \$150,000, State share 75%, Grantee share 25%; or 3) Project cost \$150,001 up to \$400,000, State share 50%, Grantee share 50%. Applications must be postmarked no later than September 15, 2006.

Possum Creek Park is located in the 4000 block of NW 53rd Avenue, and has been identified in the City's five-year Capital Improvement Plan as targeted for additional development. FRDAP funding can assist with some of the long-term park development plans. The intent of this grant application is to provide matching funds for the park's development. Elements of the park's development include both active and passive recreation.

Fiscal Note: This project is estimated to require up to a total of \$400,000. Of that total, a 50% match is required from the City of Gainesville. Funds for the match are available in the City's 2005 CIRB fund.

RECOMMENDATION

The City Commission authorize the City Manager to:
1) apply to the State of Florida, Department of Environmental Protection, Florida Recreation Development Assistant program for up to \$200,000 in grant funds for park amenities at Possum Creek Park, and 2) authorize the City Manager to execute all documents associated with this grant, if awarded, subject to approval by the City Attorney as to form and legality.

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060322.**Florida Recreation Development Assistant Program Grant Application for Multipurpose Pavilion/Open Air Classroom (B)**

This item requests the City Commission to authorize staff to submit a grant application to the Florida Department of Environmental Protection, Florida Recreation Development Program for the development of a multipurpose pavilion/open air classroom for the picnic area at Morningside Nature Center.

Explanation: The Florida Recreation Development Assistance Program (FRDAP) offers funding to local governments for the following categories: 1) development or acquisition of lands for public outdoor recreational purposes; and 2) construction or renovation of public recreational trails. The maximum grant funds an applicant may request is \$200,000 with grant match ratios based on the grant cap of \$200,000 as follows: 1) Project cost \$50,000 or less, State share 100%, Grantee share, 0%; 2) Project cost \$50,001 to \$150,000, State share 75%, Grantee share 25%; or 3) Project cost \$150,001 up to \$400,000, State share 50%, Grantee share 50%. Applications must be postmarked no later than September 15, 2006.

Morningside Nature Center, located at 3650 South Main Street, was constructed and opened to the public in 1969. Since its construction and opening, numerous citizen requests have identified a need for an outdoor covered facility for picnics and small social gatherings. Additionally, a protected site for environmental education classes and nature camps is very much needed at the park where there is limited space to accommodate over 290 programs and 8 nature camps held each year. The intent of this grant application is to provide matching funds for the construction of a multipurpose pavilion/open air classroom which will meet the community's needs as well as provide a facility for environmental educational programs and services currently provided at the park.

Fiscal Note: This project is estimated to require a total of \$150,000. Of that total, a 50% match is required from the City of Gainesville. Funds for the match are available the City's 2005 CIRB fund.

RECOMMENDATION

The City Commission authorize the City Manager to: 1) apply to the State of Florida, Department of Environmental Protection, Florida Recreation Development Assistant program for \$75,000 in grant funds for the multipurpose pavilion/open air classroom project at Morningside Nature Center; and 2) authorize the City Manager to execute all documents associated with this grant, if awarded, subject to approval by the City Attorney as to form and legality.

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060335.**Transportation Regional Incentive Program (TRIP) Agreement (B)**

This item involves a request for the City Commission to enter into an interlocal agreement between the Gainesville Area Metropolitan Transportation Planning Organization (MTPO) and the Ocala / Marion Transportation Planning Organization (TPO).

Explanation: The Florida Department of Transportation (FDOT) has a funding program for transportation projects called the TRIP. TRIP projects are regionally significant. Entering into this agreement will allow the Gainesville Area MTPO and Ocala/Marion TPO to develop and prioritize a list of TRIP-eligible projects. These projects are then eligible to receive matching funds (up to 50%) from the FDOT through this TRIP funding mechanism. As written, the City of Gainesville will serve as the lead agency for this interlocal agreement.

Pursuant to this interlocal agreement, an Executive Committee will be established. This Executive Committee will consist of four members: one member each from the Gainesville City Commission and the Alachua County Board of County Commissioners and two members from the Ocala / Marion TPO. This committee will develop a Regional Transportation Plan (RTP). The RTP will identify, list and prioritize regionally-significant transportation facilities within the regional transportation area. The projects on the list will be adopted into the capital improvements program of the comprehensive plan for each local government.

The City of Gainesville will serve as the lead agency. The lead agency will designate a staff person to serve as the Project Manager for developing the RTP and the associated activities necessary to facilitate the adoption and approval of that plan. Projects identified in the Alachua County area will be eligible for funding from FDOT District 2, while projects identified in the Marion County area will be eligible for funding from FDOT District 5.

One of the projects that is eligible for this list is the Traffic Management System (TMS). If TRIP funds are designated for the TMS, the City of Gainesville will serve as the lead agency for the implementation.

Currently, the City has funding commitments from the City of Gainesville for \$5,000,000, the University of Florida for \$3,789,300 and Alachua County for \$2,000,000. We will be seeking matching funds through the TRIP. The Public Works Department is in the process of developing requests for proposals for a consulting contract for system integration, implementation, traffic signal timing modifications, before and after studies, and the design and construction of the Traffic Management Center.

Fiscal Note: There is no fiscal impact by entering into this Interlocal Agreement.

RECOMMENDATION

Recommended Motion: The City Commission: 1) authorize the Mayor to execute the Transportation Regional Incentive Program (TRIP) Agreement, subject to City Attorney approval as to form and legality.

Alternative Recommendation: The City Commission deny the request for this Agreement which would result

in the regional partnership not being formed and transportation projects not being eligible for TRIP funding.

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060337.

SpringHills Development of Regional Impact (DRI) - Transportation Impacts (B)

This item involves a recommendation to the City Commission to adopt the staff recommended position with respect to transportation impacts created by the SpringHills development on NW 39 Avenue (State Road 222) inside the city limits.

Explanation: The SpringHills development is a mixed-use project that encompasses all four quadrants of the I-75 interchange with NW 39 Avenue (State Road 222), and is a DRI consisting of several phases. The construction of Phase 1 of SpringHills is almost complete. The developer submitted a DRI substantial deviation request for Phase 2. The North Central Florida Regional Planning Council (Council), City of Gainesville Public Works Department and the Alachua County Public Works Department were tasked with the evaluation of the transportation impacts for the substantial deviation request.

The SpringHills Phase 2 project consists of 516 single-family and 1,772 multi-family residential units, 1.5 million square feet of retail space, 125,000 square feet of office space, 460,000 square feet of warehouse space and 625 hotel rooms. The magnitude of the development is comparable to adding another Haile Plantation plus another Oaks Mall at the development site. The proposed development will generate approximately 64,500 new trips, half of which will travel on NW 39 Avenue. The SpringHills transportation impacts fall into two general categories: construction of new roadway segments and regional transportation impacts. These impacts are described in the SpringHills summary prepared by the Council and are included in the backup.

The items of most interest to the City are the transportation impacts on NW 39 Avenue, particularly at the intersections of NW 34 Street and NW 43 Street. In order to produce a transportation plan that does not result in failing intersections (traffic movements that fail the acceptable level of service test), significant roadway and intersection modifications would be required along NW 39th Avenue. These modifications include:

NW 39 Avenue

- Widen NW 39 Avenue to 6 lanes from I-75 to NW 34h Street*
- NW 39 Avenue at 34 Street*
- Provide eastbound dual left turn lanes and a right turn lane*
 - Provide southbound dual left turn lanes*
 - Provide northbound left turn, through and right turn lanes*
 - Provide westbound right turn lane*

NW 39 Avenue at 43 Street

- Widen NW 39 Avenue to 8 lanes east and west of 43d Street*
- Widen NW 43 Street to 6 lanes north and south of 39 Avenue*
- Provide northbound dual left turn lanes*

- Provide southbound dual left turn lanes
- Extend southbound right turn lane

Traffic Management System: Provide and install traffic management infrastructure (traffic signal controllers/cabinets, fiber optic communication cable, etc) on NW 39 Avenue from NW 98 Street to NW 34 Street.

The City of Gainesville Comprehensive Plan, Policy 7.1.1 states that “the maximum number of travel lanes for a new or widened street within city limits shall not exceed 4 travel lanes”. The proposed transportation modifications required to produce a workable transportation plan for SpringHills Phase 2 requires widening a substantial portion of NW 39 Avenue to 6 travel lanes, plus requiring 8 travel lanes at the NW 43 Street intersection. These modifications are not consistent with the City's Comprehensive Plan.

The North Central Florida Regional Planning Council, at its July 27, 2006 meeting, voted to approve the SpringHills evaluation report and recommendations prepared by Council staff. Council staff recommends reducing the uses and intensity of the SpringHills Substantial Deviation by an amount that would produce a workable transportation plan. If the City of Gainesville voted to change its Comprehensive Plan to allow the six-laning on NW 39 Avenue inside the City Limits, the uses and intensity of the SpringHills project could be adjusted provided the SpringHills applicant prepares an updated transportation study demonstrating a feasible transportation plan. The Alachua County Commission is scheduled to take action at their August 30, 2006 meeting. The recommendation of the County was not formulated at the time this agenda item was prepared.

The Public Works staff recommends the City Commission adopt and forward to the Alachua County Commission the following position with respect to the SpringHills substantial deviation proposal:

“The City of Gainesville's adopted Comprehensive Plan Policy 7.1.1 states that “the maximum number of travel lanes for a new or widened street within city limits shall not exceed 4 travel lanes”. The traffic impact analysis conducted in determining the impacts of the proposed substantial deviation for the Spring Hills DRI indicates that modifications to NW 39 Avenue and sections of NW 43 Street within the city limits would be in violation of the City's comprehensive plan. Therefore, the Gainesville City Commission recommends that the request for a substantial deviation for Phase 2 of the SpringHills DRI be denied and that the DRI be reduced in scale and required to develop a more sustainable transportation mitigation strategy that does not result in a violation of the City's Comprehensive Plan.”

Fiscal Note: None

RECOMMENDATION

Recommended Motion: The City Commission: 1) adopt the staff-recommended position with respect to transportation impacts on NW 39 Avenue (State Road 222) created by the SpringHills development inside the city limits; and 2) transmit this position to the Alachua County Commission prior to August 30, 2006.

Alternative Recommendation: The City Commission

develop an alternate position with respect to transportation impacts on NW 39 Avenue created by the SpringHills development.

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060343.

2006 City Commission Strategic Objectives - Status Update (B)

This item provides a progress update on the City Commission's adopted goals and objectives.

Explanation: The City Commission Strategic Goals and Objectives were adopted on January 23, 2006, and a status update was provided on May 22, 2006. This is a progress update for the 3 month time period between May, 2006 and July, 2006.

Fiscal Note: None

RECOMMENDATION

The City Commission receive a report from the City Manager on the current progress towards the City Commission Strategic Goals for 2006.

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060375.

Gainesville Clean and Green Program (B)

The Gainesville Clean and Green Program is a comprehensive effort by City staff to focus the resources of the City, private sector, Alachua County, and the State of Florida to improve the overall appearance of the City's gateway corridors.

Explanation: The appearance of the City's gateway corridors creates a lasting impression for residents and visitors to the City. Most property owners have a great deal of pride in the maintenance of their private properties and the right-of-ways fronting gateway corridors. However, many properties reflect a level of disinterest, which can adversely impact the impression residents have of the City. Common areas within the City's gateway corridors are maintained by the City of Gainesville, Alachua County, and the Florida Department of Transportation. The State, County, and City right-of-ways are not uniformly maintained, and reflect, in some cases, overgrown grass, trash, debris, and deteriorated public infrastructure.

Private property owners and homeowners associations have installed privacy fences along the City's gateway corridors. In some cases, these privacy fences have been allowed to deteriorate and the private property adjacent to the public right-of-way has not been maintained. City staff will coordinate and encourage all of the public entities that have a role in maintaining the public property and right-of-ways to increase the aesthetic and visual appeal of the right-of-ways and public properties. Staff will also attempt to engage private property owners in a partnership to provide a greater frequency of grass cutting, and to increase

fence maintenance and cleanliness along the corridors.

Major components of the Clean and Green Program will include:

- * Targeted efforts by City staff to increase the effectiveness of governmental services for cleaning and maintaining public right-of-ways and properties.*
- * Efforts to raise the awareness of renters and property owners of the need to maintain property in front of their homes and businesses to the curb line.*
- * A public outreach program to celebrate actions that foster a clean and green city, and to encourage the general public to be responsible for the overall cleanliness of the City of Gainesville.*
- * A review of the City's ordinances to ensure that the responsibilities for maintenance of right-of-ways and property to the curb line are clear.*

The Gainesville Clean and Green Program will be ongoing. Staff's goal is to engage citizens, Keep Alachua Beautiful, the City Beautification Board, the media, and other governmental entities in a comprehensive effort to improve the appearance of the City. A secondary objective of staff is to quantify on a long term basis our efforts to improve the appearance and cleanliness of the City.

Fiscal Note: Staff resources will coordinate and target an enhanced level of right-of-way and private property maintenance. Any additional expenditures will be brought forward to the City Commission as a separate City Commission item.

RECOMMENDATION

The City Commission approve staff's effort to target the cleanliness and overall appearance of the City's gateway corridors.

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060383.

Request to Amend the Stormwater Management Utility Fund Fees Found in Appendix A of the Code of Ordinances (B)

This item involves a request from the Public Works Department to increase the Stormwater Management Utility Fund (SMUF) fees in Appendix A of the Code of Ordinances.

Explanation: The Stormwater Management Utility Fund is an Enterprise Fund and the user fees collected shall be used solely for carrying out the local government's responsibilities in providing stormwater management as authorized in the Code of Ordinances Chapter 27, Article 5. An increase in the Stormwater Management Utility fee is deemed necessary based on the increases noted for maintenance and for capital improvements associated with operating the utility. The proposed change in fees will increase the ERU charge from \$6.50 to \$6.95 on October 1, 2006 and \$7.40 on October 1, 2007 to cover operating costs. During the FY07-08 proposed budget presentations, Stormwater Services staff was directed to work with the City Attorney's office to amend the Code of Ordinances to implement the changes to the Stormwater Management Utility Fund fee in Appendix A.

Fiscal Note: The SMUF Enterprise Fund will accumulate all funds related to stormwater management.

RECOMMENDATION

Recommended Motion: The City Commission authorize

the City Attorney to draft and the Clerk of the Commission to advertise an amendment to the Code of Ordinances amending the Stormwater Management Utility fees in Appendix A.

Alternative Recommendation A: The City Commission deny authorization for the City Attorney to draft and the Clerk of the Commission to advertise an amendment to the Code of Ordinances amending the Stormwater Management Utility fees in Appendix A.

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060378.

Discussion of the Enterprise Zone and the Green Building Program (NB)

This agenda item provides a discussion of the impact of new State legislation on the Enterprise Zone and Green Building Programs. It also recommends temporarily discontinuing the use of discounts for buildings in the Enterprise Zone effective October 1, 2006, other than for those having already filed for site plan approval, and requests authorization for staff and the Community Development Committee and the Gainesville Enterprise Zone Development Agency (GEZDA) to explore funding sources for reinstating the Enterprise Zone discount if a future funding source can be determined.

Explanation: Beginning in October, 2006 the Building Inspection Department will become an Enterprise Fund based on Florida Statute 553.80(7). 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. The phrase "enforcing the Florida Building Code" includes the 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. Discounted permit inspection fees are not allowed.

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. The Builders Association of North Central Florida opposes both reductions. The City Commission received the builders' concerns during budget meetings and staff indicated they would explore the issues. On August 21, 2006, the City Commission approved \$100,000 from the GRU transfer to cover the green building discounts. On the issue of the Enterprise Zone discounts, the (GEZDA) discussed the issue of the Enterprise Zone fee reductions on August 9, 2006, and concluded that because of the improvements and the progress that has been made in the Enterprise Zone, but the continued work that needs to be done, GEZDA recommends that the building permit reduction stay substantially in its same form within the confines of budget issues to be worked out.

No funding source has been identified to cover building permit fee reductions for developments in the Enterprise Zone. Fifty percent reductions continue in the ordinance for site plan and planning petition fees for developments in the

Enterprise Zone.

Fiscal Note: The fifty percent discounts from Green Building were approximately \$3,570.00 in FY 2005. For FY 2006 the figure to date is approximately \$8,834. Discounts from the Enterprise Zone were approximately \$263,717.00 in FY 2005. For FY 2006 to date, the Enterprise Zone discount figure is approximately \$120,794.

RECOMMENDATION

Staff to the City Commission: Refer the issue to the Community Development Committee and GEZDA for further exploration of ways to fund this in the future and to then (if a future funding source is located) consider reactivating such discounts.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

060389.

Marketing and Communications Consultant (NB)

Staff recommends establishing a contract to perform marketing and communications consulting services.

Explanation: The Marketing Department has been without a manager since October 2005, when a staff member resigned to take a higher paying position with Progress Energy Florida. The manager position has been advertised for months and, despite offering this position to two very qualified candidates, a qualified manager has not yet been hired. With a much stronger emphasis on energy conservation and the need to attain immediate results, it is imperative that someone with expertise in product and service marketing be available to assist staff members with planning, implementation and measurement.

While the manager position was vacant, GRU used the services of a consultant to assist with meeting its operational needs. Between February and April 2006, Ms. Debbie Mason, President of Strategists, Inc., provided professional consulting services for the Marketing and Communications Department. Strategists, Inc. worked under direct supervision of the Marketing and Communications Director to improve the overall effectiveness of the Utility's marketing efforts. Strategists, Inc. evaluated GRU's existing contracts for efficiency and effectiveness and made recommendations for improvements to the Marketing and Communications Director. These recommendations are now being implemented. In addition, the consultant provided staff members with mentoring, coaching and advice on the development of marketing plans for energy conservation, natural gas and telecommunications and many other aspects of the day-to-day operation of the department.

Based on the position vacancy and needs of the department, staff believes that the use of a consultant is more cost effective and provides greater flexibility for the Utility. The results achieved from the use of this firm have been outstanding and staff recommends approval of this contract with Strategists, Inc. Strategists, Inc.'s price is competitive with other firms providing similar services based on staff's market analysis.

Fiscal Note: Funds have been requested in the FY 2007 budget and will be requested in the FY 2008 budget.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or her designee, to negotiate and execute a contract with Strategists, Inc., a specified source, to perform marketing and communications consulting and related services for a two year-term in amounts not to exceed \$96,000 each year, subject to approval of the City Attorney as to form and legality, and 2) approve the issuance of purchase orders to Strategists, Inc. in amounts not to exceeding \$96,000 per year, subject to the final appropriation of funds for these services for the FY 2007 and FY 2008 budgets.

060390.

Contract for Uniform Rental, Laundering and Maintenance (B)

Staff recommends establishing a contract for rental uniforms for various GRU and General Government departments.

Explanation: Various Utility and General Government departments provide uniforms to designated employees to wear while performing their work duties. Identifying employees to the public and staff safety are among some of the reasons that uniforms are of importance.

Approximately 160 Utility and General Government employees are engaged in work that results in garments being soiled with contaminants which make home laundering inadvisable. For these employees, rental uniforms are provided by a company that is responsible for picking up the soiled garments from the department work sites, laundering them properly in a commercial cleaning facility and returning them to the designated departments on a weekly basis. The company is also responsible for maintaining the garments for minor repairs and replacing garments on an as needed basis. Staff covered by this contract include water and wastewater line workers, wastewater reclamation facility staff, Fleet and RTS mechanics.

A Request for Proposal was issued for these services to five (5) rental uniform providers. A mandatory prebid meeting was held with five (5) potential bidders in attendance. Five proposals were received which were evaluated based on pricing, demonstrated understanding and approach, commitment to providing customer service, experience and qualifications of the business, quality of garments, accuracy of invoicing and electronic reporting and complaint resolution. All proposals were evaluated by staff and scored for the first phase of the evaluation. The top two evaluated firms made presentations which were scored based on the established criteria. Riverside Uniform Rentals submitted the best evaluated proposal in the second phase of the evaluation. The attached tabulation provides the scoring for all firms for the first phase of the evaluation and the scoring for the two firms that participated in the second phase.

Fiscal Note: Funds for these services are available in the FY 2006 budgets and have been

included in the proposed FY 2007 budgets. Funds will also be requested in subsequent budget years. The approximate annual cost of this contract is \$30,000.

RECOMMENDATION

The City Commission: 1) authorize the Interim General Manager, or her designee, to execute a three year contract with Riverside Uniform Rentals for rental uniforms for various GRU and General Government departments, subject to approval of the City Attorney as to form and legality, and 2) approve the issuance of purchase orders for rental uniforms to Riverside Uniform Rentals not exceeding budgeted amounts for each year of the contract, subject to the final appropriation of funds for each fiscal year.

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060391.

Communication Consulting and Graphic Design Services Agreement (NB)

Staff recommends establishing a strategic alliance contract with PRO INK Corporation to provide communications consulting, graphic design and related services.

Explanation: For the past six years, the Utility has been engaged in a strategic alliance with PRO INK for communication consulting and graphic design services on an as needed basis. A strategic alliance agreement allows the Utility to work with a business that has a unique understanding of the Utility's needs. The alliance allows staff to interact cooperatively with the business to determine the most cost-effective way to meet those needs, often communicating important or potentially sensitive information to internal or external groups through the most effective means.

Using a local business is crucial for a rapid turn around time on emergency projects . PRO INK is a small, local, woman-owned business with a wide range of experience, knowledge and expertise in the communications consulting and graphic design field in the Gainesville market. PRO INK is uniquely qualified to perform these services since they are the only known business located in Gainesville that can offer consulting and graphic design services through one agency. Staff has consistently received high quality and creative services provided through the strategic alliance with PRO INK. Based on the continually changing environment in the utility industry, staff believes that a continuation of a strategic alliance with PRO INK will enable staff to maintain continuity in GRU's communications efforts. In addition to providing these services to the Utility, General Government has been able to use this agreement for their emergency needs as well.

Examples of the projects with which PRO INK has assisted the Utility and General Government include: 1) large - scale employee communication on increase in health insurance rates; 2) development of materials such as emergency storm communications; 3) design and periodic updating of plant brochures (Deerhaven, Murphree, Kelly, Kanapaha and Main Street); 4) design and coordination of informational kiosks at San Felasco right-of-way and

Chapman's Pond and Chapman's Pond bird checklist; and 5) GRU's national award-winning annual report.

Fiscal Note: Funds for these services are in the proposed FY07 budget and will be requested in subsequent year budgets.

RECOMMENDATION

The City Commission: 1) authorize the Interim General Manager, or her designee, to negotiate a strategic alliance agreement with PRO INK Corporation for as-needed communication consulting and graphic design services for a three year-term subject to approval of the City Attorney as to form and legality, and 2) approve the issuance of purchase orders to PRO INK Corporation in amounts not to exceed \$250,000 per year subject to the final appropriation of funds for these services in each fiscal year of the agreement.

060392.

Amendment to Contract for GRU Customer Bulletin (NB)

Staff recommends extending the contract for printing the GRU Customer Bulletin.

Explanation: The GRU Customer Bulletin is mailed to over 87,000 households and businesses each month with customer's monthly utility bill. The bulletin is one of the most important and successful tools used by the Utility to communicate with its customers. Information regarding GRU products and services, safety tips, energy and water conservation measures, vital and/or legally required information and community news is included in the bulletin.

The City Commission approved a three-year contract for these services on October 14, 2002 and the first of two one-year extensions on November 28, 2005 to continue the contract through September 2006. An amendment to the contract increased the rates 3.6% in 2006 due to paper pricing increases. Beechler Waters Commercial Printers and Mailers has agreed to continue the contract at the current rate for FY 2007. According to the Bureau of Labor Statistics, the cost of paper has increased over ten percent since the contract began; therefore, staff believes that the extended pricing is competitive. The small, local printing business continues to provide good service to the Utility.

Fiscal Note: Funds have been requested in the proposed FY 2007 budget.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or her designee, to negotiate and execute an amendment to the contract with Beechler Waters Commercial Printers and Mailers for printing the GRU Customer Bulletin, subject to approval of the City attorney as to form and legality; and 2) approve the issuance of a purchase order to Beechler Waters Commercial Printers and Mailers in an amount

not-to-exceed \$72,000 subject to the final appropriation of funds for these services for FY 2007.

060393. Lease Space (NB)

Staff is requesting authorization from the City Commission to execute a Lease Agreement for office space.

Explanation: On June 12th of this year the City Commission gave staff approval to proceed with the execution of a contract for the architectural and engineering services for the construction of a Utilities Technology Center. The construction of this new building will provide a safe and secure facility to house our mission critical business systems, as well as office space for GRU's IT department which is now housed at GTEC and the Administration Building. We anticipate the new facility will be ready for occupancy within three years.

There is no additional space available in the Administration Building to accommodate the relocation of staff currently located at GTEC or the additional staff growth projected in the coming fiscal year. It will be necessary to lease space to accommodate these employees until the Technology Center is completed. Staff would like to lease space in close proximity to the Administration Building to facilitate synergy between the IT staff and their users.

Staff is in the process of negotiating a three year lease agreement, contingent upon City Commission approval, with McGurn Investment Company for the lease of approximately 6885 square feet at a cost of \$20.57 per square foot for a total of approximately \$142,000 per year. This price includes all utilities, parking, and janitorial services.

Fiscal Note: Funds for this expenditure are available in the Information Systems operating budget.

RECOMMENDATION

The City Commission: 1) authorize the Interim General Manager or her designee, upon successful negotiation of terms, to execute a Lease Agreement for approximately 6885 square feet of office space at Union Street Station, subject to approval as to form and legality by the City Attorney.

060395. Amendment to the Contract for Management Performance Consulting Services (NB)

Staff recommends extending the contract for management performance consulting services.

Explanation: A Professional Consulting Services Agreement was established with

Organizational Excellence International, on October 1, 2005 to provide management and employee development consulting and training services for various Utility departments. The agreement provides for two additional one-year extensions of the contract upon mutual agreement of the parties and negotiation of the contract prices. Staff has received excellent services through this agreement and believes that a continuation of the contract will allow for improving managerial and supervisory capacity and work groups utility-wide.

Some of the services provided this past year included: conducting focus groups for major areas of the utility; discussing staffing issues; placing a strong emphasis on leadership development and building "one" team in some divisions; and implementing strategies to build a culture of customer focus, employee involvement and continuous improvement.

Organizational Excellence International has proposed an increase of approximately eleven percent. Based on an evaluation of other management performance consulting firms' rates, Organizational Excellence International's hourly rate remains competitive with firms that provide similar services.

Fiscal Note: Funds for these services have been included in the proposed FY 2007 budget.

RECOMMENDATION

The City Commission: 1) authorize the Interim General Manager, or her designee, to negotiate and execute an amendment to the Contract for one year with Organizational Excellence International, P.C., a specified source, for management and employee development consulting and training services, subject to the approval of the City Attorney as to form and legality, and 2) approve the issuance of a purchase order to Organizational Excellence International, P.C. in an amount not to exceed \$75,000 for FY 2007, subject to the final appropriation of funds for these services.

060396.

Partial Release of Easement at 4908 NW 15th Place (B)

Explanation: At the time the subdivision of Suburban Heights, Unit 8 was developed in 1970, a ten foot wide public utilities easement was dedicated along the rear of Lot 19, via Plat Book "H", Page 34, filed in the Public Records of Alachua County. Subsequent to that time, a pool with a concrete deck was built on said lot. A recent survey of the property prepared by Philip A. Pistorino, P.A., dated May 18, 2006, reflects that the pool deck and pool pump encroach into the platted easement. The current owners have requested that the City/GRU release their interest in the area of encroachment in order to clear the cloud from the title.

GRU Staff has reviewed the request and verified that there are no existing electric, water, sewer, gas or GRUCom utility facilities located in the area of encroachment, and therefore has no objection to the City releasing its interest in the encroached area of the easement.

It should be noted that, if approved, the City of Gainesville would only be releasing its interest in the easement and that other public utility entities will each have to release their interests separately. The owners have been advised of this fact.

RECOMMENDATION

The City Commission: 1) Approve the partial release of an easement at 4908 NW 15th Place; and 2) Authorize the Mayor to execute the Partial Release of Easement document subject to approval by the City Attorney as to form and legality.

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060405.

Contract Amendment for Herbicides (NB)

Staff recommends extending the contract for herbicides for Vegetation Management.

Explanation: Vegetation Management purchases herbicides for chemical vegetation control on utility rights-of-way, substations, power plant sites and other properties as may be required.

The City Commission approved the award of a contract to Helena Chemical Company for herbicides on September 23, 2002 for a three year period. On September 26, 2005, the City Commission approved the first of two available extensions to the contract extending the term through September 30, 2006.

Helena Chemical Company has agreed to extend the contract for a one year period, which represents the last available extension under the contract. Helena's proposed pricing includes both increases and decreases for the products purchased by the Utility. However, the pricing remains competitive with current market pricing for these products. In addition, Helena Chemical has provided excellent service to the Utility.

Fiscal Note: Funds for these purchases have been included in the proposed Operation and Maintenance portion of Energy Delivery's FY 2007 budget.

RECOMMENDATION

The City Commission: 1) authorize the Interim General Manager or his designee to execute an amendment to extend the contract with Helena Chemical Company for herbicides for the Vegetation Management Division for a one-year period; and 2) approve the issuance of a purchase order to Helena Chemical Company in an amount not to exceed \$50,000, subject to the final appropriation of funds for FY 2007.

060332.

Engineering Proposal Development, Design, Procurement and Construction Services in Support of Proposed Shands Central Utility Plant (B)

Staff recommends approval of the final ranking of the engineering firms and authorization to negotiate a contract in accordance with the Consultants' Competitive Negotiations Act (CCNA) for Engineer, Procure, and Construct (EPC) services for the proposed Shands Central Utility Plant for Phase 1 Services.

Explanation: Shands is developing a new hospital complex south of the existing facility on Archer Road. Staff has responded to a Request for Qualifications (RFQ) from Shands to enter into a long-term agreement for a utility provider to design, finance, construct, own and operate a central utility plant on a portion of the new Shands campus. The proposed energy plant would provide emergency/stand-by power, chilled water and steam to support Shands' currently proposed and anticipated future expansions on the new campus. We were notified on July 21, 2006 that GRU has been short-listed, which places the Utility on the list of firms to receive the Request for Proposal (RFP).

Staff recommends entering into a contract with an EPC firm for Phase 1 services, which would include preliminary design sufficient to develop cost estimates for several alternatives, and assist in the development of pricing strategies to support our proposal. If GRU is awarded the Shands project, GRU would seek commission approval to execute a contract with the same EPC firm for work for additional phases including but not limited to detailed design, construction, and operation and maintenance support. The project budget is projected to be less than \$30 million which would be recovered through charges for services provided to Shands. Staff would not proceed unless the rate of return meets GRU's minimum rate of return criteria, and the project had positive benefits for the utility.

Utilities Purchasing issued a Request for Qualifications (RFQ) for Engineering Design and EPC Services for Proposed Shands Central Utility Plant to known EPC firms and posted the solicitation on Purchasing's website which is monitored by several bid reporting services. Five firms submitted Statements of Qualifications (SOQ), which were ranked after evaluation of the submittals and shortlisted to three firms. Discussions with the three shortlisted firms were held in accordance with the criteria established in the RFQ and the Competitive Consultants Negotiations Act (CCNA).

The three firms are listed below in the order of ranking and a tabulation of the evaluation is attached for your reference: 1) Burns & McDonnell; 2) Stanley Consultants, Inc.; and 3) Black & Veatch.

In accordance with the CCNA, staff is recommending initiating contract negotiations with the top ranked firm. Burns and McDonnell demonstrated superior experience in the engineering, procurement and construction of hospital and university based central utility plants. Burns and McDonnell also displayed the broadest experience in the design and construction of creative and highly energy efficient facilities with the smallest environmental footprint. One such facility was recently put in service at the Dell Children's Hospital in Austin, TX, and is owned by Austin Energy. The facility will allow the Dell Children's Hospital to qualify for LEEDS Platinum, which is the highest level of achievement in environmentally sensitive design and construction. This facility incorporates demand side management (DSM) as an integral part of its design.

GRU's ownership of the Shands Central Utility Plant could have a positive impact on the adoption of DSM at one of our largest customers.

If staff is unable to negotiate an acceptable contract with the top ranked firm, it may initiate negotiations with the other firms in sequential order.

Fiscal Note: The project budget is projected to be in the range of \$15-30 million, depending on the final system configuration selected by Shands, which would be recovered through charges for services provided to Shands. Staff would not recommend proceeding unless the rate of return meets GRU's minimum rate of return criteria, and the project had positive benefits for the utility. The anticipated cost of engineering services for project development is expected to be less than \$250,000.

RECOMMENDATION

The City Commission: 1) approve the final ranking of the EPC firms; 2) authorize the Interim General Manager for Utilities, or her designee, to negotiate contracts in accordance with the Consultants' Competitive Negotiations Act (CCNA) for EPC Services for the proposed Shands Central Utility Plant; and 3) authorize the Interim General Manager or her designee, upon successful negotiations, to execute a contract subject to approval of the City Attorney as to form and legality, in an amount not to exceed \$250,000 for Phase 1 Services.

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060397.

Advanced Utility Services Gainesville Greens Project (B)

Staff is proposing to provide chilled water, emergency electrical generation, and communications services including Internet, high speed data, telephone, and possibly video to Gainesville Greens on a contractual basis. The terms and conditions for these services have been broadly defined in a Memorandum of Understanding and staff needs authorization to negotiate the required final agreement(s).

Explanation: Since the summer of 2005 staff and the developers of the Gainesville Greens project have been exploring ways to make it a model of energy efficiency and advanced utility services. The attached Memorandum of Understanding (MOU) is the result of those discussions to date, and provides a framework to provide Gainesville Greens with chilled water for air conditioning, emergency generation, and a communications network for the delivery and installation of advanced communication services such as Internet access, private line data, telephone, and video. It is very similar to the existing MOU for these services between University Corners and the City of Gainesville.

Chilled water for air conditioning can be very energy efficient but is only cost-effective for large installations. Two municipal utilities in Florida, JEA and the Orlando Utilities Commission, provide chilled water as a utility service to their downtown areas as a way to make these systems more cost-effective and

available. Staff is proposing to provide similar services to the Gainesville Greens development, with a long-range intent to potentially offer these services to other projects in an interconnected network. Compared to a conventional direct expansion air conditioning system (similar to most apartment buildings in Gainesville), chilled water can reduce energy consumption for air conditioning by as much as half. Space for the chilled water plant has been reserved by the developer within the project limits of the Gainesville Greens development. However, in accordance with the MOU, the City retains the option to locate an alternative site suitable for the placement of the facilities that would be more advantageous for the City. If staff determines an alternative site is in the City's best interest, acquisition of the site will be submitted to the City Commission for approval.

Emergency generation will be provided pursuant to our existing ATTENGEN program.

The proposed communications network will demonstrate the deployment of fiber optics to the home with bandwidth capacity sufficient to allow the delivery of telephone and video as well as broadband Internet services. Access to local and inter-exchange carrier-grade services would also be made available to the professional, retail and commercial occupants of the project. The network could also be used for security and closed-circuit video applications.

The Memorandum of Understanding calls for basic chilled water, emergency generation, and broadband services to be purchased in bulk by the Master Association. Individuals will be able to purchase additional services as desired. The bulk contract aspect of the Memorandum of Understanding greatly enhances the feasibility of the advanced utility services as well as reduces costs for the users.

None of the advanced services are based on standard rates and charges, and a final agreement will require both the utility and the Developer to be satisfied with the price and the services to be provided. System sizing and capacity requirements still need to be finalized before pricing and cost estimates can be developed. It is staff's intent to provide these services on an enterprise basis, earning a rate of return commensurate with other utility enterprise activities. Conventional utility services, such as for electricity, water, wastewater, and natural gas, will be provided pursuant to existing policies, practices and tariffs and will not be addressed in the agreement for advanced utility services.

Fiscal Note: The System's capital investment will be in the range of \$2 to \$5 million for chilled water, generation, and network facilities. Staff will not enter into any agreements that will not recover the System's capital and operating costs as well as earning a rate of return commensurate with other System investments and expenditures. Funding for this project has not been included in the proposed budget for FY 2007, pending final negotiations. Depending upon the project cost and the availability of capital funds, staff may recommend a budget amendment as appropriate.

RECOMMENDATION

The City Commission authorize the interim General Manager or her designee to negotiate and execute final agreement(s) pursuant to the attached Memorandum of

Understanding with GG DEVELOPMENT ASSOCIATES, LLC. (Gainesville Greens), for Gainesville Regional Utilities to provide advanced utility services to the University Corners Development, including chilled water for air conditioning, emergency generation, and a broadband network for the delivery and distribution of advanced communication services, subject to approval of the City Attorney as to form and legality.

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060398.

Engineering Proposal Development, Design, Procurement and Construction Services (EPC Services) in Support of Gainesville Greens and University Corners Chilled Water Facilities (B)

Staff recommends approval of the final ranking of the engineering firms and authorization to negotiate a contract in accordance with the Consultants' Competitive Negotiations Act (CCNA) for EPC services for the proposed Gainesville Greens and University Corners chilled water facilities.

Explanation: Gainesville Greens and University Corners are two large mixed use complexes currently under development in Gainesville. Staff has had discussions with both developers regarding GRU installing central chiller facilities within each of the developments. Chilled water systems are the most energy efficient means of space cooling. The installation of chilled water cooling systems by developers has historically been hindered by the higher capital cost, the higher level of technical sophistication for operation and maintenance, and cost allocation (billing) for chilled water systems.

Staff recommends entering into a contract for each project with an EPC firm for Phase I services, which would include preliminary design sufficient to develop cost estimates for several alternatives, and support pricing strategies for final contract negotiations. Staff would seek commission approval to extend contracts with the same EPC firm for work for additional phases for detailed design, construction, and operation and maintenance support. The combined budget for these projects is projected to be less than \$12 million which would be recovered through charges for services to the developments. Staff would not proceed unless the rate of return meets GRU's minimum rate of return criteria, and the project had neutral or positive cost benefit to electric system rate payers.

Utilities Purchasing issued a Request for Qualifications (RFQ) for Engineering Design and EPC Services for Proposed Shands Central Utility Plant to known EPC firms and posted the solicitation on Purchasing's website which is monitored by several bid reporting services. Five firms submitted Statements of Qualifications (SOQ), which were ranked after evaluation of the submittals and shortlisted to three firms. Discussions with the three shortlisted firms were held in accordance with the criteria established in the RFQ and the Competitive Consultants Negotiations Act (CCNA).

The three firms are listed below in the order of ranking and a tabulation of the evaluation is attached for your reference: 1) Burns & McDonnell; 2) Stanley Consultants, Inc.; and 3) Siemens Building Technologies

In accordance with the CCNA, staff is recommending initiating contract negotiations with the top ranked firm. Burns and McDonnell demonstrated superior experience in the engineering, procurement and construction of chilled water plants, some of which incorporate Demand Side Management (DSM). GRU's ownership of these facilities could have a positive impact on the adoption of DSM at similar projects under development.

If staff is unable to negotiate acceptable contracts with the top ranked firm, it may initiate negotiations with the other firms in sequential order.

Fiscal Note: The anticipated cost of engineering services for project development is expected to be less than \$100,000 for each of these projects.

The project budget is projected to be less than \$12 million which would be recovered through charges for services provided to the developments. Staff would not recommend final Commission approval of this project unless the rates of return for each project meets GRU's minimum rate of return criteria, and the projects had neutral or positive cost benefit to electric system rate payers.

RECOMMENDATION

The City Commission: 1) approve the final ranking of the EPC firms; 2) authorize the Interim General Manager for Utilities, or her designee, to negotiate contracts in accordance with the Consultants' Competitive Negotiations Act (CCNA) for EPC Services for the proposed Gainesville Greens and University Corners chilled water facilities; 3) authorize the Interim General Manager or her designee, upon successful negotiations, to execute a contract subject to approval of the City Attorney as to form and legality, in an amount not to exceed \$100,000 for Phase 1 Services for Gainesville Greens, and 4) authorize the Interim General Manager or her designee, upon successful negotiations, to execute a contract subject to approval of the City Attorney as to form and legality, in an amount not to exceed \$100,000 for Phase 1 Services for University Corners.

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CITY ATTORNEY, CONSENT AGENDA ITEMS

060401.

WATSON CONSTRUCTION CO. V. CITY OF GAINESVILLE (NB)

Explanation: In May 2005, Watson filed a multi-count complaint against the City alleging that the City's enactment of a moratorium violated its constitutional rights. The City vigorously defended the case and filed for summary judgment on all claims. On May 23, 2006, Federal Judge Stephan P. Mickle entered an order granting

summary judgment in favor of the City on all Counts. The City has filed motions to recover its costs and fees. The Court has not yet ruled on those motions. Plaintiff Watson Construction Co. filed an appeal in the 11th Circuit U.S. Court of Appeals. The City will file a brief and present oral argument to the Eleventh Circuit if oral argument is granted.

RECOMMENDATION *The City Commission authorize the City Attorney and Special Counsel to represent the City in the appeal in this lawsuit.*

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

060379. City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of July 27, 2006 and August 14, 2006; as circulated.*

060400. Resignation of Advisory Board/Committee Member Gloria Lopez (B)

RECOMMENDATION *The City Commission accept the resignation of Gloria Lopez from the Gainesville/Alachua County Cultural Affairs Board effective July 25, 2006.*

060402. Joint Meeting between the City and School Board of Alachua County (B)

RECOMMENDATION *The City Commission schedule a joint meeting with the School Board of Alachua County on October 2 at 5:00 PM at the School Board to discuss issues included, but not limited to:*

- 1. The Academic and Physical Plant Health of Schools*
- 2. Standardized Test Scores*
- 3. Graduation Rates*
- 4. Capital Status of Schools located within the City of Gainesville*
- 5. Workforce Preparation*

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

PUBLIC SAFETY COMMITTEE, CONSENT

060310. Joint Aviation Unit Funding for FY 2006-07 (NB)

This item requests the City Commission approve funding for the Joint Aviation Unit for FY 2006-07 operating expenses from the Federal Law Enforcement Contraband Forfeiture Trust Fund.

Explanation: On July 8, 1996, the City Commission approved the Inter-Agency Agreement for a Joint Aviation Unit between the Alachua County Sheriff's Office (ACSO) and the City of Gainesville's Police Department. The agreement allows for each agency to share the cost of the aviation hangar and office located at the Gainesville Regional Airport and the ACSO maintenance technician's salary. Total estimated operating costs for FY07 are \$90,971. Estimated cost for the City's half of the hangar/office and maintenance technician's salary is \$40,950. In addition, this request includes costs for normal operating expenses for GPD's helicopter of \$50,021. These costs are for fuel, aircraft parts, required maintenance inspections, mandatory FAA flight training for pilots, on-going training for flight officers, and FAA physicals. The annual budget does not include some component overhauls that may require completion during FY07.

Fiscal Note: Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." The balance in this account is \$800,787 inclusive of items still pending.

RECOMMENDATION

Recommended Motion: The City Commission approve the appropriation of \$90,971 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Joint Aviation Unit.

Alternative Recommendation A: The City Commission approve an amount less than the \$90,971 requested.

Alternative Recommendation B: None.

Legislative History

8/17/06	Public Safety Committee	Approved as Recommended
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060311. Mounted Patrol Unit Funding from Federal Law Enforcement Contraband Forfeiture Trust Fund for FY 2006-07 (NB)

Explanation: On October 13, 1997, the City Commission approved the formation of the Gainesville Police Department two member Mounted Patrol Unit and authorized funding through the LECFTF. On January 12, 1998, the City Commission authorized the expansion of the unit to include a third member.

This funding request of \$51,040 is to cover the operating expenses of the unit for FY 2005-2006. The total operating cost includes funding for maintenance of the Mounted Patrol Unit facilities, veterinary services, horse feed, supplies, and refresher training. The increase from last year's budget (\$45,160) request is due to the need to replace one of the horses and for additional fencing.

A complete breakdown of the funding request is included in the backup.

Fiscal Note: Funds for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and are allowable per Federal 21 U.S.C. § 881, found in the U.S. Department of Justice, "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies". The balance in the account is \$800,787 inclusive of items still pending.

RECOMMENDATION

Recommended Motion: The City Commission approve the appropriation of \$51,040 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Mounted Patrol Unit.

Alternative Recommendation A: The City Commission approve an amount less than the \$51,040 requested.

Alternative Recommendation B: None.

Legislative History

8/17/06	Public Safety Committee	Approved as Recommended
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AUDIT, FINANCE and LEGISLATIVE COMMITTEE, CONSENT

060301.

Living Wage Review (B)

Explanation: In accordance with our Fiscal Year 2006 Annual Audit Plan, we have completed a Living Wage Review. Our report and the response from the City Manager and Interim General Manager for Utilities are attached for your review.

We request that the Committee recommend the City Commission accept our report and management's response. Also, in accordance with City Commission Resolution 970187, Section 10, Responsibilities for Follow-up on Audits, we request that the Committee recommend the City Commission instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.

RECOMMENDATION

The City Commission: 1) Accept the City Auditor's report and the response from the City Manager and Interim General Manager for Utilities; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.

Legislative History

8/15/06 Audit, Finance and Recommended for Approval
 Legislative
 Committee
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060302.**Review of Travel Expenses (B)**

Explanation: In accordance with our Fiscal Year 2006 Annual Audit Plan, we have completed a Review of Travel Expenses. Our report and the response from the City Manager and Interim General Manager for Utilities are attached for your review.

We request that the Committee recommend the City Commission accept our report and management's response. Also, in accordance with City Commission Resolution 970187, Section 10, Responsibilities for Follow-up on Audits, we request that the Committee recommend the City Commission instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.

RECOMMENDATION

The City Commission: 1) Accept the City Auditor's report and the response from the City Manager and Interim General Manager for Utilities; and 2) instruct the City Auditor to conduct a follow-up review on recommendations made and report the results to the Audit, Finance and Legislative Committee.

Legislative History

8/15/06 Audit, Finance and Recommended for Approval
 Legislative
 Committee
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060334.**Fiscal Year 2006 Operating Funds Quarterly Monitoring Report - Quarter Ending June 30, 2006 (B)**

Explanation: The City's General Government Budget Policy requires staff to prepare and submit a quarterly budget compliance report in substantially the same form as the final budget document, for all major operating funds, including the status of General Fund fund balances, to the Audit and Finance Committee.

RECOMMENDATION

The City Commission receive the General Government Quarterly Budget Monitoring Report for the quarter ended June 30, 2006.

Legislative History

8/15/06 Audit, Finance and Recommended for Approval
 Legislative
 Committee

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060349.**Gainesville Regional Utilities (GRU) - Quarterly Financial Report (B)****RECOMMENDATION**

The City Commission receive the GRU Quarterly Financial Report as of June 30, 2006.

Legislative History

8/15/06 Audit, Finance and Recommended for Approval
 Legislative
 Committee

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EQUAL OPPORTUNITY COMMITTEE, CONSENT**060169.****Neighbors Building Neighborhoods Program - Rochester NY (B)**

Explanation: On June 12, 2006, the City Commission referred the issue of Rochester's "Neighbors Building Neighborhoods" program to the Equal Opportunity Committee for review and report back to the full City Commission within 60 days.

The Mayor of Rochester, New York appointed a Commission on Race and Ethnicity and charged them with the task of eliminating racism in the community. They implemented a program titled "Biracial Partnerships for Community Progress" which matched business and civic leaders of different races and ethnic groups. These partners committed to meeting 16 times over the course of a year, supplemented by seven cluster group meetings of ten to twelve partners. Each cluster group had a trained coach. The program began with a large group meeting at the beginning of the year and ends with a final group meeting at the end of the year to celebrate their new friends and understandings. 82% of the participants completed the program. The program began with community leaders change makers and the plan was to increase the number of participants to 500 in early 2005 and to 1000 during 2006.

The Neighbors Building Neighborhoods (NBN) process was initiated in March 1994, and it divided the City of Rochester into ten planning sector areas. The NBN process enables residents, business people, and organizations to be the "planners" for their neighborhoods. Each sector has a committee that has been encouraged to involve businesses, institutions, the faith community, youth and senior citizen population among others. City efforts have focused on promoting diversity within the sector committees. The City of Rochester, Rochester City School District, neighborhood associations, businesses, private and parochial schools, churches, agencies, community groups, Monroe County, foundations and corporations are just some examples of those involved. Each planning sector group organized itself, created vision statements, identified neighborhood issues, priorities, and developed action plans to realize their goals.

RECOMMENDATION

The City Commission encourage consideration of similar programs as potential outcomes of Race Relations Summit on September 6-7, 2006.

Legislative History

6/12/06	City Commission	Referred (7 - 0)	Equal Opportunity Committee
6/12/06	City Commission	Referred	Equal Opportunity Director
7/20/06	Equal Opportunity Committee	Discussed	

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COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****060341.****Presentation on the City's Performance Measurement and Benchmarking Program (NB)**

Staff from the City's Strategic Planning Division will provide information on the City's Performance Measurement and Benchmarking efforts.

Explanation: In order to improve City services and organizational efficiencies, each department is required to participate in a performance measurement program. Some of these programs include benchmarking with other communities within the State of Florida and across the country. Strategic Planning staff will make a presentation on the City's programs and the type of information being produced.

Fiscal Note: None

RECOMMENDATION

The City Commission hear the presentation and take any appropriate action, if necessary.

060345.**Landlord Permit Fee Increases to Address the Impacts of Rentals in Single-Family Neighborhoods through Program Enhancements (B)**

This item involves a request for the City Commission to raise the fee for landlord permits to partially reflect the cost of enforcement and to fund program enhancements needed to address the negative impacts of rentals in single-family neighborhoods.

Explanation: Per City of Gainesville Ordinance Section 30-57 and 14.5, landlords are required to obtain a permit to rent a property located in single-family zoning districts. Historical data indicates a disproportionate amount of enforcement for single-family homes used as rentals. This increases required enforcement services by enforcement of the noise ordinance, routine housing code inspections, yard maintenance requirements, parking plan reviews, yard parking inspections, over-occupancy investigations, permit processing, enforcement of the landlord points system, enforcement of failure to obtain landlord permits and solid waste enforcement.

The Community Development and Public Safety Committees recommended a number of changes to programs and automation in order to be able to provide higher levels of enforcement of rentals in single-family neighborhoods. The Community Development Committee recommended fee increases in order to fund these program changes, more officers to accomplish more enforcement, and associated technology changes. The City Commission, on July 10, 2006 expressed interest in moving forward with the program changes. The City Commission also discussed, during a budget meeting, the Community Development Committee's proposed fee increase along with a slightly smaller increase proposed at that time by staff., and asked staff to return with options for further discussion. Staff has met further to review and propose various options that could include a smaller package of changes and a somewhat lower fee increase.

One possibility would be to raise the landlord permit fee to \$177 to elevate enforcement efforts directed toward the abatement of violations in single-family zones. This would allow the addition of three Code Enforcement Officers, a Field Collector, a Systems Programmer assigned to automate the code enforcement process (assigned to the Computer Services Department) and support a portion of the cost of bringing the Solid Waste Division on board with the current code enforcement tracking software.

Another possible approach would be a smaller increase to the landlord permit fee, to \$152. This would allow the addition of three Code Enforcement Officers, a Field Collector, and support a portion of the cost of bringing the Solid Waste Division on board with the current code enforcement tracking software. Fewer program changes would be recommended because this lower fee level would not support automation staffing. Without the additional staff person in Computer Services, contemplated in the first proposal above, programs such as listing landlord points on the web would be saved for discussion at the next two-year budget cycle in 2008.

A third scenario, involving a smaller increase, would be to raise the landlord permit to \$150. This would be the same as the scenario just above but would not fund automation of Solid Waste's enforcement via an integrated package with Code Enforcement.

A fourth alternative would be not to raise fees from their present \$84 level, and

to continue enforcement with the same number of officers as are in place now. Many of the program changes would not be introduced at this time under this scenario.

Staff will summarize each of the possible scenarios in a presentation to the City Commission.

Fiscal Note: The current landlord permit fee only partially funds the actual cost of administering the program and the cost of enforcing the City's ordinances. The proposed fee increase (the \$177 proposal) would provide additional funding for enforcing additional requirements and other program enhancements as stated in the recommendations, but would still not fully fund the costs and expenses of the rental-related programs. The lesser proposed fees in the other variations would provide decreasing levels of additional support to fund the programs.

RECOMMENDATION *The City Commission hear a presentation from staff and provide direction.*

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060347.

Request to Amend the Building Inspection Fees Found in Appendix A of the Code of Ordinances (B)

This item is a request from the Building Inspection Department to increase certain fees in Appendix A of the Code of Ordinances to implement full cost recovery for services delivered to the public.

Explanation: Beginning in October 2006, the Building Inspection Department will become an Enterprise Fund based on Florida Statute 553.80(7). 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. The phrase "enforcing the Florida Building Code" includes: the 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.

Traditionally, the permit fees for new construction are calculated using the Cost/Square Foot (CSF) Table and the Valuation Table (VT) in Appendix A. The calculations are based on occupancy type (residential, mercantile, storage, etc.) and the construction type (non-combustible, concrete block, metal wood frame, etc.). Through the years, the amounts in this table have been significantly lower than actual costs and have not been updated to keep up with market costs, therefore, the table has been out of date for years. The proposed changes to Appendix A include revising the CSF Table to the nationally published CSF figures from the International Code Council (ICC). The proposed increases to these nationally published CSF figures will equate to 45% increases in the CSF levels, but are still very conservative in relation to actual current CSF levels. The published CSF figures are used in the majority of jurisdictions that enforce the International Codes.

As an example of the changes in fees that would result from moving to the proposed higher CSF figures, the fee for a 1,500 square foot single-family home

is currently based on an outdated CSF of \$48.75, resulting in a valuation of \$73,125 and a fee of \$548. Moving to a somewhat more realistic, still very conservative CSF of \$88.03 (45% higher) results in a valuation of \$132,045 and a fee of \$946.

The other proposed fee changes include changing the manner in which electrical, mechanical, plumbing, and gas permit fees are calculated. Staff proposes a simple cost per inspection of \$60, in lieu of fees for individual items installed. The other changes are detailed in the accompanying backup information.

Fiscal Note: Staff proposes an estimated 45% increase in the CSF figures to the nationally published levels, resulting in a fee increase of that amount in new building permit fees, and other changes as noted.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an amendment to the Code of Ordinances amending the Building Inspection Department fees in Appendix A.

Alternative Recommendation A:

The City Commission leave fees as they are, which may not cover costs including needed positions.

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060348.

Discussion of Proposed Tentative Financial and Operating Plan for FY 2006-2007 (NB)

Staff will present proposed cuts to previously proposed FY 2007 budget to accommodate City Commission's request to reduce the proposed millage rate to 4.9000.

Explanation: The City Commission on July 24, 2006 adopted Resolution 060271 approving a tentative proposed budget for FY 2006-2007. As part of its discussion, the City Commission instructed staff to determine what further budget reductions could be made to reduce the millage rate from the originally proposed 4.9250 mills to 4.9000 mills.

Fiscal Note: The revenue reduction associated with a millage rate decrease from 4.9250 to 4.9000 equals \$121,559.

RECOMMENDATION

The City Commission hear staff's presentation and take appropriate action.

GENERAL MANAGER FOR UTILITIES

060399.

All Source Solicitation for Energy Supply (B)

Independent reviews of the proposed Integrated Resource Plan were performed last winter and were concluded in March of 2006. One of the conclusions reached was that additional generation capacity would be needed even if the maximum cost-effective energy conservation were achieved. On April 12, 2006, in addition to developing a plan to achieve the maximum cost-effective energy conservation, the City Commission requested staff to conduct an all source solicitation to meet the balance of Gainesville's energy and demand needs. The results of the all source solicitation were to be compared to the options of a self built, biomass fired or an integrated gasification combined cycle (IGCC) facility (preferably able to use biomass as well). Staff has identified a number of opportunities and has designed a process to assemble an energy supply plan to meet the Community's need for efficient, clean, economical, reliable and low carbon intensity sources of electrical supply.

Explanation: The Gainesville City Commission contracted with ICF Consulting and GDS Associates to conduct independent reviews of GRU's proposed Integrated Resource Plan, which were completed in March of 2006. One of the conclusions reached was that additional generation capacity would be needed even if the maximum cost-effective energy conservation were achieved. On April 12, 2006, the City Commission adopted the following motion instructing staff to:

"Initiate a conceptual design and pricing to include but not limited to the following alternatives to compare to an all source solicitation requesting proposals to meet the balance of GRU's demand and energy needs: 1) A small (<100 MW) facility capable of 100% biomass on site locally; 2) An IGCC unit on site locally (260MW or less) or off-site if bigger, preferably using biomass; 3) Be open to partnerships either on-site or off-site; and 4) Carbon neutrality - reduce carbon intensity per capita."

Staff has been developing indicative pricing and performance information for self build biomass and IGCC facilities to compare to the results of an all source solicitation. In addition, staff has initiated contact with a range of power plant developers, utilities engaged in adding capacity, and utilities that might be interested in participating in a joint unit. As a result, staff has identified a list of potentially interested parties with significant experience in developing biomass and gasification projects. Furthermore, staff has had the opportunity to explore non-conventional ownership and operation arrangements, and believes that there are opportunities to create a plan that allows some flexibility in the amount of capacity commitment made through time. By the same token, potential respondents have had the opportunity to begin understanding the City's desires well in advance of a formal solicitation.

One of the lessons learned in the process is that the level of commitment likely to be contained in a power supply proposal will reflect the likelihood that the proposal is consistent with the Commission wishes. Accordingly, Staff has designed a process to enable an energy supply plan to be assembled from the widest range of concepts possible, and will require expensive and binding proposals only after an energy plan is conceptually approved by the City Commission.

The proposed process (see attached) will begin with a non-binding Request for

Letters of Interest. An important aspect of the Request is its discussion of the range of capacity requirements the electric system has. This amount depends upon the uncertainty related to wholesale contracts and the level of conservation that will be achieved through time. The request also includes a preference for proposals that contain options to increase or decrease capacity commitments through time. The Letters of Interest are required to contain indications of the capacity, cost, performance, and environmental characteristics of what is being proposed. Information regarding the counterparty's financial resources is also requested. The outcome of this process and staff's recommendation on how to proceed will be presented to the City Commission, by April, 2007. Based on the Commission's direction at that point, a Request for Proposals will be developed and formal proposals will be solicited as required to develop the energy plan.

Fiscal Note: Funds to cover incidental consulting costs as needed by staff to assist in the proposed all source solicitation have been included in the FY 2007 budget.

RECOMMENDATION

The City Commission receive a presentation from staff on possible biomass and IGCC power supply opportunities, and the process that has been designed to develop an all source solicitation to meet the balance of Gainesville energy and demand needs.

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CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

060327.**Wayne Castello Day - August 28, 2006 (B)****RECOMMENDATION**

Reichert House volunteer and local attorney Wayne Castello to accept the proclamation.

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****060359.****Adoption of the Eastside Community Redevelopment Plan (B)**

Explanation: In January 2006, the City decided to update the Eastside Community Redevelopment Plan (adopted in 2001) including, if appropriate, the proposed expanded area. As part of the update to the Community Redevelopment Plan, the City retained Asset Property Disposition Inc. (APD), to investigate and document blight conditions in an area just south of the existing Community Redevelopment Area for possible inclusion. The Eastside Community Redevelopment Plan was prepared to not only update the existing Eastside Community Redevelopment Plan, but also to address the conditions of blight that were identified in the Expansion Area in the Findings of Necessity report, adopted by the City Commission on July 10, 2006.

The Eastside Community Redevelopment Plan is scheduled for approval by the Community Redevelopment Agency and scheduled to be transmitted to the City Commission on August 21, 2006.

A proposed copy of the Plan has been provided for review.

The proposed Plan includes objectives and initiatives to further redevelop and remove blight from the existing Community Redevelopment Area and the Expansion Area. Redevelopment objectives and initiatives outlined in the Plan include land use changes, economic development strategies, improvements to housing, utilities and services and transportation, and initiatives to create community pride and cohesiveness. Proposed redevelopment projects include sidewalk and pedestrian improvements, street improvements, drainage and environmental improvements, housing infill and rehabilitation, parks and recreation improvements, economic development/commercial infill, utility upgrades and improvements, neighborhood improvements (safety, identity and facilities), property assembly, strategic acquisitions, arterial roadway improvements (medians, crosswalks and sidewalks, signalization), transit improvements, and streetscape (landscape and aesthetic) improvements.

On August 10, 2006 the Eastside Redevelopment Advisory Board reviewed the proposed Eastside Community Redevelopment Plan and recommended the Community Redevelopment Agency adopt the plan.

On August 21, 2006 the Community Redevelopment Agency reviewed the Eastside Community Redevelopment Plan with modifications and forwarded it to the City Commission for approval and to the taxing authorities.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the resolution.

Alternative Recommendation A: Adopt the resolution with modifications.

Alternative Recommendation B: Do not adopt the resolution.

Legislative History

8/21/06 Community Approved as Amended (6 - 0 - 1 Absent)
 Redevelopment
 Agency
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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

060336.

EASTSIDE COMMUNITY REDEVELOPMENT AREA (B)

Ordinance No. 0-06-80

An ordinance of the City of Gainesville, Florida, amending Division 9 of Chapter 2 of the Code of Ordinances of the City of Gainesville relating to Community Redevelopment, amending Section 2-410.3 by expanding the boundaries of the Eastside Community Redevelopment Area; amending Section 2-415 relating to the trust fund for the Eastside Community Redevelopment Area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting on August 14, 2006, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance expanding the boundaries of the Eastside Community Redevelopment Area and setting the base taxable value for the expanded area.

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, September 11, 2006.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/14/06 City Commission Approved as Recommended (4 - 0 - 3 Absent)
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060103.**SPECIAL REGULATIONS FOR OFF-STREET PARKING AND ESTABLISHING A RESIDENTIAL PARKING OVERLAY DISTRICT (B)****Ordinance No. 0-06-62; Petition 70TCH-06 PB**

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, Chapter 30; amending section 30-23 by defining the term “context area;” amending section 30-56, providing special regulations for off-street parking in the context area or any residential regulated parking overlay district; creating and adding a new section 30-56.1, providing for a new overlay district to be known as “Residential Parking Overlay District;” establishing the procedure and criteria for rezoning and imposing the overlay district; providing administrative remedy; amending section 30-330, making conforming changes; amending the City of Gainesville Code of Ordinances, relating to fees; amending Appendix A, Land Development Code, section (2), Planning, by creating a fee for verifying signatures on a petition requesting imposition of a Residential Parking Overlay District; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

In 1997, the City Commission approved an ordinance regulating off-street parking on single-family zoned properties in an area commonly referred to as the University of Florida Context Area (Context Area). The ordinance was adopted because disorderly yard parking was having a negative impact on single-family neighborhoods near the University. The ordinance was updated in March 2004 to close loopholes and improve enforcement.

Major provisions of the parking regulations within the Context Area require driveway and parking area borders to be permanent, clearly defined, affixed to the ground, and a minimum size. The regulations also require the submittal of a parking plan when applying for a landlord permit, or if requested by the City.

The proposed ordinance expands where off-street parking is regulated, through changes to the Context Area and the establishment of a Residential Parking Overlay District.

The University of Florida has recently changed the boundaries of the Context Area to include some single-family zoned areas not previously included. The proposed ordinance applies the off-street parking regulations to those areas by specifically referencing the new, expanded Context Area.

The proposed ordinance also creates a Residential Parking Overlay District. Within the Residential Parking Overlay District, the same off-street parking regulations as applied in the Context Area would be imposed. The proposed ordinance allows any neighborhood that meets the minimum criteria for the Overlay District, to request that the City Commission apply the Overlay District to that neighborhood. The minimum criteria for establishing the Overlay

District boundaries include the number of parcels, percentage of property owners in favor of being in the overlay district, and other factors. A standard petition form would be used to determine the number of property owners in favor of being in the overlay district. If a request met those minimum requirements, then the City Commission could consider the request through the standard rezoning process, including application forms, application fees, public notice and public hearings.

The Plan Board heard the petition and recommended that it be approved with the following three modifications:

** The minimum number of parcels in an overlay district shall be 25, rather than 50;*

** Parcel owners of 60%, rather than 67%, of the parcels within a proposed overlay district must sign the petition requesting the district; and*

** Change the word "and" to "or" in lines six and eight of page 18.*

Staff has no objections to the modifications proposed by the Plan Board.

Public notice was published in the Gainesville Sun on May 31, 2006. The Plan Board held a public hearing June 15, 2006.

Fiscal Note: If enacted, the proposal would generate a significant amount of additional administrative work in the Code Enforcement and Planning Divisions, and possibly in the City Clerk's Office. Depending on how many Residential Parking Overlay Districts are approved by the City Commission, staff estimates that at least one additional code enforcement officer would be needed to manage the additional enforcement needs. Other tasks associated with the overlay districts include verifying names on petitions, processing applications, and mapping overlay districts.

CITY ATTORNEY MEMORANDUM

The City Commission approved Petition 70TCH-06 PB, with modifications, on July 24, 2006. This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, September 11, 2006.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/24/06 City Commission Approved (Petition) with Plan Board Modifications (7 - 0)

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060352.

AMENDMENT TO NOISE ORDINANCE (B)

Ordinance No. 0-06-75

An ordinance of the City of Gainesville, Florida, relating to noise; amending section 15-6 of the Code of Ordinances increasing the duration of warnings for all prohibited sounds; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing for penalties; and providing an immediate effective date.

Explanation: The City Commission at its meeting on July 10, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance extending the period of a warning for prohibited sounds from 90 days to 365 days. This amendment was recommended by the Community Development Committee and the Public Safety Committee.

This ordinance requires two public hearings. If the ordinance passes on first reading, second and final reading will be held on September 11, 2006.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

050158.

DEVELOPMENT REVIEW PROCESS (B)

Ordinance No. 0-06-16; Petition 107TCH-05 PB

An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to development review plans; amending section 30-23; adding a definition for developed industrial area; amending section 30-159; creating a new level of review for minor plans before the development review board; amending paragraph 30-350(b)(3); amending the neighborhood meeting requirements, adding an architectural/design consultant procedure for development located in community redevelopment districts and special Area Plan districts; amending paragraph 30-351(d)(1); providing for notice of development plan review for certain minor development plans; amending paragraph 30-352(b)(1); revising the background and professional requirements of the persons who may serve as development review board members; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing a schedule for implementation; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

The Economic Development/University Community Committee (EDUCC) recommended that the development review process be restructured. The Committee recommended that thresholds be raised, so that projects of considerably larger size could be reviewed and approved administratively by staff. Only projects of 20 houses or more, 50 multi-family dwelling units or more, 10,000 square feet or more of commercial development or five acres or more of industrial area would go to the Development Review Board for discussion and hearings. The Community Development Committee also considered the proposed changes and recommended smaller adjustments to the thresholds.

The City Commission initiated the petition, and the Plan Board heard the petition and took citizen comment. The Board recommended favorably on all the proposed changes, except recommending that the present process for neighborhood meetings only be changed to incorporate the meeting as proposed at the Florida Community Design Center for projects in the redevelopment and special districts, and otherwise retain the neighborhood meetings as currently required.

This petition implements the recommendations of the Economic Development/University Community Committee (EDUCC) to the City Commission and the subsequent direction of the City Commission and recommends a rule change to the Development Review Board to create a consent agenda procedure. Staff recommends the City Commission consider adopting a threshold of 25 multi-family units, rather than the 50-unit threshold.

CITY ATTORNEY MEMORANDUM

The City Commission approved Petition 107TCH-05 PB, with conditions, on November 14, 2005. This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, August 28, 2006. The ordinance, if adopted, will not apply or affect any application for development permit that was properly filed with the City on or before 5:00 p.m. on Thursday, August 31, 2006.

Fiscal Note: None

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/26/05	City Commission	Continued (Petition) (6 - 0 - 1 Absent)
11/14/05	City Commission	Approved (Petition), as amended (6 - 0 - 1 Absent)
8/14/06	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

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050586.

AMENDED LIST OF CONTRIBUTING STRUCTURES IN THE PLEASANT STREET HISTORIC DISTRICT (B)

Ordinance No. 0-06-45; Petition 161MSC-06 PB

An ordinance of the City of Gainesville, Florida, amending the list of contributing buildings and structures in the Pleasant Street Historic District, as more specifically described in this ordinance; finding these additional buildings and structures as contributing structures subject to the regulations of the City's historic preservation/conservation ordinance; finding one building and structure as a non-contributing structure; 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 from non-contributing to contributing for various buildings, and one building from contributing to non-contributing, in the Pleasant Street Historic District. The Pleasant Street Historic District was approved by the City Commission on February 18, 1991 (76ZON-90PB Ordinance #3701) and contributing and non-contributing status was applied to each building, site, structure or object. 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.

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 the status on 4 non-contributing building sites, structures or objects have met the criteria of contributing and are reflected on the list and map (see Exhibit "A") for adoption. (One renovated building is removed from the contributing structures list.)

The Plan Board heard the petition and voted to recommend approval.

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 recommended that the City Commission approve Petition 161MSC-05 PB. Plan Board vote 6-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, August 28, 2006.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

8/14/06 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
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050910.**PLANNED DEVELOPMENT AMENDMENT - KINGSWOOD COURT (B)****Ordinance No. 0-06-48, Petition No. 10PDA-06PB**

An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "Kingswood Court"; located at 5240 Northwest 8th Avenue; adopting an additional planned development report; and additional development plan maps; amending the conditions adopted by Ordinance No. 2989; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

The purpose of this petition is to amend the uses allowed in an existing planned development (PD). This PD was approved in 1984 and allowed for the development of the Kingswood Court residential townhouse community, located on the western portion of the PD. The eastern portion of the PD was the site of a day care center. This proposed amendment does not affect the Kingswood Court portion of the PD.

The existing ordinance allows child care (day care) services as a use in the four existing principle structures on the eastern portion of the PD. The proposed amendment would change the allowable uses within the existing buildings. As noted in the PD Plan Report and the layout maps included, the four existing buildings are shown as "A," "B," "C," and "D." Building "A" would return to its original use as a single-family dwelling. Buildings "B," "C," and "D" would add counseling services as well as some community services as allowable uses. The services would include counseling for married couples and couples planning for marriage, counseling for students and teenagers dealing with social and academic issues, and community service opportunities for high school and college students to work with the programs. None of the clients to be served will be in the criminal justice system. Child care services will continue to be allowed under the PD in Buildings "B," "C" and "D."

Public notice was published in the Gainesville Sun on January 31, 2006. Letters were mailed to surrounding property owners on February 1, 2006. The Plan Board held a public hearing February 16, 2006.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

3/27/06 City Commission Approved (Petition) (6 - 0 - 1 Absent)
 8/14/06 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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050911.

PLANNED DEVELOPMENT AMENDMENT - BUCK BAY (B)

Ordinance No. 0-06-60, Petition No. 12PDA-06PB

An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as “Buck Bay Planned Development”; located in the vicinity of the 7700 block of Northwest 22nd Avenue; amending the terms, conditions and requirements of the planned development as originally adopted by Alachua County Resolution No. Z-82-43; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

The purpose of this petition is to amend the Planned Development zoning that governs the development of the Buck Bay subdivision. The text amendment would allow the mobile home lots to be developed with "site-built" homes.

This development was approved and developed prior to annexation in 1992. The development was completed in 1983 and has operated as a land-lease manufactured home community. The Hidden Lake subdivision has since been developed immediately south of Buck Bay. The petitioners would like to amend the Planned Development to allow the construction of conventional "site-built" housing. However, nothing in this amendment will prevent the continued use of manufactured homes in the Buck Bay development as a use by right. Staff is recommending a condition be added to the resolution that clearly states that manufactured homes are still an allowed use within the development.

There was a concern about this proposal regarding stormwater management requirements. If manufactured homes are replaced by conventional single-family housing, the additional square footage of impervious area could require additional stormwater management facilities in the development. This petition does not address whether additional stormwater management facilities are required. However, the petitioners have met with the City Public Works Department and have provided calculations indicating that limiting the amount of impervious area on a lot to 2,100 square feet would not have an adverse effect on the present drainage system. The proposed Planned Development language includes this limitation.

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

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.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

5/8/06 City Commission Approved (Petition) (7 - 0)

8/14/06 City Commission Adopted on First Reading (Ordinance) (7 - 0)
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060002.**TOWING ADMINISTRATIVE FEE (B)****Ordinance No. 0-06-70**

An ordinance of the City of Gainesville amending section 14.5-26(a) of the Gainesville Code of Ordinances relating to trespass towing; providing for pro-rated administrative fees; providing requirements for pro-rated administrative fees; amending the Police section of Appendix A, Schedule of Fees, Rates and Charges by delineating pro-rated fee categories; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

The City Commission adopt the proposed ordinance.

Explanation: On July 10, 2006, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise an amendment to section 14.5-26(a).

On May 8, 2006, the City Commission referred the issue of the Public Safety Committee to develop a proposal for restructuring administrative fees as it applies to one community or property in contiguous locations to each other. The Public Safety Committee recommends a pro-rated sliding fee where all properties are included in one contract and are within close proximity of each other. Properties meeting these criteria would be eligible for the sliding fee scale.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

5/8/06	City Commission	Referred (7 - 0)	Public Safety Committee
5/18/06	Public Safety Committee	Discussed	
6/15/06	Public Safety Committee	Discussed	
7/10/06	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
8/14/06	City Commission	Adopted on First Reading (Ordinance) (7 - 0)	

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RESOLUTIONS- ROLL CALL REQUIRED**060183.****Florida Gas Utility and Gas Supply Agreement #2 (B)**

Staff recommends the City join Florida Gas Utility (FGU) and enter into Gas Supply Agreement #2 with FGU for a portion of the City's future natural gas supply needs.

Explanation: Over the past several years, natural gas prices have displayed tremendous price volatility. The price volatility has been due to a number of different factors, including: 1) Changes in the supply/demand balance; 2) Storm damage from hurricanes to the production area; 3) Natural gas storage levels; 5) The fluctuations of the price of competitive fuels; and 6) Development of a liquid commodity market

GRU staff has acted to stabilize prices while attempting to reduce overall costs by implementing several gas purchasing methodologies. The methods include: 1) Develop financial strategies using commodities futures and option contracts to hedge natural gas prices; 2) Using alternate fuels when economically feasible; and 3) Pursuing physical supply or prepayment contracts that offer opportunities to stabilize pricing with prepayment discounts and reliable supply to our customers.

To reduce customer exposure to volatile pricing for spot market for natural gas, staff is recommending participation in a long-term gas pre-pay baseload supply contract for a portion of its natural gas supply requirement along with several other municipal utilities throughout the State. The supply contract will allow GRU to purchase a specified volume of natural gas for up to 20 years at savings of approximately \$0.40 per MMBTU below the New York Mercantile Exchange (NYMEX) contract for Henry Hub Natural Gas.

Fiscal Note: GRU customers should realize fuel (gas) cost savings in excess of \$10 million over the life of Gas Supply Agreement #2. All savings achieved as a result of the transaction will be passed on to customers through the fuel adjustment or purchased gas adjustment in accordance with City Policy.

RECOMMENDATION

The City Commission: 1) Adopt a Resolution incorporating by reference, approving the form and authorizing the execution of the Assumption Agreement for membership in Florida Gas Utility (FGU); Gas Supply Agreement #2 for the purchase and sale of gas and other gas supply related services; authorizing FGU to negotiate the terms of related financial products and financial instruments on behalf of the City as provided in said agreement and at the direction of the City's authorized representatives; authorizing the execution and delivery of such instruments; authorizing FGU to pledge the City's payment obligations thereunder to secure the payment of costs as provided in the gas supply agreement, or other obligations required under such agreements and bonds or other obligation issued by FGU; providing for the making of payments pursuant to said gas supply agreement and making certain covenants in conjunction with said payments; providing for the making of payments pursuant to said financial

instruments and making certain covenants in conjunction with said payments; providing for the appointment of the project participant representatives; providing certain other authorization and details with respect thereto and providing an effective date; and

2)Authorize the Interim General Manager, Clerk of the Commission and other Authorized Officers to execute such documents as may be necessary to proceed with the transactions authorized above and to take such other actions as may be necessary or advisable to proceed with the Gas Supply Agreement #2 in accordance with this City Commission authorization.

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060338.

Resolution for a Joint Participation Agreement - State Block Grant Funds for RTS Operating Assistance for FY 2006-2007 (B)

This item involves adoption of a Resolution authorizing the City Manager to execute a Joint Participation Agreement between the City of Gainesville and Florida Department of Transportation (FDOT) to accept the allocation for Gainesville of \$1,356,306 from the State Block Grant Funds for FY 2006-2007.

Explanation: FDOT allocates State Block Grant Funds for public transit systems each year. The allocations are based on a three-part formula that includes population, ridership, and vehicle miles operated. For FY 2006-2007, the allocation for Gainesville is \$1,356,306, an increase of \$98,295 from FY 2005-2006.

FDOT requires the governing board of each public transit system authorizing the acceptance of these funds adopt a resolution.

Fiscal Note: The Operating Assistance Joint Participation Agreement requires a 50% match. Funds in the amount of \$1,356,306 for this match are available in the FY 2007 RTS operating budget.

RECOMMENDATION

Recommended Motion: The City Commission adopt the Resolution.

Alternative Recommendation A: The City Commission reject the motion to adopt the Resolution authorizing execution of the Joint Participation Agreement for RTS. The resulting fiscal impact is the loss of the FDOT State Block Grant Funds allocation of \$1,356,306 for FY 2006-2007.

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060333.**Third Amendment to FY 2006 General Financial and Operating Plan Budget Resolution (B)**

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2006 General Government budget those transactions and activities that were not anticipated during the budget process.

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

RECOMMENDATION

The City Commission adopt the third amendatory budget resolution to the FY2006 General Government Financial and Operating Plan budget.

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060094.**Interlocal Agreement for Public School Facility Planning (B)**

The purpose of this item is to update the City Commission and the general public on the required school concurrency-related Interlocal Agreement for Public School Facility Planning, and for the City Commission to approve the updated agreement by resolution for submission to the Department of Community Affairs.

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

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

Commission on November 15, 2005, and at public workshops on February 22nd, March 30th and May 16th.

Staff made a presentation to the City Commission on June 16, 2006. Concern about disproportionate (with respect to population) representation on the School Planning Advisory Committee (SPAC) was expressed during discussion by the Commission. This concern was presented by City staff to the staff working group at its July 20, 2006 meeting and was discussed further when the staff group met on August 10th. The other members of the group did not recommend that revisions to the SPAC representation provisions be made at this time. The staff working group agreed that these and other provisions of the interlocal agreement will need to be revisited as the comprehensive plan amendments to implement school concurrency by July 1, 2008 are developed.

The draft agreement was sent to the Florida Department of Community Affairs (DCA) by July 1, 2006 under the terms of the grant received by the School Board for preparing the interlocal agreement earlier than statutorily required. The final agreement must be approved by the School Board and the various local governments, and then submitted to DCA by September 1, 2006.

Fiscal Note: None

RECOMMENDATION

The City Commission approve the proposed updated Interlocal Agreement for Public School Facility Planning, and revisit the issue of representation on the School Planning Advisory Committee prior to adoption of the comprehensive plan amendments that are required for the implementation of school concurrency by July 1, 2008.

Alternative Recommendation A: The City Commission not approve the proposed updated Interlocal Agreement for Public School Facility Planning until such time as the representation issue is resolved.

Legislative History

6/12/06 City Commission No Action Taken

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PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

060331.

Commissioner Rick Bryant - Alachua County Housing Authority's

**Homeless Housing Assistance Grant Application to the State with the NW
13th St. Site (NB)**

RECOMMENDATION

The City Commission hear an update from staff on the proposed site location and what will be the City's role.

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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