

# **City Commission**

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

## **Meeting Agenda**

**February 12, 2007**

**1:00 PM**

**City Hall Auditorium**

*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*

## CALL TO ORDER - 1:07 PM

## AGENDA STATEMENT

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

### 060630. Standards for Installation and Maintenance of Fencing (NB)

**This item requests that the City Commission refer to the Community Development Committee the issue of revising Chapter 13 of the Gainesville Code of Ordinances to establish standards for fencing.**

*Explanation:* A working group of City staff have developed a multi-pronged approach to improving the appearance of the major corridors and neighborhoods in the City. The City Beautification Board discussed staff's proposal on October 11, 2006 and supports the proposal. One area of the proposal states that more specific regulations would be helpful regarding the appearance and maintenance of fences on private property. Staff recommends that regulations be adopted requiring that fences be maintained in upright and good condition, without excessive weedy vegetation, and with surfaces maintained in good condition. Staff recommends that Chapter 13 of the Code of Ordinances be amended to require specific maintenance provisions for fences.

*Fiscal Note:* None other than the commitment of code enforcement resources.

### RECOMMENDATION

The City Commission refer to the Community Development Committee the issue of revisions to both the housing and commercial property sections of Chapter 13 to require fences to be maintained in good

condition.

**060899.**

**Annexation of City-owned Parcels Adjacent to the Gainesville Regional Airport (B)**

**This is the submission of petition for voluntary annexation of City-owned property in the area of the Gainesville Regional Airport.**

*Explanation: The City of Gainesville owns two parcels totaling 8.15 acres adjacent to the Gainesville Regional Airport. The first parcel is located south of the City limits, west of Parcel 170752-001-000, north of Parcel 17729-000-000 and east of NE 39th "Avenue. The second parcel is located south of the City limits, west of the City limits, north of Parcel 17732-000-000 and east of the City limits and Parcels 08180-000-000 and 08178-000-000. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA) and found that these areas met the requirements of the Act and are appropriate for annexation. The parcels are vacant.*

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

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

**RECOMMENDATION**

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

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**060909.**

**Memorandum of Understanding Between the Florida Division of Emergency Management and the City of Gainesville to Support and Use Baseline Specifications for LiDAR & Orthophotography (B)**

**This item involves a request for the City Manager to be authorized to sign the Memorandum of Understanding with the Florida Department of Emergency Management that endorses the standards for data gathering via remote sensing technologies.**

*Explanation: A consortium of state agencies lead by the Florida Division of Emergency Management (FDEM) developed baseline specifications for remote sensing*

technologies. The current focus of the FDEM is on the technologies involving Laser Imaging Detection and Ranging (LiDAR) and orthophotography. These technologies produce models of land surfaces that are useful for planning and management on local, regional and national scales and have many applications that assist in managing cities responsibilities.

Promulgation of the baseline standards ensures that all data collected by individual communities, counties, or statewide agencies will be consistent statewide. This level of coordination will benefit all participants that need remote sensing data to assist in managing their responsibilities.

The attached MOU acknowledges the development efforts of the FDEM lead consortium in the area of remote sensing technologies and adopts these standards for use by the City of Gainesville in the event of a project or program that will use these remote sensing technologies.

The Florida Division of Emergency Management requires that this MOU be signed if the City anticipates taking part in any mapping efforts they are providing to communities. Signing this MOU will allow the City of Gainesville to participate in these mapping opportunities as they are available. Public Works has many uses for the technologies in the management of the infrastructure within its purview. City wide there are also numerous applications for the other operating units and departments.

More information about this MOU, LiDAR, orthophotography and the state's process for determining baseline specifications can be found at:  
<http://www.floridadisaster.org/gis/LiDAR/index.htm>

*Fiscal Note:* No fiscal obligation associated with this MOU.

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager to sign the attached MOU to support the development, maintenance and use of baseline specifications regarding LiDAR and orthophotography acquisition in the City of Gainesville.*

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**060912.**

**Authorization for the Mayor to execute a Release of Easement onto Wal-Mart (B)**

**This item involves Mayor authorization to execute a Release of Easement onto Wal-Mart for an abandoned lateral ditch.**

*Explanation:* In 1998, the City acquired a lateral ditch and its associated easement from the State of Florida Department of Transportation that is generally located in the 1200 block of Northeast Waldo Road and running northeasterly through that property owned by R. O. Camp by Quit-claim deed. The City also received approximately \$120,000 from the State, that was used to help fund the costs of relocating the ditch. The ditch generally split the parcel and was relocated to create a more desirable parcel area and shape for commercial development. R.

*O. Camp currently has a contract to sell this property to Wal-Mart for construction of a Super Wal-Mart. Wal-Mart requests the release of the easement as it conflicts with their development plan. The Public Works Department concurs with the request to release the easement.*

*Fiscal Note: Cost incurred will only be administrative costs associated with the preparation of the Release of Easement Agreement.*

**RECOMMENDATION**

*The City Commission: 1) approve the release of easement for the abandoned lateral ditch; and 2) authorize the Mayor to execute the Release of Easement onto Wal-Mart.*

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**060913.**

**Annexation of Parcel Number 07176-020-000 and City-owned Parcel Number 07176-020-001 (B)**

**This is the submission of petitions for voluntary annexation in the area of Williston Road and SW 20th Terrace.**

*Explanation: Valentin Zahariev, property owner, has submitted a petition to the City of Gainesville for voluntary annexation of Tax Parcel 07176-020-000. The property is located south of Williston Road, west of SW 20th Terrace, north of Tax Parcels 07177-002-000 and 07177-002-001, and east of the City limits. Staff has determined that the petition bears the signature of the property owner or authorized agents. The property is currently vacant.*

*The second parcel is owned by the City of Gainesville and is surrounded on all sides by Tax Parcel 07176-020-000 (the Zahariev property). A GRU lift station is currently located on the property. In order to annex this parcel into the City limits, the owner must submit a petition to the City of Gainesville for voluntary annexation. As the owner, the Mayor, on behalf of the City, must execute a petition for voluntary annexation.*

*Staff has reviewed the requirements of the Boundary Adjustment Act (BAA) and found that these areas meet the requirements of the Act and are appropriate for annexation. The parcels are approximately 95.84 acres in size.*

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

**RECOMMENDATION**

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

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**060919.**

**Emergency Management, Preparedness, and Assistance (EMPA) Trust Fund (Part A): Emergency Management Competitive Grant Program - FY08 (NB)**

**This item requests that the Commission permit Gainesville Fire Rescue to apply for an EMPA Trust Fund Competitive Grant through its Risk Reduction Bureau for a Combination Fire Sprinkler/Emergency Preparedness Mobile Training Vehicle. There is no match requirement for this grant.**

*Explanation: Gainesville Fire Rescue is seeking financial assistance from the Florida Dept. of Community Affairs, EMPA Trust Fund (Part A) to purchase a Combination Fire Sprinkler/Emergency Preparedness Mobile Training Vehicle. This vehicle will be used to support a new program titled the Comprehensive Risk Reduction Program (CRRP), which will expand the City's existing educational offerings for: adults - fire extinguisher training and evacuation plan training for commercial businesses; organizations & institutions - to include aggressive smoke detector installations for low income homeowners; In-Home all-hazard Safety and Disaster Preparedness/Post Event self-sufficiency education (community-wide - but with a focus on the elderly and at-risk populations); and in the advocacy of residential fire sprinklers. This state-of-the-art apparatus will include a Weather Smart package that simulates severe weather in an educational setting and will teach children and adults to recognize severe weather alerts and understand the need for severe weather and other emergency situation pre-planning. On-board wireless laptops will give even the most disadvantaged citizens access to the State's preparedness website, [www.disaster.org](http://www.disaster.org) <<http://www.disaster.org>>, at which they will be guided by GFR staff in creating individualized personal and family disaster pre-plans. With the Combination Fire Sprinkler/Emergency Preparedness Mobile Training Vehicle, GFR will have a great impact on the citizens of greatest risk, including children, the elderly and those people with special needs. GFR's ultimate goal for this apparatus is to use it as a tool to help these at-risk groups realize the importance of fire safety, what precautions and safety measures they need to practice in preparation for weather and other emergency situations, and the effectiveness of residential sprinkler systems.*

*Fiscal Note: The total cost of the project is estimated to be \$104,449; there is no match obligation for this grant.*

**RECOMMENDATION**

*The City Commission authorize the City Manager to:*  
*1) apply for the Emergency Management, Preparedness, and Assistance (EMPA) Trust Fund (Part A): Emergency Management Competitive Grant; and if awarded 2) execute the grant award contract and other necessary documents, pending approval by the City Attorney as to form and legality; and 3) approve the required payments process for expending the grant funds.*

*Alternate Recommendation A: The City decline to authorize GFR's application for the EMPA Trust Fund Grant and maintain its current program service level, which does not currently include community-wide emergency preparedness training and residential fire sprinkler advocacy.*

**060946. Request for City Co-Sponsorship (B)**

**Organizers of the Five Points of Life Marathon are requesting that the City be a Co-Sponsor of this event.**

*Explanation: The Five Points of Life Marathon which is organized by LifeSouth Community Blood Centers and the Gainesville Sports Commission (GSC) will take place on Sunday, February 18, 2007. This will be the second year that LifeSouth and GSC has organized and hosted this event.*

*The permitting process required for this event has been completed and all associated costs for city services have been identified.*

*LifeSouth/GSC is requesting that the City of Gainesville be a Co-Sponsor of this event so that payment for GPD services can be at the reduced rate associated with a city co-sponsored event.*

*City departments providing services for this event include Gainesville Police, Gainesville Fire Rescue, Parks, Recreation and Cultural Affairs and Public Works.*

*Fiscal Note: The total costs for City services without the City's co-sponsorship is \$27,713. Should the City of Gainesville choose to be a Co-Sponsor, the total cost for City services would be reduced to \$25,206.*

**RECOMMENDATION**

*Recommended Motion: The City Commission approve LifeSouth and GSC's request for the City of Gainesville to Co-Sponsor this event, thus allowing for reduced rates for City services.*

*Alternative Recommendation: The City Commission deny City Co-Sponsorship of this event.*

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**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

**060930. Underground Electric Distribution Installation Services Contract (NB)**

**Staff recommends approval of a one-year extension of the contract for the**

**installation of underground electric distribution facilities with Pike Electric Inc.**

*Explanation:* On March 24, 2003, the City Commission awarded a contract to Pike Electric Inc. for installation of underground electric distribution facilities for two years. The contract allows for three, twelve-month extensions of the contract upon mutual agreement of the parties and negotiation of contract prices. The City Commission approved two extensions of the contract. Pike Electric Inc. has agreed to extend the contract for the final twelve-month extension with a 2.42 percent increase in labor units, a 3.50 percent increase in equipment units and a 3.10 percent increase on the remaining contract units. Pike Electric's requested increases are based on rising labor, fuel, equipment and insurance costs.

*The contract is required for installation of underground distribution construction assemblies, equipment foundations, electric cable, transformers, switchgear, and other related equipment within the underground electric distribution system in various locations of the GRU service area on an as needed basis.*

*Pike Electric Inc. has provided satisfactory service over the last four years. Contract pricing is competitive for the market and the requested increase is in line with the Consumer Price Index.*

*Fiscal Note:* Funds for these services are included in the FY 2007 Utilities Budget and will be requested in the Utilities Budget in future fiscal years covered under the contract term. The increase is estimated to have a fiscal impact of approximately \$84,000, based on the budgeted amount of \$2,500,000.

**RECOMMENDATION**

*The City Commission: 1) authorize the Interim General Manager, or her designee, to execute an amendment to extend the contract with Pike Electric Inc. for installation of underground electric distribution facilities for a one-year period; and 2) approve the issuance of a purchase order to Pike Electric Inc. for these services in amounts not exceeding budgeted amounts.*

**CITY ATTORNEY, CONSENT AGENDA ITEMS****060938.****GARY C. RICHARDS V. CITY OF GAINESVILLE; CASE NO.:  
01-06-CA-4948 (8TH JUDICIAL CIRCUIT) (B)**

*Explanation:* On December 13, 2006, a Notice of Administrative Appeal was filed by Plaintiff, Gary C. Richards. The Code Enforcement Board issued an Order Imposing Fine and Costs on May 15, 2006. Plaintiff subsequently filed a Request to Rescind Fine and was denied on November 15, 2006. Plaintiff seeks an appeal of the Order Denying Request to Rescind Fine.



**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City in the case styled Gary C. Richards v. City of Gainesville; Alachua County Circuit Court; Case No.: 01-06-CA-4948.*

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**060939.****J.K. "BUDDY" IRBY, AS CLERK OF THE CIRCUIT COURT OF ALACHUA COUNTY, FLORIDA VS. CITY OF GAINESVILLE, ET AL.; ALACHUA COUNTY COURT; CASE NO.: 2007-CC-89 (B)**

*Explanation: On January 12, 2007, the City of Gainesville was served with a summons and complaint by Plaintiff, J. K. "Buddy" Irby. The Complaint seeks an order requiring all Defendants to litigate their claims to the surplus tax deed overbid funds resulting from a tax deed sale for parcel 11348-000-000 on August 24, 2006. The City's interest in the overbid funds is secured by a Code Enforcement lien.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City in the case styled J.K. "Buddy" Irby, as Clerk of the Circuit Court of Alachua County, Florida vs. City of Gainesville, et al.; Alachua County Court; Case No.: 2007-CC-89.*

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**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****060929.****City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of January 20, 2007 (Special Meeting); January 22, 2007 (Regular Meeting); and January 29, & 30, 2007 (Special Meetings); as circulated.*

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**060942.****Resignation of Advisory Board/Committee Member Cecily McLeod (B)****RECOMMENDATION**

*The City Commission accept the resignation of Cecily McLeod from the Citizens Advisory Committee for Community Development effective immediately.*

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**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE,  
CONSENT****060711. Proposed FY 2007 Youth Summer Camp Registration Fee (B)**

**This item requests the City Commission to authorize an increase in the 2007 Youth Summer Camp participation registration fee.**

*Explanation: The Parks, Recreation and Cultural Affairs Department made a presentation on January 16, 2007 to the Recreation, Cultural Affairs and Public Works Committee regarding a proposal to increase the program registration fee for the City's 2007 Youth Summer Camp program. Currently the rate is \$21.00 per week for in-city residents and \$31.50 per week for non-city residents.*

*Staff is proposing that this rate be increased to \$40.00 for in-city residents and \$60.00 for non-city residents. This proposed increase would be the same weekly rate charged by the Gainesville Boys and Girls Clubs but less than the weekly rate charged by the YMCA and the Gainesville Girls Club.*

*This fee increase would allow the Recreation Division to offset annual increases in program supply costs, reduce the staff/child supervision ratio from 20 to 1 down to 15 to 1, and most importantly, allow staff to continue to offer program scholarships (a 50% discount) to those families who have been unable to afford the full registration fee.*

*In FY2006, the department received \$13,000 from City CDBG funds which allow the department to offer program scholarships for those families who could not afford the registration fee. City CBDG funds are not available for this program in FY2007.*

*In the backup information to this agenda item, staff outlines the current summer camp program goals, number of youth served, number of scholarships given in 2006, rates charged by other community providers, program revenues and expenditures as well as other items of information regarding this program.*

*Fiscal Note: Projected revenues for the 2007 Summer Youth Camp will increase from \$34,977 in FY2006 to \$76,904 in FY2007 and expenses will increase from \$107,000 in FY2006 to \$150,000 in FY2007.*

*For FY2006 the City subsidized the summer youth program by 67% and for FY2007, the subsidy is projected to drop to 49%.*

**RECOMMENDATION**

*Recommended Motion: The City Commission authorize staff to increase the FY2007 Summer Youth Camp fees as proposed.*

*Alternative Recommendation: The City Commission deny this request and provide direction to city staff regarding the FY2007 Summer Youth Camp fees.*

Legislative History

11/27/06	City Commission	Approved as Recommended (7 - 0)	
11/27/06	City Commission	Referred	Recreation, Cultural Affairs and Public Works Committee
1/16/07	Recreation, Cultural Affairs and Public Works Committee	Approved as Amended	

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## PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT

**060882.**

### **Reorganization of Budget & Finance Department (B)**

**This item details the proposed staff and reporting relationship changes associated with the reorganization of the Budget & Finance Department.**

*Explanation: Earlier this year in order to streamline service delivery, reduce operating expense and take advantage of the inherent similarities in functionality the City Manager approved merging the Office of Management and Budget (OMB) with the Finance Department to form the Budget & Finance Department.*

*As part of this restructuring the Strategic Planning function was moved from OMB to a direct reporting relationship to the Administrative Services Director. Within the former OMB department, the following changes were implemented:*

- The OMB Director position was eliminated*
- A Sr. Management Analyst position was eliminated and replaced by a Budget Coordinator slot*
- A Management Analyst position was deleted*

*The result was the creation of a Budget Division inside the new Budget & Finance Department, with the Budget Coordinator reporting directly to the Finance Director.*

*Over the next approximately 21 months, the Budget & Finance Department is losing four key staff members to retirement:*

- Treasury Manager in April 2007*
- Payroll/Payables Financial Services Coordinator in June 2007*
- Customer Relations Supervisor in January 2008, and*
- Budget Coordinator in July 2008*

*During preparation of the FY2007 and FY2008 budget this past summer, it was discussed that the recent merger of OMB and Finance, coupled with the impending departure of the four senior staff members above created both the*

*opportunity and the necessity of restructuring the newly combined department, with an eye towards maintaining service levels while reducing cost.*

*To this end, the City Manager asked Budget & Finance to submit a departmental budget that showed in FY2008 a reduction from current staffing levels of at least 2 FTE and a budget reduction of at least \$150,000. The attached org charts depict the current and proposed organizational structure for the Budget & Finance Department. The proposed structure meets the objectives noted above through the following changes.*

#### *Treasury Division*

*A number of position changes are proposed in this area:*

- Elimination of the Treasury Manager position upon retirement of the incumbent in April of 2007*
- Elimination of the Customer Relations Supervisor position in Billing & Collections upon retirement of the incumbent in January 2008*
- An add/delete process, deleting the existing Revenue Recovery Specialist position and adding a new proposed position with the title of Treasurer.*
- Moving the pension & investment function to a stand-alone division*
- Moving the mail services function under the auspices of the Purchasing Division.*

*These changes will result in a new Treasury Division composed of two sections, Billing & Collection and Payroll/Payables. These sections will be headed by existing Financial Services Coordinators who will report directly to the Treasurer. This division will provide the core of the Finance Department's processing functions, with responsibility for billing and receiving revenue as well as paying both our employees and our vendors.*

#### *Pension & Investments*

*As noted above the pension and investment function is being moved out of the Treasury Division, creating a separate division devoted entirely to pension & investment administration. The Pension & Investment Division will be headed by a new proposed position, the Chief Investment Officer, which will report directly to the Finance Director. This position is created through a proposed add/delete process, adding the Chief Investment Officer and deleting the existing Treasury Supervisor. In addition, a title change is proposed, changing the current Treasury & Investment Coordinator to Pension & Investments Coordinator.*

*This change will allow Pension & Investment staff to focus solely on management of the City's one-half billion dollars in pension and retiree health insurance trust fund assets as well as the \$75 million dollar operating investment portfolio.*

#### *Small Business Procurement Program*

*Since the departure in the spring of the Small Business Development Program*

*Coordinator in the Economic Development Department, the Small Business Procurement Program Coordinator in the Finance Department has been performing this function on an interim basis. During this interim assignment, he has been performing in essence both of these functions.*

*I have had a number of discussions with the Economic Development Director and we are in consensus that this interim period has demonstrated that the duties of both jobs can be properly addressed through a single merged position reporting to the Economic Development Director. Therefore, the proposed reorganization of the Budget & Finance Department includes elimination of the Small Business Procurement Program Coordinator position.*

#### *Budget & Accounting*

*As part of the restructuring an add/delete process will be proposed deleting the existing Accounting Manager position and adding a Controller position. This will create a structure under which the Budget Division, headed by the Budget Coordinator, and the Accounting Division will report to the Controller who is a direct report to the Finance Director. This reporting relationship should serve to improve communication between the Budget and Accounting areas, which is critical to efficient administration of City finances.*

*The changes incorporated in this proposal provide sufficient FTE and budget relief to enable the addition of a Management Analyst position back into the Budget Division to ensure appropriate service level delivery as well as reclassifying the existing Management Analyst slot to a Sr. Management Analyst to properly reflect the level of duties and responsibilities performed.*

#### *Summary*

*The proposed departmental structure was designed to improve the functional groupings of employees based on the duties and responsibilities assigned to the Budget & Finance Department. The result is a more streamlined reporting structure that should enhance both communication and work flow among the Department's various divisions. To recap, the proposed personnel changes are:*

#### *Positions Deleted:*

*Treasury Manager  
Customer Relations Supervisor  
Small Business Procurement Program Coordinator*

#### *Positions Added:*

*Management Analyst*

#### *Reclassifications*

*Management Analyst to Sr. Management Analyst*

#### *Add/Deletes:*

*Add Controller/Delete Accounting Manager  
Add Treasurer/Delete Revenue Recovery Specialist*

#### *Title Changes:*

*Treasury Supervisor to Chief Investment Officer  
Treasury & Investment Coordinator to Pension & Investments Coordinator*

*The net result meets the target established during the budget process by eliminating 2 FTEs and reducing the FY2008 Budget & Finance Department budget by just under \$163,000, while providing the means to continue to provide necessary service delivery to the organization.*

*Fiscal Note: As noted above the proposed restructuring will reduce total FTEs by 2 and the Budget & Finance Department FY2008 budget by approximately \$163,000.*

**RECOMMENDATION**

*The Personnel and Organizational Committee approve the proposed reorganization of the Budget & Finance Department and refer the item to the full City Commission for their review.*

**Legislative History**

1/23/07      Personnel and      Approved as Recommended  
                  Organizational  
                  Structure  
                  Committee  
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**060883.**

**Reorganization of the General Services Department (B)**

**This action is required as a result of the restructuring of the recently created General Services Department**

*Explanation: The General Services Department was created to include Facilities Management, Fleet Management Divisions and the administration of all Vertical Capital Projects. The primary goals of the reorganization are to consolidate like functions that are now separate and, where needed, increase resources to those units providing direct services to our customers. The General Services Support Manager will supervise twenty two (22) employees in functional areas such as procurement, accounting, billing, payables, inventory control, automated management systems, and the custodial and structural sections. The outcome will be improvement in succession planning, enhanced service delivery to our customers through improved efficiencies and reduced personal services cost. The net effect of the department's reorganization is a reduction of four (4) FTE's.*

*Fiscal Note: The funding for this proposed position is included in the FY07 General Services Department Personal Services Budget. The proposed starting annual salary for the General Services Support Manager is \$70,000, pay grade M9. The fiscal impact of the changes will be a savings of \$45,000 in personal services cost to the General Fund and a projected annual savings of \$100,000 in labor charges to GRU and General Government fleet customers. The latter assumes a Centralized Fleet Garage Operation in FY07-08.*

**RECOMMENDATION**

*The City Commission: 1) approve the addition of the General Services Support Manager position to the City's Occupational Index at pay grade M9 in the General Services Department; and 2) authorize the*

*City Manager or designee to initiate the hiring process.*

Legislative History

1/23/07      Personnel and      Approved as Recommended  
                 Organizational  
                 Structure  
                 Committee  
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**PUBLIC SAFETY COMMITTEE, CONSENT**

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**

**EQUAL OPPORTUNITY COMMITTEE, CONSENT**

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA**

**CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION**

**CITY MANAGER**

**060911.                      Presentation on School Readiness and Child Care Programs, Including the Working Poor Child Care Subsidy Program (B)**

**This item is a presentation on various school readiness and child care programs in Alachua County and the City of Gainesville.**

*Explanation: The presentation by staff will provide background information on the importance of quality child care and early childhood education. In addition, general information on each of the following programs will be provided, including the purpose, target clients, numbers served and funding:*

*Success by 6*

*MomCare*

*Healthy Start*

*Healthy Families*

*Early Head Start*

*Head Start*

*Partnership for Strong Families*

*Early Learning Coalition*

*A special presentation will also be provided by Dr. Gordon Tremaine, Executive Director of the Early Learning Coalition. Dr. Tremaine will provide more detailed information about the Early Learning Coalition, with a focus on the Working Poor child care subsidy program. This program provides child care assistance for working families who are earning up to 200% of poverty. With a local match of approximately \$180 per child, funding can be accessed which provides a full year of child care. Until recently, this program had a waiting list of 300 children.*

*Fiscal Note: The Early Learning Coalition receives \$20,000 from the City of Gainesville, \$60,000 from United Way and \$96,000 from Alachua County for the Working Poor child care subsidy program.*

**RECOMMENDATION**

*The City Commission receive a presentation on school readiness and child care programs and refer potential funding items to city staff for consideration during the budget process.*

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**060449.**

**City Commission Strategic Planning Workshop Results (B)**

**This item addresses the outcome of the City Commission's Strategic Planning Workshop to update the Goals and Objectives for Fiscal Year 2007 and Fiscal Year 2008. The Workshop was held on December 4, 2006.**

*Explanation: The City Commission Goals and Objectives for FY 2007 were discussed during a Strategic Planning Workshop at Ironwood Golf Course on December 2, 2005. Marilyn Crotty, Director of the University of Central Florida's Institute of Government, facilitated this retreat.*

*On December 4, 2006, the City Commission held a workshop at Austin Cary Memorial Forest to update the FY 2007 Strategic Initiatives and Goals, and establish any new initiatives for FY 2008. Ms. Crotty facilitated this workshop, and her summary report captures the City Commission's updates and additions to the City's Goals.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission: 1) receive the summary report prepared by Ms. Crotty; 2) reaffirm the modified Goals and Objectives for FY 2007 that are contained in the report; and 3) adopt the additional goals for FY 2008.*

*Alternative Recommendation:*

*The City Commission 1) receive the summary report prepared by Ms. Crotty; 2) discuss the Goals and Objectives for FY 2007 and FY 2008 that are*



contained in the report and make any agreed upon changes; and 3) adopt the Goals and Objectives for FY 2007 and FY 2008 as modified.

Legislative History

9/25/06 City Commission Approved as Recommended (6 - 0 - 1 Absent)

12/4/06 City Commission Discussed

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**060927.**

**Legislative Update (B)**

**The City Commission will receive a report from staff regarding legislative affairs.**

*Explanation:* · Senate Bill 0742 - SB0742 was introduced by Senator Justice and, if passed, would prohibit counties and municipalities from using ad valorem taxes or any other tax to sue any county, municipality, or special district. The City Attorney has suggested that this bill represents an infringement on the home rule of municipalities and should be opposed. See Attachment "A"

· The Florida Legislature is now focusing its efforts on passing significant property tax reform that could have a significant impact on local government budgets. Governor Charlie Crist and House Speaker Marco Rubio have expressed support for passing a constitutional amendment that could go to the voters as early as this summer. Some legislative proposals include capping local government expenditures and/or revenues. The Florida League of Cities is urging City officials to oppose any legislation that would cap municipal expenditures or revenues and inform them as to the impact this would have on the City. See Attachment "B"

· The Florida Senate has issued a report titled, "Underage Drinking and Alcohol Abuse on University and College Campuses," which examines the programs and laws that address alcohol use by persons under the age of 21, and alcohol abuse on university and college campuses in Florida. The study lists multiple issues and possible remedies. Attachment "C" provides a summary of the Senate study. The City of Gainesville currently lists two initiatives intended to curb underage drinking, Beer Keg Registration and Prohibiting Pricing and Marketing of Alcoholic Beverages. These two initiatives are included in the 11 total remedies listed in the Senate study.

*Fiscal Note:* None

RECOMMENDATION

The City Commission receive the legislative update and take action as appropriate.

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**GENERAL MANAGER FOR UTILITIES****CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE****PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE****PUBLIC SAFETY COMMITTEE****AUDIT, FINANCE AND LEGISLATIVE COMMITTEE****REGIONAL UTILITIES COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****060945. Request for Funds for Public Utility Research Center Conference on February 15 and 16 (B)**

**The Gainesville Energy Advisory Committee is requesting funds to attend the annual Public Utility Research Center Conference.**

*Explanation: Members of the Gainesville Energy Advisory Committee are interested in attending a conference to be held locally in Gainesville by the Public Utility Research Center on February 15 and 16. A copy of the brochure for the conference is included as backup.*

*Fiscal Note: Funds for the expenditure are available from City Commission Contingency or other sources.*

**RECOMMENDATION**

*The City Commission allocate City Commission Contingency funds, or other funds deemed appropriate, of \$1,375 (\$275 per person) to enable five (5) members of the Gainesville Energy Advisory Board to attend the Public Utility Research Center on February 15 and 16.*

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION****060885. Crime Rate in Gainesville (NB)**

**The City Commission hear the continued presentation on the increased crime rate in Gainesville and approve \$75,000 funding for the operation of the Violent Crimes Task Force from the Federal Law Enforcement Contraband Forfeiture Trust Fund.**

*Explanation: In response to a significant increase in violent crime, the Gainesville Police Department is forming a Violent Crimes Task Force. The task force will focus on the reduction of rape, robbery, murder and aggravated assault crimes in Gainesville through the use of both uniform and non-uniform directed patrols. The task force will be made up of 12 sworn members of GPD and one civilian crime analyst. The task force began on January 30, 2007 and will last a minimum of ninety days. The \$75,000 from this request will be used for overtime and investigative expenses related to the task force.*

*Fiscal Note: Funding for this project is 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." Available balance is \$956,651.28.*

**RECOMMENDATION**

*The City Commission hear the staff presentation and approve the appropriation of \$75,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the creation and funding of the Gainesville Police Department Violent Crimes Task Force.*

**Legislative History**

1/22/07 City Commission Continued

**060908. Annual Performance, Salary, and Benefits Review for the Equal Opportunity Director (B)**

*Explanation: Jimmie Williams began service as the City of Gainesville's Equal Opportunity Director on February 24, 2004. As part of an ongoing effort to assist the Charter Officers to continuously improve performance, the City Commission provides feedback on the performance of each Charter Officer annually.*

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

*In preparation for this year's performance review, the Equal Opportunity Director provided to the City Commission an assessment of the past year. In addition, individual meetings were scheduled with each Commissioner to allow the Commissioners the opportunity to discuss their observations, concerns, and suggestions on a one-on-one basis, if appropriate.*

**RECOMMENDATION**      *The City Commission review the salary and benefits of the Equal Opportunity Director and make any changes deemed appropriate.*

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**060935.                      Commissioner Edward Braddy - Sprawl and Smart Growth (NB)**

**RECOMMENDATION**      *Request a staff report on Sprawl and Smart Growth.*

**COMMISSION COMMENTS (if time available)**

**RECESS - 5:09 PM**

**RECONVENE - 5:45 PM**

**PLEDGE OF ALLEGIANCE (5:30pm)**

**Cub Scout Pack 127**

*Todd Yurchisin - Cub Master*

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**060943.                      2006 Albert "Ray" Massey Citizen Volunteer Award Day - February 12, 2007 (B)**

**RECOMMENDATION**      *Joannalyn Delacrus, Jean Lansford and the Dignity Project, Inc. to accept a proclamation.*

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**060947.                      Midtown Gainesville - February 12, 2007 (B)**

**RECOMMENDATION**      *Midtown President Robert Packer and Secretary Chantry Brown to accept the proclamation.*

**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****060422. PLANNED DEVELOPMENT AMENDMENT - GREENERY SQUARE (B)****Ordinance No. 0-06-125, Petition No. 104PDA-06PB**

**An Ordinance of the City of Gainesville, Florida; amending Ordinance Nos. 2678 and 4064, for the Planned Development commonly known as "Greenery Square"; located in the vicinity of the 5402 N.W. Eighth Avenue; amending the terms, conditions and requirements of the planned development as adopted by Ordinance Nos. 2678 and 4064; adopting revised development plan maps and a revised development report relating to the nursery and garden center; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

*This petition is a request to amend an existing Planned Development (PD) to allow additional commercial uses and provide the option of new construction on approximately 3.87 acres of property located at 5402 Northwest 8th Avenue. The applicant intends to continue operating the site as a plant nursery, but proposes adding other uses that will provide a green market approach to the project. The petitioner has the option of constructing additional buildings on site, but the total allowable square footage will not exceed 50,000 square feet. Staff conditions provide design criteria that will be applied to new development or proposed new uses on the site and these conditions will ensure the project will remain compatible with the surrounding residential areas.*

*The Plan Board heard the petition and recommended approval with modifications to staff conditions. Staff does not support the Plan Board's decision to modify Condition 10. The Plan Board recommendation was to strike the first sentence in Condition 10. Staff recommends keeping the first sentence in Condition 10 as originally recommended: "All new construction shall be architecturally consistent with the existing structures currently on site." Page five of the applicant's PD report states that neighborhood compatibility is demonstrated by the existing buildings and designs which will be retained on the site.*

*Public notice was published in the Gainesville Sun on September 5, 2006. Letters were mailed to surrounding property owners on September 6, 2006. The Plan Board held a public hearing on September 21, 2006.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

Legislative History

10/23/06 City Commission Approved (Petition) with Staff Conditions, as Amended  
(6 - 0 - 1 Absent)

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## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

### 060300. URBAN SERVICES REPORT - CITY-OWNED PROPERTY - KANAPAHA AREA (B)

#### Ordinance 0-06-99

**An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area owned by the City of Gainesville and comprised of Tax Parcels 06909-000-000, 06842-001-000, 06844-000-001, 06846-000-000, 06847-000-000, 06848-000-000, a portion of 06845-000-000, and a portion of 06837-000-000, generally located south of the City Limits, Kanapaha Lake and the vicinity of SW 24th Avenue, west of Kanapaha Lake and the vicinity of Interstate 75, north of the vicinity of SW Archer Road and east of the vicinity of SW 75th Street/Tower Road; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.**

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

*The report must generally include the following information:*

- 1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;*
- 2) a statement indicating to what extent services to existing residents would need to be reduced within the next 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be*

*annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;*

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

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

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

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

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

*It is common practice for the City to annex city-owned property as soon as possible once it meets the requirements for annexation.*

*If adopted on first reading, this ordinance shall be heard on second reading on February 12, 2007. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

9/11/06	City Commission	Approved as Recommended (4 - 0 - 3 Absent)
1/22/07	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

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**060731.**

**VOLUNTARY ANNEXATION - LANDMAR AND GRU DEERHAVEN PROPERTIES (B)**

**Ordinance No. 0-06-130**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate**

limits of the City of Gainesville, Florida, that certain compact and contiguous area comprising tax parcels 05864-001-000, 05868-001-000, 05868-099-000, 05869-002-000, 05869-001-000, 05882-000-000, 05882-004-000, 05883-000-000, 05884-000-000, 05943-000-000, 05943-001-000, 05946-000-000, 05946-003-000, 05946-004-000, 05973-000-000, 05973-001-000, 05974-000-000, a portion of 07777-000-000, a portion of 07781-000-000, and a portion of 07813-000-000, as more specifically described in this ordinance, generally located south of the vicinity of NW 142nd Avenue, west of the GRU well field, north of the City limits, and east of the City limits, the Deerhaven Power Plant, and NW 59th Drive; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, September 11, 2006, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signatures of the owners of the properties that are the subject of this annexation. On October 23, 2006 and November 13, 2006, the City Commission held advertised public hearings and adopted the corrective Urban Services Report as mandated by the Boundary Adjustment Act.*

#### *ANNEXATION ORDINANCE*

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

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

*If adopted on first reading, the second and final reading of this ordinance will be February 12, 2007. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.*

#### RECOMMENDATION

*The City Commission adopt the proposed ordinance.*

#### Legislative History

1/22/07 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)  
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**060663.****URBAN SERVICES REPORT - CHILI'S BAR & GRILL (B)****Ordinance 0-06-127**

**An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcel 06810-001-008, generally located south of Tax Parcels 06810-001-016 and 06810-001-000, west of Tax Parcel 06810-001-017, north of the City Limits and Archer Road, and east of SW 35th Boulevard; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.**

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

*The report must generally include the following information:*

- 1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;*
- 2) a statement indicating to what extent services to existing residents would need to be reduced within the next 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;*
- 3) a statement setting forth the plans of the City for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:
  - a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.*
  - b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.*
  - c) if extensions of major trunk water mains and sewer mains into the area to be annexed are necessary, set forth a proposed timetable for construction of such**

*mains as soon as possible following the effective date of annexation.*

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

*If adopted on first reading, this ordinance shall be heard on second reading on February 12, 2007. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.*

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

**Legislative History**

11/13/06	City Commission	Approved as Recommended (4 - 0 - 3 Absent)
1/22/07	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
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060663_200701221300.pdf		
060663a_200701221300.pdf		
060663b_200701221300.pdf		

**060730.**

**VOLUNTARY ANNEXATION - SCHROEDER (B)**

**Ordinance No. 0-06-129**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprising tax parcels 06706-044-000 and 06706-045-000, as more specifically described in this ordinance, generally located south of the City Limits and SW 17th Place, west of the vicinity of SW 34th Street, north of the vicinity of SW 20th Avenue and east of SW 38th Terrace; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.**

*Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, September 11, 2006, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On October 23, 2006 and November 13, 2006, the City Commission held advertised public hearings and adopted the corrective Urban Services Report as mandated by the Boundary Adjustment Act.*

**ANNEXATION ORDINANCE**

*The annexation ordinance proposes to annex a contiguous, compact,*

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

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

*If adopted on first reading, the second and final reading of this ordinance will be February 12, 2007. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.*

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

**Legislative History**

1/22/07            City Commission            Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)  
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**060493.**

**STREET VACATION - VICINITY OF NE 12TH AVENUE AND WALDO ROAD (B)**

**Ordinance No. 0-06-124, Petition 127SVA-06PB**

**An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Northeast 12th Avenue located in the vicinity between the east right-of-way line of Waldo road and the west boundary of the Cedar Grove Residential Subdivision, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: COMMUNITY DEVELOPMENT STAFF REPORT*

*The Wal-Mart Supercenter project is proposed at the intersection of Northeast 12th Avenue and Waldo Road, bounded by the Tacachale development to the north, the Duval community to the south, and the Cedar Grove subdivision to the east. The area comprises seven parcels. In order to accommodate the proposed 196,000 square foot Wal-Mart Supercenter and associated facilities, the applicant is proposing to vacate and abandon the existing Northeast 12th Avenue right-of-way from Waldo Road to the west entrance of the Cedar Grove subdivision. A new alignment of Northeast 12th Avenue and Northeast 19th Terrace will be constructed.*

*Planning staff reviewed the application based on the criteria listed in the Land Development Code and recommended approval with the following conditions: 1) The development plan for the Wal-Mart Supercenter must be approved by the City; 2) The second reading of the ordinance approving the street vacation of Northeast 12th Avenue shall be coordinated with the final sign-off of the site plan for the Wal-Mart Supercenter; 3) The existing Northeast 12th Avenue shall*

not be closed, removed or altered in any way until the new alignment of Northeast 12th Avenue is open and functional, as determined by Public Works; 4) In the event that construction has commenced on the Wal-Mart Supercenter and the new road alignment is not completed, provision shall be made to allow a temporary alternate route to maintain continuous access to Cedar Grove from Waldo Road. Any temporary route must be approved by Public Works; and 5) In the event the development, commonly known as the Wal-Mart Supercenter, is not constructed and completed within five years of staff sign-off of the final site plan, the street vacation ordinance shall be repealed and the vacation of the right-of-way shall be of no further force and effect. At this point the Development Review Board has approved the preliminary site plan.

Public notice was published in the Gainesville Sun September 5, 2006. Letters were mailed to surrounding property owners on September 6, 2006. The Plan Board held a public hearing on September 21, 2006 and approved the petition by a 3-1 vote.

#### CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of October 23, 2006, approved Petition 127SVA-06 PB with conditions and authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant. The Agreement was approved by the City Commission on January 22, 2007.

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

#### Legislative History

10/23/06	City Commission	Approved (Petition) with Conditions, As Modified (7 - 0)
1/22/07	City Commission	Adopted on First Reading (Ordinance) and Approved the Recommendation (6 - 0 - 1 Absent)

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 060493\_200701221300.pdf  
 060493a\_200701221300.pdf

**060703.**

#### **STREET VACATION – BETWEEN SOUTHEAST 3RD AVENUE AND SOUTHEAST 4TH AVENUE AND SOUTHEAST 14TH STREET AND SOUTHEAST 15TH STREET (B)**

#### **Ordinance No. 0-06-135, Petition 19SVA-06PB**

**An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of an alley located between Southeast 3rd Avenue and Southeast 4th Avenue and between Southeast 14th Street and Southeast 15th Street, as more specifically described in this Ordinance; reserving a public and private utilities easement; providing a severability clause; providing a repealing clause; and providing an immediate effective**

date.

*Explanation:* COMMUNITY DEVELOPMENT STAFF REPORT

*The purpose of this request is to vacate a portion of right-of-way running from Southeast 14th Street to Southeast 15th Street, north of Southeast 4th Avenue. The approximately 0.13 acre right-of-way to be vacated was platted as 15 feet wide per the Williams Subdivision, Plat Book "D", page 1 of the Public Records of Alachua County, Florida. The alley is not paved and at times is overgrown with vegetation. The adjacent property owners have had to maintain the alley and would like to gain the property. The right-of-way property is an unimproved "paper street." There is no physical access to the alley and it serves no public use.*

*Public notice was published in the Gainesville Sun on October 3, 2006. Letters were mailed to surrounding property owners on October 4, 2006. The Plan Board held a public hearing October 19, 2006.*

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

**Legislative History**

11/27/06	City Commission	Approved (Petition) (7 - 0)
1/22/07	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)
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		060703_200611271300.pdf
		0607031127.pdf
		060703_200701221300.pdf

**060829.**

**GENERAL EMPLOYEES PENSION PLAN - MILITARY BUY-BACK (B)**

**Ordinance No. 0-06-30**

**An ordinance of the City of Gainesville, Florida, related to prior military service; creating subsection (k) of Section 2-523, to allow purchase of credited service attributable to military service prior to employment; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation:* *The City Commission at its meeting on January 8, 2007, authorized the City Attorney to draft and the Clerk of the Commission to advertise the "military buy-back" changes embodied in this ordinance. These changes have been ratified by the CWA and agreed to by the ATU bargaining representative. Basically, the changes will allow members to, under certain conditions, "purchase" credited service in the General Employees Pension Plan based upon service in the military prior to initial employment with the City. Many public sector retirement systems have similar provisions.*

*The salient features of this amendment are as follows: The members are required to pay the full actuarially established cost of adding additional credited service to the years of service that will be used to calculate the*

members' pension benefit from the General Pension Plan. These funds can come from various sources. There are administrative provisions describing how and when purchase of service can be made, that the maximum amount of service that can be purchased is 4 years, and that purchases can only be made by individuals who are already vested, purchased service can only be actually applied (added) to earned credited service after the member is otherwise eligible for normal retirement or has reached age of 55, except members who were almost eligible for retirement at the time of their death. In this latter case, special arrangements may be made to purchase up to 4 years of military service, if such would result in the member's beneficiary being eligible for a pension benefit. Should the member have purchased service prior to such time and separated from employment prior to becoming eligible for normal retirement or reaching age 55, the monies paid are returned without interest and no "military service" is provided.

Members may not obtain a benefit based upon purchased military service if the same such service is utilized in calculating another governmental retirement benefit, except a military retirement based in part on service in the reserves.

This ordinance requires two public hearings. If the ordinance passes on first reading, second and final reading will be held on February 12, 2007.

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

**Legislative History**

1/8/07	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
1/22/07	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)
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**060863.**

**DISABILITY PENSION PLAN (B)**

**Ordinance No. 0-06-138**

**An ordinance of the City of Gainesville, Florida, amending Division 6 of Chapter 2 of the Code of Ordinances relating to the Disability Pension Plan, relating to definitions, penalties for fraud and deceit, administration, eligibility, benefits, amount of and limitations on and termination of payments, and medical examinations; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: The City Commission at its meeting on January 8, 2007, authorized the City Attorney to draft and the Clerk of the Commission to advertise the "disability pension plan" changes embodied in this ordinance. These changes have been ratified by the CWA and agreed to by the ATU bargaining representative. Many of these changes are similar to current provisions in other retirement or benefit systems. The general purpose of these amendments is to improve administration and curb abuses while increasing benefits where warranted. With the foregoing in mind, a section by section analysis follows:*

*Section 1 incorporates concepts utilized in the current Worker's Compensation system, which should make administration of the Plan more familiar to claimants and administrators.*

*Section 2 of the ordinance provides for enhanced penalties against those who would seek to defraud the system.*

*Sections 3, 5 and 11 describe management's authority to administer the Plan.*

*Section 4 generally increases the amount of time an employee must work for the City before they become eligible for a disability benefit (lifetime) for a disability suffered off the job. In recent years an increasing number of very short service employees have claimed entitlement to disability benefits based upon an alleged injury incurred other than while at work.*

*Section 6 clarifies that if an employee is eligible for a normal retirement based solely on years of service, i.e., twenty (20) years, they are not also eligible for a disability benefit.*

*Section 7 defines disability in a fashion similar to what is currently provided for under the Worker's Compensation law. It requires proof as to the timing, cause, and "permanency" of the claimed disability, as well as describing the relevant evidence and procedures utilized to determine the merits of the claim.*

*Section 8 increases the minimum benefit available for line of duty disabilities and lowers the minimum benefit available for other than in line of duty disabilities. Either benefit may be reduced by a portion of City retirement or Social Security disability benefits the employee is receiving or, in the latter case, could readily receive. The maximum dollar amount of disability benefit that can be received is substantially increased, to the extent it is not offset by Worker's Compensation benefits paid by the City.*

*Section 9 precludes payment of disability benefits for certain causes, including pre-employment conditions or situations in which the applicant makes false representations in regard to prior conditions or injuries.*

*Section 10 provides for termination or reduction of a disability pension in the event the pensioner recovers in whole or in part from the disability to the extent they may be re-employed by the City, no longer suffer from the "disabling" condition, or the pensioner's then current earnings have become substantial enough to warrant a partial reduction in the disability benefit. This latter case still, however, results in the pensioner receiving higher total income than that initially attributable solely to the disability pension.*

*This ordinance requires two public hearings. If the ordinance passes on first reading, second and final reading will be held on February 12, 2007.*

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

**Legislative History**

1/22/07            City Commission            Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

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## RESOLUTIONS- ROLL CALL REQUIRED

## PLAN BOARD PETITIONS

## DEVELOPMENT REVIEW BOARD PETITIONS

## SCHEDULED EVENING AGENDA ITEMS

### 060941. REPORT ON BUCK BAY MOBILE HOME PARK (B)

*Explanation: At the City Commission meeting on December 11, 2006, the City Attorney's Office was asked to provide a report on the facts leading up to the adoption of the ordinance that amended the Buck Bay Planned Unit Development. The report includes the timelines as to what the petitioner/property owner knew, how the property came to be for sale, the transfer of ownership, and the notice of eviction by the new property owner.*

*The new owner, Edix Investments, Inc., desires to build site-built homes and to replace the mobile homes with these site-built homes in the future. To alleviate some of the hardship and difficulties of the tenants, the owner has agreed to allow the tenants to remain until September, 2008, and to offer additional rights and financial incentives to the tenants that exceed those provided by state law.*

**RECOMMENDATION**      *Hear the report of the City Attorney.*

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**060931.****Status Report of Plan to Achieve Maximum Energy Efficiency (B)**

**The City Commission has directed staff to achieve maximum energy efficiency. As part of this directive, staff was also asked to provide quarterly updates on progress.**

*Explanation: In July of 2006 staff began implementation of an aggressive Energy Efficiency Program. To date numerous programs have been implemented to help achieve maximum cost-effective energy efficiency. The presentation will provide a brief synopsis of the first quarter results and an update on future efforts.*

*Fiscal Note: There is no fiscal impact from this status report.*

**RECOMMENDATION**

*The City Commission hear a presentation from staff regarding first quarter results of efforts to achieve maximum energy efficiency; hear a presentation from Mr. Mark van Soestbergen regarding Compact Fluorescent Lighting pilot program implemented with the University of Florida and GRU; and hear comments from Pastor Steve Matchett of the Action Network regarding energy efficiency.*

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**060849.****General Manager for Utilities Negotiations (NB)**

**The City Commission will discuss the results of the negotiations with the selected candidate and the options to fill the position.**

*Explanation: In July 2006, the City Commission selected Mycoff & Associates to perform executive search services for the position of General Manager for Utilities.*

*On January 19-20, 2007, the City Commission interviewed three candidates for the position. The City Commission discussed the candidates on January 22, 2007 and Mr. Andy Ramirez, of El Paso, Texas, was selected for the position. Mayor Pegeen Hanrahan was authorized to negotiate a contract with Mr. Ramirez. Mayor Hanrahan and Mr. Ramirez were unable to reach an agreement.*

*The City Commission's second choice was to continue the search. The City Commission may choose to resume the search immediately or delay the search to a future date. The organization is currently undertaking a number of challenging projects to include review future energy supply and a bond rating review. Continuity of leadership provides some benefit with regards to these processes; therefore creating a benefit to delaying the search for a General*

*Manager. Ms. Karen Johnson, currently acting as Interim General Manager, has expressed a willingness to continue to perform the duties of General Manager.*

*Mycoff & Associates remains under contract with the City of Gainesville to recruit candidates for the position until the City terminates the contract.*

*The following options are offered for discussion for filling the General Manager position.*

*Option 1: Continue to retain Karen Johnson as Interim General Manager and resume the search on a specified date by 1) retaining the services of Mycoff & Associates, or 2) putting out a request for proposals to retain other consulting services to perform the search, or 3) performing the search internally through our Human Resources Department.*

*Option 2: Appoint Karen Johnson to the position of General Manager through September 30, 2008 and authorize the Mayor to negotiate a contract. Authorize staff to initiate recruitment and an accompanying schedule with an anticipated hire date prior to September 30, 2008.*

*Option 3: Appoint Karen Johnson to the position of General Manager through May 1, 2008 and authorize the Mayor to negotiate a contract. Authorize staff to initiate recruitment and an accompanying schedule with an anticipated hire date prior to May 1, 2008.*

*Fiscal Note: None*

**RECOMMENDATION**

*The City Commission discuss the options outlined above and take action as appropriate.*

**Legislative History**

1/22/07      City Commission      Approved as shown above (See Motion) (7 - 0)

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

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